

Images delegitimized and discouraged: Explicitly political art and the arbitrariness of the unspeakable

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Abstract

While the increasing interest in contemporary art from Turkey has centered on explicitly political works, discussions on the limitations of the freedom of expression have likewise come under the spotlight, not least with regard to Turkey's EU candidacy. In contrast to the attempts of complete suppression marking the 1980 *coup d'état* and its aftermath, current censorship mechanisms aim to delegitimize and discourage artistic expressions (and their circulation) that can be construed as threatening the territorial integrity and sovereignty of the Turkish state, and to turn their producers into targets. This article investigates selected images produced in the contemporary art world between 2005 and 2008, which were taken to transcend the limits of what constitutes tolerable depictions of Turkey's socio-political realities. It examines current modalities of censorship in the visual arts and the different actors involved in silencing efforts. The cases show that within these fields of delimitation there are considerable contingencies: The domain of the unspeakable remains unclearly mapped. I argue that it is because, not despite, this arbitrariness that delegitimizing interventions are successful, in that they (a) create incentives for self-censorship, and (b) produce defenses

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of artistic freedom that, by highlighting the autonomy of art, to some extent consolidate a conceptual separation of art from politics.

Keywords: *Censorship, visual art, delegitimization, national sovereignty, depoliticization*

The increasing domestic and international interest in contemporary art from Turkey over the past 15 years or so has largely centered on explicitly political works. Indeed, as frequently noted in İstanbul's art world itself, the explicitly political image dealing with the social and political predicaments of Turkey, both past and present, has become a major currency and facilitator in the circulation of art from Turkey, and maybe even a trademark for them. At the same time, discussions on the limitations of the freedom of expression have likewise come under the spotlight. Not least in light of Turkey's EU candidacy,¹ much of the debate in this context has focused on the controversial Article 301 of the penal code, which criminalizes the "denigration" of "Turkishness" (and in its revised version, "the Turkish nation") and "its institutions." Less thematized, however, are modes of censorship that, in contrast to the attempts of complete suppression marking the 1980 *coup d'état* and its aftermath, aim to delegitimize artistic expression that can be construed as threatening the territorial integrity, and thus the sovereignty, of the Turkish state. It is along this fault line of interpretation that images of "Turkishness" reach their limits in the examples discussed in this article.² Produced in

1 It is notable that censorship is rarely discussed as a phenomenon existing in Western European democracies. In contrast, discussions on the freedom of artistic expression in the US, often referred to under the heading of "culture wars," were very animated throughout the 1980s and 1990s. A considerable part of these debates centered on decisions of the National Endowments for the Arts with regard to the funding of works that may be deemed pornographic or offensive to religious sentiment. For a review of these discussions see, for example, David E.W. Fenner, ed. *Ethics and the Arts: An Anthology* (New York: Garland Publishing Inc., 1995). A resurgence of discussions on the topic, especially with regard to academic freedom and freedom of the press, has been reignited with the presidency of George W. Bush and especially the wars in Afghanistan and Iraq. In more general terms, however, many US authors operate under the notion of free speech as an unfettered right in the "liberal tradition." In Turkey, as for instance in Germany, freedom of expression is constitutionally guaranteed; yet, free speech is clearly delimited as well. In Germany this delimitation sets in when (a) violations to the rights (especially the right to dignity) of individual persons occur, and (b) speech or other forms of expression can be construed as incitement of the masses. In Turkey, freedom of speech is most clearly delimited when conceived as a threat against national sovereignty and territorial integrity; this includes insults against the state and its institutions. For a more comprehensive comparative discussion, see Banu Karaca, "Claiming Modernity through Aesthetics: A Comparative Look at Germany and Turkey" (Unpublished Ph.D. dissertation, CUNY, 2009).

2 Although the Justice and Development Party (JDP)-led government and municipal agencies are often credited with bringing renewed support to cultural and arts policies in the post-1980 period (one

İstanbul's contemporary art world between 2005 and 2008, they were either taken to tarnish Turkey's image abroad, or to transcend the limits of what are deemed tolerable representations of domestic predicaments. By telling their stories, this article aims to examine some of the current modalities of censorship in the visual arts, the different actors involved in censoring efforts, and the types of expressions they aim to delimit and contain.

As elsewhere, cultural policy officials in Turkey often postulate that the critical impetus of art is not simply tolerated, but desired, because it nurtures processes of societal reflection and mirrors the maturation of society and the political system. Despite the absence of structural or other kinds of substantial funds for the contemporary arts in Turkey, it is this very assumption that is nonetheless reflected in the constitutional guarantee of the freedom of the arts. There are, however, exceptions and limits to the notion of art's inherent beneficial quality; when these are reached, art is met with measures of censorship. Beyond the straightforward banning and suppression of artworks, censorship here is taken to include a variety of practices that range from processes of (partial) silencing to the continuum between criticism and censorship, incentives for self-censorship, and delegitimization, as well as modes of foreclosure that authoritatively frame the production and reception of artworks.³ This notion of censorship thus includes the many different instances, institutions and actors that in Richard Burt's words are engaged in the "administration of aesthetics," encompassing the "locus of different, dispersed kinds of regulations."⁴ Accordingly, I employ censorship as an

such example is Asu Aksoy, "Zihinsel Değişim? AKP İktidarı ve Kültür Politikası," in *Türkiye'de Kültür Politikalarına Giriş*, eds. H. Ayça İnce and Serhan Ada [İstanbul: İstanbul Bilgi Üniversitesi Yayınları, 2009], 179-198), the political and aesthetic parameters of this support have increasingly come under scrutiny, not least with regard to discussions on public decency, a topic that I would like to bracket out for the purpose of this paper, except for the following short note: Turkey shares with other countries regulations on public decency—e.g., pertaining to the protection of minors—which are highly normalized, especially when it comes to pornography. This issue has been poignantly discussed by Marjorie Heins, who has shown that censorship becomes much more broadly acceptable when arguing that the depictions in question may harm those understood to be most vulnerable—i.e., children and minors. Yet, she argues that thus defined censorship measures often present an entry point for much broader infringements upon freedom of expression than one might assume at first sight; Marjorie Heins, *Not in Front of the Children: "Indecency," Censorship, and the Innocence of Youth* (New York: Hill and Wang, 2001), 6-7.

3 Richard Burt, *The Administration of Aesthetics: Censorship, Political Criticism, and the Public Sphere* (Minneapolis: University of Minnesota Press, 1994); Wendy Brown, "Freedom's Silences," in *Censorship and Silencing: Practices of Cultural Regulation*, ed. Robert C. Post (Los Angeles: Getty Research Institute for the History of Art and the Humanities, 1998); Judith Butler, "Ruled Out: Vocabularies of the Censor," in *Censorship and Silencing: Practices of Cultural Regulation*, ed. Robert C. Post (Los Angeles: Getty Research Institute for the History of Art and the Humanities, 1998).

4 Burt, *The Administration of Aesthetics*, xi.

umbrella term for the many effective ways in which these strategies are employed by different actors at different nexuses of power, be it through the direct involvement of state institutions or by individuals who invoke state interests.

The cases also show that even within these fields of delimitation there are considerable contingencies: The domain of the unspeakable—or, in our case, the undepictable—remains unclearly mapped; its boundaries are not always visible, or infallibly discernable. I argue that this is necessarily so, not least because an unambiguous demarcation thereof would present blatant and recognizable censorship, incompatible with “modern politics”—a special concern in both the representation and self-perception of Turkey. Yet, these interventions to silence or to delegitimize are successful in that, as I will show, they somewhat contradictorily achieve and consolidate a separation of the operational realms of art and politics. They do so by eliciting defenses of the freedom of the arts that draw on the philosophical debates on the autonomy of art, rather than referring to the freedom of expression *per se*. This defensive move of separating artistic expressions from other utterances, including political ones, opens the path to a series of displacements of the political thrust of the discussed images and deflects their (potential) political impact.

Free Kick, İstanbul: It’s art, not politics (or is it?)

In the lead-up to the Ninth İstanbul Biennial, curators Vasif Kortun and Charles Esche invited the artist Halil Altındere to put together a show in the “hospitality zone.”⁵ Located in an old storage building adjacent to the İstanbul Modern museum, this zone also hosted an exhibition by art students and an art book archive in the entrance area. The second floor of the building was designated for panel discussions and events organized by the İstanbul-based alternative music, culture and politics magazine *Roll* and featured the exhibition *İmalat Hatası* (Manufacturing Defect) by the *Hafriyat* (Excavation) collective that played on the trope of Turkey’s “failed modernization” postulating that “the 3rd world is a manufacturing defect of modern utopia.” But it was Altındere’s adjacent *Serbest Vuruş* (Free Kick) that attracted by far the most attention. *Serbest Vuruş* took its name from Cengiz Tekin’s photographic work by the same title, which features a football player in the Turkish national uniform taking a free kick against the “team” of assembled civilians. Even without making explicit the knowledge that those featured are members

5 Apart from his curatorial contribution, Altındere was also presented at the main event of the İstanbul Biennial with his video “Miss Turkey.”

of Tekin's own family, the image plays with settled visual codes in the Turkish contexts in such a way that the observer might identify them as Kurdish (Fig. 1).

In our conversation, Altındere stated that the exhibition brought together 34 artists of three generations and works that commented on Turkey's recent political history. Rather than framing the show as "just" a biennial event, he positioned it as a follow-up to his first curatorial work, *I am Sad to Kill You* (2003). Altındere described the thrust of the exhibition to Özlem Altunok of the daily *Birgün* in the following manner: "If we call the first exhibition a 'warning,' then *Free Kick* is like a pitched battle [*meydan savaşı*]."⁶ Along with contemporary visual art, documentaries on the *Cumartesi Anneleri* (Saturday Mothers) and on torture in Turkish prisons were also included.⁷

Together with the Biennial, the hospitality zone opened its doors on September 16, 2005, and when Altındere's interview with Altunok appeared on October 2 he already had an idea that the exhibition in conjunction with recent expressions of nationalist fervor—such as the delay of the conference on Armenians during the end of Ottoman Empire, the attack on the exhibition about the events of September 6-7, 1955 in the gallery *Karşı Sanat*,⁸ and renewed attention to what is often somewhat



Fig. 1: Cengiz Tekin, *Serbest Vuruş* (Free Kick), 2005. Courtesy of the artist.

6 Özlem Altunok, "Binalde meydan savaşı," *Birgün*, October 2, 2005. Please note that unless otherwise indicated, all translations are my own.

7 The Saturday Mothers are a group of mothers who (along with other family members) have been protesting against the political disappearances of their children (while in police custody) since May of 1995. As celebrities like Sezen Aksu started to join them and as public support for their cause grew, so did police repression, forcing them to discontinue their vigils in May of 1998. The human rights group has since then taken up their regular activities again.

8 For a discussion of the attack see, Balca Ergener, "On the Exhibition 'Incidents of September 6-7 on their Fiftieth Anniversary' and the Attack on the Exhibition," *Red Thread* (2009), <http://www.red-thread.org/en/article.asp?a=25>.

inappropriately referred to as the “Kurdish Question”—would contribute to *Free Kick* being like “a bomb that is about to go off.”⁹ And off it went, first in the art world itself and then in the district courts of Beyoğlu.

Let us first turn to the competing aesthetic interpretations and assessments of the exhibition. “Harsh” (*sert*) was the adjective most used when it came to *Free Kick*. Explicitly political in its orientation, it seemed to pose a series of problems to reviewers as well as authorities. In contrast, participating artists, such as İnci Eviner, expressed their appreciation for Altındere’s vision. Altındere had chosen photographs that, in Eviner’s own words, seemed “too harsh,” “too crass for previous exhibitions”¹⁰ of hers (Fig. 2). They were part of a series of pictures taken during her explorative visits with families living in the neighborhood of Tarlabası, a quarter of İstanbul once inhabited by Christian and Jewish minorities during the Ottoman Empire and the early republican years, but now mainly home to Roma families, displaced Kurds and illegal immigrants often stranded on their way to “fortress Europe.” Eviner further noted that the exhibition did not simply assemble individual pieces, but works that corresponded with each other and together made for a strong political statement. The collectivist approach was also noted by reviewers of the exhibition, albeit in a different fashion, as I shall return to below.



Fig. 2: İnci Eviner, *Kutsal Aile* (Holy Family), 2004. Courtesy of the artist.

Calling *Free Kick* the “naughty child” of the Biennial, art critic Ahu Anmen noted that “in an institutional framework like the one provided by the İstanbul Biennial (meaning by the “father”) Halil Altındere’s *Free Kick* provides a platform for a clearly oppositional stance and is like the naughty child that is allowed to shout as much as it wants.” Yet, she maintained, “the *Free Kick* is not turned into a goal,” because...

9 Altunok, “Bienalde meydan savaşı.”

10 Interview with İnci Eviner, İstanbul, October 22, 2005.

Putting its finger on wounds in Turkey, foremost the “Kurdish issue,” politics, the military, military coups, torture, issues of identity, gender, this exhibition, although it wants to offer a much needed platform for debate, falls into the trap of all “engaged” art. Although its curator, Halil Altındere, states “I have not made a representational exhibition with obvious political discourses that wants to send a message to society. I am not interested in accusatory works, nor in those that trade in trauma and tragedy,” *Free Kick’s* political discourse is obvious, its message is obvious, its complaints [*şikâyetleri*] are obvious. Let it be obvious then, but is there not more depth through which these traumas, these tragedies that open the psychological wounds of society could be transmitted?¹¹

What Antmen missed here, she further stated, was a sense of abstraction or sublimation from the reality from which the artworks drew, the lack of which, she contended, left the works with a mere pop art aesthetic, favoring content over form, without a “deeper” aesthetic engagement.¹² Altındere seemed quite aware of the criticism that his own work as well as his curatorial endeavors lacked aesthetic abstraction. He addressed this issue when I asked him about what role an actual or imagined audience plays in his work process:

This is an important question for me, one that I am frequently confronted with. I have often been criticized on that account. I have been told that my works are very narrative, and very vulgar. “The idea of the metaphor is lost on you [*metafordan yoksunsun*],” and so on. I say “yes,” because contemporary art still has a very small audience, is consumed and produced by a small segment of society, and we can say that it is still rather elitist. As artists we are complaining about this situation. But we have to counter what we are complaining about

11 Ahu Antmen, “Golsüz Bir Serbest Vuruş,” *Radikal Online*, September 21, 2005, www.radikal.com.tr/haber.php?haberno=164661.

12 Antmen reviewed Altındere’s subsequent show much more favorably, calling it dynamic, thought-provoking and hopeful for the future of contemporary art in Turkey, although it featured a similar composition of participants and a similar political thematic. However, Antmen noted that this time it was not Kurdish identity (why this is problematic, she does not say) that was at the center, but that identity overall was the main topic: “From Turkish identity to ‘Almanci’ identity, from woman’s identity to citizen’s identity, from the artist’s identity to homosexual identity, there are not one but many identities present. Maybe this was a conscious decision by Altındere, maybe he wanted to answer the criticisms that he is producing ‘*Kürtçülük*’ through the medium of art. He will know the reasons himself, but as a result this time he first and foremost embarks on a creative search [...], and his efforts to provide a platform for young artists are worth to be commended.” Ahu Antmen, “Halil Altındere Fenomeni,” *Radikal Online* 2007, www.radikal.com.tr/haber.php?haberno=236625.

by broadening our audience through our works. In the exhibitions I make, the artists I choose, and in my own work [*üretim*], I do not aim at a certain elite, or a small group; rather I want to include broader segments of society, get a reaction from them, include them into something transformative. These are the types of works and exhibitions I do, and I see that the audience comes and has a good time. It is important that they have an emotional connection. They do not have to have any kind of prior knowledge of contemporary art. Rather, they can enter a dialogue with the works from the standpoint of their own knowledge [*birikim*]. Because our works are nurtured by everyday life, the spectator can engage in a dialogue with them [...]. This also created a lot of the excitement around *Free Kick*, for all the people that were coming by [...]. We also give importance to the viewer [*izleyici*].¹³

The “pitched battle” continued on the pages of newspapers and magazines, even though it seemed that most art world commentators preferred to make their disapproval known off the record, labeling the exhibition all sorts of things, from “facile” to “disgusting.” The daily *Birgün* printed three responses to Antmen’s review which had appeared in *Radikal*, one of which by Gökhan Gençay, accusing Antmen of an elitist, “Frankfurt School”-based criticism, and thus an outdated distinction between high and pop(ular) art. While he conceded that some of the works may not live up to the high-aiming (*iddiali*) concept, he harshly criticized what he identified as Antmen’s patronizing and infantilizing perspective.¹⁴ Artist Şener Özmen interpreted Antmen’s evaluation of the exhibition as revealing her stance on curatorial processes. He relegated her differential views of *Free Kick* and the adjacent *Center of Gravity*, a star-studded exhibition curated by Rosa Martinez and favorably reviewed by Antmen, as disapproving of the collectivist approach taken by Altındere, which foregrounded interactions between works rather than individual artists. He challenged Antmen and those sharing her opinion to ask themselves, “why are the children who are creating oppositional expressions met with such hard [*kati*]”¹⁵ and fast tendencies, and suggested that her critique may not merely reflect aesthetic preferences, but also political

13 Interview with Halil Altındere, İstanbul, August 17, 2007.

14 Gökhan Gençay, “Bienal de Top Kimde, Kale Nerede?,” *Birgün Online* 2005, http://www.birgun.net/sunday_index.php?news_code=1128239907&year=2005&month=10&day=02.

15 Şener Özmen, “Serbest Vuruş’ta ‘Star Sanatçı’ Yok! Peki Şimdi Ne Olacak?,” *Birgün Online*, October 2, 2005, http://www.birgun.net/sunday_index.php?news_code=1128239551&year=2005&month=10&day=02.

ones.¹⁶ Finally, Ferhat Özgür proposed that Antmen and other “high art critics” could not appreciate or understand the polyphony of the works and their subject matters as well as their interaction with each other.¹⁷

A slightly different angle to the rather high-tempered interventions above was put forward by Ayşegül Sönmez. Sönmez, similarly to her colleague Antmen, saw the hospitality zone as a space of freedom. She joined a seemingly endless line of commentators utilizing analogies that in accordance with the title of the show drew on the world of football, by conceding that “a free kick is executed but the ball does not find the frame.”¹⁸ She agreed that the exhibition wanted to deliver a tough blow to the viewer, but argued that some of the selected pieces were “dragged” into the political framework, rather than being inherently political. Sönmez’s interjection was one of the few that took into account the physical space of the exhibition and stated that the works deserved a different arrangement to unfold their full effect, individually as well as collectively. It is in this regard that the curator had fallen short, she argued, and had left the “political commentary on the paper or on the wall.”¹⁹ Implying that the impact of the artworks was non-transcendent, thus the arranged pieces, Sönmez contended, were leaving the spectator at bay and gave the event more of an air of an art archive than that of an exhibition. Yet, she maintained that the show had a certain transformative energy that was “hard to escape.”²⁰ Going further than other reviewers, Sönmez also took into account the institutional support, or rather lack thereof, for the exhibition, noting that the biennial directorate and curators had provided the exhibition space and paid the rental fees, but not secured any other (material) support for this “free zone.”²¹ This was a factor which, so she posited, weakened the potential strength of the exhibitions located there. Both Antmen and Sönmez suggested that the exhibition was both inside and yet outside the biennial. As Antmen noted, “[i]t is as if the Biennial is taking responsibility for this exhibition and yet it is not.” The precariousness of this relationship was also reflected in the fact that the foundation that hosts the biennial, the İstanbul Foundation

16 Interestingly, all of these interventions draw on the father-child binary introduced into this debate by Antmen, a stereotypical motif frequently employed to illustrate the authoritarian structure of Turkey’s political trajectory, as well as for describing the inter-generational conflicts in the art world. For a more detailed discussion of this motif, see Vasif Kortun and Erden Kosova, *Szene Türkiye: Absents, aber Tor!* (Köln: Waltherr König, 2004), 105-112; Beral Madra, “The Hot Spot of Global Art,” *Third Text* 22, no. 1 (2008).

17 Ferhat Özgür, “Free Kick: Seni Kışkandığım İçin Üzgünüm,” *art-ist* 2, no. 4 (2005).

18 Ayşegül Sönmez, “İstanbul Calling,” *Milyet Sanat*, no. 559 (2005).

19 *Ibid.*, 10.

20 *Ibid.*, 10.

21 *Ibid.*, 9.

for Culture and Arts (*İstanbul Kültür Sanat Vakfı*, İKSV), did not officially intervene on Altındere's behalf when he was later put on trial for curating the exhibition.

The polarization *vis-à-vis* the exhibition continued. While much of it was relegated to a murmur behind the scenes, painter Bedri Baykam published an unrelenting attack against *Free Kick* and the curator on his website. It is worth quoting at some length, because albeit extreme, it is to some extent symptomatic of said murmur. In Baykam's opinion, *Free Kick* produced a narrative in which...

the Republic was founded on a false premise, Kurds are oppressed, Turkey is a country under military-police rule in which every oppositional person can be tortured at any moment. [...] As someone who in 1988, when it required courage to openly address torture and fascist oppression and who took serious risks in opening "İç Manzaralar II" [as a statement] against torture and censorship, surely no one will accuse me of conservatism or fascism! If Turkey were indeed the type of country that this exhibition is making it out to be, the show itself would have been closed down on the first day. But that an honorable and respected institution like the Eczacıbaşı Foundation [İKSV] would host such an exhibition that aims to exacerbate a cheap enmity against the Republic and covertly (?) defends a separatist organization is rather surprising. Yes, art is free. But if such an impervious exhibition is presented during such a critical political period, then critiques cannot be avoided. It goes without saying that free critique is a prerequisite for a free art world. Surely in Turkey where the concept of criticism is stunted, the Altındere-issue is skipped in the press. For the press the right alliances [...] are of course more important. What becomes clear is that Altındere, like Orhan Pamuk, has chosen a path of expression in which we are presented in the way that the "West wants to see and is able to understand," it shows that Altındere exhibits the same opportunism, is trying to take the same wind in his back. [...] But darling, one ought not hit the West over its head with these many contradictions [*batının gözüne sokmamak lazım*].²²

22 Blog entry from Bedri Baykam's website at <http://www.bedribaykam.com/index.php?id=0&katid=20&arsiv=1>, entitled, *Bienal*. The entry has since been removed. It is notable that Baykam did not seem to suggest that these "contradictions" do not exist, but rather to propose some sort of "patriotic self-censorship," to use Holger Herwig's term, in that these predicaments should not be revealed to Western observers (Holger H. Herwig, "Patriotic Self-censorship in Germany after the Great War," *International Security* 12, no. 2 (1987)).

Baykam went on to state that he had no doubt that Altındere would be extremely successful in the eyes of Western commentators and that he deserved applause for mastering this feat so effortlessly. Then, in a harsh turn, he postulated: "Our southern artist does not understand that there is a huge gap between criticizing fascism and crushing the Republic." Together with his thinly veiled comment insinuating that Altındere's exhibition presented a defense of the Kurdistan Workers' Party (PKK, *Partiya Karkerên Kurdistan*), Baykam conflated Altındere's Kurdish ethnic background (likewise thinly veiled under the euphemism "southern") with his artistic and political stances.²³ In a conversation with the artist Burak Delier, the art critic Erden Kosova proposed that these and similar charges against Altındere and others reveal not Altındere's political leanings, but are indicative of a resurgence of nationalism, as much as of the friction between the modernist and contemporary art camps in Turkey: "In the past few years a strong reaction has formed against [...] 'contemporary' and 'conceptual' art, even a repugnance one could say. [...] We have witnessed that the expression of 'the PKK extension to the art world' has been used for Halil Altındere."²⁴ Kosova relegated these reactions to an aesthetic in Adorno's sense (thus employing Adorno as short-hand for an elitist focus on high art) and a conservatism that discounts the developments of the last forty years in Turkey's art world, including the political bent of contemporary art.

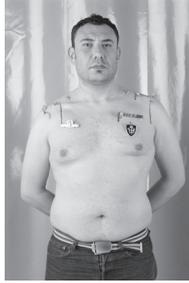
These discussions surrounding *Free Kick* from within the art world itself are instructive in terms of tracing different views on how the political should be expressed in the realm of the aesthetic. With the exception of Baykam's intervention, the explicitly political image that deals with Turkey's current predicaments has been discussed with regard to the level of abstraction or aesthetic sublimation; it is the "how," not the "what," that is being criticized. Yet, the insinuation that the subject-matter might be informing some of these aesthetic assessments also lingers, evidencing that form and content cannot be considered apart from each other. As the discussion of the exhibition moved into the legal arena, however, so did the content of the images move to the forefront, not in terms of insufficient abstraction, but framed as a question of tolerance.

23 While Baykam saw Altındere's show as yet more proof that he was meddling in the business of *Kürtçülük*, a negatively connoted way of describing Kurdish identity-based politics, rather than that of art, gallerist Azra Tüzünoğlu was among those who argued that what was at stake here was the collective thematization of traumatic events in Turkey's recent past, and that together these works, "produce[d] a map of consciousness" (Azra Tüzünoğlu, "Free Kick ve Sonrası," *art-ist* 2, no. 4 (2005): 101-105).

24 Erden Kosova, "Eleştirel İhanet-Burak Delier ile Söyleşi," *everestmylord* (2007), <http://everestmylord.blogspot.com/2007/10/elestirel-ihonet-burak-delier-ile-sylei.html>.

Curator on trial: It's critique, not insult

About a month after the opening, an “unidentified visitor” filed a complaint about the exhibition with the public prosecutor’s office, and on October 13, 2005 the 2. Beyoğlu District Criminal Court ordered the confiscation of the exhibition catalogue.²⁵ The court’s decision rested on three images (Fig. 3-5).²⁶ Depicting military references such as rank insignia and uniforms, the images were found to constitute a public denigration of the Turkish Armed Forces.²⁷ The following day, police officers raided Altındere’s office, but were unable to locate any catalogues, since all of them had been distributed during the opening of the exhibition.



From left to right: Fig. 3: Demet Yoruç, *Hulk*, 2004; Fig. 4: Murat Tosyalı, *Obedience*, 2004; Fig. 5: Burak Delier, *Guard*, 2005. Courtesy of the artists.

Twelve days later, the 3. Beyoğlu Criminal Court of First Instance (*Asliye Ceza Mahkemesi*) overturned the confiscation decree, after Halil Altındere’s brother and lawyer, Murat Altındere, appealed the decision. This time the court stated that “according to the currently valid domestic legal regulations, Articles 9 and 10 of the European Convention of Human Rights (ECHR) have precedent here, and in accordance with these articles the confiscation decision is hereby overturned.”²⁸ The decision further read:

25 See also Demet Bilge Ergün, “Katalog Toplatıldı: Bienale ‘301’ Gölgesi,” *Radikal Online*, October 27, 2005, <http://www.radikal.com.tr/haber.php?haberno=168190>.

26 Although meant to be included in the show, Burak Delier’s “Guard” was taken down the day before the opening, due to the pressure of various actors connected to the exhibition. As I only became aware of this incident and the dynamics surrounding it very recently, many of the details still warrant further research. A reproduction of “Guard” remained in the catalogue, however, despite this intervention.

27 The court’s confiscation verdict stated: “It is understood that [the catalogue] publicizes pictures that mark the Turkish Army as a target that needs to be attacked under all circumstances and in every way, and, exhibiting bad intentions, it essentially publicly denigrates the Turkish armed forces” (cited after Ergün, *Katalog toplatıldı*).

28 I thank my colleague Ceren Özgül for pointing out that international conventions ratified by Turkey, including the ECHR, supersede Turkey’s domestic law, including the constitution, and that in practice,

None of the photographs that were cited as the grounds of the confiscation decision breached the limitations stated in these articles. Even though the artistic value of the photographs is debatable, even if they bring to mind the use of force, and even though they will not be met with approval by a large majority of society, as long as their content conforms to the ECHR norms, we must remember that a democracy needs to be able to tolerate [or endure] all these affects [*demokrasinin bütün bu duygulanımlara katlanmak olduğu unutulmamalıdır*].²⁹

In our conversation, Altındere noted that this had been the first time that an exhibition catalogue had been confiscated in Turkey. His defense, he recounted, was grounded in the insistence that ...

the images were works of art and that it is in the nature of art to critique freely. We referred also to Paragraph 4 of Article 301, in which expressions that serve to critique do not constitute an offense and clarified that art presents what we call “open works” [*açık yapıt*]—in the sense that they are open to interpretation. We prepared a portfolio with examples from art [history] and that’s how we saved ourselves from this affair.³⁰

There are several notable issues and interesting inconsistencies in this episode. On the one hand, there is a complaint filed against supposedly insulting material. Although required by law, the identity of this initial plaintiff was never revealed by the prosecution, but rumors circulated that it was lodged by a military widow, or alternatively, a mother who had lost her son in the army. If any of these scenarios were indeed true, it means that once these pictures were brought to the prosecutor’s attention, he deemed that a case could best be made based on alleging denigration against a state institution, rather than on the basis of personal injury.³¹ But even so, the question remains why the case initially

however, adherence to this clause varies considerably.

29 The lawyer of the defense, Murat Altındere, argued with regard to Murat Tosyalı’s work that “the military insignia integrate with the body, that actually people carry these insignia in their civil life [as well]. There is thus a concretion between insignia and the body. But there is no insult.” Cited after Ergün, “Katalog Toplatıldı”; for a reprint of the decision, see Tüzünoğlu, “Free Kick ve Sonrası,” 105.

30 Interview with Halil Altındere, İstanbul, August 17, 2007.

31 As Anja Ohmer has argued, censoring mechanisms in Germany and the European arena overall are increasingly operating through charges of personal injury and insult. Anja Ohmer, “Literatur vor Gericht. Zensur in Deutschland,” *Eurozine* (2004), <http://www.eurozine.com/articles/2004-03-22-ohmer-de.html>. Indeed, the recent verdict that ordered Orhan Pamuk to pay reparations to Kemal Kerinçsiz and his five co-plaintiffs after the 301 case against him was dropped, seems to suggest that this strategy might be increasingly open to use in Turkey.

only centered on the confiscation of a catalogue instead of, for instance, closing the exhibition. Was it indeed the reprinted and easily circulable image that was the problem here? Or was it solely out of the calculation that the motion to close down an exhibition organized under the auspices of the powerful and, for the most part, state-aligned İKSV³² and constituting part of a very popular and much-praised biennial would have caused a major international scandal? In addition, it seems, the confiscation attempt of the catalogues was not very rigorous. In fact, I myself was able to purchase it in a bookstore close to Altındere's office while the confiscation order was still in effect. Upheld only for a short while, enforced rather inconsistently and quickly overturned, what was this order intended to accomplish, and what did it actually achieve?

Four interconnected points come to mind. Firstly, the confiscation order did succeed in delegitimizing the exhibition to a certain extent. It gave the court not only the opportunity to investigate whether a denigration had indeed taken place, by probing the rather hazy boundaries between what constitutes an artistic critique versus an insulting "depiction" or portrayal, but also to comment on the artistic merit of the works—lack of (official) expertise and authority in aesthetic theory notwithstanding. It is important to note that the court chose to comment in a particular manner, by emphasizing that its decision was not only in accordance with the law, but also as tolerant as the democratic state form warranted. This stance, outlined in the court's decision, corresponds with Wendy Brown's analysis of tolerance as a political practice that, guised as a moral virtue of the state, is actually not codified by the law.³³ Playing into the strategy of the liberal state's legitimation through the discourse of tolerance that Brown uncovers, the court's decision simultaneously delegitimizes the images in question as much as their producers, by "marking subjects of tolerance as inferior, deviant, or marginal vis-à-vis those practicing tolerance."³⁴ Secondly, the temporary ban was successful in so far as it did discourage newspapers and other media outlets to show the pictures in question, hence suppressing a possibly much wider circulation. It stands to reason that in broadening the audience, at which Altındere aims in his artistic and curatorial work, the emphasis

32 In the absence of proactive policy-making and funding for the contemporary arts by the Ministry of Culture and Tourism, İKSV is often taken to fill this void, not least in the presentation of contemporary art from Turkey abroad, often in tandem with the *Tanıtma Fonu* of the Foreign Ministry. For an in-depth interrogation of the İKSV's political alignment, see Sibel Yardımcı, *Küreselleşen İstanbul'da Bienal* (İstanbul: İletişim Yayınları, 2005), 105ff.

33 Wendy Brown, *Regulating Aversion: Tolerance in the Age of Identity and Empire* (Princeton: Princeton University Press, 2006), 11ff.

34 *Ibid.*, 13.

on the readability of the works might also make them more vulnerable to broader (political) attacks. In this way, the strategy of wider accessibility (both aesthetically speaking and in terms of circulation) and visibility also produces the possibility of stronger push-backs from the state and its institutions that are under critique. Thirdly, by categorizing the depictions of militarism, rather than the state practices that underlie these depictions, as problematic, it successfully displaces the critique from the “thing itself” to its depiction, so that it is the representation of political issues that is deemed problematic, rather than the issues themselves. Read with Brown in mind, this displacement, not least by way of tolerance, produces a depoliticization of the artworks, marking the affect they induce or the stances expressed in them as needing to be tolerated in a liberal democracy (even if unwillingly). And finally, as alluded to above, this delegitimizing move allowed for identifying Altındere himself as a target.

The turmoil did not end here. The Beyoğlu Office of the Director of Public Prosecutions (*Cumhuriyet Savcılığı*) opened criminal proceedings, this time against Altındere personally. The cited ground was once more public denigration of the Turkish Armed Forces under Article 301 of the Turkish Penal Code, which in its then valid wording punished “insults against Turkishness.”³⁵ While visual artists have not been convicted under this article as of yet, writers, journalists, publishers, and human rights activists have been battling with charges based on Article 301. Turkish officials have countered criticisms of Article 301 by pointing to a range of similar laws against insulting the state and its institutions (including the national flag) in the European arena, and by positing that it is not the law itself but its application that is problematic. All too often Article 301 has been turned into a free-for-all tool for curtailing free speech, and especially anything that could be conceived as insulting or denigrating to the state and the Turkish military.³⁶ Together these com-

35 While the article used to refer to aspects conceived of as denigrating “Turkishness,” the wording has been amended, allegedly for clarification purposes. These changes include: replacing “Turkishness” with “the Turkish nation”; the maximum penalty was lowered from three to two years; and the Ministry of Justice (and thus the political authorities) gained oversight over approving commencement of investigations as of April 30, 2008 (Law no. 5759). While the government presented these amendments as answering to the national and international criticism of Article 301 as a violation of free speech, criticism has persisted, since “the change signifies a clarification in the wording, but not in the content, and so does not contribute to expanding the enjoyment of freedom of expression”: Bülent Algan, “The Brand New Version of Article 301 of Turkish Penal Code and the Future of Freedom of Expression Cases in Turkey,” *German Law Journal* 9, no. 12 (2008): 2241.

36 Along with criminalizing insult and denigration of “Turkishness,” Paragraph 2 of this article also used to forbid alienating the public from and “cooling” its appreciation of the military (*askerlikten soğutmak*). In the new version of the law, “only” the denigration of the Turkish military remains an

ponents have been mainly employed to thwart expressions that question the officially sanctioned version of Turkish historiography, as they are interpreted to threaten the territorial integrity of the Turkish Republic. References to the Armenian Genocide and Turkey's multi-ethnic and multi-lingual make-up outside the defined boundaries of "tamed diversity" can all be interpreted as threatening Turkey's territorial integrity (postulated in Article 3 of Turkey's 1982 constitution) and thus have been equated with terrorism, including expressions that can be conceived of as "separatist propaganda."³⁷ As such, all of these charges represent delimitations to the constitutionally guaranteed freedom of expression (Article 26 of the Turkish constitution) and of the freedom of the sciences and the arts (codified in Article 27).³⁸ Rather than being tools for actual sentencing or complete suppression, these kinds of charges have enabled the delegitimization and discouragement of certain kinds of images (and other kinds of expressions), while allowing for their authors to be identified as (political) targets.

A prison sentence of two years was demanded by the prosecution, but Altındere was acquitted of the charges on April 13, 2006. Reflecting on the indictment and the trial more than a year later, Altındere still expressed his surprise that it was not against the artists themselves, but against him as curator, that charges were brought. However, he contended that he had been perceived as the "instigator" (*azmettirici*) and thus responsible for the exhibition's content. While this particular court case had Altındere concerned,³⁹ he did not seem averse to taking on the risks to continue presenting works that are potentially controversial:

[...] I think if someone is saying whatever he or she wants to say through the medium of art, its risk needs to be taken. I believe that art knows no boundaries, and one needs to be prepared to bear the consequences. [...] As I said before, in the first exhibition I curated, there were a lot of participants from the east. They brought with

offense: *Ibid.*

- 37 See also Human Rights Watch, "Turkey: Human Rights Developments," (2003) <http://www.hrw.org/legacy/wr2k3/europe13.html>.
- 38 Freedom in the arts and sciences is also explicitly delimited in that this right "shall not be exercised for the purpose of changing the provisions of Article 1, 2, and 3 of the Constitution," which lay out the state form, the characteristics of the Republic and its territorial integrity, official language, national anthem, and capital. But as the Human Rights Watch Report from 1999 reveals, what constitutes, for instance, a threat to territorial integrity can be interpreted rather broadly (see Human Rights Watch, "Violations of Free Expression in Turkey," (1999) <http://www.hrw.org/legacy/reports/1999/turkey/>).
- 39 For Altındere's previous run-ins with the law, in which he employed a similar defense structure, see Karaca, "Claiming Modernity", 280-300; Süreyya Evren, *Halil Altındere: Kayıplar Ülkesiyle Dans/Dance with the Land of the Lost* (İstanbul: Yapı Kredi Yayınları, 2008).

them a new aesthetic language. A language that grew out of their everyday lives, the political contexts they are in. Their experiences are different, their visual, aesthetic and political language is different. It was very enriching and created a lot of excitement. At the time a lot of people were independently working on Atatürk, because Atatürk is an icon, so to speak, and there are laws that protect this icon. In the exhibition we showed these works in a concentrated fashion, yet nothing happened at the time. But *Free Kick* was different, because the Biennial is a more popular outlet, it is a media event, more people saw it. Among those people, some felt uncomfortable with a couple of works and went to the prosecutor with the catalogue and invited the prosecutor to do his duty, and his duty he did.⁴⁰

Altındere's statements further reveal that much of the silencing apparatus in Turkey is highly inconsistent. What set *I Am Sad to Kill You* apart from *Free Kick*? What rendered one artistic depiction of state critique more or less threatening or offensive than the other? Was it indeed the higher exposure that a biennial brings?

Tongue-in-cheek, but equally serious, Altındere continued by stating that his court cases also served to educate judges and prosecutors on the parameters of contemporary art and the legal framework of art. He said:

In some ways it was good that I was charged, because my cases will constitute precedents for others. At least we will have an impact on future decision-making processes this way. It was difficult for me because there were no precedents I could rely on. When I submitted a manifesto, the judges had no idea if what I was doing was related to art or not, and in some ways the prosecutors also did not know what to do with it.⁴¹

Laughing, he added: "I brought these court cases before them for educational purposes."

There is, however, a notable angle in Altındere's defense that gives clues to how legal charges beyond outright banning efforts operate and to the kind of discursive patterns to which they give way. The defense did not solely rely on freedom of expression, but insisted that the works and exhibitions Altındere produces do indeed constitute art, the critical impetus of which cannot be equated to insults. The notion that, even if

40 Interview with Halil Altındere, Istanbul, August 17, 2007.

41 Ibid.

political in address, artistic images have to be treated differently from political speeches or other types of critical expression reiterates both the unity and the disparateness of, in this case, visual art and politics. It also presents a manifestation of the double-edged conception of the autonomy of art as both protecting and weakening its impact, a double-bind that Mary Devereaux describes as follows:

Either [we] embrace the political character of art and risk subjecting art and artists to political interference, or we protect art and its makers from political interference by insisting upon their “autonomy,” but at the cost of denying the political character of art and its broader connection with life.⁴²

When art makes a political statement, or a statement on politics, it may also elicit a response from the political sphere (and not just from the realm of the art world in the narrower sense, which has its own set of politics traceable in the aesthetic criticisms reviewed above).⁴³ Devereaux has argued that, while the autonomy of art should not be reified in its formalistic incarnation (on which it frequently relies), one should rule in principle in favor of the arts whenever government and artistic interests collide.⁴⁴ But, as she herself has noted, these processes rarely work so neatly in practice. The issue is complicated by the circumstance that artists themselves frame the autonomy of art in formalistic terms at times, especially in defense against political intervention, as evidenced by Altınderé’s case. It is important to emphasize yet again, that in his trial he insisted not on freedom of expression *per se*, but rather on art as a different kind of expression to which certain rules and constrictions that govern other forms of expression do not apply. Although his curatorial work might be seen as a far cry from formalistic frameworks, it still falls into this field of tension that the latter produce, since formalism, historically speaking, has informed the very existence of the constitutionally guaranteed freedom of art.

42 Mary Devereaux, “Protected Space. Politics, Censorship, and the Arts,” in *Ethics and the Arts: An Anthology*, ed. David E.W. Fenner (New York: Garland Publishing, Inc., 1995), 42.

43 Devereaux has contended that, while the shift towards a more political understanding of art has “increased the potential for art to arouse controversy and engage widespread public interest” (*ibid.*, 50.), it has also led to diminished attention to “the many ‘nonpolitical’ elements that makes art art.” The question of how an artwork addresses an issue has been neglected in favor of “what the work says.” This shift in the framing of art produces the concern “that by abandoning the separation of art and politics, we reduce art to propaganda” (*ibid.*, 51), a concern that was raised repeatedly with regard to *Free Kick*.

44 *Ibid.*, 52-55.

Discretionary power and discouragement

While the example discussed above presents an intervention through the judiciary, the “administration of aesthetics”—including silencing attempts, suppression, discouragement and/or deligitimization—operates through other avenues as well. For instance, in Turkey local governors have some leeway to suppress films, musical and theatrical performances at their own discretion, if they believe that an art event may disturb the public order. This regulation goes back to 1986, when post-release censoring powers were extended to the governors’ level, giving them authority to enact a ban even after approval by the national film and music censorship boards, which were set up by the military junta but disbanded in the early 1990s.⁴⁵ Although censorship is in principle illegal in Turkey, suppression of “free expression” can be exerted on the grounds of disturbing the public order, be it in regard to morals, health, customs, or traditions, apart from the already mentioned perceived threats to national security and territorial integrity. Concomitantly, the police also have discretionary powers to suppress art events without necessarily having to draw on the legal apparatus.

In 1989, the Helsinki Watch Report on Turkey made two important observations that are still valid today with regard to the discouraging effects of silencing efforts, regardless of whether they are legal, extra-legal, or based on discretionary power: (a) The legal process is very expensive for plaintiffs who seek to reverse bans, a fact that in itself might constitute a structural discouraging factor for those affected by censorship (including, as I would add, other kinds of silencing efforts such as personal threats) to even attempt legal remedies; and (b) Interviews suggest that the experience of censorship directly impacts future creative efforts, and that this type of discouragement engenders and perpetuates self-censorship, often described as a paralyzing experience.

That the procedures and tactics documented in the late 1980s are still being employed, despite the legal reforms that have since taken place, becomes evident in the case of Ahmet Ögüt’s video animation *Hafif Zırhlı* (Light Armored). The piece was screened as part of *Yama* (Patch), an exhibition project “located” on a large advertising LCD screen mounted on the prominently positioned Marmara Pera Hotel in İstanbul’s

45 One interesting example in this respect is Ali Özgentürk’s film *Su da Yanar*, the portrayal of a film-maker working on a project about Nazım Hikmet, which is eventually censored. Ironically, Özgentürk’s film was banned by the office of the İstanbul Governor. The governor never saw the film, but relied on the judgment of a police officer—a practice that the Helsinki Watch Report of 1989 surmised may have been more regular and widespread than one might assume. See Lois Whitman and Thomas Froncek, *Paying the Price: Freedom of Expression in Turkey* (New York: Helsinki Watch - International Freedom to Publish Committee of the Association of American Publishers, 1989), 93.

Tepebaşı neighborhood. Sylvia Kouvali, the curator of *Yama* at the time, had arranged with the hotel management to use the screen as a “different kind of public art space” and to show videos by a different artist every month, after sunset. Ögüt’s animation featured a generic armored military vehicle that was periodically hit by small stones, almost comically so, since the stones were too small and their trajectory too unmotivated to inflict any damage on the massive vehicle. The installation had been up for 20 days, when on September 4, 2006 a police detail, congregating on Taksim Square to halt a demonstration protesting the deployment of Turkish troops to Lebanon, became aware of the video projection. According to newspaper reports, the officers in charge saw in the animation “an endangerment of the public order,” a call to “terrorist acts,” or, as another formulation read, “a provocation of terrorism.”⁴⁶ Who these terrorists might be was never specified, but the mere invocation of a thus categorized threat seemed to provide sufficient grounds to demand the immediate discontinuation of the screening by a police commando sent to the hotel. In a press statement reprinted in the İstanbul-based arts magazine *art-ist*, Kouvali recounted the aftermath of the incident as follows:

The following days the lawyer of The Marmara Hotels negotiated and discussed with police officers about art and its limits [...]. In the mind of the censor, the work was about nothing more than insult and provocation, and shutting it off was considered a protection towards society. The hotel [...] was very patient, very well informed and completely supportive of the artist and curator. Unfortunately, the policemen refused any other screening of this work and after a lot of pressure put on the representatives of The Marmara Hotel, “yama” was informed not to continue screening it.⁴⁷

Notably the discussion centered on what art is and what it is supposed to do; according to Kouvali, despite her best efforts and those of the hotel management and their lawyers, the police officers could not be dissuaded. Ögüt was never charged with any offense; no trial ensued. Nor did he seek legal action to curtail the police’s intervention. As such, his case could be categorized as one of successful suppression and discouragement.

46 Ayşegül Sönmez, “Masa ve Ekrandan Sanat Gösterimi,” *Sabah Online*, 29 September, 2006, <http://arsiv.sabah.com.tr/2006/09/29/cm/ajai01-20060908-103.html>; Adnan Yıldız, “12 Eylül’ün Karşısına!,” *Radikal Online*, 12 September, 2006, http://www.radikal.com.tr/ek_haber.php?ek=r2&haberno=6257.

47 Taken from the English original, Sylvia Kouvali, “Yama: Yeni Bir Sanat Mekanı,” *art-ist* 3, no. 5 (2006): 60-61.

ment without the deployment of legal measures. After all, if Altınderer's experience is any indication, a legal battle could have been taken up and most likely would have been won. Ögüt, however, stated in an interview with the newspaper *Sabah* on September 29, 2006 that he felt that his artistic intervention had been successfully brought to the public for almost three weeks and categorized the early end of the screenings as just another indication that "true freedom of artistic expression" was still a ways away in Turkey.⁴⁸

The police also intervened one year later, at the opening of a poster exhibition at the gallery *Hafriyat*, entitled *Allah Korkusu* (Fear of God). The exhibition had been written up by the Islamist newspaper *Vakit*,⁴⁹ which had scandalized the show merely on the merit of its title. Running the headline "Küstah Sergi" (An Impertinent Exhibition) on November 5, 2007, *Vakit* also ensured to give the full address of the exhibition space at the end of the article. Feeling targeted by the newspaper and intimidated by the already mentioned rise of nationalist sentiment at the time, which further expressed itself in the increasing number of nationalist demonstrations at the Article-301-related trials of the writers Orhan Pamuk and Elif Şafak,⁵⁰ the *Hafriyat* collective asked for police protection during the opening. As the police officers arrived, they only did so to find some of the exhibited posters "objectionable" while exploring the premises and to return with an anti-terror detail for further investigation.⁵¹

What is interesting in all of the cases discussed so far is that neither the Ministry of Culture, nor the cultural offices on municipal or dis-

48 "Ahmet Ögüt'ün İşi Gösterimden Kaldırıldı," *Sabah*, 2006, <http://arsiv.sabah.com.tr/2006/09/29/cm/gnc106-20060915-103.html>.

49 In a riff on the exhibition's title and *Vakit*'s attack, the culture and arts desk of the daily *Radikal* printed a news item on what they perceived as making *Hafriyat* into a target (*hedef göstermek*), entitled "Birilerinin Sanat Korkusu (Some People's Fear of Art)," see "Birilerinin Sanat Korkusu," *Radikal Online*, November 7, 2007, <http://www.radikal.com.tr/haber.php?haberno=238040>.

50 In 2005, Orhan Pamuk was tried and subsequently acquitted for statements made outside his artistic medium. In an interview with the Swiss daily *Der Tagesanzeiger*, he had referred to the Armenian Genocide not by terminology, but by the number of people murdered, and stated that in the war between government troops and the PKK 30,000 people had been killed. Elif Şafak, on the other hand, in 2006 was charged for statements that characters in her novel *The Bastard of Istanbul* utter with regard to the Armenian Genocide. After a much publicized court case, she too was acquitted.

51 The images found questionable all played on the theme of the sanctification of Mustafa Kemal. For more details on the lead-up to the exhibition and the fall-out once the police detail arrived, see İsmail Saymaz, "Yağmurdan Kaçarken," *Radikal Online* 2007, www.radikal.com.tr/haber.php?haberno=238788; Ayten Serin, "Allah Korkusu Sergisi Açılmadan Korkuttu," *Hürriyet Online* 2007, <http://www.hurriyet.com.tr/gundem/7639192.asp?m=1>; Özden Şahin, "Censorship on Visual Arts and Its Political Implications in Contemporary Turkey: Four Case Studies from 2002-2009" (Unpublished M.A. Thesis, Sabancı University, 2009), 72-83.

trict levels spoke out in support of the artists.⁵² What had shifted in late 2007, however, or at least so it seemed, was that the press widely reported on *Vakit's* news headline, which most likely contributed to the investigation being dropped without charges. That much of the right-leaning “secularist” press entered the chorus may very well be due to the fact that this attack on the freedom of the arts came from the Islamist camp. Either way, the police intervention too presented a discouragement, even more so because their presence at the opening was originally meant to provide a measure of protection. As a result, in an effort to curb controversy—as well as in the anticipation that the reception of some of the posters might be determined by the controversy rather than by their aesthetic merit—some works were pulled out of the show after much discussion and with a heavy heart, as Neriman Polat recently recounted.⁵³

One case in which the Ministry of Culture and Tourism actually did intervene was that of Hüseyin Karabey's film *Gitmek* (literally meaning “going, leaving”; the English title of the film was *My Marlon and Brando*). It did so in a rather contradictory fashion. The ministry co-funded Karabey's film, a first for the film-maker whose previous feature proposals had been rejected. Upon completion the film was accepted by a number of prestigious international film festivals, including the Tribeca Film Festival. The Turkish consulate in New York together with the Moon and Stars Project (a non-profit Turkish cultural foundation located in New York) actually co-sponsored a panel discussion about the film; notably, Karabey went on to receive an award as the best newcomer director in fiction at the Tribeca Film Festival. The film continued to tour festivals all over the world and was released in Turkey in December of 2008, to much critical acclaim. Around the same time, *Gitmek* was also scheduled to be shown at a festival in Switzerland, entitled *Culturescapes Turkey*, which was co-sponsored by the Turkish Ministry of Culture and Tourism. Before the first screening took place, the film was suddenly taken out of the program because an aid to the Public Relations Secretary of the Ministry, İbrahim Yazar, threatened to withdraw the substantial sum of 400,000 Euro from the festival's funding, if this screening of *Gitmek* were to go ahead. Karabey himself declared that

52 It seems that it is a general tendency in the Turkish context that the Ministry of Culture rarely if ever intervenes on behalf of artists. One notable exception seems to be Fikri Sağlar, who after taking office in 1991 openly addressed the restrictions on freedom of expression and, for instance, lifted the bans on domestic and foreign literary works instated by the military junta. See Fikri Sağlar, *Ulusal dan Evrensel Çağdaş Kültür* (Ankara: T.C. Kültür Bakanlığı Yayınları, 1992), 34-35.

53 Neriman Polat during a panel discussion entitled “Censorship in the Contemporary Arts” at the Fourth Hrant Dink Memorial Workshop, İstanbul, May 28, 2011.

he had heard about this censoring motion only through the press, but expressed confidence that the issue would be amended momentarily. In the ensuing debate, it emerged that Yaza had acted on his own account, without orders from his superiors and without their knowledge. But instead of the rectification that Karabey expected in the following days, the transcript of an interview with Yaza by the German journalist Kai Strittmatter was published by *Radikal* on November 5, 2008, in which he proclaimed that in “sensitive times like these”—that is, during the bombardment of Northern Iraq by the Turkish Army, and the bombings of army vehicles and buses attributed to the PKK—the depiction of a “Turkish girl falling in love with a Kurd” was out of question. During a press conference, the Minister of Culture and Tourism, Ertuğrul Günay, came forward and tried to diffuse the situation by stating that censorship efforts on part of his department were never intended, citing the film’s national release as proof to the contrary. Pressed by questions, he answered, however, that it was only natural that the Turkish state as a main sponsor of the festival would request changes to the program if they impacted the image of Turkey. Distancing himself from Yaza, he did not take issue with the depiction, or “picture” itself, but rather with a geographical ascription on part of the organizers as explaining, and even justifying, Yaza’s initially unsanctioned move. He implied that local organizers had referred to Southeastern Anatolia as Kurdistan, at which his department had not been able to remain silent (“*Türkiye’nin bir bölümünün bir başka isimle isimlendirilmesi karşısında sessiz mi kalmalısınız?*”).⁵⁴ The film was eventually screened at the initiative of the cinema directors who had already received copies of the film and could not be compelled otherwise. Again, this case exhibits many inconsistencies, not least because the very state agency that had sponsored the film tried to delimit its circulation (or rather the framework in which it was to be screened) and exerted pressure even beyond the boundaries of the Turkish state, this time by way of threatening financial recrimination, without recourse to legal action.⁵⁵

54 Erol Önderoğlu, “Kültür Bakanlığı ‘Gitmek’i Festival Programından Çıkarttı,” *Bianet* 2008, <http://bianet.org/biamag/bianet/110616-kultur-bakanligi-gitmek-i-festival-programindan-cikartti>.

55 This is not the only time that the Ministry of Tourism and Culture of Turkey has first funded and then tried to delegitimize projects. Other examples include Handan İpekçi’s *Hejar*, or the film *Son Cellat*, which notably was supported by the ministry with 250,000 Lira, but then delimited through rating measures, which is an important mechanism for restricting the access to and circulation of films in particular. For more details see “‘Son Cellat’a Sansür!,” *Milliyet*, November 7, 2008, <http://www.milliyet.com.tr/Yasam/HaberDetay.aspx?aType=HaberDetay&Kategori=yasam&KategoriID=&ArticleID=1013322&Date=08.11.2008&b=Son%20Cellata%20sansur>.

Concluding remarks: On the (in)visibility of the unspeakable

The examples discussed in this article, while presenting delegitimizing or silencing efforts, also indicate that not all political expressions in the visual arts are seen as transgressive and met with censoring strategies at all times.⁵⁶ In the Turkish case, the limits of the tolerable are, generally speaking, reached when aesthetic (along with scholarly and political) approaches that counter official narratives are construed as threats to the country's "territorial integrity," which over the past three decades have been equated with terrorism. Yet, the cases also show that there are considerable contingencies in what is deemed a tolerable depiction: The domain of the unspeakable remains, and ultimately must do so, arbitrary; thus, it is only partially visible. A clear demarcation thereof would be incompatible with modern politics, as I mentioned at the beginning.⁵⁷

The insistence on modern politics is not only a question of self-perception, but in most of the discussed cases is also linked to anxieties about perceptions abroad. Attacks such as those against Altındere have often been couched in statements that "the likes of him" should not be sent abroad, as "they are tarnishing Turkey's image," an argumentative structure that also underlies the fall-out around the *Culturescapes Turkey* festival.⁵⁸ In Turkey, those upholding the sanctity of territorial boundaries also see themselves as defenders of Turkey's modernity, while in the eyes of its domestic opposition and the "international community" censorship mechanisms are proof of Turkey's deficient modernization and lack of democratic structures. These particular sensitivities do not come to mean that the state has a single, unified interest or position. After all, not all explicitly political artworks, including those discussed in this article, are met with the same reaction at all times. Yet, the way in which freedom of expression is delimited in Turkey, as in liberal democracies in general, allows for "citizens" and state institutions (including the police) to invoke state interests in order to limit free speech. Thus it is actually in the encounter of art and politics that the unspeakable itself is constituted and reconstituted.

56 *Free Kick* later travelled to Diyarbakır, without any incidents being reported.

57 For an interrogation of how concerns of modern-ness in politics and beyond have been formulated in Turkey, see Meltem Ahıska, "Occidentalism: The Historical Fantasy of the Modern," *South Atlantic Quarterly* 102, no. 2-3 (2003).

58 For further examples from the field of film that reveal sensitivities about Turkey's image abroad, see Ahmet Boyacıoğlu, "Yurtdışına çıkarılmaması koşuluyla gösterimine izin verilmiştir," in *Türk Sinemasında Sansür* (Ankara: Kitle Yayıncılık, 2000). Similar sensitivities and sensibilities on part of the Foreign Ministry came to the fore when eleven artists and three curators withdrew from the exhibition *Fokus Istanbul* in Berlin (see Karaca, "Claiming Modernity," 401ff.).

In a seemingly contradictory fashion, these instances also create a situation in which “everyone” seems to be able to make judgments on art; in which art moves from the specialized provenance of some (experts) to that of “everyone,” albeit in a restrictive and circumscribed fashion, exactly because they present interventions in politics. It is at this juncture that censorship in form of “cultural regulation”⁵⁹ can delimit which images are tolerated and which ones are allowed to be circulated without delimitation.

Judith Butler, Wendy Brown and Richard Post are among those who posit that censorship is not merely limiting, but also productive.⁶⁰ Censorship is constitutive in the sense in that it controls both access to expression and the form of expression.⁶¹ It thus emerges as a norm and even as the very condition for free expression working through an array of “techniques and tactics of domination.”⁶² While not restricted to the state as such, the cases discussed present examples in which state interests and official historiography are invoked in order to mobilize delegitimizing mechanisms. This does not necessarily mean, however, that these kinds of images do not have a life in the market or the gallery circuit in Turkey or abroad; indeed, a considerable number of artists have been able to make a name (and a living) for themselves through the currency of the explicitly political image.

As Butler notes, censorship leaves traces, not least because it reconfigures whatever it operates on. Such traces have been visible in the news coverage on *Free Kick* and the removal of selected works from *Allah Korkusu*, concomitantly marking different incarnations of self-censorship. Furthermore “[...] the mechanism of censorship is actively engaged in the production of subjects but it is also engaged in circumscribing the social parameters of speakable discourse.”⁶³ Viewed in this vein, we can

59 Butler, “Ruled Out”; Brown, “Freedom’s Silences”; Robert C. Post, ed. *Censorship and Silencing: Practices of Cultural Regulation* (Los Angeles: Getty Research Institute for the History of Art and the Humanities, 1998), 1-12.

60 An interesting facet of this productivity is taken up by Annabel Patterson in her *Censorship and Interpretation: The Conditions of Writing and Reading in Early Modern England* (Madison: University of Wisconsin Press, 1984). Patterson has argued that, since the birth of the novel took place under the conditions of preclearance, censorship regulations were formative for the use of metaphors, different literary genres, as well as emergent interpretative traditions. For a contemporary writer’s perspective on the subject, see, for example, John M. Coetzee, *Giving Offense: Essays on Censorship* (Chicago: University of Chicago Press, 1996).

61 Pierre Bourdieu, *Language and Symbolic Power* (Cambridge: Harvard University Press, 1991).

62 Post, ed. *Censorship and Silencing*, 4.

63 Butler, “Ruled Out,” 251. Yet, as Butler has maintained, foreclosure does not lead to the “exhaustive reduction” of agency; rather, “agency becomes possible on the condition of such a foreclosure” that “set[s] the scene for the agency of the subject” (ibid., 256). In her opinion, the questions then become which rules and “social forms” are alterable and which are not (ibid., 257).

say that censorship mechanisms produce and constitute a multiplicity of interconnected subjects: By producing the subject of the unspeakable, they not only produce the subject of art, but also constitute (or reconstitute) the state. Through both the enactment of tolerance and the assessment of intolerability, censorship produces certain kinds of hierarchical orders of this variety of subjects.

Interestingly, the manner in which silencing mechanisms work and are addressed in Turkey leads to a high visibility of censorship and, therefore, at times also to very visible responses. In comparison, in Germany where the impression abounds that expression is free, censorship has largely disappeared from the public discourse and takes on forms that are not as visible. Yet, as David Barnett has argued, Germany's federal arts funding structure is more susceptible to interventions by politicians than, for example, Great Britain's local arts council system.⁶⁴ Cultural departments in Germany generally award funding through artistic advisory committees. While the composition of the committees is public knowledge, the way in which committees are chosen is not. Much of the related silencing mechanisms thus remain obscured in Germany.⁶⁵ In contrast, in Turkey where government funding for the visual arts is very limited, possibilities for intervention in the production process are likewise restricted, leaving the post-release period during which silencing and delegitimization efforts are also rendered more visible as the main phase for possible intervention. As I have described elsewhere, İstanbul's municipal cultural departments are especially adept at claiming private initiatives for themselves and, having discovered the rentability of art, are increasingly open to supporting arts organizations, at least, logistically.⁶⁶ This has, however, also led to increased control over content, or at least attempts in that regard.⁶⁷ As much of the support for the arts

64 David Barnett, "The Simulation of a Reception. Or: Rainer Werner Fassbinder's *Der Müll, die Stadt und Tod* in Germany, Holland, and Israel," *Contemporary Theatre Review* 14, no. 2 (2004): 29-40, 34 n. 23.

65 In Fenner's view, non-funding is not necessarily censorship, but a statement about the government's assessment of what is culturally or socially important (Fenner, ed. *Ethics and the Arts: An Anthology*, 4). Similarly, Sanford Levinson sees funding preferences rather than suppression as the operative realm of silencing. See Sanford Levinson, "The Tutelary State: 'Censorship,' 'Silencing,' and the 'Practices of Cultural Regulation,'" in *Censorship and Silencing: Practices of Cultural Regulation*, ed. Robert C. Post (Los Angeles: Getty Research Institute for the History of Art and the Humanities, 1998), 195-219.

66 Banu Karaca, "The Politics of Urban Arts Events: A Comparison of İstanbul and Berlin," in *Orienteering İstanbul: Cultural Capital of Europe?*, eds. Deniz Göktürk, Levent Soysal, and İpek Türeli (New York: Routledge, 2010).

67 An area in which this type of control has been traditionally higher and which seems to become more of an issue are the municipal theaters. According to a dramaturge with whom I spoke, JDP officials are reading and marking up entire plays. However, I have not been able to corroborate these types of interventions, since they were relayed to me repeatedly as anecdotes after my main research period,

comes from privately funded cultural institutions, it is at this locus that censoring mechanisms are often hidden.⁶⁸

Throughout this article I have argued that explicitly political art poses a transgression in that it is seen as breaching the boundaries within which art is supposed to operate, one that poses a challenge and is at certain strategic points met with silencing efforts. These efforts—be they financial, political, or legal—are not necessarily complete, and yet consolidate and separate the operational realms of art and of politics in a seemingly contradictory move: While artists and other art world actors in their defense retreat to a formalistic understanding of art that sets it apart as an expression of a different order, it also allows for government authorities or those claiming to speak on behalf of the state and the public order to make statements about art, and hence impede on and delimit the perception of artistic images. Although Article 301 is often the most discussed instrument for curtailing freedom of expression, it presents just one, now weakened measure, which requires permission by the Ministry of Justice following the new regulation. While Article 301 seems to have outlived its function, leaving nonetheless a trail of intimidation, other articles of the Turkish criminal law punishing “separatist expressions,” for instance, remain active and are open for promiscuous use. Together with police interventions, financial and personal threats and the like, they present a repertoire for delegitimizing and discouraging certain kinds of expressions, or their public circulation. This is especially so when it comes to the visualization of divergent political realities of Turkey and, one could thus say, other kinds of “Turkishness” than those officially sanctioned.

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often attributed to a new confidence and expression of control following the re-election of the JDP majority in 2007.

68 Burt, *The Administration of Aesthetics*; Karaca, “Claiming Modernity,” 351ff.

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