Digital Citizenship from Below: Turkish State versus YouTube

by Murat Akser and Banu Baybars-Hawks

**Introduction**

YouTube.com was banned in Turkey by several court orders on March 6, 2007. Through a series of on and off court orders the ban was lifted and reinstated multiple times. The ban was lifted on October 30, 2010 and reinstated again on March 27, 2014, this time remaining in force until December 25, 2016. All in all, access to YouTube was denied to Turkish public for nearly seven years within a decade spanning between 2007-2016. During this time Turkish Telecommunications Board blocked all access on the internet to the *YouTube* site. Yet Turkish citizens found several innovative digital ways to bypass this ban. At the same time several citizens’ rights groups were formed that question the legal, ethical and political aspects of the ban. On the legal side, citizen rights groups took the ban to court to appeal this ban on the national level eventually overturning it through Turkish Constitutional court. At the international level scholars and common citizens alike expressed their concern for freedom of expression of citizens in a democratic polity. On the ethical side, Turkish citizens willfully and knowingly bypassed this ban and exercised their right for freedom of expression without feeling the guilt and remorse of an illegal activity thus displaying a quality required for establishment of an autonomous public sphere and civil society that fills this sphere. Politically, this counter reaction to government censorship policies is a result of EU freedom of speech process initiated by citizens rather than state elites. There are other types of internet bans still in place in Turkey such as Wikipedia ban which was imposed on 29 April 2017. This study aims to give a historically situated analysis of the situation as seen by Turkish internet users using content and discourse analysis of different Turkish online citizen activities during the first ban period between 2007-10. The content is used from online Turkish anonymous user platform, eksi sozluk, (sour dictionary) is used to test whether there is civil society response to the ban which both parties claimed to be testing the density and frequency of this response.

**Research Question**

The research question asked here is: What kinds of discourses do the Turkish online community use to react during the first YouTube ban? Another complementary question in this discourse analysis will be to see if the discourse produced can be interpreted as an active resistance/criticism against the *YouTube* ban by the Turkish citizens.

**Methodology**

The methodology is a discursive analysis of blog *eksi sozluk* (sour dictionary) and compare and contrast it with frequency of usage of certain key words used to criticize government officials and policies on this ban. The frequency of blog entries is also indexed with key events during the ban process to see if there is an increase in critical blogging activity during these periods. The period selected is covering the first ban between 2007-10 when the Ergenekon trials were continuing against Turkish political dissents (secular, Republican Kemalists) and it was before the rift between Gulenist and Erdogan's AKP in 2014, when the second YouTube ban is instated to partially react against political opponents of other kinds (Gulenists, Kurdish movement, leftist activists in general). There have been other scholars who looked at the second YouTube ban in Turkey rom a citizen consumer perspective using ethnographic (interview) methods. Yalkin, Kerrigan, and Vom Lehn (2014) argued that Turkish citizen consumers protested against their right to be part of the global online community during the second ban period. Our study uses a different methodology (content/discourse analysis), focusing on a different period of the ban (first period) where date from the same site. Our findings show that the Turkish internet users were concerned more on social and political issues at the time. Other studies like Altug, and Zıraman (2015) give more agency to true internet users through Gramscian form of Marxist analysis. Our study focuses on users who preferred to remain anonymous out of fear of government reprisal where the creation of discourses is cautious and balanced for legal fears of prosecution. These fears proved to be true as After Gezi Park protests of 2015, AKP government ordered the operators of eksi sozluk to release the true identities of its users and remove certain entries (Harris, 2015) found to be disturbing or face prison sentences, which the operators complied (Nefes, 2017).

**New Media and Freedom of Expression in Turkey**

*Basic restrictions on press freedom*

This is not the first attempt to repress new communication technologies in Turkey by the government. There is a long history of media repression by the government in Turkey from Ottoman times (Yalman, 1914) to the early years of the Turkish Republic (Akser and Baybars-Hawks, 2012), to aftermath of successive military coups between 1960-1980 (Ozgüden, 1973) and finally in post 2007 repression by AKP government intensifying after July 2016 coup attempt (Farmanfarmaian, Sonay, and Akser, 2018). There have always been activist citizen protests to counter the media repression by the Turkish government of the time. Historically these took shape in the media format of their day, ranging from samizdat journals in the 1970s to video activism in the 2000s (Akser and McCollum, 2018). A successful example of citizen activism against government repression of media is in 1992 when the first-generation private radios and televisions were banned and deemed unconstitutional by the government. In the following days citizen unrest hit the streets and there were crowds shouting: “I want my Radio” (Algan, 2003). The government yielded by changing the constitution to accommodate the legal broadcasting by private corporations. There has been a period of absolute freedom enjoyed by the media until the government created an FCC equivalent RTUK.

*After 2002 Restrictions on new media*

After 2002 elections the conservative AKP governments took a turn at media management. The reorganization of media ownership created a divided system of big conglomerate companies such as Doğan media who remained complacent for a while as Aydın Doğan’s companies were bidders got government contracts (Silverman, 2014). The rest of the media organized around government sided owners of former media barons companies distributed by the government after they seized the companies of businessmen who did not pay back creditors. After this reorganization and after a second majority win in 2007 RTE government turned repressive. RTUK fines increased in monetary terms and in volume against Aydin Dogan's companies and eventually he had to pay large fines and leave him media business to more government friendly businessman like Demiroren (Akser, 2018).

*Infamous YouTube Ban: A History*

In Turkey YouTube was a fan favorite as soon as it was launched in 2005. Although there have been strange videos such as high school students bizarre behavior put on the site there were mainly music, news clips, comments by users, trailers until 2007. In 2007 there emerged politically sensitive videos condemning the Turkish government. The release videos escalated to former comments by the president Abdullah Gül condemning the EU and Tayyip Erdoğan's promise of overthrow of the secular republic coincided with the mass protests against AKP organized by society for protection of modern life, a republican NGO critical of the government. Then an obscure Anatolian town court suddenly banned YouTube based on Greek university students attack videos on Atatürk. There have been appeals to remove the video from YouTube and the courts lifted the ban twice for a day until other courts banned the site once again. Between 2007-2010 millions of citizens in Turkey used the site through bypassing DNS and use of alternative sites like ktunnel, even PM Erdogan and President Gul expressed that they use vtunnel at the time ("Turkish president uses Twitter to condemn YouTube ban").

*The Ban- Legal, Ethical, Political Context of the ban*

Scholars of Turkish media commented on legal, ethical and political aspects of various internet bans in Turkey (Tunc 2013; Saka 2014; Yesil 2016). Based on these studies online anonymous responses from the public have three implications in terms of state and society relations. On the legal side, we have a regulatory framework shaped by politicians' needs that does not function and serve citizens’ needs. The communication law protects individuals’ rights to privacy and prevents personal attacks but the law that protects the ruling political elite is much more comprehensive in regulating everyday communication by the people. This broad generalization on protection of national interests embodied in the personas of political elite is used to justify for the banning of YouTube. The legal ban brought with the search for means of bypassing the ban. The DNS substitutes worked for more technologically savvy users whereas sites like vtunnel or ktunnel offer instant solutions. Even the Prime Minister Recep Tayyip Erdogan states that he used YouTube and asked citizens to act as well.

According to freedom house report in 2008 (Freedom House, 2009) YouTube was blocked by 11 separate court orders. Two groups, the All Internet Association (TID) and the Turkish Informatics Association TBD), have brought cases to the Council of State in an effort to annul all the secondary regulations drawn up on the basis of Law No. 5651 as unconstitutional. The TID has particularly faulted the TIB‘s authority to issue administrative blocking orders without judicial involvement.

In this regulatory framework the laws protecting the state and protecting citizens’ right to information clashed. At this point the NGS regarding internet communication in Turkey appealed the ban through Human Rights Tribunal in Europe. The court's decision would be binding as Turkey is a signatory to the agreement that established the court. Until the lifting of the ban in 2010, millions of YouTube users in Turkey were daily committing a crime. The *ethical* aspect of the ban enters as everyone is a criminal now because we all bypass the legal blocks. This attitude eroded citizen state relationship as the government acts to protect citizens’ interests but tats them as children who could not protect themselves from web propaganda.

On the *political* aspect as YouTube ban happened at a stage where citizens were uploading critical videos of the government now there cannot be political criticism on the web. The government had been trying to change laws to create a society better equipped to enter the EU. This move, the ban, was a counter reaction towards this EU process and perceived as an unkept promise for a better tomorrow.

When we look at Turkish government EU negotiation process the promises made on the chapter on freedom of expression was as follows. Explicitly the aim made to create a *Law on Control of Certain Crimes Committed in the Internet Media* which aims at “controlling certain crimes committed in the internet media on the basis of content, place and access providers.” Ironically the AKP government and promised for more expression through media but also used the means to prevent citizens from doing so. In an attempt to justify their position as valid, the government employees used the state's need for law and order perspective.

**The discourse of the debate: An analysis of two perspectives**

**a- The state and law Perspective**

The public prosecutor Kursat Kayral a judge Yusuf Ziya Arican were responsible for the ban. This is an extremely odd couple as Kayral's former cases involved conservative and ideological choices (Cases against LGBT groups, against left wing publications see Gusten, 2010). Arican is a fugitive from justice as of 2018 accused of manipulating justice as per orders from Gulenist organization ("Firari eski Yargıtay üyeleri her yerde aranıyor"). In a length television interview (23.06.2008 NTV interview) they presented their perspective as a necessary evil to protect citizens’ rights. The duo complained that they are also victims of the ban as there are nearly 100.000 sites against them on the web. Kayral complained that he wass not able to watch plane videos (his hobby) and judge Arican had problems with his daughter at home. The couple based their verdict on the current Internet law (Internet Yasasi) and protection of personal information law (Kisisel verilerin Korunmasi hakkindaki kanun) law no 5651. This law created a category called *internet crime* and listed nine of them: attack on Ataturk, on Turkish flag, on armed forces, on religion, suicide encouragement, pedophilia, drug use, prostitution, gambling, pornography. This law also used the phrase *prevent* the videos from viewing without clearly defining how and where to prevent. As it was the law not only it was applicable in Turkey but encompassed the whole world. The attorney used the word that it is their duty to *legally punish the criminal*. He also claimed YouTube could not be represented in Turkey as the corporation (as they did not want to be bound by any country’s laws) the court could not find a defendant. The court demanded YouTube to produce representation through a local law firm to deliver the names of individuals who uploaded the videos in question. YouTube refused on grounds that Turkey was not signatory to International Cyber Agreement and that as a corporation they had to protect personal information of individuals.

Two separate ideas are conveyed through this interview: state used the law aiming to punish and the company used the terms and concepts such as individual, rights, privacy, freedom of expression. The judge Arican claimed that there was no such thing as unlimited freedom. He went on to claim that China exercised censorship on the internet and had around 60.000 government employees who directly worked to prevent Chinese citizens from reaching websites on a daily basis. he complained that in Turkey for a court to prevent internet access there had to be a complaint filed for prosecutors to act on because

their mandate prevented them from actively searching for such illegal sites.
YouTube responded by blocking the content for IPs from Turkey and putting a note for Turkish users on the site citing the ban. The judge further claimed that reaching the banned sites even from aboard would constitute a crime against Turkey per TCK 12-13. The judge concluded by claiming that in the European integration, Turkey was at a crossroads where individual rights and freedoms conflicted with public security and state’s right-duty to protect it.

**b-The Public and Freedom of Expression – The Other Side**

In 2008 a consortium of internet and IT users and professionals took the YouTube ban to European Human Rights Tribunal. The consortium viewed YouTube as a platform for Turkish (and for all) people for free expression. Turkish internet users were unable to access a site the rest of the world could easily use. There was also bitterness as access to YouTube shifted from a right to a privilege. They also expressed the irony that the reason of the ban, Greek video attacks on Ataturk, were still available for the rest of the world to see. The ban did not make a difference for the rest of the world.

The Internet Technologies Association of Turkey based their claim on European convention of human rights articles 10 and article 6. The INETD president Mustafa Akgul complained that Turkish public is not pressuring the government enough. Lot of education opportunities disappear as educators and students cannot reach YouTube videos. ("Youtube yasağı' 1 yaşında! "30.11.2009 interview).

According to these groups a large number of internet users are affected by this ban. But who uses the internet in Turkey and how often? Internet penetration in Turkey annual increase around %10 percent between 2004-2010. It is mostly students and young professionals who use the web. Also housewives use the medium to see tv series episodes.

Internet Usage numbers in Turkey (2004-2009)

Population PC Laptop Cell Phones

65 M - 70 M 6.5M 21 M 0.7M 8 M 35M 60 M

|  |  |  |
| --- | --- | --- |
|  | Computer User (%) | Internet Use (%) **2004** |
|  | Total | Male | Female | Total | Male | Female |
| Age group |   |  |   |  |  |  |
|  **16 - 24** | 32.8 | 44.4 | 21.1 | 27.1 | 38.3 | 15.9 |
|  **25 - 34** | 18.8 | 26.4 | 13.1 | 15.7 | 21.5 | 9.9 |
|  **35 - 44** | 13.2 | 19.2 | 7.1 | 8.9 | 13.9 | 4.9 |
|  **45 - 54** | 7.8 | 12.9 | 2.8 | 5.5 | 9.3 | 1.7 |
|  **55 - 64** | 2.4 | 4.0 | 0.7 | 1.65 | 2.7 | 0.6 |
|  **65 - 74** | 0.45 | 0.8 | 0.1 | 0.5 | 0.9 | 0.1 |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |   |  | **2009** |
|  | Computer Use (%) | Internet Use (%) |
|  | Total | Male | Female | Total | Male | Female |
| Age group |   |  |  |  |  |  |
|  **16 - 24** | 62.2 | 76.4 | 49.1 | 59.4 | 74.1 | 46.0 |
|  **25 - 34** | 46.6 | 58.6 | 34.5 | 45.1 | 57.2 | 32.9 |
|  **35 - 44** | 31.8 | 42.1 | 21.3 | 30.2 | 40.3 | 19.9 |
|  **45 - 54** | 20.2 | 28.9 | 11.6 | 18.6 | 26.7 | 10.5 |
|  **55 - 64** | 6.7 | 10.6 | 3.1 | 6.2 | 9.5 | 3.1 |
|  **65 - 74** | 2.2 | 3.2 | 1.4 | 2.0 | 3.1 | 1.2 |

Between 2004-2009 the number of users of internet increase %100. The age group most actively using the internet was 16-34. This generation was born and raised in post-1980 military coup anti-political conformist social climate. In terms of YouTube usage numbers sports videos or movie trailers reached millions whereas attack videos on Ataturk only reach 1000 people. These figures reflected how YouTube ban punished to the innocent majorities for crime committed by a marginal audience of around a 1000 hits only.

**Findings:**

**a- Frequency of critical blog entries increase in times of events critical of government’s YouTube ban** (Google blog search)

During the ban between March 6, 2007 until April 24, 2010 there have been 40,074 entries on the ban that could be reached through google blog scan. Weekly average entries range between 20-40 blogs. In time of critical events the number of critical blogs increases 20-30 times reaching more than 1000 that week. The list below reveals the increase of entries during the week of the critical events.

For example, each time a major turning event happened such as a court appeal or an international article condemning the ban circulated, the users' group and wrote comments in mass numbers. For example, when European Human Rights Court Appeal was launched by Turkish users on 30 November 2009 there were 1867 unique responses on eksi sozluk. Similarly, when Wall Street Journal article on the ban was published on 16 Feb 2010, a further 2048 comments were made. A media sector magazine, *Mediacat Journal*, announced anti-ban poster competition results as an April Fool's Day joke on April 1, 2010, there were further 1208 entries on the ban.

The first 900 Eksi sozluk entries showed the intensification of comments on the ban by bloggers on certain dates that either gave hope for the lifting of the ban or gave a reason to vent off anger against the ban because another court order reinstated the ban. For example When we look at the first five days of the ban between May 6-10, the first day has 100 entries and second ay 200 entries, day 3 around 7 and fourth and fifth day, the entries are in the tens. Between May 11, 2007 to January 17, 2008 there are only 22 entries for a period of 7 months. The Sivas 2nd Criminal Court of Peace reissued on January 16, 2008 and there was a briefly explosion of comments criticizing the ban but not as fervent as the previous outburst of public anger online.

1-107 May 6, 2007 422-444 May 11, 2007 – Jan. 17, 2008

108-327 May 7, 2007 445-475 January 18, 2008

328-399 May 8, 2007 476-559 January 19, 2008

400-414 May 9, 2007 560-601 January 20, 2008

415-421 May 10, 2007 602-634 January 21, 2008

 603-695 January 22, 2008

 696-733 January 23, 2008

 734-772 31 January 2008 – 13 March 2008

 773-788 March 13-14-15, 2008

 804-811 May 6, 2008

**b- The response to the ban is either based on condemning it or offering ways around the ban; but not calling for united action**. Based onblogcu.com search, the entries showed that there were two types of responses to the ban either condemning it or offering ways around it.The reasons for condemning can be the users' inability to go watch nostalgic videos (He-Man, trailers of 70s films), benefit from education videos (pregnancy, kung-fu, cancer) or to reach entertainment (music video channel, sports).

Whereas the comments offering ways around the ban concentrated on alternative sites use them (Metacafe, Justin TV), ways to change DNS settings. There have also been extremely critical minority responses that described China as a freer country ("not even China does this harsh a ban'). Other bloggers commented that such bans were against basic freedoms, and called the ban illegal. There were a few comments that called bloggers to rise against government. In opposition to extremist calls complacent responses included that the ban "was a good thing", that "even China does it so it must be good"

**c- Anonymity of the user increases the level of criticism and participation**

*Eksi sozluk* users had most innovative and critical voice since day 1 of the ban. When it came to criticizing the Turkish government on YouTube ban issue they were able to expresses all kinds of extremist view or sometimes views that were in favor.

**d- Both the government authorities and NGOs expect individual action but demand organized corporate action**

In the lengthy interviews conducted with both the prosecutor-judges who imposed the ban and those NGO chairmen who filed a claim at European Human Rights courts demanded that Turkish internet users raise their voices. Yet in conflicting statements sees in eksi sozluk comments under the YouTube ban entry, the bloggers claimed that they needed organized third parties, *other than themselves*, (such as a united Internet Users Platform) to take legal action against the ban.

**Conclusion**

In terms of citizenship and democracy and YouTube ban in Turkey between 2007-10 showed that the political elites of the time created a legal regulatory framework that treated citizens as children trying to prevent them from harming themselves. This aspect is voiced through the public comments of prosecutors and judges. Even then there was also legal confusion as two different courts could issue conflicting orders one lifting ban and another reinstating it the same day. Turkish citizens had to openly commit crime by reaching the internet whereas government officials such as PM Erdogan and the President Gul who had the means to change the law instead encouraged citizens to break it. Findings of the analysis from *eksi sozluk* YouTube ban entries could be summarized this way: The response to YouTube ban that come from Turkish internet users (from below) was critical in times of global events effecting the usage of internet and was not silenced between these events. As long as they remained anonymous (not organized action) Turkish bloggers utilized their rights for online expression. This indicates a shift in attitude people now value and fight for their rights. Turkish bloggers could use internet forums such as eksi sozluk as it was new type of media not like older media where finance technology and infrastructure are owned and controlled by an elite group (conglamorates like Dogan). It was but a more democratic and interactive and participatory type of media.

Turkish NGOs on the other hand preferred to use older media such as print and television to champion their cause (Akgul and Kirlidog, 2015). This group was consisting of trained professionals over age 34 who make a living off the internet (mostly software engineers). On the opposite end of the political scale the government officials who used legal means to ban YouTube also used older media to fight back criticism done through blogs by anonymous citizens (television interviews). In different interviews, both government officials and NGOs asked these bloggers to come out and pressure the government through classical political means (petitions, demonstrations etc.). Ironically, both the IT users NGOs and government officials demanded that these bloggers who were critical of the ban should view themselves entitled to certain rights and fight for it. By remaining anonymous the bloggers who criticized YouTube ban between 2007-10 were able to walk the fine line of participating in a pluralist democratic discussion online while remaining anonymous to avoid prosecution.

**Bibliography:**

Akin, Altug, and Doğan Emrah Zıraman. "Power struggle in/around the Turkish online realm and three forms of opposition: Redhack, Alternative IS Association and personal resistances against YouTube ban." *Global Media Journal: Mediterranean Edition* 10, no. 1 (2015).

Akgul, Mustafa, and Melih Kirlidog. "Internet censorship in Turkey." *Internet Policy Review* 4, no. 2 (2015): 1-22.

Akser, Murat. "News Media Consolidation and Censorship in Turkey: From Liberal Ideals to Corporatist Realities." *Mediterranean Quarterly* 29, no. 3 (2018): 78-97.

Akser, Murat, and Banu Baybars-Hawks. "Media and democracy in Turkey: Toward a model of neoliberal media autocracy." *Middle East Journal of Culture and Communication* 5, no. 3 (2012): 302-321.

Akser, Murat and Victoria McCollum eds. *Alternative Media in Contemporary Turkey:*

*Sustainability, Activism, and Resistance*. Rowman and Littlefield, 2018.

Algan, Ece. "Privatization of radio and media hegemony in Turkey." in Lee Artz, and Yahya R. Kamalipour, eds. *Globalization of Corporate Media Hegemony, The: Evaluating California's Imprisonment Crisis*. SUNY Press (2003): 169-92.

"Firari eski Yargıtay üyeleri her yerde aranıyor (Fugitive members of High Court are Hunted)" Sabah 18 December 2017. Accessed at: https://www.sabah.com.tr/gundem/2017/12/18/firari-eski-yargitay-uyeleri-her-yerde-araniyor

Freedom House Report – Special Report on Internet use in Turkey 2009

Farmanfarmaian, Roxane, Ali Sonay, and Murat Akser. "The Turkish media structure in judicial and political context: an illustration of values and status negotiation." *Middle East Critique* 27, no. 2 (2018): 111-125.

# "YouTube banned in Turkey after video insults: Times Online March 7, 2007.

<http://www.timesonline.co.uk/tol/news/world/europe/article1483840.ece>

BBC News Europe March 7, 2007. Turkish court bans YouTube access

<http://news.bbc.co.uk/2/hi/6427355.stm>

<http://www.pbs.org/mediashift/2010/03/turkish-reporters-unite-to-protest-youtube-ban068.html>

Gusten, Susanne. "Turkey Plans to Lift Bans on Hundreds of Publications" *The New York Times*. 12 December 2010. Accessed at: https://www.nytimes.com/2012/12/13/world/middleeast/turkey-plans-to-lift-bans-on-hundreds-of-publications.html

Harris, Sarah K. "Networked erasure: Visualizing information censorship in Turkey." *Convergence* 21, no. 2 (2015): 257-278.

Nefes, Türkay Salim. "The impacts of the Turkish government’s conspiratorial framing of the Gezi Park protests." *Social Movement Studies* 16, no. 5 (2017): 610-622.

Özcan, Esra A. "Turkey: Media System." *The International Encyclopedia of Communication* (2008).

Ozgüden, Dogan. "The press under martial law." *Index on Censorship* 2, no. 1 (1973): 4-10.

Saka, Erkan. "The AK Party’s social media strategy: Controlling the uncontrollable." *Turkish Review* 4, no. 4 (2014): 418-423.

Silverman, Reuben. "Dogan versus Erdogan: Business and politics in AKP-era Turkey." *Mediterranean Quarterly* 25, no. 2 (2014): 131-151.

Tunç, Asli. "Freedom of expression debates in Turkey: Acute problems and new hopes." *International Journal of Media & Cultural Politics* 9, no. 2 (2013): 153-163.

"Turkish president uses Twitter to condemn YouTube ban" Guardian 11 June 2010. Accessed at: https://www.theguardian.com/world/2010/jun/11/abdullah-gul-twitter-turkey-youtube-ban

Yesil, Bilge. "State Policy toward Online Communications and the Internet Regulatory Regime in Turkey." In *Locating emerging media*, pp. 44-58. Routledge, 2016.

Yalman, Ahmet Emin. The development of modern Turkey as measured by its press. Vol. 59, no. 1. Columbia University, 1914.