Disciplining Speech, Violating Rights: Recurrent and Shifting Patterns in the Context of Turkey

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Abstract

The article proposes a historical account of the evolution of struggles and debates surrounding freedom of speech in the context of Turkey. The main argument is that violations of freedom of speech cannot be assessed in a manner isolated from the comprehensive remakings of politics, economy and society in the country that configure and reconfigure the contours of '(un)acceptability' and '(un)desirability' of speech in historically specific ways. Therefore, the article challenges mainstream approaches that treat freedom of speech within the allegedly autonomous, abstract and individualised domain of intellect divorced from its material context and situates it within the deep-seated societal transformations that both influence and are influenced by continuously contested governing strategies. After outlining key terms of the debate, the second section provides a historical overview of the evolution of controversies in this field before Justice and Development Party or Adalet ve Kalkinma Partisi (AKP) rule. The final section focuses on the specific evolution of the AKP-era governing strategy in its continuities and ruptures from the historically prevalent freedom of speech issues in three domains: labour rights, cultural and political rights, and gender and sexuality.

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Over the past decade, Turkey has featured prominently in international media and public debate as the epitome of an authoritarian turn in global politics marked by the allegedly unexpected discursive and policy shifts of the ruling Justice and Development Party or Adalet ve Kalkinma Partisi (AKP). The consequences of these developments on the lives and rights of marginalised, dissident groups and communities have been drastic. Turkey currently ranks 153 out of 180 countries in the World Freedom of Press Index (Reporters without Borders, 2021) and retains its 'not free' designation in the Global Freedom and Internet Freedom Index (Freedom House, 2021). Deepening attacks on university communities and academic freedom since the mid-2010s have been the subject of several scholarly analyses (see for example, Aktas et al., 2019; Sertdemir Ozdemir, 2020; Scholars at Risk, 2020). In terms of gender-based violence, 38% of women aged 15-59 experience lifetime physical and/or sexual intimate partner violence in Turkey according to 2015 data (UN Women, n.d.) while the We Will End Femicide Platform (WWEFP) reports that 300 femicides were committed in 2020 alone (WWEFP, 2020).ⁱ According to Transgender Europe data, 43 trans people were murdered between 2008 and 2013 (Schick, n.d.; Demiryakan and Ensari, 2017). Against this background of sustained violence the Turkish government announced in March 2021 that it withdrew from the Istanbul Convention on preventing and combating domestic violence and violence against women through a presidential decree.

At first sight, this evolving trend represents a textbook case of authoritarianism in a country where the democratic tradition and rule of law are deemed to have never found solid ground to flourish. While this reading has been largely adopted by the mainstream commentators; a deeper investigation allows us to uncover the ways in which the neoliberal restructuring of the state and social relations have been married with the repressive, conservative outlook of AKP's discourse and policies in a mutually reinforcing fashion (see Bozkurt, 2013; Erol, 2016; Donmez, 2018; Tansel, 2018). In such a context, it is not possible to assess violations of freedom of speech (FoS) in a manner isolated from these comprehensive remakings of politics, economy and society in Turkey. Therefore, this article adopts a holistic perspective to situate the controversies surrounding FoS within the deep-seated societal transformations that have been shaped by these continuously contested governing strategies. The next section briefly introduces the key contours of mainstream approaches to FoS, highlights their absences and delineates the value of focusing on the case of FoS violations in Turkey from a critical perspective. The subsequent section provides a historical overview of the evolution of FoS controversies before 2002 when AKP came to power. The final section focuses on the specific evolution of the AKP era governing strategy in its continuities and ruptures from the historically prevalent FoS issues in three areas: labour rights, cultural and political rights (specifically of Kurds and Armenians), and women's and LGBTQI rights.

What is at stake in freedom of speech debates? Mainstream approaches, critical interventions

The mainstream literature on FoS often constructs the domain of expression and speech as autonomous and demarcated from the broader social relations and their reproduction (the liberal paradigm) and/or in the context of an alleged 'marketplace of ideas' (the neoliberal paradigm) (Schlag, 1983; Josselin and Marciano, 2002). In classical liberal theory, this autonomous domain is conceptualised in relation to the exercise of rights and liberties attributed to an abstract individual ideal (Schlag, 1983: pp. 686-687) irrespective of their consequences or the rights of others (Josselin and Marciano, 2002: p. 324). Here the right to freedom of expression emanates from individually defined property rights signifying ownership of one's thinking and communication faculties. For scholars that adopt consequentialist perspectives, this framing brings further important considerations on contested issues such as hate speech, and the circumstances under which freedom of speech could be limited or curtailed. From an economic liberal point of view, the 'marketplace' metaphor draws on the allegedly innate efficiency of the market, where ideas are traded as commodities, in distributing, advancing knowledge, and attaining truth by delineating good ideas from bad ones through

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competition (Schlag, 1983: pp. 726-730; Josselin and Marciano, 2002: p. 325, pp. 327-328).

There is a tendency within the economic and political strands of the liberal paradigm to invisibilise several modes of violence perpetrated in extrapolitical, extra-legal domains and their classed, gendered, and ethnicised character. These perspectives frequently downplay or dismiss the intrinsic power dimension and resulting social hierarchies that characterise contemporary society. In other words, they treat FoS within the allegedly autonomous, abstract, and individualised domain of intellect separated from the body, embodiment processes and diverse struggles waged over these processes.

In the context of rapid authoritarianism and rampant insurgence of rightwing politics and ideologies across the globe, debates on and weaponisation of free speech have gained new momentum. A key controversy revolves around the so-called 'culture wars' and the 'cancel culture' often invoked by far-right figures which, Whitham (2020: pp. 228-230) argues, also finds common ground with liberals and conservatives. The focus here is on the virtues (or lack thereof) of 'open, reasoned debate' in effectively challenging far-right politics and neo-fascist ideas. However, we can simultaneously observe the visible amalgamation of such reactionary ideas with state power and its authoritarian use intimately in several political contexts. Ironically, mainstream analyses of such cases of amalgamation often highlight the alleged absence or underdevelopment of a liberal democratic political culture or, inversely, presence of 'peculiar' social and cultural elements as the underlying source of their divergence from the liberal norm. This account of rising repression as deviation from the liberal norm is indeed a key outcome of the reification and separation of the political from the violence of social and economic expropriation and exploitation highlighted above. In contrast, other critical scholars have approached the issue by acknowledging and challenging the exclusions

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and biases of mainstream approaches without abandoning the value and centrality of the notion of *rights* and freedoms in their analyses (Assiter, 2016; 2021).

It is against such a background that this article highlights the necessity of a critical assessment of freedom of speech within a framework of rights and struggles in the context of violent processes of state formation, expropriation and capitalist social relations. From such a perspective, FoS is not assessed in an ahistorical fashion, but as a marker of power relations and struggles against these relations in a given historical and political context (Miliband, 2013). The case of Turkey provides useful insights to make sense of the coexistence of FoS violations and related individual and collective rights violations in relation to two core dynamics:

- the reproduction of capitalist social relations historically,
- their current mediation through what Cindoglu and Unal (2017: pp. 43-44) call a neoliberal conservative 'patchwork' of ideologies and accompanying gender politics under AKP.

Controversies and struggles over freedom of speech in the context of Turkey

FoS debates in contemporary Turkey have often coalesced with loaded processes and conceptions of democratisation, modernisation and Westernisation since the formation of the republic in 1923. The desire among the republican state managers to constitute a rupture from the Ottoman past in policy and discursive terms (Ergin, 2017) often reproduced (self-)orientalising tropes in the explanation and justification of the 'deficits' in upholding the rule of law, freedom of expression and democracy in the country (Bora, 2003). Thus, as noted by scholars, the core focus of several analyses on FoS remains on state censorship and legislative obstacles (Christensen, 2010: p. 178; Tunc, 2013: pp. 153, 161). A related contributing factor on this front is the widespread adoption of a perspective that codes the regime in Turkey with a 'strong state tradition' that ultimately designates the recurrent waves of authoritarianism as exceptional and deviant from an alleged Western/European archetype (Keyman and Icduygu, 2003: p. 223; cf. Dinler, 2007).

Through this lens, the panacea has often been found in legal and legislative reform that aspires to exert checks and balances on the state apparatus while expanding the sphere of civil society, rights and freedoms. A recent well-known example of such a reform process could be found during the 1999-2005 EU accession and harmonisation process. Often, the linkages between disciplining 'undesirable' and 'unacceptable' forms of speech and dynamics of capitalist social relations, class and state formation, and their gendered and ethnic dimensions are not fully accounted for (see Altunok, 2016; Kandiyoti, 2016).

In contrast, a historicised approach towards FoS issues and struggles enables us to position these dynamics within their broader, evolving context while simultaneously delineating the specificity of the FoS controversies during the AKP era (Cindoglu and Unal, 2017: p. 51).

A historical overview

When conceived in connection to state formation and capital accumulation dynamics that are organically coupled with processes of dispossession and exploitation, it is essential that the history of the FoS related struggles is not dissociated from the late Ottoman era. State formation was intrinsically connected to the proliferation of nationalist movements that emerged in the late 19th and early 20th centuries and marked the dissolution of the multi-ethnic and multi-religious Ottoman Empire. Built on the systematic violence and expropriation of non-Muslim minorities – particularly the Armenian, Greek and Jewish populations – and the suppression of Kurdish revolts and claims for autonomy, the new republic imposed a singular, immutable ethnic and religious identity within its territory while formally adopting laicism in its constitution by 1937 (Sirin, 2014: pp. 62-63; Ergin, 2017: pp. 34-36; pp. 218-219; Kandiyoti, 2020; Okcuoglu, 2021). It is therefore not surprising that expression and speech regarding the rights and freedoms of populations that are deemed 'undesirable' by the establishment have been subjected to systematic repression since the inception of the republic (Sertdemir Ozdemir, 2020: p. 10).

Following an authoritarian single party rule coupled with protectionist, statist economic policies until the end of the Second World War, the shift to a multiparty regime from 1946 onwards constituted a brief period of economic and political liberalisation. Shortly afterwards, socialist and communist ideas returned to the list of unacceptable speech while the ruling Democrat Party reinstated authoritarian rule and the role and visibility of religion in social and political life – for example, opening religious vocational schools, returning to the call for prayer in mosques to be delivered in Arabic, along with criminalisation of oppositional press, broadcasting, and journalists. (Alemdar, 2013: p. 570).ⁱⁱ The politicisation of the labour movement and insurgence of left-wing ideas had already been looked upon with suspicion since the early years of the republic. Socialist and communist ideas and movements were repressed in court and on the street continuously in the republican period except during short intervals.ⁱⁱⁱ

There were organic linkages between state formation processes from the late Ottoman to the early republican era and FoS violations of historically oppressed and dispossessed peoples, alongside the repression of the very ideas that centre and elevate their visibility and rights struggles. On the other hand, a similar connection existed between deepening capital accumulation and labour exploitation processes since the early Republican era and FoS violations surrounding ideas that advance labour struggles and promote workers' rights, leading to the radical reorganisation of social relations in key crisis junctures. We observe the culmination of these dynamics in the 1980 military intervention, the third within the course of only twenty years,^{iv} which exacted the violent and bloody suppression of the radical left and labour movements to pave the way for a neoliberal transformation of society, economy and politics during the 1980s.

A core component of this post-1980 restructuring agenda was the 'Turkish-Islamic synthesis' that rehabilitated and reintegrated religion into a renewed anti-labour and anti-communist governing strategy and a conservative ideology (Alemdar, 2013: p. 573; Sirin, 2014: p. 64). While it constituted a response to the accumulation and legitimation crisis of the 1970s, the roots of AKP's repressive yet neoliberal regime should be grounded on these transformations. A renewed constitution in 1982 translated the 'Turkish-Islamic synthesis' into concrete policies and legislation that curtailed economic and political rights, banned elections, political parties and unions while introducing mandatory religion classes at primary school level and strengthening the role of Diyanet (Directorate of Religious Affairs). Under conditions of military-led political repression, a comprehensive restructuring of economy along neoliberal lines introduced novel capital accumulation and class formation dynamics throughout the 1980s and 1990s, which increased the internationalisation of diverse capital groups and their overall social and economic power (Hosgor, 2011).

As noted earlier, state-religion relationship has historically retained an amorphous character in Turkey due to the initial entrenchment of laicist provisions within the legal framework without relinquishing total control over religion. According to Sirin (2014: pp. 66, 80), laicism in Turkey builds on the Francophone tradition and is 'based on the synthesis of nationalism and Islamism under official control'. Tracing the initial adoption of the secular civil and penal codes during the mid-19th century Ottoman legal and constitutional transformations, which were driven by Westernisation efforts within the empire, Sirin (2014: pp. 61-63) adds that the adoption of the 1924 constitution and an amendment in 1928 further removed several Islamic references in the legal system. However, this legal transformation paradoxically accompanied the centralised governmental control of the religious discourse and doctrine through establishing Diyanet, and its legitimisation in the 1961 and 1982 constitutions to contain Islamist radicalisation (Sirin, 2014: p. 75).^v This uneasy, yet pragmatic, statereligion relationship has enabled the mobilisation and instrumentalisation of Islamic conservative forces and narratives against perceived threats and 'enemies' of the state (communists, workers, Kurdish movement, women, LGBTQI and feminist movement, the non-Muslim and non-religious communities) in specific crisis periods during much of the Cold War and post-Cold War era (Sirin, 2014: pp. 64-66; for a detailed historical assessment of FoS violations, see Alemdar, 2014: pp. 569-576; in the context of recent academic purges, Sertdemir Ozdemir, 2020: pp. 7-11).

The 1990s manifested the contradictions of the strategy of entrenching religion to block the leftist and progressive political ideas within the crisisridden turmoil of the post-Cold War neoliberal global and domestic political economy (for a detailed analysis with respect to diverse nationalisms and nationalist discourses, see Bora, 2003). On the one hand, the visible rise of fundamentalist ideas and movements demonstrated the excesses and limits of the Turkish-Islamic synthesis for the state, which ultimately prompted a reaction from the military ranks in 1997.^{vi} The outcome of this process was the 28 February Resolutions, which aimed to discipline the activities of several religious associations, capital groups as well as citizens, prohibited the activities of the ruling coalition partner Welfare Party and its key figures – then-Prime Minister Necmettin Erbakan and the Istanbul mayor Recep Tayyip Erdogan. While these measures affected military-enforced FoS violations once again, the clash between the parties of the alleged 'secular-religious divide' did not yield a drastic transformation of the Turkish-Islamic synthesis within the post-1980

governing practices. A few years later, a reformed self-proclaimed 'conservative democratic' Justice and Development Party (AKP) subscribing to IMF's economic policy prescriptions and EU's political reform agenda accomplished a landslide electoral victory to become the sole governing party. This development was testament to the acceptability of the rehabilitated incorporation of religion as a constitutive element of the governing strategy (Cavdar, 2006: pp. 479-80).

On the other hand, the state perceived the Kurdistan Workers' Party (PKK) and its armed struggle since the mid-1980s to be a systemic threat given the violent historical processes of state formation, accumulation and dispossession of the late Ottoman and republican era as noted earlier (Gundogan, 2011; Gunes, 2012: pp. 2-3; Gambetti and Jongerden, 2015: pp. 3-4; Yadirgi, 2017; Zeydanlioglu, 2009; Bilgen, 2017; Caglayan, 2020; Okcuoglu, 2021). The state response was to fully mobilise its repressive and judicial arms. Several articles of the Penal Code (Articles 159, 312) and the Anti-Terror Law (Articles 7, 8) were mobilised to suppress freedom of expression and media reporting on the issue (Tunc, 2013: p. 155). The disproportionate share of violence and oppression not only against the ideas but also, materially, the bodies and lives of workers, civilians, women, activists, politicians, journalists and intellectuals, was reserved for the Kurdish political movement (Caglayan, 2020: pp. 59-60, 66). The four decade-long conflict has caused the evacuation of 4000 villages and the displacement of more than three million people. The trajectory of the Kurdish political strategy gradually evolved towards democratic autonomy and self-government while the presence of the pro-Kurdish political parties within parliament and the social and political domain increased during the 1990s, notwithstanding incessant state repression, clampdowns on political parties and absence of a lasting resolution to the conflict by the end of the decade (Okcuoglu, 2021).

Having argued that the official narratives of the 'religious-secular divide' do not capture the complexity with which religion, nationalism, state formation and capitalist social relations were entangled and mobilised by those on both sides in key historical nodes, we could detect a similar shortcoming in these binary accounts with respect to the evolution of gender relations and regimes (Kandiyoti, 2016; 2020; Cagatay, 2018; Mutluer, 2019). The regulation of women's bodies, appearance and sexuality, presence and participation in diverse facets of public life have been a key element of the controversies surrounding secularism, Westernisation, freedom of expression and democracy since the establishment of the republic (Saktanber and Corbacioglu, 2008: p. 519; Caglayan, 2020: pp. 61-62). The nationalist, civilisational rhetoric and ideology of the early republican era paved the way to what scholars have termed 'state feminism', which configured the republican woman's body as the 'symbol of the nation' endowed with essentialised characteristics of 'sacrifice' and 'caring' – hence 'modern but asexual' (Mutluer, 2019: pp. 102-103, p. 113). Women who were positioned outside these norms were sidelined and excluded from the republican civilisational project (Kandiyoti, 1987 cited in Dedeoglu, 2012: p. 274).^{vii} As the 'embodiment and main marker' of the alleged secular-Islamist divide throughout the country's history, sexuality and gender were continuously integrated into the hegemonic discourses and governing strategies of the 2000s and served a moralising, disciplinary purpose (Altunok, 2016). Building on the historical overview in this section, the following section explores the latest manifestations of these dynamics along the axis of the articulation of religion into the governing and gender regimes and accompanying FoS violations under AKP rule.

Freedom of speech and rights violations under AKP rule

AKP came to power in a socio-economic context ravaged by the double economic crises of 2000 and 2001 and the unresolved political conflicts outlined above with dire consequences for freedom of speech (Alemdar, 2014: p. 577). Being the governing party for the duration of nearly two decades, much has been written and debated about the periodisation of its evolving character. The AKP era is often divided into two distinct subperiods, with each representing a demarcated 'liberal democratic' (2002 to late 2000s) and 'authoritarian' (late 2000s to the present) character.^{viii} While there is certainly a visible repressive trend since the late 2000s onwards, this should not stop us from acknowledging continuities with the pre-AKP period as discussed above, the continual presence of FoS issues during AKP's 'liberal' era, and the presence of grassroots struggles that the AKP has continuously reoriented its governing strategies against.

Under AKP rule, FoS controversies have remained intimately connected to disciplining patterns taken towards labour, women and marginalised ethnic groups while reconfiguring the 'religious-secular divide' into the hegemonic discourses and legitimation strategies in historically specific ways (Altunok, 2016; Kandiyoti, 2016; Cindoglu and Unal, 2017). Overt violence and coercion often accompanied these processes. These dynamics are illustrated with reference to three domains in the rest of this article:

- Labour rights and freedom of association, which have been suppressed by the post-2001 restructuring agenda and its strategy of *depoliticising* key economic policy areas;
- Cultural and political rights during AKP's 'liberal' and 'authoritarian' periods;
- Women's and LGBTQI rights, which became evident as part of AKP's repositioning that have brought the active use of religion and moralising appeals to conservative familial values as a disciplining mechanism (Altunok, 2016: p. 11; Mutluer, 2019: p. 107).^{ix}

The EU reform process and the IMF stabilisation programme had already commenced, in 1999 and 2001 respectively, under the last coalition government of the unstable 1990s. The newly reformed AKP, having

separated itself from the Islamist legacy of the Welfare Party discursively, subscribed to this economic and political project rapidly, achieved electoral victory in 2002 and formed a government on its own. The postcrisis restructuring agenda, in continuity with the post-1980 economic policies, included a series of reforms in economic management that aimed to place the political character of key decision-making mechanisms at arm's length control – thus shaping the accumulation dynamics of the 2000s (Yeldan and Unuvar, 2015: p. 2). At the outset, the intention was to dissociate politicians from influencing economic policymaking for selfish electoral goals. In fact, this inherently political strategy provided the opening of favourable manoeuvring space for the government to accrue credibility for successful economic policies, avoid political responsibility for failed outcomes, and politicise other issue areas (Donmez, 2018; Kutun, 2020). Bozkurt (2013), Akcay (2018), and Tansel (2018) offer in-depth analyses that aim to capture the contradictory character of this governing period through the conceptualisations of 'neoliberal populism' and 'authoritarian neoliberalism'.

Labour has been disciplined strongly by these disinflation-focused technocratic policies. The wage claims of working classes were contained, and unemployment and exploitation worsened by deepening new modes of control by capital over labour through informalisation and precarisation in line with the finance-led, debt-ridden accumulation strategy (Yeldan and Unuvar, 2015). The distancing strategy outlined above, along with highly restrictive trade union laws as part of the systematic suppression of labour since the 1980s, plus the apparent separation of the actors and institutions of the economic (IMF-WB) and political (EU) areas of restructuring contributed to the invisibility of labour issues in the debates on FoS and rights violations. Voicing opposition to workplace practices, unionisation and union revitalisation efforts have met with employer-led and state repression (Ozkiziltan, 2019: pp. 11, 13-15). There have been several manifestations of policing and impermissibility of speech and action related to labour rights in AKP's Turkey: TEKEL tobacco workers' occupation of a central public square in Ankara (2009-10), Kazova textile workers' factory occupation (2013), the exposure of unsafe working conditions following the Soma mine massacre (2014), metal workers' strikes (2015), government decree-imposed mass dismissals of workers and trade unionists from the state institutions and the public sector during the post-2016 purges, Istanbul airport construction workers' and Flormar workers' protests (2018), and numerous other worker organisation/unionisation initiatives from below (for a detailed analysis see for example Bozkurt-Gungen, 2018; Ozkiziltan, 2019).

Secondly, during 1999 and 2005, a comprehensive political and legal reform agenda *en route* to EU accession yielded several changes in the repressive articles of the Criminal Code and Anti-Terror Law to align the national legal framework on freedom of expression with the EU. However, a closer look into their implementation has revealed to many scholars that these legal changes have not translated into sustained, consistent action on freedom of speech and media. According to Alemdar (2014: pp. 577, 579-80), the presence and persistent use of contradictory articles in different parts of the legal framework by prosecutors blocked the effective implementation of legal changes with respect to the issue of the political and cultural rights, especially of Kurds and Armenians.

An extreme manifestation of these dynamics was the criminalisation of the views of Hrant Dink, a journalist of Armenian origin from Turkey, initially through a lawsuit filed by a private citizen under the newly amended controversial Article 301. This led to his brutal murder in 2007 (Christensen, 2010: pp. 185-190; Alemdar, 2014: pp. 578-579). 'Enemy of state' and 'terrorist threat' tropes continued to be mobilised against several journalists, writers and publishers on similar grounds of insulting 'Turkishness and Turkish state' and threatening its 'indivisible unity'. In such a context, while AKP's 'Kurdish opening' (also known as the peace

process) promised resolution to the long-standing conflict and granting of cultural and political rights for a brief period, repressive politics swiftly returned in the aftermath of the strong rise of the pro-Kurdish Peoples' Democratic Party or Halklarin Demokratik Partisi (HDP) in June 2015 elections. This process was coupled with the legitimation crisis that unfolded following the Gezi protests in the summer of 2013.

Thus, politicisation of FoS and rights issues was only deemed permissible if it remained within the contours set by AKP's governing strategy and helped to consolidate its power. When over two thousand academics under the Academics for Peace initiative articulated a strong counter-voice against this renewed repression with a petition that called for the end of violence and human rights violations in 2016, they were rapidly labelled 'enemies of the state' and 'so-called academics' (Bianet, 2016). Arrests, intimidation, prosecutions, and dismissals swiftly followed (Akdeniz and Altiparmak, 2018; BAK, 2021). Akdeniz and Altiparmak (2018: 21-38) provide a detailed assessment of the post-2016 FoS violations under the state of emergency. Today, several HDP MPs and co-chairs remain in prison and the attempts to shutdown the party are back onto the agenda once again (HRW, 2020; BBC, 2021).

Several scholars argue that the changing media ownership structure and entry of pro-government capital groups in the media domain contributed to the mechanisms of repressing press and broadcasting further (Kaya and Cakmur, 2010: pp. 532-533; Yilmaz, 2016: pp. 150-151). Aside from stateled repression, the media conglomerates enforced economic forms of repression through insecure employment practices, dismissals of journalists and (in)direct forms of censorship alongside self-censorship (Freedom House, 2014). Internet and social media have emerged as another domain where blocking/filtering of websites and platforms with content allegedly insulting Turkish identity and conservative familial values have become a regular practice under AKP before and after the adoption of two laws in 2007 and 2011. The YouTube ban between 2008 and 2010 is a striking example on this front (Kinikoglu, 2014: pp. 37-40, 45). In addition, criminalising speech and expression shared through internet and social media and deemed 'undesirable' or 'insulting' by Erdogan himself has led to countless defamation suits filed against citizens since 2002 (for a detailed analysis see Tunc, 2013: 155-9).

It is crucial to add here that FoS violations were not solely about blocking 'unacceptable' speech and expression. AKP governments, especially since the early 2010s, actively engaged in shaping the contours of public debate and opinion on several issues to signal the boundaries and norms of acceptable speech as well as 'acceptable' women, citizens, academics and media in line with their worldview (Cindoglu and Unal, 2017: 48). Since the failed coup attempt in 2016 and the drastic shift of the political regime into a presidential type, the president's declarations have carried this signalling and disciplining role strongly.

Therefore, the third major area where these hegemonic discourses have had significant impact is gender equality, women's and LGBTQI rights. The AKP governments have renewed tropes on the old 'religious-secular divide' by reversing the focus towards the 'morally acceptable religious' versus the 'immoral secular other' from a position of social and political power (Altunok, 2016). As Mutluer notes, in contrast to the Kemalist representation of women as modern but asexual, 'in Erdogan's discourse the ideal women are religious precisely because they are sexual, or rather because they are reduced to their sexuality' (2019: p. 113).

Scholars have traced the onset of this strategy of politicising gender issues to the sexist and homophobic declarations and speeches of several senior AKP officials and members of parliament. Starting with the call for women to have 'at least three children' in 2008, crucially among these discursive interventions was the invocation of Fitrat (women's 'biological and divinely ordained nature') in a 2010 speech by Erdogan himself to legitimise the 'acceptable' roles of women in society in line with conservative familial values (Kandiyoti: 2016: p. 104). In another controversial speech Erdogan equated abortions to the killing of 34 Kurdish citizens who were mistaken to be PKK members by the Turkish military in 2011 in Roboski (Uludere) (as invoked in the statement 'every abortion is an Uludere') which was instrumental in enforcing the boundaries of acceptability in both gender and ethnic terms (Mutluer, 2019: p. 109). In a manner twisting the pre-AKP framings of the 'religious-secular divide', these speech acts expanded on topics as diverse and far-reaching as coeducational student housing, permissibility of women's attire and laughter, and the content of TV programmes during 2013 and 2014 (Cindoglu and Unal, 2017). Emerging in the context of the nationwide Gezi protests in 2013, Mutluer (2019: pp. 110-112) argues that these interventions articulated a narrative of victimhood from a position of power.

These discursive interventions have also been coupled with substantive policy and institutional changes as well. In 2011, the name of the Ministry of Women and the Family was changed to the Ministry of Family and Social Policies. Once at the brink of abolition when AKP first came to power because it was then conceived to symbolise state control over religious matters, Diyanet has gradually acquired more influence as an institution and been allocated a larger budget (Altunok, 2016: pp. 10-11; Mutluer, 2019: p. 108). Scholars identify a mismatch between legislative changes and their implementation with respect to women's historically low labour force participation rates in Turkey, and gender equality policies adopted as part of the EU harmonisation process during the 2000s similar to the case of legislation and implementation of cultural and political rights. Here, the presence of a contradictory and uneasy unity is emphasised between the (neo)liberal logic, its corresponding policy and legislative measures, and the persistence of patriarchal values and gender roles in informing the governmental pronatalist discourse alongside its

social security and assistance policies (Bugra and Yakut-Cakar, 2010; pp. 528-532; Dedeoglu, 2012: pp. 284-285).

Similar to the case of cultural and political rights discussed earlier, politicisation of gender and sexuality has become an element of AKP's governing strategy while alternative radical politicisation efforts were suppressed. Despite the increasing marginalisation of feminist and gender equality discourses in such a context, several scholars observe that the women's movement has evolved in a trajectory of coalition-building that transcended the hegemonic state-driven secularism agenda and 'secular vs. religious' dichotomy while including women, feminists and LGBTQI rights activists from more diverse backgrounds and persuasions around the principle of *secularity* in the 2010s (Altunok, 2016: p. 11; Mutluer, 2019: p. 103; Cagatay, 2018).

Conclusion

This article challenged mainstream approaches towards freedom of speech that adopt the (neo)liberal paradigm as well as the ahistorical and Orientalist accounts of rising authoritarianism and FoS violations with reference to the case of Turkey. In response, it proposed a critical historicised approach to assess the economic and political dimensions of FoS issues and their classed, gendered and ethnic character in a holistic fashion. Returning to the dramatic rise in femicides, abrupt withdrawal from the Istanbul Convention, persistent pressure on the Kurdish political movement, and repression of labour rights – in light of the historical background discussed in the article – enables us to trace recurrent patterns as well as novel articulations in AKP's governing strategies with respect to freedom of speech. The article's central argument asserts that there has been a mutual enforcement of rights violations against allegedly 'unacceptable' and 'dangerous' ideas and speech and against the bearers of those ideas themselves (Cindoglu and Unal, 2017: p. 44). The case of Turkey demonstrates that this coupling carries shared elements as well as differences within its repressive and liberal oscillations in the pre-AKP and post-AKP context. While acknowledging these commonalities, the article zoomed into three specific areas of FoS violations without reproducing a rigid periodisation of the AKP era: labour, cultural and political rights, and gender and sexuality.

With respect to the first area, the post-2001 restructuring of key economic policy areas through the governing strategy of depoliticisation and entrenchment of anti-labour legislation and practices have ensured the status of labour issues as 'unacceptable' and 'dangerous'. Similarly, the criminalisation of freedom of speech regarding cultural and political rights of historically marginalised and persecuted groups and peoples continued and deepened throughout the AKP period despite, or indeed perhaps because of, the attempts to politicise these rights issues as part of a governing strategy during the 2000s. On FoS issues concerning gender and sexuality and rising everyday violence against women and LGBTQI people, the oscillation of AKP's discourses and policies centred around visible appeals to religious, pious values in a novel attempt to reconfigure the 'religious-secular divide' from the late 2000s onwards. This reactionary discursive articulation has, in turn, increasingly facilitated and normalised everyday sexism, violence and harassment of women and LGBTQI communities as highlighted by several scholars.

Reflecting upon the contemporary debates on freedom of speech following this historicised assessment of the case of Turkey reminds us that any comprehensive account of the subject requires an investigation of how the '(un)acceptability' of certain forms of speech are configured within the matrix of uneven societal power relations in a given social and political setting. The latter characteristic inscribes that struggles for free speech should be intertwined actively with struggles against gendered,

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classed and ethnicity-based oppression, marginalisations, and violence if they are likely to become effective.

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ⁱ The report further notes: '171 women were found suspiciously dead. It could not be determined why 182 of the 300 women were killed, 22 women were killed due to economic reasons, 96 women were killed while trying to make a decision about their own life, such as wanting to divorce, refusing to make peace, refusing to marry, and rejecting the relationship.' (WWEFP, 2020).

Alemdar (2013: p. 570) notes that 26 journalists were imprisoned in 1959 and 1960.
Articles 141 and 142 of the Turkish Penal Code explicitly banned the promulgation of communism until they were repealed in 1991 (Alemdar, 2013: pp. 571, 585). Together, they enabled numerous FoS violations coupled with mass arrests, torture, and killings of citizens, activists, and journalists throughout the 1960s and 1980s.

^{iv} The first military intervention in the multiparty era took place in May 1960 followed by a second intervention in March 1971, which took the form of a military memorandum. The period between 1960 and 1971 witnessed a brief expansion of social, economic and political rights struggles before the space was narrowed with the martial law that reinstated the legal and punitive measures to curb freedom of speech and related rights and freedoms. Compared to the comprehensive assault against fundamental rights advanced by the 1980 coup and sealed with a new constitution in 1982 (Article 312 of the Penal Code was modified to extend the FoS restrictions in this constitution and the state of emergency legislation enabled continual repression and violence in Kurdish cities and provinces even when country-wide bans on union activities, political parties and associations were lifted later in the decade), the 1970s were a decade of turmoil marked by unstable coalition governments, societal polarisation, enhanced visibility and mobilisation of pro-labour, socialist/communist ideas and movements despite the authoritarian legacy of the 1971 intervention (Alemdar, 2013: pp. 571-572; Zeydanlioglu, 2009).

^v With respect to the rights of the non-religious and freedom from religion in Turkey, Sirin further traces the practices that socialise and discipline individuals with religion from birth to death. In addition to the role of Diyanet, mandatory religious courses in schools and FoS restrictions, Sirin highlights the role of issuance of the national identity card with its section

on 'religion' immediately at birth and the absence of regulations for the organisation of non-religious funerals in the country in this socialisation process (Sirin, 2014: pp. 71-79).

^{vi} The culminating event on this front was the Sivas-Madimak massacre in 1992 where a hotel hosting 35 people for an Alevi festival was set on fire with the intention to burn those inside alive.

^{vii} In addition to the visible, dire impact of these dynamics on working class and Kurdish women, another area of their manifestation since the mid-1980s was the headscarf controversy (Saktanber and Corbacioglu, 2008). Its effects have carried forward to the AKP era and reproduced the religious vs. secular binary by creating the polar opposite of the republican woman ideal in the party's evolving discourse and policies (Mutluer, 2019: pp. 110-111).

vⁱⁱⁱ Scholars slightly diverge on the particular year(s) that they identify as the turning point for this shift. Some highlight 2005 when the EU accession negotiations officially began and the PKK ended its ceasefire, and 2007 when the general elections paved the way for AKP's second term in office and the infamous Ergenekon case brought the secular/religious tensions and the civil-military relations onto the political agenda (Alemdar, 2014: 580-1). Others emphasise the start of AKP's third term in office with the 2011 elections as the turning point for authoritarianism (Cindoglu and Unal, 2017: p. 45) or take both 2007 and 2011 elections as shifts in a longer span of gradual transformation (Mutluer, 2019: p. 101). Focusing on the rise of authoritarianism within the realms of gender, sexuality and the family, Kandiyoti (2016: p. 104) detects these turning points in Erdogan's speeches regarding equality between men and women in 2010 and abortions in 2012.

^{ix} Here it is important to emphasise that there has been diversity in the modes and manifestations of disciplining speech across these areas. However, there is also a degree of interconnectedness between them. Capitalist social relations, understood to be intrinsically gendered from a social reproductionist perspective (Bakker, 2002; Federici, 2004), may coexist with authoritarian and paternalistic elements of the state form and policies while *seemingly* portraying contradictory logics with the latter (Clarke, 1991: p. 13; with respect to the case of Turkey, see further Bozkurt, 2013; Akcay, 2018; Tansel, 2018; cf. Bugra and Yakut-Cakar, 2010).