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“Smart” Repression at work: Shrinking Space for Academic Freedom in Turkey

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According to the latest report by the Freedom House, the world is in the 15th consecutive year of decline in global freedom.¹ Academic freedom, too, has been in free fall as part of this downward trend. Turkey has come under serious critiques, both on national and international levels for its ever-increasing crackdown on academia. The appointment of Melih Bulu as the trustee rector of Boğaziçi University by President Erdogan on January 1, 2021, was the last straw that broke the silence of students and scholars alike. By introducing the concept of “smart” repression, this policy brief aims to place the government’s attempts to silence academia and civil society, into a broad perspective. Through conceptualization of smart repression, it seeks to uncover the government’s subtle repressive tactics and hidden intentions at targeting academia and to discuss what it holds for today and the future, and lastly, to suggest policy recommendations.

Key words: smart repression, Turkey, democracy, civil society, academic freedom, Bogazici protests

Background

Bulu’s appointment was perceived by members of Boğaziçi University as a serious threat to both academic freedom and the university’s institutional autonomy for a variety of reasons. For one thing, Bulu’s long-time AKP affiliation and the nature of appointment were against the long-standing democratic culture at Boğaziçi. Bulu was the first rector chosen outside the university since the 1980 military coup.² In addition to his partisan side and top-down appointment, Bulu faced allegations of plagiarism in his dissertation as well as some of his published articles, calling into question his credibility

as a scholar.³ From the perspective of the government, on the other hand, Boğaziçi University, as a prestigious public university, is one of the last bastions of democratic thought and academic freedom in Turkey with its high profile academics and liberal atmosphere. Therefore, dominating Boğaziçi University has both symbolic and actual value for the government to achieve its long-desired cultural hegemony.⁴

In protest of the government’s latest intervention in academic freedom and autonomy,⁵ the faculty members of Boğaziçi University started silent protests every day in front of Bulu’s office at which they have turned their backs on the

rectorate for 20 minutes, while Boğaziçi students organized demonstrations both inside and outside the campus to protest the appointment. The student protests were met with excessive use of force and detentions by police, as well as, anti-LGBTIQ+ rhetoric by government officials in attempts to silence and marginalize, going so far as to criminalize the protesters.⁶ Following six months of protests and plagiarism allegations directed at Melih Bulu, he was removed from the post by a presidential decree on July 15, 2021.⁷ Upon Bulu's dismissal, Naci İnci, a faculty member at the Physics Department at Boğaziçi University, who served as the vice-rector under rector Melih Bulu, was appointed as acting rector by the Council of Higher Education (YÖK), which is an institution equipped with the supreme supervisory roles over universities, and was later officially appointed as the new trustee rector by a presidential decree on August 20, 2021.⁸ İnci's appointment as the new rector raised further concerns over respect for institutional autonomy, as his candidacy for the rector position was opposed by 95% of faculty members of Boğaziçi University.⁹

It was not the first time the government attempted to restrict academic freedom, neither in the AKP's era nor in the history of Turkey.¹⁰ Following the 1980 coup, in particular, the Council of Higher Education (YÖK), was established in 1981 and has since then provided the state with a convenient apparatus to constrain the institutional autonomy of universities.¹¹ Yet, Melih Bulu's appointment marked a new era in which the president has the authority to directly appoint rectors without requiring them to be from the university in question or a pool of scholars voted by peers, as it had been the case since the 1980 military coup. This new power was granted to the president by two decree-law (KHK) in 2016 and 2018, i.e. KHK 676 and KHK 703 respectively, under the two-years long state of emergency rule that ensued the 2016 coup attempt in Turkey.¹² Under the pretext of post-2016 coup measures, the government also purged more than 6000 academics and closed down 15 private universities.¹³ Among the purged were also academics, known as *Academics for Peace*, who signed a petition, the so-called “peace petition”, calling on the government to peacefully end the conflict in Southeast Turkey. Some of them were tried and convicted on charges of terrorist propaganda.¹⁴

Although restricting academic freedom/autonomy is nothing new, nor limited to Turkey or authoritarian states,¹⁵ the current waves of the crackdown on academia in Turkey that have become more widespread since 2016 are not only more alarming than ever but have also taken a more systematic turn and on an unprecedented scale. By introducing the concept of “smart” repression, this policy brief aims to place the government's attempts to silence academia and civil society, into a broad perspective. Through conceptualization of smart repression, it seeks to uncover the government's subtle repressive tactics and hidden intentions at targeting academia and to discuss what it holds for today and the future, and lastly, to suggest policy recommendations.

Smart Repression

The term “smart” repression is a relatively new one in the academic literature. It is best defined as “the use of tactics by authorities that are deliberately crafted to demobilize movements while mitigating or eliminating a backfire effect.”¹⁶ As such, when states apply brutal repression on unarmed civilians, third parties' sympathy and support for the resistance increase as opposed to the state, since such repression would be perceived as unjust or disproportionate.¹⁷ Turkey had a first-hand experience of such a backfire effect during the Gezi Protests of 2013 when the police used excessive violence against the Gezi protesters (i.e. rubber bullets, tear gas, and water cannons). This motivated more people to take to the streets, bringing together a large and diverse crowd across the country.¹⁸ This could be the point where the government realized that it needs more sophisticated tools of repression, such as those that would induce less outrage from the public and somewhat legitimize overt repression when applied.

The smart repression toolkit is diverse and depends on the creativity of states as well as the level of existing dissent and democratic opposition in the country. Pseudo-legitimate laws or regulations that criminalize legal practices, co-opting oppositions, administrative and financial burdens, indirect threats through pro-state armed or unarmed groups, defamation, ridicule, media manipulation, counter-protests, and censorship are among the few of many, for all of which there exist at least one example in Turkey.¹⁹ For example, the appointment of trustee rectors at universities became a legal practice with the decree-law in 2016. Yet, it is still a serious threat to academic freedom and autonomy. Rectors have the authority to oversee almost all decisions, whether administrative or financial, that directly affect students, faculties, and departments. When rectors are appointed directly by the president or the ruling party, they are politicized, thereby creating a patron-client relationship between the university and the government.

As smart repression tactics during the Boğaziçi protests, the government attempted to divert the attention from the protests' main cause to the “identity” of protesters. With this hope, the government officials referred to protesters' so-called “spoiled identity”²⁰ as a way to stigmatize and criminalize the student protesters.²¹

Censorship is another tool that is extensively utilized by the government. In a recent case, Turkey's Inter-Universities Council has not approved a PhD thesis by a Turkish academic, entitled “Who Rules Turkey Between 1980 and 2008? Business Power and the Rise of Authoritarian Populism”, from the State University of New York (SUNY) on the grounds of including “harsh wording, provocative expressions, and harsh criticism.”²² This is in line with the statements by interviewed academics, who attested that there have always been serious pressures by peers, supervisors, or chairs of faculty departments not to touch upon issues considered to be ‘politically sensitive’.

The securitization of public speech, as well as academic space through counter-terrorism laws, is another common repressive method. Scholars who signed a petition calling on the government to cease state violence in Southeast Turkey were targeted by many government officials, including President Erdogan. The scholars were accused of terrorist propaganda, and some of them were convicted as per the Turkish counter-terrorism laws.²³ This suggests that by utilizing the legal instruments and engendering a discourse around national security/counter-terrorism, the government can easily and arbitrarily impose restrictions on freedom of speech and academic freedom, not only by evading public outrage, but also instilling fear for potential would-be critiques of the government’s actions.

All these examples not only suggest a systematic repression on academic freedom, but also a smart one in which the government delegates the task of repression to rectors or pseudo legitimate regulations as a way to keep its hands “clean” and to legitimize the actions in the eyes of the larger public. Relatedly, smart repression often relies on indirect means, that is, when “the agents of repression, their actions, and the purpose of their actions are *intended* to be unknown to the general public.”²⁴ Thus, failing to see the practice of appointment of rectors directly by the president as repression of academic freedom and autonomy would divert the public attention/discussion to other issues that could be more easily justified by the government, such as whether it is a legal practice, or relatedly whether the presidency has the authority to do so, or whether the person appointed is qualified to be a rector, thereby cutting short the discussion on freedom.

Another way to frame smart repression would be through the cliché “an iron fist in a velvet glove”,²⁵ referring to the fact that those who are not the direct subject of state repression only see the velvet, while the subjects feel the heavy fist. Having said that, it is particularly important to note that smart repression does not work on its own but alongside overt state repression. Much of the repression in Turkey is quite overt and presented in an openly threatening fashion. Especially when dissent becomes more vocal and visible, as in the case of Boğaziçi protests, overt repression then becomes more visible (e.g. police brutality and arrests) as well. Regardless of the type and modality of repression, the government puts significant efforts to frame all the repressive actions as either legitimate or at least deserved, in ways of shaping/manipulating the perception of the general public. As such, the government passes pseudo-legitimate laws and regulations to turn everyday repression into normal practices. For example, the General Directorate of Security issued a directive on April 30, 2021, that bans audio-video recordings of police and citizens at protests.²⁶ From that point on, those who audio-video record police at protests can “rightfully” be intervened by police, and potential mistreatment to those by police is somewhat justified.

Smart repression, therefore, is used here as an umbrella term referring to indirect and less visible repressive tactics to point out a bigger threat, the systematic repression through simulated democratic actions, than focusing on overt repressive practices in the increasingly authoritarian state of Turkey. On its façade, smart repression tactics appear to be somewhat legitimate or partially invisible to the general public.

Targeting all pillars of support

The government’s restrictions on academic freedom should be understood within a broader scope of the existing systematic repression. As such, it is not only the academia being targeted but all other institutions upon which the state’s power is built, which are defined as “pillars of support” here.²⁷ Pillars of support refer to all subjects and institutions of the society, including military, police, civil servants, media, religious organizations, NGOs, academia, and the public. No rulers of states possess self-generating or omnipotent powers; rather, their powers rely upon “the cooperation of the population and the institutions of the society they would rule.”²⁸ Thus, the government applies “smart” repression targeting these pillars to ensure their loyalty and cooperation in case of dissent.

Two previous policy briefs on Turkey published by the Freedom House, namely “[Stifling Lawyers and Bar Associations](#)” and “[Withdrawal from the Istanbul Convention](#)”, are testimony to how the government has been targeting simultaneously different pillars of support (i.e. civil society and judiciary, respectively) to undermine their abilities to mobilize and to ensure their loyalty and cooperation. The first brief discussing the changes to the bar association system identifies a clear mechanism through which the government aims to restrict the right to legal defense and fair trial and to control professional associations and civil society organizations by instituting alternative ones.²⁹ The second one discussing the implications of withdrawal from the Istanbul Convention shows that the government not only aims to undermine women’s role in economic, social, and political lives but also to oppress the LGBTIQ+ community, an already disadvantaged group in Turkey.³⁰ With this, the government aims to suppress highly vocal women-led civil society organizations and to impose the “cultural hegemony” that President Erdogan mentioned on many occasions.³¹

Putting repression into perspective

To put state repression into perspective, certain patterns should be identified and laid out clearly. First, the government’s repression (of academia in particular) is not only reactionary to the critical developments (such as the Gezi Park protests or failed coup attempt of 2016) but also serves as preemptive actions to mitigate the risk of future protests. Although the government harshly reacted to these critical events through overt repression (e.g. purges, mass arrests, and censorship), it took further precautions

to perpetuate and institutionalize these practices. As such, current attempts to control academia serve as preemptive actions to mitigate risks of future dissent.

Second, academia is not only restricted through repressive actions (such as the appointment of trustee rectors) but also through co-optation. Co-optation refers to “formal and informal ways of tying strategic partners to the regime.”³² Co-optation serves two main purposes: First, the regime ensures that those who are co-opted are loyal to it. For example, neither Melih Bulu nor Naci İnci resigned despite mass protests from students and faculty members. Second, these individuals or institutions make it easier for the larger public to accept the government’s rhetoric. For example, other faculty members, whether from the target university or others, might express their support for an appointed rector in order to overshadow any rightful protests against the appointment. Especially in countries like Turkey, where mass media is strictly restricted and controlled by the government, pro-government arguments that legitimize the government’s undemocratic actions are circulated more widely than those that are critical. In return, the larger public becomes less likely to consider government’s undemocratic actions as repressive and becomes more convinced of arguments made by the government. Thus, co-optation serves to legitimize smart repression.

Self-censorship: the final state of the gradual silent revolution

“Quiescence is the pinnacle of repressive success” quotes Earl, a professor of sociology.³³ Although the present human rights conditions are far worse than those that triggered the Gezi Park Protests in the first place, challenging the government seems far more elusive than ever in the current Turkish social and political environment. There might be complex reasons for this silence. On the one hand, Turkey is now more authoritarian than it was before the Gezi Park protests, and people fear potential negative consequences of participating in a protest or of open criticism of the government. On the other hand, gradually increasing smart repressive tactics targeting various pillars of support (e.g. civil society, legal framework, media, and academia) have isolated the targeted groups and deprived them of the mobilization capacity to raise a critical voice or even resist. Therefore, the success of sustained repression is – without a doubt – the main reason behind the society’s silence.

Two recent survey studies show that both scholars’ and students’ perceptions are shaped by existing fear of repression, and most of them self-censor not only their research but also their behaviors in the university. According to the 2020 study by Tastan and Ordek,³⁴ 34% of academics participating in the study noted that they refrain from talking about politically sensitive issues in class (i.e. Kurdish “Question”, Armenian “Issue”, and LGBTQ+), and about 84% are afraid of getting into trouble for their social media posts that criticize some of the government actions. Another

study conducted on a large group of students by the Civic Space Studies Association reveals that most students cannot express themselves freely in class.³⁵

Fear of researching critical issues, sharing one’s opinion on social media or in class, or exercising one’s lawful right to participate in a protest seems to be the real threat that lays ahead of academic freedom and freedom of speech at large. In an environment where academics restrain themselves from researching and hold the fear of getting into trouble due to their opinions and professional activity, it is hard to talk about any sort of “freedom”, and most importantly of academic freedom or autonomy.

Conclusion and Recommendations

Academic freedom is not easy to establish in a short time, as it requires a lot of effort not only from the government but also from academics and civil society. It can only be improved alongside other fundamental rights and freedoms in society. Therefore, the recommendations listed below are to call upon the Turkish Government to take the necessary steps to improve human rights and freedoms in Turkey and also to encourage civil society and academics to demand a change, including the support of international actors.

For local actors;

- From a theoretical perspective, failing to see shrinking space for academia as part of the state’s systemic repression would result in pseudo legitimation of such repressive attempts. Relatedly, failing to frame the restrictions on bar associations, women’s rights, the media, and academia within the scope of state repression would fragmentize the overall resistance against repression. Therefore, addressing repression is crucial and requires more inclusive and engaging discussions to improve awareness of rights and freedoms. This may include efforts to raise public awareness of fundamental rights and freedoms through roundtables, discussion groups, and mass media campaigns. In this regard, civil society in general, and rights-based organizations in particular, should take the lead in organizing such events and mainstreaming the discussion on fundamental rights, including academic freedom across various sectors and geographic regions.
- Public and private universities should foster an environment of an academic culture where institutional autonomy and academic freedom can be fully exercised. This would include refusing to accept appointments imposed by outside actors, implementing clear policies that protect open discussion in the classroom including courses in their curricula on fundamental, citizenship rights and democratic participation, and providing and encouraging a participatory environment through student clubs and associations to allow students to exercise these rights within the university environment

and beyond. The lack of academic culture, in which scholars and students speak freely about any issue, is what hinders academic freedom. Given that only a few universities have been able to create a relatively free environment (Boğaziçi University being one of them), academic freedom and institutional autonomy must be prioritized and demanded by all universities in Turkey.

- Civil society organizations/activists should come up with creative ways to outsmart the government’s repression. A significant way to do this would be de-framing the government’s stigmatization and defamation efforts. Civil society can do this by explaining the government’s repression to the larger public and presenting the rightful demands of dissidents and delegitimizing the unjust treatment by the government’s repression. To ensure an extensive outreach to the public, CSOs and activists should actively use mass and social media as well as the capacities of opposition parties. In this regard, Boğaziçi protests are important in breaking the existing silence in academia as they have already instigated several public, media, and academic discussions about academic freedom. It is also a fair example of resilient nonviolent discipline and mobilization. With that, it serves as a precedent for future mobilization.
- The opposition must demand from the government to reverse appointments of all trustee rectors and grant back the rights of those who were censored, purged, or tried for their opinions or research. Smart repression not only aims to silence society but also polarize them. Thus, a united opposition that focuses on common grounds (despite differences in ideology and political preferences) is required to break the trap of polarization and encourage freedom in all spheres of life. That being said, democratic opposition parties must vocally support Boğaziçi Protests without falling into the trap of the government’s diversionary tactics. An example of this happened when the focus was put on Melih Bulu personally, rather than on the very idea of a trustee rector.
- The government should reconsider the existing practices affecting academic freedom and autonomy and take the following actions. First of all, a clear separation between political power and university administrations must be ensured. To this end, the government (or the President) should not appoint rectors but respect each university’s internal election process. Second, rectors’ powers must be reconsidered, and their role must be reduced to a symbolic one, rather than granting them the sole authority over significant decisions that affect the whole academic community. Instead, departments and faculties must be granted more authority to control their budgets and academic appointments. This could eliminate dependence on the rectorate for administrative and financial matters, which, as

potential and actual means of repression, can be easily manipulated by rectors to limit academic freedom. Third, the authority of the Council of Higher Education (YÖK) must be reduced to a coordination role, rather than a decision mechanism. With the existing central authority of YÖK that oversees all appointments and budget decisions, institutional autonomy and academic freedom seem too elusive to achieve. With its current capacity, it would only serve as a potential repressive apparatus in the hands of any political power.

- Universities should provide academics with better opportunities for job security by granting them impunity over their research. Given that thousands have been purged since 2016, most of them fear losing their jobs and censor themselves in class while conducting research, which is a serious threat to critical thinking and knowledge in universities, as well as to academic freedom.

For international actors;

- International organizations and institutions concerned about human rights and fundamental freedoms should raise concerns about mounting restrictions on academic freedom in their relations with or reports on Turkey. For one thing, academic knowledge is a global public good. Restricting research in Turkey would therefore adversely affect the common intellectual property and knowledge. As such, civil society groups and academics around the world should speak out against restrictions on academic freedom and demonstrate their support for protests against the appointment of trustee rectors and purges of academics in Turkey. Although many universities from Europe and the US did so for the case of Boğaziçi University,³⁶ they must also extend support to other cases alike. It would otherwise do no more than serving the government’s “spoiled identity” rhetoric for Boğaziçi University.
- Governments in Europe and the United States, who purport to be advocates of free speech and freedoms, should take a more proactive role in discussions over fundamental freedoms with Turkey, by strengthening civil society activism and the role of international institutions in Turkey, using all possible accountability mechanisms domestically and globally, as well as considering targeted sanctions in case of serious human rights violations. Both the EU and the US should put more pressure on the Turkish Government to be respectful of free speech and fundamental human rights in the country through their bilateral relations with Turkey.
- The European Court of Human Rights (ECHR) should prioritize the applications of purged as well as convicted academics for their opinions and research and should rule a pilot judgment on the case of these academics.

Endnotes

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- 5 Academic freedom and autonomy are interrelated, but separate concepts. While the former refers to individual rights, the latter stands for the rights and authority of higher education institutions. For the parsimony of this brief, both concepts are discussed under the topic of academic freedom in Turkey. This choice is also justified given that it is hard to talk about academic freedom or autonomy, without the presence of the other. For further discussion, please see: Firat Genç (2021), "Boğaziçi Direnişi: Otoriterizm ve üniversite mücadeleleri", In *Üniversite: İktidar, Dayanışma ve Yurttaşlık*, Saha Dergisi, Yurttaşlık Derneği. Available at: <https://hyd.org.tr/tr/saha-dergisi/1055-saha-8-universite-i-ktidar-dayanisma-ve-yurttaslik>; The Committee on Economic, Social, and Cultural Rights (CESCR) defines academic freedom as "to pursue, develop and transmit knowledge and ideas, through research, teaching, study, discussion, documentation, production, creation or writing" and "the liberty of individuals to express freely opinions about the institution or system in which they work, to fulfil their functions without discrimination or fear of repression by the State or any other actor, to participate in professional or representative academic bodies, and to enjoy all the internationally recognized human rights ...". The definition is taken from: Kirsten Roberts Lyer and Aron Suba (2019), *Closing Academic Space*, International Center for Non-for-Profit Law (ICNL). Available at: <https://www.icnl.org/post/report/closing-academic-space>
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