

A COMPARATIVE STUDY OF THE PRESS LAWS OF 1909 and 1931

A THESIS SUBMITTED TO
THE GRADUATE SCHOOL OF SOCIAL SCIENCES
OF
MIDDLE EAST TECHNICAL UNIVERSITY

BY

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IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR
THE DEGREE OF MASTER OF ARTS
IN
HISTORY

NOVEMBER 2005

Approval of the Graduate School of Social Sciences

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ABSTRACT

A Comparative Study of The Press Laws of 1909 and 1931

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November 2005, 114 pages

In this thesis the press laws of 1909 and 1931 are analyzed and compared. Before the comparative examination of the press laws, the emergence and development of press in the Ottoman Empire in the nineteenth century, including the related legal arrangements, is given within an historical framework. This thesis aims to introduce the similarities and differences between the first and only press law of the Ottoman Empire and the first one of the Turkish Republic by examining them in detail. It is argued that the press laws of 1909 and 1931 were prepared to be able to remove the legal deficiencies in press area. However, it is also claimed that the Ottoman and Turkish governments, which prepared the related press laws, was trying to control and suppress the press sine they were anxious about the safety of their regimes. Although both laws included articles that limited the press freedom, this study argues that the press law of 1909 had more liberal aspects in comparison with the Abdulhamid period and, the press law of 1931 gave extensive rights to the government to be able to control the press as a result of restrictions it imposed on the freedom of press which existed at that time.

Keywords: Press, press law, Ottoman press, Turkish press, Tanzimat press.

ÖZ

1909 VE 1931 BASIN KANUNLARININ KARŞILAŞTIRMALI BİR İNCELEMESİ

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Tez Yöneticisi: Yard. Doç. Dr. Ferdan Ergut

Kasım 2005, 114 sayfa

Bu çalışma, 1909 ve 1931 basın kanunlarının incelemesini ve bu basın kanunlarının karşılaştırması konusunu ele almıştır. Kanunların karşılaştırmalı bir incelemesi öncesinde, Osmanlı İmparatorluğu'nun son yüzyılında basının ortaya çıkışı ve gelişimi ele alınmış ve bu süreç, tarihsel bir çerçevede içerisinde, yapılan yasal düzenlemeleri de kapsayacak şekilde araştırılmıştır. Çalışma ile, kanunların detaylı bir incelemesi yapılarak Osmanlı Devleti'nin ilk ve tek basın kanunu ile Türkiye Cumhuriyeti'nin ilk basın kanunu arasındaki benzerlikleri ve farkları ortaya koyma amaçlanmıştır. Çalışma sonunda, 1909 ve 1931 basın kanunlarının basın alanında hukuki eksikliklerini giderme amacının yanısıra, buldukları dönemde rejimlerinin güvenliğini konusunda duydukları endişe nedeniyle basını kontrol altına amacı taşıdıkları da ileri sürülmektedir. Her iki kanunun basını kısıtlayıcı maddeler içermesine rağmen, 1909 basın kanununun Abdülhamid dönemine kıyasla daha özgürlükçü olduğuna, 1931 basın kanununun ise, mevcut basın özgürlüğünü daha da kısırarak hükümetin basın üzerindeki kontrolünü arttırdığına işaret etmektedir.

Anahtar Kelimeler: Basın, basın kanunu, Osmanlı basını, Türk basını, Tanzimat basını.

To My Parents

ACKNOWLEDGMENTS

There were many people that contributed to this thesis. First of all, I would like thank to my advisor, Dr. Ferdan Ergut, for his comments, suggestions and evaluations during my study. I am also grateful to two other academicians, Dr. Mesut Yeğen and Dr. Nesim Şeker, for evaluating my thesis and their valuable suggestions. Besides, there were two special people that gave me great assistance during the research and writing of my thesis. I don't know how can I express my gratitude for their help. First, I want to thank to Dr. Cem Karadeli –who was one of my lecturers during my undergraduate experiences and one of my friends today- for his material and moral aid. Secondly, I would like to thank to Evrim Yaban who put pressure on me all the time to complete this study and supported me in my hardest times. I feel lucky since she was by my side and gave me happiness. I dedicated this study to my family since they always respected and supported my decisions in life. Finally, I want to thank to the librarians of Turkish History Association and others whose names are not mentioned in here, for their contributions and help.

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I. Introduction

The Press Life in the Ottoman Empire began at the beginning of eighteenth century, at a time when the state institutions began to be modernized. It began at the same time with the beginning of a modernization era in the state institutions. The first newspapers in the Ottoman Empire began to be published because of the effects of this modernization. The legal arrangements relating to the press were also prepared after that time. These developments in the nineteenth century constituted the roots of Modern Turkey and modern Turkish press as well.

The aim of this study is to examine and compare the press laws of the Ottoman Empire and Turkish Republic. There are some reasons that led me to study such a topic. The main reason of this study was the lack of a research that analyzed the press laws in detail. Secondly, this study might be beneficial in enlightening the first decades of twentieth century of Turkey and help the studies that investigate and evaluated the collapse of the Empire and establishment of Turkish Republic. I tried to give the approaches of administrators in the Ottoman Empire and Turkish Republic about the press and their differences and similarities, the effects of the transition from the monarchy to the Republic on the press in this study.

This study will be composed of five chapters including introduction and conclusion. The second chapter will give detailed information about the press and press-related legal

arrangements in the Ottoman Empire in the nineteenth century. First newspapers in the Ottoman State, the effects of these pioneers of press in the country, a short history of their foundations and the aims of their founders in establishing newspapers and journals will be given in this chapter. Also, I will try to explain the legal arrangements (imperial decrees, regulations, laws and so on) and the institutions that were established to control and censor the press in this period. I used different sources to examine this period; the studies of Turkish and foreign historians on this period, the biographies and autobiographies of journalists who had lived in this period, and the official documents that were transcribed from the Ottoman alphabet to the Latin alphabet.

Chapter three will deal with the press law of 1909 of the Ottoman Empire. First, I will describe the situation of the Ottoman press following the proclamation of constitutional monarchy in 1909. Also, I will analyze the reasons of the press law in 1909. In addition to a detailed examination of the law, I will also give the discussions and opinions of the deputies of Ottoman Parliament (*Mebusan Meclisi*) about the press law. The main source for this part of the thesis is the minutes of Ottoman Parliament.

Chapter four will focus on the first press law of the Turkish Republic. Before I will analyze the press law of 1931, I will give some information about the surrounding political and social situation and the development of press at the first decade of the Republic. After investigating the reasons of the press law of 1931, I will analyze the press law of 1931. The effects of the law will also be given. The minutes of Turkish Grand National Assembly, the periodicals of the related period, the autobiographies and

memoirs of journalists and politicians who lived in that period were used as the main sources of this chapter.

It is a fact that the emergence of the press and its development in the Ottoman Empire was a result of the heavy Western influence. The press regulations and laws of the Ottoman Empire also had similar sources and motives. The foundation of the Turkish Republic was the peak of this period of modernization. Like the Ottoman reforms in the nineteenth century, the main model for the Turkish Republic was the Western institutions. In this study, I will also analyze the effects of West on the press laws of 1909 and 1931.

II. Press in the Ottoman Empire Before 1908

II.1. The Emergence of Printing Press in the Ottoman Empire

Press life in the Ottoman Empire began in the eighteenth century. Due to some reasons, there was a delay of about two hundred years in comparison with the West. The conditions that caused the birth and development of press did not exist in the Ottoman Empire until the eighteenth century (Alemdar 1996: 17). As a communication tool, press was created by the capitalist system. However, it might be argued that newspaper was born in the Ottoman Empire not as a tool of capitalism but as a result of Ottoman Modernization. Like a magic wand, people were expecting many things from newspapers (Kocabaşoğlu and Birinci 1995: 101).

There were some improvements in the Empire about the right of having property and ownership, freedom of religion and equality during the period of Mahmut II. Two weeks after the abolition of janissaries, Sultan Mahmut II gave up the impounding on the properties of government employees and guaranteed their rights of possession and ownership (Lewis 2000: 90). According to İlber Ortaylı (2001), the guarantee of right of possession and ownership, which was a necessity for the formation of state of law, had great effect on the life of Turkish society and administration. There were no merchants or industrialist groups who were trying to gain such a right in the nineteenth century, but this right caused the birth of a bureaucratic class in the Empire. Since this bureaucratic class could feel themselves in security, they could act like an opposition group (Ortaylı 2001: 104).

During the reign of Sultan Abdülmecit, Gülhane Decree (or Gülhane Rescript), prepared by Mustafa Reşit Paşa¹ and his followers, was declared in 1839. It was the first written document that Sultan guarantees his subjects' liberty, personal security, and life (Tanör 1999: 69 and 87). According to Bülent Tanör, Gülhane decree had important deficiencies on individual rights and freedoms. Press was one of these deficiencies (Tanör 1999: 89).

Gülhane Decree was the beginning of a new era, Tanzimat, in the Empire. There were three important stages on the rights of imperial subjects during this period: abolition of slavery; equality between Muslim society and non-Muslim societies; and the efforts to keep subjects' life, property and honor intact. Gülhane Decree was also prepared to establish a liberal economic model (Ortaylı 2001: 92-99).

These radical arrangements in the administrative structure of the State were essential for the development of press in the nineteenth century. However, this was not the sole reason for the belated emergence of the press in the Ottoman Empire. According to Ortaylı (2001), printing press was being used by the Turks so late because of the two important reasons; Turks were not used to reading and also the typeface of printers could not be adapted to the Arabic alphabet for a long time.

¹ Mustafa Reşit Paşa was a reformist officer. He was appointed as the foreign minister during the period of Mahmut II. He was one of the first groups of Ottoman statesmen and bureaucrats to receive European education.

First print office in the Empire was established in 1493 or 1494 in Istanbul by the Jewish merchants. Following the Jews, the other non-Muslim societies established their print offices, Armenians in 1567 and Rums (Greeks) in 1627. The first Turkish printer office was established in 1727 by Sait Çelebi (Lewis 2000: 51-52). According to Ortaylı (2000), although non-Muslim societies in the Empire began to use printer hundred years ago before Turks, they printed just religious books. Therefore, the number of people who gained the reading custom among the Turks and other communities in the Empire was not too great until the introduction of newspapers and magazines as these helped increase the number of readers in both Turks and other communities.

II.2. Introduction of Newspapers into Public Life

The first newspaper in the Ottoman Empire was published in 1795 by the French Embassy, named as *Bulletin des Nouvelles* (News Bulletin). However, there is a dispute on this newspaper whether it is first or not. According to Mümtaz Alemdar², the year 1795 is the beginning of press in the Ottoman Empire. For Hıfzı Topuz, *Takvimi Vekayi* was the first newspaper in the Empire. On the other hand, Ortaylı (2000: 491) argues that the first newspapers in the country were published in İzmir before 1824. Their names were *Le Smyrneen*, *Spectateur Oriental*, *Le Courrier de Smyrne* and *Journal de Smyrne* respectively (see also Alemdar 1996: 17). Another argument about the first newspaper was stated in Ana Britannica (2004). It argues that while some researchers accept *Bulletin des Nouvelles* as the first newspaper, it was *Gazette Francaise Constantinople* in Turkey, published by Albert Dubaye in 1796 once a fortnight.³

² Mümtaz Alemdar is a professor at the Faculty of Communication of Ankara University.

³ Ana Britannica, İstanbul: Ana Yayıncılık, Cilt 3, s: 443.

Bulletin des Nouvelles was published in French because the typeface of printer that was sent from France was not appropriate for the Ottoman alphabet (Topuz 1973: 29).

Another dispute concerning the beginning of press in the Empire is about the first Turkish newspaper. Ortaylı (2000: 491) states that *Vekay-i Mısriyye*, the official gazette of Mehmet Ali Paşa⁴, was published in Turkish and Arabic languages in 1828 in Egypt. Uygur Kocabaşoğlu and Ali Birinci (1995: 101) also state that there were two Turkish and official newspapers, *Vekay-i Mısriyye* (1828) in Cairo and *Takvimi Vekayi* (1831) in Istanbul, in the Ottoman Empire while Tanzimat Decree was being declared.

On the other hand, Hıfzı Topuz accepts *Takvimi Vekayi*, began to be published on 11 November 1831, as the first Turkish newspaper. According to Bernard Lewis (2000: 95), *Vekay-i Mısriyye* was the first local newspaper in Middle East and *Takvimi Vekayi* was the first Turkish newspaper. Journalist Selim Nüzhet also accepts *Takvimi Vekayi* as the first Turkish newspaper. He argues that *Vekay-i Mısriyye* cannot be the first newspaper of the Ottoman Empire since it was published under the control of rebellious Mehmet Ali Paşa in Egypt. Even so, he accepts *Bulletin des Nouvelles* as the first periodical in the Empire and he also gives some information on the French newspapers in Egypt that was published after the invasion of Napoleon. Their names were *Courrier d’Egypte* (27 August 1789), *Decade Egyptienne* (1 October 1789) and *Journal Officiel* (1789)

⁴ Mehmet Ali Paşa was appointed Ottoman governor of Egypt in 1805. He introduced brilliant reforms in administration and army and aided Sultan Mahmut II in his war against the Greek rebellions. Following the defeat at the Battle of Navarino, Mehmet Ali and Sultan fell out. The revolt of Mehmet Ali and his son against the Sultan continued until 1841.

(Gerçek; 10 and 18).⁵ Unfortunately, there is no more information about these newspapers except the book of Selim Nüzhet.

The arguments I mentioned above shows that academicians and researchers are not unanimous about the first newspaper in the Ottoman Empire and the first newspaper in Turkish. In spite of being published by an embassy instead of the Ottoman state or an Ottoman citizen, *Bulletin des Nouvelles* might be accepted as the first periodical of the Empire. *Vekayi-i Misriyye* is also the first Turkish newspaper in the Empire. Some researchers do not accept *Vekayi-i Misriyye* since it was published under the control of rebellious Mehmet Ali. Egypt was not under the dominance of Ottomans in this period, but it was a province of the Ottoman Empire officially until the end of nineteenth century. So, it should be the first Turkish newspaper in the Empire. On the other hand, although it was the first newspaper in the Empire, *Vekayi-i Misriyye* had no effect on the development of press in the country. The pioneers of press in the Empire were the newspapers of İzmir and then *Takvimi Vekayi*.

The first idea on the publishing of *Takvimi Vekayi* was suggested in the meetings of reform assemblies (*ıslahat meclisleri*), which were established following the Treaty of Edirne on 14 September 1829. Giving news to people on time and without false interpretation was defined as the reasons of publishing such an issue in its special issue, “*Mukaddeme-i Takvim-i Vekayi*” (Topuz 1973: 5-7). During this period, administrators of the Empire were conscious about the press that they can use it for increasing their

⁵ Bu kitabın Türk Tarih Kurumu’nda bulunan nüshasında basım yılı bulunmamaktadır. (Selim Nüzhet Gerçek, *Türk Gazeteciliği*, İstanbul: İstanbul Matbuat Cemiyeti, s: 10 ve 28.)

control over the society. Even in the nineteenth century, government had to use such a device to spread its ideology and reforms among the population (Ortaylı 2001: 195). Beside Turkish, *Takvimi Vekayi* was published also in French, Armenian, Greek, and Arabic languages. It was an official newspaper and was publishing notifications (*tebliğ*), decree or edict (*ferman*), charters (*berat*) and news about the protocol, but it was also giving daily news. Turkish journalism began with *Takvimi Vekayi*. It was the first periodical press organ that the state connected with its citizens. For Ortaylı (2001: 46-47 and 2000: 490) such official newspapers were the common characteristics of the states that made reforms in the eighteenth and nineteenth century.

According to Lewis (2000), the main factor on the publishing of *Takvimi Vekayi* was the competition between Sultan Mahmut and Mehmet Ali. He argues that Sultan Mahmut did not try to follow Peter the Great to carry out reforms in the Empire. He was an admirer of Selim III and wanted to achieve his predecessor's reforms. Another model for him was Mehmet Ali. Mahmut hated Mehmet Ali and always competed with him in order to be better than Mehmet Ali in every deed he did (Lewis 2000: 104). It is a fact that Sultan Mahmut and Mehmet Ali had similar practices about the reforms. For example, about one month after the opening of Abu Za'bal, the School of Medicine, in Cairo in 1827, a school of medicine was established in Istanbul, too (Lewis 2000: 85). It was not Mehmet Ali who carried out the reforms firstly every time. As will be mentioned in the following paragraphs, the success of *Le Moniteur Ottoman*, a French newspaper that was began to be issued by the Ottoman government on the same date with *Takvimi Vekayi*, inspired Mehmet Ali and he also began to publish *Moniteur*

Egyptien in 1833. However, it could not be successful like *Le Moniteur Ottoman* and closed seven months later (Kolođlu 1998: 70).

A periodical newspaper was very important for Mustafa Reşit Paşa, the leader of Tanzimat Rescript, since it was a bridge between the society and state. *Takvim-i Vekayi* was not being published regularly in the first years. He began to publish it weekly and reorganized the content of newspaper.⁶ *Takvimi Vekayi* continued to be published until November 4, 1922. Following the closure of it, the government of TBMM (Grand National Assembly of Turkey) began to issue it with the name of *Resmi Ceride*. A while later, Hakkı Tarık Bey, a deputy of TBMM, presented a proposal to change the name of newspaper as *Resmi Gazete* (Official Newspaper). It has been continued to be issued until this time with the same name (Gerçek: 34).

The newspapers that were published at the beginning of nineteenth century in İzmir had great effects on the development of Ottoman press. *Le Spectateur Oriental* was the first newspaper in İzmir. A Frenchman, Charles Trison, established it on 24 March 1821. In 1822, ambassador of France in Istanbul wrote a letter to the French consul in İzmir, Pierre Etienne David, following the establishment of *Le Spectateur Oriental*. The ambassador demanded that the manager of newspaper must be informed that the issue of articles about the politics of Europe on Turkey is forbidden (Kolođlu 1998: 10-11).

⁶ Ortaylı (2001: 195) says that Great Peter also issued an official newspaper named as *Vedemosti* during the reforms in nineteenth century in Russia.

During this period, Europeans who lived in the Empire had a privileged status in their relations with the government and local administrators. They had to obey the rules of their embassies. The first publishing date of *Le Spectateur Oriental* and the beginning of Greek Rebellion was the same year. The newspaper tried to be objective at the beginning of the rebellion. However, it began to give support to it in time. This support caused a conflict between the newspaper and French government since France did not support the rebellion. The Reisülküttab of Ottoman government (minister of foreign affairs) also warned the French embassy about the newspaper that if the ambassador would not take measures to stop the newspaper's pro-rebel publishing, the Ottoman Government would have to close the newspaper. Therefore, the French consul of İzmir closed *Le Spectateur Oriental* on March 17, 1824 (Koloğlu 1998: 12). Following the closure of *Le Spectateur Oriental*, *Le Smyrneen* began to publish under the control of Charles Trison. After a six months publishing, *Le Smyrneen* was also closed as a result of Reisülküttab's complaints.

As I mentioned above, the privileged status of Europeans because of the capitulations was an obstacle for the Ottoman government. The government could not enforce its own laws and regulations on these people. *Spectateur* began to be published again six months later. During this period, the newspaper was opposing British foreign policy. After a while, on February 1826, the ambassador of Britain in the Ottoman Empire notified his French colleague about his irritation on the policy of the newspaper. The French consul in İzmir again warned the executive of newspaper that it would be closed if they continue their opposition policy against Britain (Koloğlu 1998: 16-17).

In 1827, Alexandre Blacque, a French businessman, became a partner in the newspaper. He changed the policy of *Spectateur* in politics and began to support the Ottoman government in the Greek Rebellion. However, the newspaper was closed temporarily on May 18, 1827 because of its opposition against Russia. During the closure of it, *Spectateur* continued to be issued with the name of *L'Obsevateur*.

The representatives of Britain, Russia, and France signed the Treaty of London on June 24, 1827 and proposed the establishment of Greece as an autonomous state under the Ottoman sovereignty. After the signing of this treaty, the consul of French in İzmir made a suggestion to the manager of newspaper for giving up the opposition to against Greece. However, the newspaper continued its opposition policy against Greece and European states. On September 15, a critique was issued about the representative of Britain who visited the governor of Egypt. The embassy of Britain demanded punishment to the newspaper because of the critique and then the French consul stopped the publication of the newspaper for a month (Koloğlu 1998: 23).

The year 1827 marked the closure of *Spectateur* permanently. The diplomatic relations between the Ottoman government and Britain, France, and Russia was cut off on December 1827. During this period, the newspaper under the management of Alexandre Blacque increased its opposition against the politics of these three European states. As a result of these critics, the French consul of İzmir closed the newspaper and confiscated its press machines. Moreover, Blacque was arrested and imprisoned in a French warship. Blacque was freed on bail a 10.000 Franks on January 3, 1828. Also, the consul

demanded to sign a document promising not to publish another newspaper in İzmir. But, he refused to give such a promise.

Following the closure of *Spectateur*, Blacque issued another weekly newspaper named as *Le Courier de Smyrne*. The policy of newspaper against Russia was hard because of the increasing influence of it in the Balkans after the Treaty of Edirne (Adrianople). In the summer of 1830, Embassy of Russia applied to the Ottoman government to stop the publication of *Le Courier de Smyrne*. However, the Ottoman government was pleased about the policy of newspaper and just made some suggestion its managers to tone down its critics of Russia. Also, the Ottoman government brought forward an argument that it could not punish or close the newspaper since it was published under the management of a Frenchman. Because of the capitulations, the Embassy of France was responsible for the punishments of French people and companies in the Empire. Although the government tried to parry the pressure of Russia with this argument; it had to close *Le Courier de Smyrne* in July 1831.

Alexandre Blacque was invited to Istanbul by the Sultan Mahmut II to publish a new newspaper for the Ottoman government (Koloğlu 1998: 26-32). Blacque began to publish *Le Moniteur Ottoman* on November 5, 1831 in Istanbul. *Le Moniteur Ottoman* was the official newspaper of Ottoman government in French language. It began publication just four days after *Takvimi Vekayi*. Blacque was responsible for the preparation of the official articles and news of government. He could also issue his own articles in the newspaper. Despite interruptions in different times, *Le Moniteur Ottoman* continued to be published until 1850 (Koloğlu 1998: 70-73).

The second Turkish newspaper in the Empire was *Ceride-i Havadis*. It had an interesting story that indicates how capitulations had effect on the Ottoman administration. The correspondent of *Morning Herald* in Istanbul, William Churchill, shot and wounded a child during a hunt in Kadıköy in 1836. He was arrested by the police. However, the Embassy of Britain interfered to the event since the capitulations gave extensive rights and immunity to the Europeans in this period. Churchill was set free by the government. Moreover, the government gave some presents to him as an apology. These were a medal, a decree (*ferman*) that gave permission to him to export olive oil and a permission to publish newspaper in the Empire (Gerçek: 36).

In the nineteenth century, Ottoman state administration needed a press tool like all other modern states to explain and impose its ideology and reforms to its society and the world. For this reason, there were many newspapers except *Takvimi Vekayi*. The Ottoman government supported them financially also. The owners of these newspapers were foreigners who settled down in the Empire. Their main objective was to make propaganda directed to the Europe (Ortaylı 2001: 196). *Ceride-i Havadis* began to be issued in 1840. It had not many readers but continued to publish until the end of Churchill's death, 1864, since the government supported it financially.⁷ It was closed temporarily in 1843 as a result of Russian pressure (Lewis 2000: 146).

⁷ Selim Nuzhet (37) argues that *Ceride-i Havadis* took an allowance of 2500 *kuruş* for each month from the government.

In 1850's, the number of newspapers in the Empire reached 30. Most of them were being published in foreign languages. The first Turkish newspaper established by domestic capital and without the financial support of government was *Tercüman'ı Ahval*. Agah Efendi was the owner of this newspaper. It was first issued on September 21, 1960. *Tercüman'ı Ahval* was the beginning of a new period in the Ottoman press. The Ottoman press began to criticize the state policies. Besides, there were novelties in language and literature as a result of this new period in press (Ortaylı 2001: 198). *Tercüman'ı Ahval* was closed for two weeks on May 1861. Researchers and historians have not the same opinion about the date of this closure.⁸

The number of newspapers that were closed at the end of nineteenth century was great. *Tasviri Efkar* published by Şinasi, *Muhbir* published by Ali Suavi, *İbret* published by Namık Kemal and *Devir* and *Bedir* published by Ahmet Mithat Efendi were examples of the newspapers that were closed by the Ottoman government for different reasons. Sometimes, the owners or correspondents of the newspapers were also punished. For instance, Teodor Kasap Efendi who was the editor and owner of a humorous magazine named *Hayal* was imprisoned for three years because of a cartoon that criticizes the violations of press freedom in the country. His magazine was also closed because of this cartoon (Gerçek: 60).

⁸ According to Ortaylı (2001: 199), *Tercüman'ı Ahval* was closed on November 1860 for fifteen days because of an article of Ziya Paşa. However, Ali Birinci (2001: 27) says that there was news in *Ceride-i Havadis*, published on 28 May 1861, about the closure of *Tercüman'ı Ahval*. *Tercüman'ı Ahval* continued to be published for five and a half years.

The government did not shut down just the Ottoman citizens' newspapers. Two newspapers of an Irish journalist, John Laffan Hanly, were closed as well. The first of these newspapers was *Levant Times*. It was first published in 1868 and was closed in 1874 because of its policy about the status of Ottoman Bank. His second newspaper, *Le Progres d'Orient (P.d'O.)*, began publication in 1874. However, it had to stop publishing at the same year because of its policy about the status of Ottoman Bank and the polemic between *P.d'O.* and *La Turquie*. *La Turquie* was a supporter of Ottoman government at this term. In response to its critics and opposition on British policy, *P.d'O.* began to criticize the Ottoman government since it had not accomplished Tanzimat reforms for 35 years. There was no equal opportunity between Muslims and non-Muslims in the Empire. Both Muslims and non-Muslims had a population of about 12 million in the country. However, the number of non-Muslim officers in the state was just 135 in proportion to one hundred thousand Muslim officers. As a result of these critiques, the Ottoman government stopped the publishing of *P.d'O.* on November 19, 1874 since it tried to destroy the peace between Sultan and his subjects. John Laffan Hanly refused this accusation and claimed that the government was not trying to oppress journalists and but all the people in the Empire (Alemdar 1996: 18-21).

Provincial newspapers (*vilayet gazeteleri*) were another kind of newspaper in the Empire. First provincial newspaper was published in 1865 in Tuna (an Ottoman province in the Balkans). Mithad Paşa established it with the name of *Tuna*. The number of provincial newspapers and printing presses in the country reached fifty in time. The Ottoman press in Istanbul and provinces had already progressed considerably, when the first constitution of Ottoman Empire (Kanun-ı Esasi) was proclaimed in 1876.

According to Kocabaşođlu and Birinci (1995: 101-103), Tanzimat was a despotic modernization and its reformers needed press in the capital and provinces to be able to achieve a transformation in the traditional structures and educate the people to maintain modernization. Also, the newspapers that were published in Istanbul could not send to the province in time and regularly because of the bad transportation system. Therefore, the government tried to establish provincial newspapers in all parts of the Empire.

Another reason of establishing provincial newspapers was to decrease the effect of publications that came from abroad to the provinces. Some of these periodicals were being published at the provinces that the Ottoman government had no powerful authority. Ortaylı (2000) says that there was no censorship in Dođu Rumeli during the suzerainty of Abdulhamit II since it was an autonomous province. Bulgarian newspapers published by the revolutionary committees in Serbia and the principalities of Walachia and Moldavia were not subject to censorship. To be able to diminish the effect of these newspapers and gain the support of Bulgarian citizens in this area, the first provincial newspaper of the country, *Tuna-Dunav*, began publication in Turkish and Bulgarian languages (Ortaylı 2000: 487).

At the beginning of the twentieth century, the number of provincial newspapers in the country was twenty-five. Total number of them was forty-seven; ten Turkish, seven Turkish-Arabic, four Turkish-Greek, two Turkish-Armenian, one Turkish-Serbian and one Turkish-Serbian-Greek-Hebrew (Kocabaşođlu and Birinci 1995: 105). Besides the provincial newspapers, the government planned to support the entrepreneurs who wanted to establish newspapers for the non-Turkish citizens in the Empire. For example,

the government gave instruction to the editor of *Ceride-i Havadis*, Mr. Churchill, to issue his newspaper in Arabic as well. In addition, Sahhak Ebro Bey, an officer of Tercüme Odası (translation office) and who was responsible for the publishing of *Le Moniteur Ottoman*, obtained permission from the government to issue an Armenian newspaper on 19 May 1852 (Ortaylı 2001: 46-47; Ortaylı 2000: 491).

As can be seen from above, the quality and number of newspapers in the Ottoman Empire increased after the first half of nineteenth century. Criticism and opposition are necessities for modern states and the Ottoman press tried to realize this mission for the society. While the press was developing in the country, the government made new arrangements or expanded the contents of existing laws and regulations on the press area. At the following part, I will give and try to evaluate the laws, regulations and arrangements concerning the press and printing presses. The situation of freedom of expression and press in the constitution of 1876 and the institutional censorship during the reign of Abdulhamit II will be also analyzed as the sub chapters.

II.3. First Legal Arrangements Relating to the Press

II.3.1. First Ottoman Laws and Regulations of Printing Presses

First regulation in the Ottoman Empire concerning the press and printing presses was prepared in 1857. Before this regulation, there were decrees, rescripts and commands relating to the press and printing presses. The first of them was the decree dated 1840. It gave permission to everyone publishing books in Tabihane-i Amire (governmental printing press). The second decree was proclaimed in 14 Cemaziyülevvel 1257 (1841). It

says that books cannot be published in the governmental printing press without permission.

Foreigners who wanted to establish printing presses in the provinces of Empire had to take license from the government. In 1849, the Ministry of Foreign Affairs sent a memorandum to the embassies in Istanbul. In this memorandum, the government warned the embassies that the government had some information on some foreigners in Berriyetüŝsam⁹ area that opened printing presses and began to issue newspapers, magazines and books without taking license from the provincial governors. It states that the management of a printing press is not a commercial activity and therefore Europeans cannot demand to use their capitulation rights for such an enterprise. It also says that foreigners who took permission to establish a printing press had to give assurance governors that they will not publish religious books. Moreover, all the books should have to be checked before being published by the governors of provinces. Journalist also had to take license in order to work (İskit 1939: 842).¹⁰

The rules of managing printing press in the Empire except for the one in Takvimhane-i Amire were arranged in a minutes of Meclis-i Valayı Ahkamı Adliye in 1856. According to it, private printing presses could also be opened. But, “their places always should have been checked and their publications should have been controlled since the

⁹ Berriyetüŝsam means Őam Desert. (Develiođlu 2000.)

¹⁰ From this point on, *Türkiye’de Matbuat Rejimleri* (İskit 1939) was used as the main source for analyzing the laws and regulations of Ottoman Empire in nineteenth century. A transcription of these documents is available precisely in this book.

government could not trust them.” An officer from Takvimhane, İsmail Bey, was appointed for these inspections (İskit 1939: 844-845).

II.3.2. Printing Press Regulations of 1857

Following the decrees relating to the press and printing presses, first press regulation of Ottoman Empire came into force in 1857, and was named *Basmane Nizamnamesi*. The French press regulation of 1852, prepared by Napoleon III, was the model for this regulation. It was prepared by Meclis-i Tanzimat (Ortaylı 2001: 199; Topuz 1973: 44).

It consisted of nine articles and became valid on 7 February 1857, after the Sultan approved it. Its first article was concerning the people who wanted to establish printing presses. Following the police investigation, Meclis-i Maarif could give permission to these people. The second article was about printing presses in provinces. Governors had to inform the Ottoman government about the results of application on this issue. They also had a right to open an investigation before they give permission.

According to the article three, publications had to be sent to Meclis-i Maarif, if they were published in Istanbul, or governorships before distribution. They had to be checked to make sure that they were not destructive for the state. Article four stipulates that foreigners had to take license from the ministry of foreign affairs to establish printing presses. Article five states that books that were published by foreigners must be sent to the ministry of foreign affairs firstly for checking. According to article six, foreigners who wanted to publish a newspaper should take license and permission from the ministry of foreign affairs.

Article seven was about the confiscation of publications. Publishing of obscene books, newspapers and journals were forbidden and police was responsible for their confiscation. Article eight guaranteed a person's privilege in his printing press or newspapers for a lifetime. The last article arranges the duties of governor and police about the printing presses and their owners (İskit 1939: 847). According to A. Batbie, a famous French jurist on administrative law, such a censorship regime had unprogressive effects for France. But, it might be progressive for the Ottoman Empire and Russia (Ortaylı 2001: 199). The Press Regulation of 1857 remained in force until 1888.

II.3.3. Criminal Law of 1858

Nineteenth century was the period that bureaucratic centralization regained its power in the Ottoman Empire. Bureaucracy needed a standard and compiled legislation for such an administration. Various laws that were in force in European countries were translated into Ottoman language first. After some changes and additions, they were put into force by the government. One of them was the criminal law of 1840.

The criminal law of 1840 was made up of fourteen articles. It was renamed as "*Kanun-u Cedid*" in 1851 and it was rearranged in 1858. The French Criminal Law of 1810 became the model for this law and so, differences between religions, sects and classes were ignored with this law, and it was applied to all citizens of Ottoman Empire (Ortaylı 2001: 180-183). Nonetheless, Lewis (2000: 109) states that the basis of this criminal law was the Sharia, despite the effect of French Criminal Law.

The first penalties for the press were also included to the Criminal Law of 1858. Topuz (1973) argues that the penalties relating to the press in French Criminal Law were translated to the Turkish and accepted unamended and unchanged. However, there were just three publications, *Takvim-i Vekayi*, *Ceride-i Havadis* and *Vekayii Tibbiye* in the Empire despite these penalties.¹¹ According to the article 138 of this law, the printing presses that were established under the permission of government shall be closed if they publish any documents against the Sultan, dynasty, government officers or an ethnic group. The publications shall be confiscated by the police and also the owner of printing press shall be fined ten gold coins to fifty gold coins. Publication of obscene humors and pictures was also forbidden by article 213.

II.3.4. Press Regulation of 1865

First press regulation of the Ottoman Empire was declared in 1864. Topuz (1973) claims that there were just ten newspapers, in Turkish, French, and other ethnic languages in the Empire. Also, there was no publication in foreign countries that was issued against the Ottoman government. However, he says that the French model of this regulation included heavy penalties.¹² Before this regulation, a citizen who applied to the government to publish a newspaper had to give a commitment that he would not write anything in opposition to the state and dynasty. He had to show a guarantor also (Ortaylı 2000: 495).

¹¹ Topuz claims that there were just three periodicals in this time. However, he doesn't state the source of this information (see Ortaylı 2000: 495, and Topuz 1973: 43.)

¹² Topuz doesn't mention about his source of newspaper and circulation in this period. Moreover, he doesn't state the exact number of newspapers (see Topuz 1973: 43-45).

Press regulation was composed of two chapters and 35 articles. The First chapter, *Mevaddı Umumiye* was about the necessary conditions in order to publish newspapers. According to the first article, Ottoman citizen and foreigners shall apply to the Ministry of Education (*Maarif Nezareti*) and Ministry of Foreign Affairs respectively. Only the people who could meet the conditions in article three could take license for the publishing of newspapers. Second article was explaining the application procedure in the provinces of the Empire. Article three was about the conditions for the owners of newspapers. Ottoman citizens had to be 30 years or over. Having previous conviction was also an obstacle to publish newspapers. The names of the newspaper and its owner, its time period such as daily, weekly, and the name of its printing press shall be given to the Press Directorate (*Matbuat Müdürlüğü*) and they had to be put also in every issue of the newspaper according to article four.

Article five states that every change in the newspaper and its administration shall be notified to the officers. This regulation comprised all the present publications of that time by article six. According to article seven, the directorate of newspaper was responsible for all the writings in newspaper. Official announcements and acknowledges of the government shall be published in the newspaper free by article eight. The denials that were sent to the newspaper had to be published free in the first or second issue also. The last article of the first chapter, article nine, prohibited the importing of publications that were published abroad and against the Ottoman government.

The second chapter, which was composed of 26 articles, was relating to the penalties about the newspaper and journalists. People who published newspaper without license

shall have to pay fine for per issue by article ten. The directorate of a newspaper who didn't send a copy of issue to the officers and didn't publish the identification in a newspaper had to pay fine by article eleven. According to article twelve, people who didn't publish the official acknowledge and denials shall be fined also. Article thirteen prohibited the publication of murder news. To publish them and anything that provoked for committing a crime was to be punished by imprisonment. Publishing of obscene and indecent materials was punishable by imprisonment also by article fourteen.

Journalists, who issue news against the policies and actions of Sultan and government, would be fined and imprisoned according to articles fifteen and sixteen. In addition to these penalties, publishing of news against the rulers of friendly countries would also be fined and imprisoned.¹³ Article nineteen and twenty-two prohibited and punished the critiques and insults against government officers and representatives of foreign countries. The publication of newspapers that criticized the Sultan, government, rulers of the foreign countries and government officers shall be stopped for a month by article twenty-six. Article twenty-nine had a heavy penalty for the newspapers. According to it, the newspapers that were condemned three times in two years would be closed temporarily or permanently by the government (İskit 1939: 691-695).

This regulation was in force in the Empire until 1909. It was very restrictive for the Ottoman Press. It had no sanction on Europeans, as, because of the capitulations, they

¹³ Ortaylı (2000: 494) states that protection of the rulers of friendly countries from opposition and insult was a tradition in the nineteenth century. For instance, an issue of German newspaper *Der Arme Konrad*, dated 17 October 1896, was confiscated by the Prime Minister Hohenlohe since it criticized Sultan Abdulhamit II in an article.

had their own laws. The Ottoman government made an announcement in 1867 that it would begin to give penalties to the newspapers by administrative ways without being restricted by the press law (Alemdar 1996: 18).

Two years after the Press Regulation, a decree was published by the Ottoman government in 1867 to increase its control on press. This decree was called as Kararname-i Ali.¹⁴ Besides the press regulation, it gave an extensive right to the government “to be able to protect public order” and to take precautions against the newspaper, which was opposed to the government and “spreading harmful ideas.” Although Kararname-i Ali was a temporarily decree, it was in force until 1909.

Following the proclamation of the Kararname-i Ali, another one was prepared by the government on April 1876. By this decree, the systematic control of newspapers before publishing began in the Empire. This was the beginning of censorship in the Empire (Topuz 1973: 48; İskit 1939: 62). Tanör describes this situation as “the press was left to the mercy of such institutions like the Zaptiye Divanı (Council of Police)” (Tanör 1999: 112). The newspapers in Istanbul and the provinces were checked before publishing by the officers of Press Directorate and the officers of governors after that time (İskit 1939: 698).

¹⁴ Tanör (1999: 112) states that the Kararname-i Ali, which means “government edict or august decree”, is also used mockingly as “Ali Paşa Edict.”

II.3.5. Kanun-ı Esasi (The Constitution of 1876)

Sultan Abdulaziz was overthrown by a group of liberal reformers on May 1876; Mithat Paşa, Hüseyin Avni Paşa, Kayserili Ahmed Paşa and Süleyman Paşa. Abdulahmit II succeeded him after giving a guarantee to proclaim the constitution. The constitution of 1876 was prepared by a commission. Mustafa Erdoğan (1999: 27) argues that the Belgian constitution of 1831 was the model for the Ottoman reformists. However Ortaylı (2001: 274) says that it is a common mistake: The commission looked over all of the present constitutions and created an authentic one. For Lewis (2000: 163), like the Prussian constitution of 1850, the constitution of 1876 had many characteristics of Belgian constitution of 1831. He also states that the Ottoman constitution was not prepared by parliament but proclaimed by the Sultan.

The constitution of 1876 was the beginning of constitutional monarchy in the Ottoman Empire. Article twelve of the constitution was about the press; “*press is free in the frame of law*”. According to Tanör (1999), the constitution of 1876 recognized the religious freedom, but it didn’t mention about the freedom of expression. Article twelve (press is free in the frame of law), was vague and didn’t state the essence of freedom of press. In addition, it didn’t prohibit censorship (Tanör 1999: 146). For İskit (1939), the twelfth article of constitution ensured the freedom of press. However, there was no change in press area after this constitution (İskit 1939: 43). Erdoğan (1999) states that the constitution of 1876 was appropriate for human rights in the frame of present viewpoint. The basic freedoms were in the second area of the constitution (between the articles 8 and 26). He argues that there was not a clear statement about the freedom of expression, and it is a deficiency for the constitution. But, article twelve ensured the freedom of

press and it removed the deficiency of freedom of expression to some extent (Erdoğan 1999: 29-30).

II.3.6. The Press Law of 1877

The Press Regulation of 1865 and the decree of Kararname-i Ali in 1867 were in force at the second half of nineteenth century. Following the proclamation of Constitution, Mithat Paşa declared amnesty for the political exiles and created a liberal atmosphere in the country. This means more freedom for the press (Tanör 1999: 150). The first Press Law was drafted at this term also. In 1877, it was accepted first in Chamber of Deputies (*Meclisi Mebusan*) and then in Chamber of Ayan (*Meclisi Ayan*).

The Press Law 1877 consisted of three chapters. First chapter was on the establishment and functions of the printing presses. Second chapter was concerning the periodicals, and the last one was about the crimes and penalties in the press area. According to this draft, everyone aged 25 or over could have established newspaper, after they had permission from the government. Newspapers that might cause a danger in the security of state with their news shall be closed permanently. In addition, newspapers that published news against the Sultan were to be closed too. The directorate of these newspapers shall be imprisoned for up to 3 years. Publishing of articles that were subversive for the parliament constitution was also forbidden and journalist who broke this order shall be imprisoned for up to one year.

Although Meclisi Umumi accepted the press law in 1877, Sultan Abdulhamit didn't approve it. The closure of Meclis-i Mebusan on 19 March 1877 by him was the

beginning of a new period in Ottoman Empire, despotic period (*İstibdat Dönemi*). Following the Ottoman-Russia war, the martial law was declared on 20 September 1877. The law was used frequently for the closures of newspapers after this time (İskit 1939: 44; Tanör 1999: 161-162; Topuz 1973: 54-57). It was the most restrictive time for the Ottoman press. Supporters of the constitutional parliamentary regime were exiled to abroad or appointed to an official service as a bribe. Individual rights and freedoms were destroyed and the Sultan suppressed the society by using a great intelligence organization (Tanör 1999: 161 and 162).

II.3.7. The Press Regulation of 1888

The second regulation on press was prepared in 1888. The former regulation was also removed at this date. This regulation consisted of 41 articles and six chapters. They were relating to the general conditions, the publishing of newspapers and other materials, the exported publications, the distribution of publications, the condition for the advertisements and judicial issues, respectively.

According to this regulation, newspapers had to take permission from the government. In addition, people who wanted to publish books had to apply to the Ministry of Education. The distribution of exported publications was prohibited before they were checked by the Ministry of Education in Istanbul or governorships in the provinces (İskit 1939: 54). According to the article twenty-one, people who could not take permission for the publishing or distributing books had a right to appeal Şura-yı Devlet.¹⁵ However,

¹⁵ Şura-yı Devlet was an advisory council in Tanzimat Period that prepared the drafts of laws and regulations. It is the basis of present Council of State (*Danıştay*), opened on 10 May 1869. Meclis-i Vala-

it had just two meetings in a year. Publishing, distributing and selling of obscene materials were also forbidden according to this regulation.

This press regulation was in force until 1895. During the reign of Abdulhamit, the press regulation was seen as insufficient for the controlling of newspapers and books. Thus, a new decree was proclaimed in 1898 that aimed to control over all the printing presses and press in the Empire (İskit 1939: 866).

II.4. The Situation of Press in Abdulhamit Period

The reign of Abdulhamit was accepted as period of institutional censorship. However, Abdulhamit used the present regulations and decrees to be able to control the press at the first years of his rule. Censorship became institutional with the new laws and regulations at the following years. There were three main institutions that carried out censorship.

The decree of martial law in 1877 was the first step of censorship during this period. In 1878, Sultan Abdulhamit established a censorship committee that was composed of his reliable officers and worked under the Press Directorate of Ministry of Internal Affairs.

yı Ahkam-ı Adliye, founded in 1827 by Mahmut II, was the first form of this council. Şura-yı Devlet was separated into three department on 15 February 1872; Tanzimat, Muhakemat and Dahiliye. From this time, the president of Şura-yı Devlet became minister and member of Meclis-i Vükela. According to Ortaylı (2001: 140), Meclis-i Valayı Ahkam-ı Adliyye was a model of Corps Legislative in France and the senate in Russia. The reformers of Tanzimat period took France as a model since it was appropriate for the Ottoman Empire (see also Tanör 1999: 67-107).

All newspapers in the capital and provinces were being checked by the officers of committee every day before publishing.¹⁶

The newspaper that was published in other languages except for Turkish in the Ottoman Empire or another country was being checked by the Press Directorate (*Matbauati Hariciye Müdürlüğü*) of Ministry of Foreign Affairs. Exported publications could be distribute only after the control and approve of this censorship committee (İnuğur 1978: 246).

The third censorship institution was Maarif Meclisi. Until 1881, it was checking the books and magazines. The permission for their publication was given by this institution. People who wanted to establish printing presses had to apply to this institution (İnuğur 1978: 69). It had also a commission named as the Commission of Inspection and Examination (*Encümeni Teftiş ve Muayene*). It was responsible for controlling and censoring all publications that were non-political. Moreover, it was responsible for the destroying of “obscene publications” by burning them (İskit 1939: 70; Topuz 1973: 58). At the beginning of its establishment, it had six officers. This number increased to 59 in 1907 (İnuğur 1978: 247).

A statute was prepared during the reign of Abdulhamit also. It arranged the rules that journalist had to obey. It was consisted of nine articles. Using of some words was forbidden. It included an index that indicated these words such as reform, republic,

¹⁶ This directorship was a branch of Ministry of Internal Affairs. However, it had a close relationship with the Sultan. Many times, its instructions were being giving directly by the Sultan not the ministry (İskit 1939: 73).

bomb, strike, assassination, revolution, anarchy, socialism, dynamite, explosion, disorder, coup, constitution, freedom, native, equality, Bosnian-Herzegovina, Macedonia, Crete, Cyprus, big nose,¹⁷ nation, cruelty, justice, crazy and brother (because of Sultan Murat), star, hill (because of the palace) (İskit 1939: 65). Because of these prohibitions, newspapers could not inform their readers about the revolutions and parliament systems in Iran and Russia in 1905. The news about the assassinations to the French President Carnot, the USA President Mckinley and Austrian Empress Elizabeth were not given in the Ottoman newspapers also. They were given as a heart attack, a carbuncle (*şirpençe*) and heartache, respectively (Tanör 1999: 162). Another example of censorship was about a play of Franz Grillparzer. The censorship of his play surprised even the most conservatives of Habsburg dynasty.¹⁸ When the cause of this prohibition was asked to the censorship commissioner, he said that it would have an objectionable point absolutely (Ortaylı 2001: 46-47; Ortaylı 2000: 493).

II.5. An Evaluation of the Nineteenth Century

Controlling public opinion is a necessity for the governors of modern state. Society is compromised from different groups. Governments had to use different methods to be able to take the support of different groups. The importance of public opinion for the government is not important just for the modern society in which the communication tools developed. Coffeehouse, bath, dervish lodge (*tekke*), etc. were also places that

¹⁷ It was prohibited because of Abdülhamit's painted beard and nose. Therefore, the term "promontory" was used in geography instead of "nose" (Tanör 1999: 161-162).

¹⁸ Franz Grillparzer was an Austrian author and supporter of emperor and his administration.

communication tools and public opinion developed. Theatre was added to these communication tools in the nineteenth century (Ortaylı 2001: 196).

It might be argued that the newspapers of İzmir at the beginning of nineteenth century were the pioneers of press in the Ottoman Empire. Under the management of Alexandre Blacque, *Le Spectateur Oriental* started the critical approach in the Ottoman Press. Its pro-Ottoman attitude caused the birth of first official newspaper of the Ottoman, *Takvimi Vekayi*. There is a general opinion that the pressures on the press were peculiar just to the Abdulhamit period. However, it began from the beginning of emergence of press in the Empire. *Le Spectateur Oriental* was under the pressure of Ottoman government from its first years onward. Then, the embassies of great states began to oppress and censor it. It was closed by the consul of French following these pressures. It was an interesting point for the Ottoman press. The first newspaper closure in the Ottoman Empire was a decision of an embassy not the Ottoman government.

Censorship mechanism had interesting points in the 1850's. The government gave permission for the establishment of a journal that published in Turkish with the Greek alphabet. But, the owner of journal, Mr. Evangelos, had to give a guarantee that he would not write any articles and news about politics and dynasty. Ortaylı (2000) argues that this guarantee was a practice of censorship that did not become a law yet. Another example about this issue was in 1862. The representative of Bulgaria in Istanbul, Hristo Topçiplište, had to give an assurance to the Ministry of Foreign Affairs for Kyros Petro, a Bulgarian who demanded to establish a newspaper (Ortaylı 2000: 492-495, and Ortaylı 2001:46-47).

A general evaluation of press in the Tanzimat period shows that press freedom was very limited at that time. According to Ortaylı (2000 and 2001), the censorship in the Tanzimat period was carried out mainly by taking guarantee from the owners and journalists of newspapers before publishing. He also says that:

“...It is seen that censorship had not become institutional until the reign of Abdulhamit II. However, it is not a result of democratic views of Tanzimat bureaucrats. Since the press was not developed much at that period, there was a loose politics on the press. Pre-censorship (censure prealable) was not seen in the Tanzimat period systematically. Abdulhamit and his officers achieved to establish an institutional censorship by using the twelfth article of 1876 constitution.” (Ortaylı 2001: 46-47; Ortaylı 2000: 493).

As I said before, Abdulhamit period was the period when the censorship became institutional in the Ottoman Empire. Censorship was carried out by a group of bureaucrats as an intellectual despotism. The development of censorship went hand in hand with the Turkish newspapers.

The newspapers of European countries were another important concern for the government. After the second half of nineteenth century, the official French newspaper of the state was not enough to be able to affect the public opinions of European societies. *Telegraph* removed the monopoly of *Le Moniteur Ottoman*. Thus, the Ottoman government and Sultan began to bribe the European newspapers to be able take their support. For example, Ottoman government gave 23.155 Ottoman Kuruş to a Frankfurt newspaper in the name of subscription. In spite of these expenses, this method was not much successful (Ortaylı 2000: 198).

During the Hamidian period, press was being seen as a problematic area that disturbs the government even in their daily works. The critical approach of the press was unusual and disturbing for the Ottoman administration. Therefore, it did not permit an opposition of Turkish newspapers. It was easy to censor them. But, it had not much effect on the European newspapers. It only reacted against them when the situation was appropriate (Alemdar 1996: 21). The press in the Abdulhamit period exhibits continuity with the Tanzimat period. But, there were novelties: newspapers were being issued professionally and reached a great amount of subscriptions at the Abdulhamit period. However, there was a strict censorship after 1888 that prohibits many discussions, especially in politics (Zurchar 2001: 119).

III. The Press Law of 1909

III.1. The Revolution of 1908

There was a meeting between the king of Britain, Edward VII, and the Russian tsar, Nicholas II, on 11 June 1908 in Reval. The meeting was arranged in order to evaluate the relationship between Britain and Russia and to realize possible reforms in Macedonia which might put an end to the disorders in Macedonia. The meeting in Reval was the beginning of a rebellion in the Ottoman Empire. The rebels saw the meeting as an intervention to the internal affairs of the Ottoman Empire. The Committee of Union and Progress (CUP), a secret organization established and organized during the reign of Abdülhamit II, decided to overthrow him in June. Kolağası Niyazi, one of the members of Committee, started the rebellion on 28 June 1908 in Manastır, after he took permission from the central committee (Ahmad 1999: 17-20).

CUP took the control of rebellion on 6 July. In a CUP announcement that was sent to the embassies of European states, reestablishing of the Constitution of 1876 was declared as the basic aim of the organization. They also argued that they used violence against security officers just to defend themselves.¹⁹ The corps that was sent to region from Istanbul failed to suppress the rebellion. On July 20, Muslims in Manastır joined to the rebels. They also claimed to reestablish the constitution. Rebellion spread in all Macedonia in a short time and the CUP proclaimed the constitutional monarchy on 23

¹⁹ The Ottoman government sent Şemsi Paşa to the region in order to suppress the rebellion. But, he was assassinated on July 7. The attacks on the spies and soldiers of Abdulhamit continued next days (Ahmad 1999: 25-26).

July 1908. Finally, Sultan Abdülhamit II signed a decree on 23 July 1908 concerning the declaration of constitutional monarchy. Thus, the constitution of 1876 was reestablished (Tanör 1999: 112-176; Ahmad 1999:29).

The historians and researchers evaluate the declaration of constitutional monarchy in 1908 from different perspectives. For example, according to Aykut Kansu (2001), it is a belated liberal revolution that caused the transformation of subjects (*tebaa*) to citizens (*vatandaş*). Also, the equality of people before courts of law was one of the main aims of this revolution. For him, “the aim of the movement was to destroy the ancient structures of the state and not to save it.” (Kansu 2001: 358-360). However, Feroz Ahmad (1999) does not accept it as a revolution. According to him, the CUP tried to reestablish the constitution that had been proclaimed in 1876 and aimed to save the state. Revolutionary aspect of the 1908 rebellion appeared at the following years of their government (Ahmad 1999: 33).

Whether it was a revolution or not, the reestablishment of the constitutional monarchy in 1908 caused great changes in the country. Abdülhamit II was against the liberal ideas and accepted it as a threat for his authority and rule. However, he was aware that institutional modernization was a necessity to consolidate his rule and to strengthen the Empire. A new social class that was different from the traditional and distinguished class and had opposite interests to them was a by-product of Abdulhamit’s reforms. This new class also had a wider basis in the Ottoman society (Ahmad 1996: 8).

III.2. The Situation of the Press at the Beginning of the 1908 Revolution

The ongoing practice of censorship the publishing of newspapers was annulled after the date of 25 July 1908. It had continued about thirty years (İnuğur 1978: 287). The number of newspapers increased quickly following the declaration of constitutional monarchy. For the press, the first months of revolution might be described as a period of anarchy, not freedom: Newspapers were not subject to any punishment. Consequently, there were no restrictions on the freedom of press (İskit 1939: 76; İnuğur 1978: 288). In addition, the concession for the ability to publish newspapers or journals had been given after a detailed investigation before the revolution. It was given easily after that time. Thus, many newspapers and journals were being published by the people who were not journalists but amateur and eager entrepreneurs. These publications closed in a few months (Birinci 1995: 143).²⁰ According to İskit (1939: 78), all ethnic groups in the Empire except from the Turks consisted of societies and published newspapers during this period. İskit (1939: 78) argued that most of the publications that established following the re-declaration of second constitutional monarchy had subversive works for the Ottoman Empire and their aim might be seen in their publications.

The number of people who took license to publish newspapers reached two hundred within two months of the 1908 revolution. Some newspapers had a circulation of fifty thousands (İnuğur 1978: 287). The free movement of press and the opposition of

²⁰ A list of newspapers published in these months is not available. But, Ali Birinci gives a list of newspapers, which shows the list of official permissions. This list was published in *Takvimi Vekayi*. However, there is no information about the newspaper published in this term illegally (Birinci 1995: 143-144).

newspapers disturbed the government and it resulted in establishment of the Temporary Press Association Commission (*Matbuat Cemiyeti Heyeti Muvakkatesi*) on 30 July 1908. The commission banned the personal criticisms about the government members and their past. According to it, Journalists could criticize and evaluate them just about their works and performances.

The Committee of Union and Progress was also disturbed by the freedom of press. On 29 January 1908, the headquarters of CUP sent a statement to its branches. There was an evaluation on the newspapers in this statement (İnuğur 1978: 79-82). The CUP said that the government established a commission to give financial aid to the people who were exiled during the reign of Abdülhamit II and there would be an investigation before the aid was to be granted. Some people who were spurned by this investigation began to criticize this commission in *Hukuku Umumiye* and *Serbestî*. According to the CUP, their aim was to elicit money out of the government and to be appointed to an official post.

CUP divided press into three groups in its statements; official and unofficial society newspapers, pro-government newspaper and neutral newspapers. According to it, *Hukuku Umumiye* and *Serbestî* were the supporters of Fedekaran-ı Millet Society. The society of Ahrar was sustained by *İkdam* and *Volkan*. Moreover, *Yeni Gazete* was showed as an example to the newspapers that were bribed by the government. CUP argued that most of the capital of this newspaper was belong to Kamil Paşa²¹'s son. There were also two groups of neutral newspapers; the ones that were established during the reign of Abdülhamit II and the ones that was established after the revolution. *Sabah*,

²¹ He was the Grand Vizier and the head of government during this time.

Tercüman-ı Hakikat, *Servet-i Fünun* and *Saadet* were at the first group. *Tanin* was the most important newspaper of the second group. CUP alleged that, most of its correspondents were honorable, well-informed, honorable, patriotic and objective during the reign of Abdülhamit II.

In addition to the evaluation of CUP on the newspapers at this term, I want to provide some short information on them. Although the number of newspapers was great at this period, there are few newspapers that had an important effect on the government and society. After Ali Kemal was appointed as editor, *İkdam* began to a strong opposition against the CUP. It was also the supporter of the Ahrar Fırkası. Another newspaper that was founded before 1908 was the *Tercüman-ı Hakikat*. *Tercüman-ı Hakikat*, *Sabah* and *Serveti Fünun* was three of the big newspapers that were aimed to be neutral at this period (İnuğur 1978: 288 and 289).

Another important newspaper at this term was *Tanin*. It was founded by Hüseyin Cahit, Tevfik Fikret, and Hüseyin Kazım. Hüseyin Cahit was a member of the CUP and supported it greatly in *Tanin*. He became a member of the Meclis-i Mebusan. *Tanin* was raided during the rebellion of 31 March 1909. It was affected from the new order following the suppression of rebellion. Army became a partner of government after this time. For example, the crisis between the army and the CUP in December 1909 because of a draft about the unifying of two navigation companies (Hamidiye of Ottoman Company and Lynch of British Company) caused the closure of *Tanin* by the War Court (*Harp Divanı*) on 22 December (Ahmad 1999: 80). It began to be published again some time later. But, the tensions between the army and the CUP, and its opposition against

the army caused temporary closures of *Tanin*. It was tried to be published under the name of *Cenin*, *Senin*, *Renin* and *Hak* at different periods (Toprak 1987: 45; İnuğur 1978: 209; Ahmad 1999: 118). It was closed during the republican regime permanently, in 1925.

Şerrah, a newspaper founded in 1911 and supported the party of Freedom and Entente (*Hürriyet ve İtilaf*), was one of the most oppressed newspapers during this period. It was closed thirteen times in its first year. It tried to continue publishing with twelve different names during this period (Toprak 1987: 45). They used a method to maintain the publishing of this party newspaper. Following the establishment of *Hürriyet ve İtilaf*, about fifteen members of the party get concessions to publish newspapers. When either the government or the headquarters of martial law closed a newspaper of these members, another one began to issue a newspaper. Thus, they could continue their strong opposition against the government (Birinci 1987: 9). *Tanzimat*, *Tesisat*, *Alemdar*, *İkhtiham*, *Yeni Gazete* and *Sabah* were the other newspapers that supported the party of *Hürriyet ve İtilaf*.

As I mentioned above, the effect of army increased greatly after the suppression of 31 March. Most of the newspapers were closed by the Martial Law Council (*Divan-ı Harb-i Örfi*) according to the article six of Martial Law Decree. According to the article six, the periodicals that “caused confusion” among the society would be closed. This sentence had an arbitrary and confusing command. Birinci (1987: 10) argues that the administration of Martial Law gave different penalties to the newspapers of CUP and the

ones of opposition parties and societies. Thus, there were complaints about the practice of the Martial Law Decree.

III.3. Effects of 31 March on the Ottoman Press

Following the reestablishment of the constitutional monarchy, the CUP didn't take responsibility in the government at the first years. A new government was made up by the present bureaucrats. CUP aimed to act as a supervising committee to preserve the constitution (Ahmad 1999: 32). CUP and Jeune Turcs was accepted as a prolongation of the Young Ottomans and nineteenth century reform movements. However, it could not become government in the Empire because of some reasons. Unlike the Young Ottomans, the Jeune Turcs were not the members of the bureaucratic class. They didn't see themselves as much talented as the Young Ottomans. Ottoman society had the same ideas, too. Moreover, the CUP had not a systematic and well-organized grouping among the country (Ahmad 1999: 34-36). For the Ottoman society, age and seniority (*kıdem*) were the essential preconditions to become a member of government. The members of the CUP consisted of captains, major generals or low degree bureaucrats. Thus, they could not hold positions in the government (Zürcher 2001: 141). CUP could not gain the exact power until 1913. Until this date, there was a great struggle to be able to gain the administration of the country and the press became an important tool in this struggle. Freedom of press began to be restricted in time, and violence was used against the journalists during this period.

The Ottoman Parliament opened on 17 December 1908. Two months later, a governmental crisis emerged, and Grand Vizier Kamil Paşa resigned from his duty since he could not obtain a vote of confidence from the assembly. Because of this crisis, the CUP was criticized heavily by the opposition press. The newspapers that supported the CUP replied these criticisms and this fight continued about two months. During this period, some of the CUP members demanded the dismissal of the *Levant Herald's* editors. It was supporting Kamil Paşa and had close relationships with the Embassy of Britain (Ahmad 1999: 57). Its opposition to the CUP was disturbing for the CUP headquarters.

Until this time, there were non-violent methods to suppress the press such as the closures of newspapers, exiles and censorship. From this time, violence was also used to suppress the opposition press. On April 1909, the editor of *Serbestî*, Hasan Fehmi, was killed by the unknown assailants. *Serbestî* was an important opponent of the CUP at this term. This murder increased the criticisms against the CUP. Thus, the government and the CUP decided to move together against the opposition. On 3 March 1909, a draft law was presented to the assembly. According to it, people who wanted to make demonstration or meetings in public places had to take permission from the government 24 hours before the activity. However, this draft law was delayed on 25 March 1909 because of the strong opposition in the assembly (Ahmad 1999: 60). Besides this draft law on demonstrations, Grand Vizier Hüseyin Hilmi Paşa demanded a new press law that would have restricted the freedom of press.

The insurrection of 31 March 1909 and the danger to the constitutional monarchy caused important changes in the Empire. An army, *Hareket Ordusu*, was formed under the command of Mahmut Şevket Paşa in Selanik to suppress the insurrection. It moved to Istanbul and following the suppression of the rebellion, a Martial Law was declared and it remained in force until 1912. The government accused some newspapers and journalists as provocateurs of the rebellion. The owner of *Volkan*, Derviş Vahdeti, was executed at this period. The newspapers that were closed by the government and army tried to be published with different names. However, *Harp Divanı* prohibited the reestablishing of closed newspaper with similar names and under the same editor and owner (İskit 1939: 85).

The army was a strong partner of government after the 31 March events and the declaration of Martial Law (Zürcher 2001: 149). Abdülhamid II was overthrown by the Army and CUP, and Sultan Reşat succeeded him. Some conservative opponents and members of Ahrar Party were heard before the military court. The Ottoman press was also affected by the rebellion. The CUP became dominant in the assembly with the help of the Army. It made some changes in the constitution and began to prepare new law drafts.

III.4. Law Drafts concerning to the Press and Press Offices

One of the first constitutional documents relating to this period of change was the decree about the declaration of the constitution that was read at the Babıalî on 1 August 1908. It was prepared by Sadrazam Sait Paşa and demanded some complementation about the

powers of government and individual rights and freedoms. According to him, there were some deficiencies that should have been completed immediately. For instance, the censorship on press must have been removed. Private letters and periodicals should have not been kept in post offices. Also, the trials against press should have been heard before the courts of first instance (Tanör 1999: 181).

Fifty-three laws were accepted in the Ottoman parliament in the period between May and August 1909. The most important of these was the arrangement on the constitution of 1876. Twenty-one articles of the constitution were amended and three articles were added. As a result of these amendments, the law drafts were not to be sent to the Şura-yı Devlet for the approval anymore. Also, the arrangements, which were made in 1909, preserved individual freedoms against illegal punishments. From that time, arbitrary arrests and punishments were prohibited. Officers had to act within the framework of law (Tanör 1999: 194). Article 113 of the constitution that gave right to the Sultan to send people into exile was removed also at that time.

According to Tanör (1999), despite the arrangements in 1909, the constitution was still restrictive. There was no clear statement about the freedom of expression except the freedom of press. Moreover, the freedom of press was also restricted by an interpretative statement; *“press is free within the framework of law.”* Tanör argues that officers could use this statement to suppress or restrict the freedom of press. On the other hand, another statement of the constitution prohibited the censor on press. It was a positive step and a reaction to the institutional censorship of Abdülhamit II period (Tanör 1999: 196).

Besides these arrangements in the constitution of 1876, a press law was prepared in 1909.

The first law drafts relating to the press and press offices after the revolution of 1908 were presented to the Parliament by the government of Kamil Paşa on 6 February 1909. The Press Commission of the Parliament made some changes in the draft of press law. There was an evaluation of the press law on the official report of commission. It was made by Ebüzziya Efendi, a member of the Press Commission. When he presented arguments that stated the necessity of a press law, he said that the European states had the press laws, too.

III.5. An Examination of the Articles of the Press Law of 1909

The law drafts concerning the press and press offices law were accepted during the government of Hüseyin Hilmi Paşa (İskit 1939: 85). The basic model for the law was the French one like the criminal law and the former press regulations of the Ottoman Empire. The French press law had been prepared in 1881. The Press Law of Ottoman Empire was approved by *Meclisi Mebusan* on 14 July 1909 and then by *Ayan Meclisi* on 18 July 1909.

The Press Law of 1909 consisted of three chapters and thirty-seven articles (MMZC 1982). According to article one, all periodicals had to state its owner and editor to the government. These people were responsible for all the articles and news in the periodical. As mentioned above, the press laws of the European countries were the main

models for that law. During his statement at the parliament, the president of Press Commission, Lütfi Fikri Bey, argued that such an article had to be inserted into the law like in the French one (MMZC 1982: 308). It was accepted unanimously.

Second article of the Law stated the qualifications for the editors of periodicals. According to it, every citizen above the age of 21 and was not convicted by civil law for a year's imprisonment or more, could be an editor. This article caused disputes at the parliament. Yorgi Boşo Efendi argued that all the Ottoman citizens who were not condemned to imprisonment for murder should have the right to be appointed as editor. A measurement shouldn't be used for the imprisonment as well. Moreover, people who were convicted because of their political activities should have the right to be editors at the periodicals. But, Lütfi Fikri Bey rejected this proposal since there was no official document, which defined minor crimes in a detailed way. He argued that a measurement of imprisonment had to be used because of lack of such a document.

The education level of journalists and correspondents was another debate. Hüseyin Cahit Bey proposed an addition to the second article. People who demanded to publish newspapers had to be a college graduate. He argued that the publications of uneducated people would not be beneficial for the country and this condition was also present at the other countries' laws. He also says that "*every Ottoman citizen*" could have concession for the publishing, not "*every person*." In the name of commission Lütfi Fikri Bey replied him. He said that education condition should have been necessary for the editor of newspaper, not the owner. The owner of periodicals did not have to be Ottoman citizen. He showed the French Press Law as an example and said that the editors of

periodicals in France had to be a French citizen of France and the commission made an arrangement according to this at the last chapter of the law.

Şekip Bey, deputy of the Saruhan district, criticized the imprisonment condition, too. He argued that many intellectuals were condemned to imprisonment during the reign of Abdülhamit II and these people could not publish periodicals after that time. Rıza Paşa also criticized the proposal of Hüseyin Cahit on education. According to him, a capital was necessary to be able to publish newspapers and most of the educated people in the Empire had no such capital. Instead of education condition, the editor of newspaper must have known the language of the newspaper very well. Graduation from high school should be enough to be an editor according to him. Seyyit Bey and Abdülhamit Zehravi Efendi also criticized the condition of graduation from a college (MMZC 1982: 312).

Against the criticisms of statement about the politically convicted people, Abdullah Azmi Efendi, deputy of Kütahya district, said that an amnesty was declared after the revolution of 1908 for the people who were imprisoned during the reign of Abdülhamit II. So, it was a mistake to allow the people that were convicted because of their political activities after this time since they opposed the constitutional monarchy. As will be seen in the following paragraphs, this point of view was shared by many members of the parliament. While they tried to destroy the traces of the Abdülhamit II period, they also wanted to suppress opposition press and preserve the regime. It was a paradox. Moreover, the press commission and members of parliament did not give detailed information about the execution of this law. For example, Rıza Paşa said that an editor had to know the publishing language of the newspaper very well. But, he or someone

else did not talk about the institution or officer who would check this condition (MMZC 1982: 317).

People who wanted to publish periodicals in the capital should apply to the Ministry of Internal Affairs with a written statement (*beyanname*). If they accommodated in provinces, they had to apply to the governors. In their statement, the names of the periodical, the owner and the editor, the type of the periodical (politic, humor etc.), its address, publishing language, and publishing intervals would have to be given. The government had to evaluate and reply the statement in 21 days.

Newspapers or journals that began to be published without permission would be closed immediately and fined 5 to 50 *Lira* fine according to the article four. This article had heavier conditions than the first draft of the law prepared by the commission. Periodicals that were published without permission would be closed immediately. Moreover, its owner and editor would be imprisoned for three months. They would have to pay a 10 gold fine for each issue as well. In addition to these conditions, some members of the Assembly criticized the deposit that was demanded by the government from publishers. They argued that these conditions would restrict the press freedom (MMZC 1982: 317).

Article five explained the heritage status of the newspapers. The heirs of periodicals could continue publishing under the management of an editor. Lütü Fikri Bey stated that because of its commercial worth, a newspaper could be inherited as long as its editor had the qualifications. This opinion caused a dispute. Hüseyin Cahit Bey, the deputy of Istanbul, argued that a person who didn't have the legal conditions to be able to publish

a newspaper could take the permission for publishing because of this article and inheritance. While the article two brought some conditions to have a newspaper, the article five didn't demand any conditions (MMZC 1982: 324).

In his response to this argument, Lütfi Fikri Bey showed similar statements in the French Press Law as an example. According to his model, the owner of newspapers did not have to be qualified. The important person was the editor. He argued that the commission demanded some qualifications from the owners at the second article to be able to prevent some suspicious people's applications. He also said that article two could be rearranged if it was necessary. On the other hand, Hüseyin Cahit Bey argued that the most effective person in a newspaper was not the editor but the owner. Therefore, the owner of a newspaper must fulfill all the conditions set forth for the editor. In addition, the owner of a newspaper should be held responsible for all the articles and news. As can be seen from this dispute, the commission had some important mistakes and deficiencies in the preparation of the law (MMZC 1982: 335).

Article six of the Law was about the name of the periodicals. According to it, a newspaper's name could not be used by someone else. A name that was not used for a period of fifteen years was free after that time.

Related officers had to be informed about the death, resignation, or imprisonment of the editor in five days according to article four. Otherwise, seventh article of the law would be carried out. At the first draft, article four had stated that editors have to be 25 years old or older. They should also have the conditions defined at article two. Education issue

was discussed again during the negotiations of this article. Zehrap Efendi, deputy of Istanbul, argued that journalists and correspondents had to be educated like the other professions such as medical and legal professions. In addition, Hüseyin Cahit Bey argued that if the graduation from college would not have been a condition for the journalists, the owners of newspapers would employ some people that they could easily control. For him, educated people would not be affected by the owners so much and would instead obey the rules. The members of Union and Progress at the Parliament also supported the education condition. However, some other members criticized it since there were either no or not enough educated people in the provinces. According to them, publishing of newspaper would stop if this condition accepted by the Assembly (MMZC 1982: 343).

The second chapter of the law consisted of seventeen articles and defined the punishments on the press area. According to article eight, two copies of periodical had to be signed by its editor and sent to the authorized officers. Otherwise, the newspaper had to pay a half Ottoman gold fine for each copy. Hristo Dalçef Efendi, deputy of Selanik, criticized this article since it resembled the institutional censorship of former period. The president of Parliament, Ahmet Rıza Bey, argued that this procedure was present in Paris and other places. However, Dalçef Efendi stated that newspapers that were published in other countries of Europe were sending a copy of their issues to their national libraries not to the governors. This article was accepted in spite of these criticisms. Newspapers who were published without giving their identity information shall be fined by the article nine (MMZC 1982: 345).

Article ten was about the selling of newspapers. Sellers could read aloud just the name of newspaper and author in public places. Making advertisement that was obscene or humiliated someone or someplace would have been fined from 5 *Kuruş* to one *Lira* and also they would be imprisoned from one day to one week. In his criticism about this article, Zehrap Efendi said that selling newspapers was a commercial activity and sellers had to talk about the contents of newspapers to be able to sell more. No merchants were punished since he made wrong advertisement. So, it was not inconvenience to use exaggerated statements to be able to sell more newspaper. However, Mehmet Talat Bey objected to this argument. Unlike the other jobs, newspaper sellers were working in squares and streets. According to him, they might provoke the society by reading aloud and wrong advertisement (MMZC 1982: 581-582).

Article eleven of the Law was organizing the punishments on articles and news in periodicals. According to it, the editor of a newspaper had the primary responsibility for all the writings in it. The author of article, press officer and seller and distributors were the other people who were responsible for the writings, respectively. The penalties would be given to the editor firstly. If he could not be trialed others would be punished. Editor and authors of newspaper were always responsible for the writings and would be taken to court. The owner of newspaper was responsible for paying compensation.

Lütfi Fikri Bey made a speech about this article at the Parliament in the name of the commission. According to them, editor should have been responsible for all writings in the newspaper. If he could not pay the fine, he should be imprisoned. If the owner of periodicals would have paid the fine, editor would not have to feel any responsibility.

Such a punishment would not be deterrent for editors. Therefore, fines should have been paid only by editors (MMZC 1982: 309).

Yorgi Boşo Efendi, deputy of Serfice district, criticized the article since sellers, most of whom were children, became responsible for contents of newspapers. Emrullah Efendi, chairman of the press commission, argued that it was a common application and existed in countries' laws. Lütfi Fikri Bey also stated that unlike the other countries' laws, if the seller would tell the name of person who gave the publication to him for distribution, he would not have been punished in the Ottoman State. However, Varteks Efendi, representative of Erzurum, accused him for trying to find someone to give punishment. Some deputies that opposed to this article also stated that it was nonsense to try and give punishment to the press officers, distributors and sellers, since the owner and the editor of periodical were responsible. Press officers and others might have tried to involve to the politics and contents of periodicals after that time, too.

Zehrap Efendi argued that the basis of press law was the French Press Law and the article eleven was copied exactly from this law. However he said that the conditions of the Ottoman Empire and of France were different. Moreover, almost all newspapers had their own press offices. Emrullah Efendi did not accept this accusation and said that the commission made many arrangements on the draft law according to the conditions of country. This reply was not found to be satisfactory.

Article twelve was about compensation and disclaimer (*tekzip*). A person, who claimed that he was insulted because of a statement in a newspaper, could apply to the courts and

demand compensation in accordance with the article eleven. If the newspaper was found guilty at the end of the case, it had to publish the decision of court at its first or second issue. Otherwise, it had to pay fifty Ottoman gold fine.

The deficiencies of Ottoman state in judicial area appeared also during the discussions at the Parliament. Seyyit Bey, representative of İzmir, stated that there was no statement on non-pecuniary compensation at the other laws of Ottoman Empire. The courts did not know how to make a decision or measurement on this issue. Publication of Court's decision in the related newspaper was also criticized and it was found unnecessary. Emrullah Efendi replied this criticism saying "Press is good and had many benefits for the country. However, it is also a weapon and might harm the country. Therefore, the Press Law has to be strict and powerful to be able to control the Press all the time." (MMZC 1982: 527).

Article three stated that newspapers and journals could give any news on trials and their decisions. But, they could not publish the minutes of a secret meeting. Otherwise, they would be fined from five gold to twenty-five gold. Ohannes Varteks Efendi, the deputy of Erzurum, argued that it was unfair to accuse just a journalist when he published secret minutes. Because, there was also an officer or deputy who gave this minutes to the journalist. Talat Bey, deputy of Edirne, replied this argument in the name of the commission. He said that an imaginary correspondent might hid himself to the protocol section of the Parliament and listen to a secret meeting and published it later. Since there had been no penalty in the Ottoman Laws about this crime, he could not stand trial. Another criticism was made by İsmail Hakkı Bey. According to him, before giving

punishment, the effect of news should have been checked. If nobody was damaged because of the news in question, there should have been no punishment. Moreover, some documents might be described as classified in the past. If these documents were not to be secret anymore, they should be published freely. In spite of these criticisms, the article was accepted by a large majority after an increase in fine (MMZC1982: 530).

According to article fourteen, newspapers that publish the secret regulations and decrees shall be fined from two *Lira* to ten *Lira* and editors should be imprisoned from a day to a week.

Article fifteen prohibited the publication of laws and decrees before they were officially proclaimed by the government. Newspapers that violated this order shall be fined from two Ottoman gold to ten Ottoman gold. Moreover, the government had a right to confiscate the related issues of a newspaper. According to the Press Commission, such a punishment was given to be able to prevent newspapers for giving false information to the society and officers about the laws. They argued that law drafts were presented as laws by newspapers at sometimes. This argument was not persuasive. Some deputies stated that laws were in force after they were published at the Official Newspaper, and officers should have known this procedure. In spite of this objection, the article fifteen was accepted at this form. This article was a great threat for press freedom. Newspapers might be prevented from interpretation, evaluation, and criticism of law drafts at the Parliament because of this article.

According to article seventeen of the law, a journalist or an editor whose publications directly affect a murder and who was found guilty under the provisions of article eleven should be punished, as he was one of those who committed the murder.

Journalists and correspondents that tried to humiliate a person's honor or made blackmail and accepted bribe shall be imprisoned from three months to three years by article eighteen. Also, they had to pay a fine from ten *Lira* to a hundred *Lira*.

Newspaper workers that gave news on a baseless rumor or publish incorrect documents would be imprisoned from six months to two years according to article nineteen, if their news caused a disturbance among society. There was also a fine from five *Lira* to a hundred *Lira*. Artas Yorgaki Efendi, Zehrap Efendi, Ohannes Varteks Edendi and Yorgi Boşo Efendi criticized this article. Because the journalists, who worked in provinces, did not have detailed information about the events in Istanbul, they might have gave wrong information to their readers. The imprisonment of journalist because of this reason was ridiculous. Yorgi Boşo Efendi argued that journalists would be afraid of writing even the truth cases and the society would be uninformed because of this statement. According to him, journalist should have been free in their choices and write without feeling any pressure (MMZC 1982: 75). Like the other ones, this article was approved by a large majority of deputies.

According to the article twenty-one, a person, who was criticized or accused in a newspaper, had a right to reply this news. Related newspaper had to publish his answer, but it shouldn't be longer than the double amount of newspaper's news. The answers and

corrections of the government had to be published in the newspaper too. It had to be put the same page and place in the newspaper. Otherwise, newspaper had to pay a fine from five gold to fifty gold.

Article twenty-three was about the closures of periodicals. The government had a right to stop the publication of a newspaper until the end of its trial that had a policy in accordance with article seventeen. If the newspaper and editor were acquitted at the end of trial, he had a right to demand compensation. Some deputies stated that the right of compensation might be beneficial to prevent the arbitrary movement of the government. On the other hand, Nafi Paşa, deputy of Halep, criticized the article since it had some obscure statements. For instance, there was no statement on execution of article. The name of authorized officers or institutions should have been stated clearly. Moreover, authorized institution or officer, not the national treasury, should have paid compensation to the newspapers (MMZC 1982: 658).

Emrullah Efendi did not accept this proposal. According to him, the institution that would decide the closure of newspapers was the government in Istanbul and the governors in provinces. They would make such a decision to be able to preserve public order. Thus, the government had to pay compensation. Rahmi Bey, deputy of Selanik, stated that if this article was in force at the former period, the government could have stopped the publication of *Serbestî*, which was accused of provocation and caused the rebellion of *31 Mart*. Since the rebel did not exist, the government would have to pay compensation to *Serbestî*. Therefore, the provision about compensation should be removed from the article. Lütfi Fikri Bey rejected this argument and said that a

newspaper or journalist might be trialed even if the crime was not committed (MMZC 1982: 659-660).

Another deputy, who criticized the article, was Ohannes Varteks Efendi. He argued that the closing down of periodicals by the government and governors was a practice of institutional censorship of Abdülhamit II Period. According to him, journalists tried to get relations with censorship officers at past and they would have tried to get relationships with the authorized officers at this term. He also argued that newspapers and journalists had a right to appeal against the closures. However, the judicial system was not impartial and it was rearranged before the Assembly accepted the Press Law. In addition, he stated that the closure of periodicals had two aims; to prevent the expression of an idea and to give a punishment to the newspaper. He suggested that the government should have been warned before it was closed. The closure and trial should have been the second step. He also said that newspapers should have been closed after they have been found guilty at the end of trial (MMZC 1982: 661).

The third chapter of the Law consisted of six articles. Article twenty-six prohibited the publication of news against the Sultan and the dynasty. Journalists who violated this article would be punished in accordance with article eleven and imprisoned from three months to three years. The punishments on this area were same with the related article of Criminal Law (MMZC 1982: 312).

To affront and provoke a religion or sect by press was another important dispute at the Parliament. İbrahim Efendi, deputy of İpek, accused the Press Commission since an

important part of their draft law was put together through translation. He argued that there was an important difference between Europe and the Ottoman Empire on religion. Although the criticisms and evaluations on religion were very hard in Europe; the society had no hard reaction against these. On the contrary, a criticism of religion or of a sect in a newspaper might cause conflicts between sects and religions. According to him, there should be heavy penalties for newspapers that wrote on religions or sects in order to prevent possible conflicts. Some deputies criticized him for trying to reestablish censorship. İbrahim Efendi accepted this argument and said, “we could establish censorship for the benefits of country. We could prohibit. We should prohibit every evaluation and interpretation on religion.” When other deputies criticized him and stated that “such a demand would destroy the press freedom in the country,” he confessed his idea on press freedom; “What does the press freedom mean? Do you prefer the destruction of our country? It has to be done to protect the Ottoman Empire.” (MMZC 1982: 565).

Article twenty-seven prohibited publications against the friendly countries and their rulers. Journalists who violated this article would be imprisoned from a month to a year. Taranyan Nali Efendi, deputy of Manastır, stated that this article might have been misused by the officers. For instance, there were many newspapers in Germany that published cartoons on their own rulers. If this article was accepted, Ottoman newspapers could not publish any pictures or cartoons on the rulers of friendly countries. However, this argument was ignored and article was accepted in this form.

Journalists who wrote articles and news against the deputies of *Meclis-i Ayan* and *Meclis-i Mebusan*, the Army, the ambassadors and consuls of friendly countries were to be imprisoned from five days to six months by article twenty-eight. They had to pay a fine from five to fifty golds. This article was added to the Law by the commission. It was criticized heavily in the Parliament. A deputy said, “The commission brought heavy penalties to Press since it was afraid of that the Press might harm or destroy the country. These arrangements would demolish the Press. Now, the Free Press was put in prison and tied with gold chains” (MMZC 1982: 588).

Sabri Efendi, deputy of Bursa, argued that the criticism on the rights of Press was removed with this article. In addition, Kozmidi Efendi stated that the Press should make criticisms and give the views of society always in the frame of ethics and law. In his reply, Emrullah Efendi argued that some deputies confused criticism with insulting and there ought to be a penalty for insult and the courts were responsible for finding the difference between criticism and insult. Some deputies were not satisfied with this answer. Mustafa Sabri Efendi, deputy of Tokat, said, “We will execute this law. The Press Commission will not go to the courts to interpret it. It had to be clear for the judges.” (MMZC 1982: 589). Kozmidi Efendi also said that he was suspicious about the judges whether they would give the right decisions as there were great differences on the execution of laws between Europe and the Ottoman Empire (MMZC 1982: 589). Mustafa Arif Bey, deputy of Kırkkilise, criticized the commission members since they continued to defend the article. According to him, the commission was trying to enforce their own opinion during the meetings. In spite of the opposition, this article was accepted at the Parliament in this formation.

An insult or curse against an Ottoman citizen was prohibited by the article twenty-nine. Journalists who violated this article would be imprisoned from a week to three months and fined from two to twenty-five gold.

Article thirty was about the periodicals that published public writings against the ministers, deputies and state officers. The punishments of this article were the same with the article twenty-nine.

The fourth and last chapter of the law consisted of seven articles. Article thirty-four states that scientific and literary publications were not comprised by this law. Article thirty-five stated that the government could prohibit periodicals published in foreign countries. People that sell or distribute these publications would be fined from two to fifteen *Lira*. Finally, article thirty-seven stated that the Ministry of Internal Affairs and Justice were responsible for the execution of this law.

The Press Law of 1909 removed censorship. However, temporary or permanent shutting down of periodicals as a penalty were still in force. The effects of 31 March Rebellion was great on this Law. For example, some deputies, who defended the articles that restricted the Press Freedom, gave the name of *Volkan* frequently as an example to the periodicals that misused the press freedom and helped start a rebellion in the country. Arif İsmet Bey, deputy of Biga, stated that,

I assume Ottoman Press did not cause the beginning of 31 March Rebellion. The government was responsible for this rebellion, because it did not form a

press law at the right time. Since there was no legal measures to prevent the subversive publications, officers could not stop them. (cited in MMZC 1982: 532).

Many deputies proposed to give heavy penalties to the journalists accused of subversive policies against the government. Moreover, Seyyit Bey argued that these journalists should have been jailed and punished according to the Criminal Law, not the Press Law (MMZC 1982: 570). Also, Abdülhamit Zehravi Efendi argued that there was a year's imprisonment in the law draft of government for the journalists who wrote articles against the constitutional monarchy was not enough. Although the press commission put some heavy rules in order to control opposition press that were against freedom of press, they objected to these demands. Emrullah Efendi stated that heavy penalties to journalists because of subversive policies were not needed. If there had been a Press Law during the publication of *Volkan*, the Rebellion of 31 March would not have taken place (MMZC 1982: 570).

There were many detailed discussions and evaluations in the Parliament on this Law. The law was criticized heavily by many deputies. Also they demanded changes in the articles. However, almost all articles were accepted in the direction of press commission policy. Some members of parliament reacted to this situation. During a meeting on the article concerning the publications against the rulers of friendly countries, Ohannes Varteks Efendi, whose criticisms and proposals were ignored, said that,

“I proposed the reestablishment of censorship institution. At past, we could write in spite of censorship. Now, our proposals are ignored. Censorship is better than this new order.” (MMZC 1982: 574).

Due to the opposition press, they could not evaluate the law from a universal framework. Therefore, they sometimes presented opposition arguments during the meetings at the Parliament. The effects of European laws were explained in every meeting. While criticizing the law, Zehrap Efendi says that “we are imitators now, and we will keep on imitating at future.”

The Press Law of 1909 was in force until 1931. There were important arrangements on the law during this period. The first of these arrangements was made in 1912. According to this first arrangement which was made in 1912, editors had to be college graduates (İnuğur 1978: 300). Soldiers were prohibited to write in political newspapers and journals, also in the same year. Editors, who violated this order, would be imprisoned from a week to six months and fined from five to twenty-five gold (İskit 1939: 716).

People who wanted to publish newspapers had to give a petition to the authorizing officers before 1912. From this date onwards, they had to pay a guarantee fee of 500 *Lira* in Istanbul and of 100 *Lira* in the provinces, and to have all the necessary abilities to have the concession of publishing. Sulhi Dönmezer (1976: 162-163) states that the liberal character of law ended after this arrangement in 1912. The basic reason of guarantee fee was the conflicts between CUP and the opposition press. The government decided to put an end to this conflict and amended the law. Newspapers that were closed by the government had been reopened by its owners with a different name until that time.²² The government aimed to prevent this method by taking guarantee fees for each

²² At the beginning of this part, I mentioned the method of newspapers that supported the *Hürriyet ve İtilaf*. When they were closed by the government, they continued their publication under a different name.

newspaper name. Another objective was to decrease the number of periodicals (Birinci 1987: 10). There was another rearrangement in the law on 16 February 1913. According to it, police had a right to confiscate the periodicals that published obscene news.

The most extensive arrangement was made on March 9, 1913. The first change was made in article three. The deputies of the *Ayan* and *Mebusan* houses and state officers could not be appointed as editors to the political periodicals anymore from that time onwards. The second change was in article five. According to the new arrangement, a newspaper or journal could continue its publishing after the death of its owner. However, his inheritors had to appoint an editor to the newspaper that had the necessary qualifications. Another change was about the name of newspapers. The right of a person to keep a name of newspaper for fifteen years continued. Moreover, a person that took a concession to publish a newspaper had to begin publishing within a year of obtaining that concession. Otherwise, he would lose his concession. Article ten was rearranged as well: From that time on, sellers had to give the address of their residence to the police. Journalists, who published wrong or speculative news, would be imprisoned from six months to two years and fined from twenty to one hundred Ottoman gold. The possible campaign in order to assist the payments of fine was also banned.

The government also took other measures to stop the opposition press. People whose periodicals were closed by the government and brought before the court, could not use the guarantee fee of their newspaper for another one until the end of the case. Prosecutors were given the authority to open a case about the journalists who wrote news against the Sultan and the dynasty, the rulers of friendly countries and their

ambassadors, the deputies of the *Ayan* and *Mebusan* houses and the Army. Other citizens of the Empire, who was disturbed from the same reason, had to apply to the courts themselves.

Closure of periodicals was temporary and they remained closed until the end of the related case of law according to the Press Law of 1909. However, there was a rearrangement in article twenty-three and the government took the power to close the periodicals permanently that “caused destructive effects in the country.” The cabinet of Sait Halim Paşa had taken this decision. Balkan Wars, which began on 3 September 1912, was given as the reason of this decision (Yücedoğan 1997: 39). This arrangement caused a great restriction on the Press Freedom. The pressure on the Ottoman Press was completed in 1914. Censorship reemerged after the amendment of article thirty-three. According to it, all articles concerning the army and soldiers should have been checked by the military censorship officers before publication. Journalists who violated this order shall be imprisoned from a month to three month and also had to pay a fine from one hundred to five hundred gold.

The beginning of the First World War meant the end of *freedom of press* in the Empire. In 1914, a “censorship regulations” was declared. It consisted of sixty-one articles. According to it, only the news that the Ministry of Military Affairs (*Harbiye Nezareti*) gave permission could be published in newspapers. The Ministry of Military Affairs was the single authorized institution on the Ottoman Press after that time (Yücedoğan 1997: 40).

III.6. The situation of Ottoman Press at the Beginning of the Twentieth Century

Following the proclamation of constitutional monarchy on 23 July 1908, censorship in the Empire was abolished. The Ottoman press was free from that time onwards. However, the freedom of press was exploited during the conflicts of opposition groups. It was used as a weapon by the government, the opposition parties and societies of the Empire against each other.

After the rebellion of 31 March 1909, governments restricted the press freedom by comprising laws and regulations. Their aim was to preserve the constitutional monarchy and to oppress the opposition. Increasing pressure on the press can be seen from the annual numbers of newspapers in print as well: In 1909, there were 353 newspapers in the Ottoman Empire. This number decreased to 130 in 1910, to 124 in 1911 and to just 45 in 1912 (İnuğur 1978: 295). The martial law was the most effective element in this decrease. The CUP took the control of government in 1913 with a coup and dominated the opposition press in the country.

The declaration of constitutional monarchy in 1908 was a positive step for the press freedom in the Ottoman Empire. In spite of its restrictive articles, the Press Law of 1909 was also an important step for the development of press. However, some academicians evaluated the Press Law of 1909 as restrictive. According to Zürcher (2001: 149), one of the reasons for the decrease in the numbers newspaper in circulation was this law. He argues that, the Parliament prepared new laws relating to public meetings, strikes and

societies, to be able to strengthen the central authority and to restrict personal and social freedoms. The Press Law was one of these laws.

Some journalists at this term also had the same opinion. There was a rumor among the journalists that a draft law on press that will restrict the freedom of press greatly was to be brought to the Parliament. So, the journalists and correspondents arranged a demonstration in the Sultanahmet Square on 28 April 1909 to show their reaction and criticism. A committee that consisted of journalists met with the President of Parliament at the same day. He gave an assurance to the journalists that the press freedom in the country was safe (İnuğur 1978: 298).

There were also some academicians who accept the legal arrangements on press as positive. Ali Birinci (1987) says that after the declaration of constitutional monarchy, newspapers continued publishing without obeying any laws. Legal arrangements relating to the press ended this situation. The main aim of government was to prevent newspapers from reporting each and every action of government as some news might cause uneasiness among the society. Also, newspapers were writing about the private life of all state officers, except the Sultan. According to him, some of the journalists, who were also politicians, were also anxious about this situation. A necessity of a press law was determined firstly by these people. The aim was to bring discipline to the press (see Birinci 1987: 11-13). He argues that the Ottoman Press was left restricted as a result of the Martial Law regulations, not the Press Law.

It might be true that the press was acting in an unlimited freedom and there were no institutions that controlled it. The Press Law of 1909 reestablished the order in press area. But, the changes in 1912 in the law and the martial laws had a different aim. They were arranged to suppress the opposition newspapers. As Birinci says, giving news about the works and actions of government might cause dissatisfaction or uneasiness among the society, but this is not a crime and the press was not guilty because of that.

In spite of criticisms and anxieties, it might be argued that the Press Law of 1909 was prepared by a committee that had a liberal tendency. When we examine the law and the Parliament's meetings relating to it, we see that there were two opposite aims in the law: One of them was to preserve the press freedom. On the other hand, the government and supporters of constitutional monarchy were afraid some subversive groups might breach this law. The rebellion of 31 March was the most powerful factor in this fear. The law was changed greatly at the following years and began to restrict the press. Developments in political area following the 1908 Revolution, declarations of the martial laws and Balkanian and World wars ended these positive developments.

IV. The Press Law of 1931

IV.1. The State of the Press in Early Turkish Republic

Although it was prepared and accepted by the Ottoman Parliament, the Republic of Turkey continued to use the Press Law of 1909 until 1931. The first important development during the first decade of republican era was the establishment of the General Directorate of Press and Information (*Matbuat ve İstihbarat Umum Müdürlüğü*). It was established on 25 December 1920, before the Republic was founded. The government of Ankara aimed to establish its own news agency and newspapers to inform the Ottoman society and the world about its independence war.

There was a conflict between the Ankara government and the Istanbul press during the Independence War (*Kurtuluş Savaşı*). There were just two newspapers in Ankara at that period, *Hakimiyeti Milliye* and *Yeni Gün*. The center of press was Istanbul and most of the newspapers there opposed the Independence War. The tension between the government and the Istanbul press escalated following the proclamation of the republic. The press of Istanbul argued that the government was planning to censor the press. Zekeriya Sertel made an announcement as the General Directorate of Press and Information to decline this rumor. Sertel stated that he was invited to the Ministry of Internal Affairs at the following day. Ferit Bey, the minister of Internal Affairs, criticized him because of the announcement. When Sertel asked him whether the

government was planning to censor the press or not, the minister said, “It is possible.” (Sertel 1968: 119). Sertel was dismissed from his duty two days later.

The censorship during the wartime is a common practice around the world. The government of Ankara also made use of it. However, the pressure on press continued following the proclamation of the republic. Almost every criticism of journalists was being accepted as a threat to the Republic. For example, a prosecutor opened an investigation about Sabiha Sertel, a journalist of *Resimli Ay*, in 1924 because of her article that criticized poverty. Prosecutor accused her of bringing discord among the citizenry and criticizing the Republic (Sertel 1969: 93).

IV.2. The Effect of the Maintenance of Order Law (Takrir-i Sükun) on the Press Freedom

On February 1925, a rebellion began at the eastern region of country. The leader of the rebels was a man named as Sheikh Sait. It spread to the region quickly. The government decided to take extraordinary measurements to suppress the rebellion. Fethi Okyar, the prime minister, issued a statement to the members of the Republican People’s Party (*Cumhuriyet Halk Fırkası*), on 25 February 1925 concerning the rebellion. He offered to change some articles of the law of Treason to the Country (*Hıyaneti Vataniye Kanunu*) in order to suppress the rebels. According to him, people who were trying to use religion to confuse people and destroy the republic should be punished by this law. Moreover, the periodicals that supported such kind of activities should be closed down and their editors and owners jailed (Toker 1998: 27). Some deputies of Republican People’s Party

(RPP), who defended a hard-line position against the rebels and gathered around İsmet İnönü, argued that the Progressive Republican Party (*Terakkiperver Cumhuriyet Fırkası*) and the Istanbul press were responsible for this rebellion (Toker 1998: 29). At the same day, RPP gave a proposal to the Parliament to declare martial law at the regions that the rebellion spread and to add an amendment to the law of Treason. These proposals were also supported by the Progressive Republican Party (PRP) and accepted in the Parliament.

In spite of these measures, the rebellion could not be suppressed. Fethi Okyar resigned his duty on March 2. The new government that was formed by İsmet İnönü gave a new proposal to the Parliament on March 4. Its name was *Law on the Maintenance of Order (Tahrir-i Sükun Kanunu)* and comprised of three articles. After the law was approved by the Parliament, the Minister of Internal Affairs Recep Peker said that the government was not trying to censor the press. Its aim was to punish the people who caused the rebellion (Toker 1998: 29). However, one of the important aims of the government was to suppress the opposition press in Istanbul. *Tanin* was closed permanently on 16 April by the government. The cause of closure was the news on the police search at the headquarters and branches of the *TCF* on 13 April. *Tanin* had described it as a raid not a search. An article of Hüseyin Cahit was the second alleged misdemeanor of the newspapers. He was arrested on April 19th (Toker 1998: 118-119).

The government argued that the rebels aimed to reestablish a religious state and destroy the secular republic. The ethnic basis of rebellion was weak. According to Mete Tunçay (1998), Mustafa Kemal and İsmet İnönü accepted this rebellion as a religious counter-

revolution and tried to present it in this frame. Besides this rebellion, their aim was to initiate a broad campaign. Tunçay explains,

Especially the people who were punished by the Independence Tribunal (*İstiklal Mahkemesi*), which was established in the rebellious region, were accused for trying to establish an independent Kurdistan. It was the main accusation for them. (Tunçay 1998: 129).

During the trial of Sheikh Sait in the Diyarbakır Independence Tribunal, Ali Saip Bey, the judge, asked him whether he read the newspapers of *Tanin* and *Son Telgraf*. Sheikh Sait said that he did not read them (Toker 1998: 148). The journalist Kemal Fevzi, who was from the Bitlis province, was also tried before the Independence Tribunal in Diyarbakır since he published a Kurdish newspaper. In his defense at the court, he said that he wrote news and articles as the Istanbul press did and argued that he was innocent. However, he was sentenced to death penalty at the end of the trial and was executed by hanging (Toker 1998: 138). According to Sabiha Sertel (1969), the court had three aims; to suppress and threaten the people who participated the Kurdish rebellion, to suppress the press and to restrict the workers' movements. The closures of *Orak Çekiç* and *Aydınlık*, periodical journals, were the result of this last aim (Sertel 1969: 107).

Zekeriya Sertel and Cevat Şakir were the other journalists who were tried before the Independence Tribunal. Sertel had begun to publish a journal named *Resimli Ay* in 1924. He and Cevat Şakir²³ were arrested by the order of the Independence Tribunal. The cause of their case was an article of Şakir named as "How the soldiers that are deserting

²³ He was writing articles in *Resimli Ay* in this period.

are hanged?” The Court argued that the article encouraged soldiers to rebel. At the end of the case, Sertel and Şakir were exiled from Istanbul for three years.

The martial law in the eastern region of Turkey ended on 23 November 1927. The Independence Tribunals of Ankara and Diyarbakır were abolished on 7 March 1927. The Law of Maintenance of Order was in force until 1929. However, it was not much used during the last two years. Tunçay (1998: 169) states that the minutes of Independence Tribunal did not give much information about the state terrorism in the Maintenance of Order Period (*Takrir-i Sükun Dönemi*). There were also the Courts of Martial Law at this period and they continued to work six months after the Independence Tribunals closed.

As a result of trials at the Independence Tribunal, many journalists were exiled within the country. Most of them returned to Istanbul in a few years’ time due to an amnesty. However, they began to write adventure stories in newspapers. Nobody talked about the progress of country or the development of the Turkish Revolution (Sertel 1969: 122). The dominance of single-party began to increase its effect at the beginning of 1930s.

IV.3. The Political Context of Turkey in 1930’s

The establishment of Free Republican Party²⁴ (*Serbest Cumhuriyet Fırkası*) on 12 August 1930 was a new period in Turkey. There are many theories on the establishment of this party. In his memories, Ahmet Ağaoğlu²⁵ (1994: 28-29) stated that Free

²⁴ It is also translated as Liberal Republican Party.

²⁵ He was one of the founders of FRP.

Republican Party (FRP) was founded by an order of Mustafa Kemal. In that sense, there was an important difference between FRP and RPP. He also added the party took financial aid during the foundation.

According to Cemil Koçak (2005), the reaction of people against the Kemalist Revolution, coercive apparatus of the state to suppress this reaction and the shortcomings of governments in economic and social areas caused a great discontent among the society. Mustafa Kemal thought that since there was no opposition to RPP in the parliament, these problems could be solved. An opposition party might criticize and check the government. Also, it might have been revealed the hidden opposition in the country (Koçak 2005: 147).

Another argument on the establishment of FRP was presented by Sabiha Sertel. The dominance of RPP as a single party was an obstacle to realize democratic rights in the country. The pressure of European monopolies on Turkey and the effect of imperialist press, which showed Atatürk as a dictator, forced Atatürk to change the economic policy of the country. He and his friends tended towards a liberal policy. To solve the economic crisis, they needed to give permission to foreign capital. The new party had a liberal policy in this frame. Sabiha Sertel (1969) stated that the press got some freedoms at the beginning of the FRP's establishment. "Prosecutors did not start investigations for each writing in newspapers anymore." (Sertel 1969: 184).

After FRP was established in 1930, Zekeriya Sertel established a news-based newspaper in 1931, *Son Posta*²⁶. According to him, there was a great discontent among the society at this period. The dominance of single party caused some arbitrary deeds. People could not use their right to choose freely. Turkish Grand National Assembly was representing the RPP not the society. Sertel (1968: 188) argued that the press was under great pressure at this period. Editors could not write anything except the orders that were dictated on the phone. Newspapers could be closed for weeks because of a small mistake

Zekeriya Sertel (1968) argued that Fethi Okyar, the president of the FRP, tried to take the support of *Son Posta*. He said that he rejected this proposal since FRP had a liberal policy. *Son Posta* was a supporter of statism. He was opposing the financial aid to the private sector by the state (Sertel 1968: 191-192). Zekeriya Sertel was correct about the newspaper's policy. Because of the news about the Sugar Refinery of Alpullu, the owners of the factory accused the newspaper of insult and opened a case against Zekeriya Sertel and Selim Ragıp, the editor of *Son Posta*. At the end of the case, Ragıp was sentenced to three years in prison (see Sertel 1968: 200). Although they did not share the same political opinion, the establishment of the FRP pleased Sertel. From now on, *Son Posta* continued its struggle for freedom and democracy openly (see Sertel 1968: 191-192). Mete Tunçay (1998: 296) also says that FRP did not have its own publication. He argues that it was supported by *Yarın* and *Son Posta* in Istanbul and *Halkın Sesi* in İzmir.

²⁶ *Son Posta* was established by four people; Zekeriya Sertel, Selim Ragıp Emeç, Ekrem Uşaklıgil and Halil Lütfi Dördüncü. However, the policy of newspaper was determined by only Sertel. Some times later, the opponent policy of newspaper caused a conflict between associates. Sertel and Dördüncü left the newspaper as a result of this conflict. *Son Posta* continued its publishing under the management of Emeç until 1960 (Sertel. 1986:188; see also AnaBritannica, Cilt: 28, p. 156).

An important opposition newspaper in this year was *Yarın*. It was established by Arif Oruç. *Yarın* had a more strict opposition against the RPP and the government than the other opposition press organs. After the foundation of FRP, it began to support this party. According to Ağaoğlu (1994), Arif Oruç was praising Gazi and his men. However, he was criticizing İsmet İnönü and RPP heavily. But, no measure was taken against *Yarın* despite this opposition. Ağaoğlu states that,

There was a rumor that Mustafa Kemal employed Oruç to give a challenge to İnönü. Oruç was acting as a spokesman of the party and Fethi Okyar was also supporting him in his policy. (Ağaoğlu 1994: 55).

Falih Rıfıkı Atay rejects this argument. According to Atay (1984: 463), Atatürk did not need the help of some press organs to be able to stop or change the policy of the government. He supported the establishment of FRP to realize the normalization of the regime. However, there were some journalists among the opposition press that were against the revolution. Because of them, there was almost nobody who defended RPP.

Another argument about the relationship between *Yarın* and the Free Republican Party is stated by Ahmet Emin Yalman (1970: 212-213): Fethi Okyar tried to establish a newspaper for the FRP and he offered a position to Yalman as the editor of the newspaper. He said that he rejected the proposal. Then, *Yarın* became FRP's newspaper and *Son Posta* followed it.

Ağaoğlu (1994) also states that the press of İzmir was stricter in opposition to the government than the press of Istanbul. The SFC initiative showed this difference. During an interview with Kazım Paşa in the Parliament, İnönü said, “The most troubled region is İzmir. I don’t know how shall I deal with it?”(cited in Ağaoğlu 1994: 56). According to Ağaoğlu, this statement showed that the policy of İnönü that depended on the carrot-and-stick formula failed in İzmir.

I believe that such newspapers like *Yarın* and *Son Posta* supported the FRP not because of its policy. The real reason lies in the fact that all of them were opposing the RPP. The strict opposition of Oruç against the government also supports the argument that Oruç was supported by Mustafa Kemal. It might be true since there was no serious measure taken about Oruç even after the FRP was closed.

Sabiha Sertel (1969: 188) argued that the FRP was closed down because of two basic reasons; political and economic. Since it supported a strong liberal policy, all commercial bourgeoisie was gathered around this party. Society also supported this party since they hoped that it could bring welfare to them. Mustafa Kemal decided to close FRP to be able to prevent falling down of the RPP from the government., Another argument about the closure of the FRP was made by Feroz Ahmad (1996). According to him, the increase of fascist influence among the leaders of Kemalist group was an important reason for the closure of FRP. An article in the *Hakimiyet-i Milliye* was a good example to this effect. It said that there was no opposition parties or organs in fascism. The government or party could be criticized only by the members of party or deputies themselves. The internal criticism or opposition would have to be limited also.

There were no fascist parties in the world that allow the criticism of their basic principles. (Ahmad 1996: 171).

On 23 December 1930, Derviş Mehmet, who announced himself as a *mehdi*, and his friends started a rebellion in Menemen. They killed a second lieutenant, Kubilay, and two watchmen. It was suppressed in a short time (see Akşin 2005: 169). Following the Menemen Incident on 23 December 1930, the government declared a martial law in the rebellious region. This decision was approved by TGNA (Turkish Grand National Assembly) in 1931. In his memoirs, the commander of Martial Law, Fahrettin Paşa stated that there was a meeting in Çankaya about the measures on this case and Atatürk demanded an intimidation on the opposition press also (see Tunçay 1998: 294-295).

The attacks of opposition press against the government continued after the FRP was closed down. The conflicts between the opposition press and pro-governmental press escalated in the spring of 1931. The main opposition periodicals at this period were *Yarın*, *Yılmaz*, and *Son Posta*. Their criticisms were not directly to the government and state officers until May 1931. However, the opposition press began to make heavy criticisms about the government and the RPP after that time. The government-supporting press also began to criticize the opposition press heavily. According to Falih Rıfki Atay, politicians in Turkey had to be also a republican²⁷. RPP was using its legal rights; furthermore, a law that was appropriate for national interests was also appropriate for democracy. When RPP talked about discipline, plan and organization, opposition accused it of despotism. Discipline was the enemy of anarchism, not freedom. He also

²⁷ Atay, Falih Rıfki, *Zor ve Anarşi*, Hakimiyet-i Milliye, 17 Mayıs, 1931.

argued that the opponents in the country were planning to abolish democracy and establish Sharia.

Yunus Nadi, the editor of *Cumhuriyet*, also gave a warning to the opponents. There was a debate between the newspapers because of the water shortage problem²⁸ in Istanbul. The opposition press accused the government of taking sides. Moreover, they argued that the governmental press did not show any concern on this issue. Yunus Nadi replied them on 31 May 1931 by claiming that since the government had begun to investigate the issue, they decided not to write on the subject until the end of investigation. Nadi argued that some people who described themselves as journalists began to attack everything around them: “If they continued to act like that, they would have turned into rabid dogs.”²⁹ This was also a threat for them. However, *Son Posta* was insistent to write about this issue. Zekeriya Sertel, editor of *Son Posta*, stated that he had to be a spokesman of society. So, the water shortage problem was important for the newspapers whether or not the government was concerned about the case.³⁰

The monopoly on exports was another contentious issue of the time. A company, named *İş Limited Şirketi*, took a concession from the government to export all goods in the country. On 3 June 1931, Arif Oruç published an article in *Yarın* about this subject and claimed that the export of goods from Turkey would have been monopolized because of

²⁸ There was a water shortage in Istanbul at the beginning of 1930's. To be able to solve this problem, the government established a company, named as *Terkos Şirketi*. However, this company failed to bring water to the city and the water shortage continued.

²⁹ Nadi Yunus, *Arsız ve Terbiyesiz Bir Kağıt Parçası*, *Cumhuriyet*, 31 May 1931.

³⁰ Sertel, Zekeriya, *Terkos Meselesinde Çıkan Münakaşa*, *Son Posta*, 2 Haziran 1931.

this permission.³¹ When the pro-governmental press criticized him about this article, he said that the opposition press just tried to describe the opinions and fears of merchants. He also invited the governmental press to calm down. There was another criticism of him against the government³². According to him, the bad economic conditions in the country were the main source of the problems of the government and of the people. Since the government and party did not have an open policy, the confidence of citizens against the government and the state was decreasing. Also, there was an imbalance in the country in political area, because the administration did not permit another party or organization.

There was another discussion between *Yılmaz* and *Hakimiyet-i Milliye* on Mustafa Kemal. A reader letter was published in *Yılmaz* on 2 June 1931. It said that Mustafa Kemal is the first president of country, a national hero, and president of RPP. The author of letter quoted the written statement of Presidency of RPP on 21 April 1931. In this statement, Mustafa Kemal stated that the criticism of him is a necessity. The editorial of *Yılmaz* supported this argument also.³³ Mustafa Kemal can be criticized as a president of RPP. The reaction of Falih Rıfki Atay was great against this argument. In his article in *Hakimiyet-i Milliye*, he argued that to defend such an argument was a betrayal to the regime³⁴. According to him, the Istanbul press was acting like the traitors in Istanbul thirteen years ago. He accused Ahmet Kadri because of the article in *Yılmaz*. Ahmet

³¹ Sertel, Zekeriya, *Terkos Meselesinde Çıkan Münakaşa*, Son Posta, 2 Haziran 1931.

³² Oruç, Arif, *Hak ve Vazife Meselesi*, Yarı, 1 Haziran 1931.

³³ Yılmaz, 3 Haziran 1931.

³⁴ Atay, Falih Rıfki, *Büyük Milli Felaketin Mesulü Aranıyor*, Hakimiyet-i Milliye, 4 Haziran 1931.

Kadri replied him the next day and claimed that he had to prove his allegations.³⁵ He continued his attacks against the government and RPP in the following days³⁶. According to him, there were some people in RPP that tried to hide the truths from society and some newspapers were helping them.

Atay continued his attacks on 7 June. He criticized all opposition press. According to him, they were deceiving the society and gave them false expectations. The opposition press had wrong ideas about the economic problems in the country. Such a behavior meant anarchism. Moreover, the press freedom had been used by only anarchists that tried to destroy the country since 1908. He compared the opposition press in 1931 to *Volkan*, which was closed after the 31 March Rebellion in 1909.³⁷

The attempt of Oruç to establish a new party caused another debate among the press. From the first week of June, there was much news in *Yarın* that tried to show the necessity of a new party. The name of party was *Laik Cumhuriyetçi Çiftçi ve İşçi Fırkası*. According to *Yarın*, the party would address workers and farmers. Also, Oruç argued that freedom of expression should not be prevented as long as it does not begin to destruct the order in the country. People who came from the same class should gather around a party to be able to defend their rights. So, everyone must tolerate this new party.³⁸

³⁵ Kadri, Ahmet, *Hezeyan, Alçaklık ve Namussuzluk*, Yılmaz, 5 Haziran 1931.

³⁶ Kadri, Ahmet, *Kraldan Fazla Kral Taraftarlığı*, Yılmaz, 11 Haziran 1931.

³⁷ Atay, Falih Rıfki, *Anarşi Oyunları*, Hakimiyet-i Milliye, 7 Haziran 1931.

³⁸ Oruç, Arif, *Samimi Hareketler*, Yarın, 7 Haziran 1931.

The governmental press showed a hard reaction against this news. They argued that Oruç tried to establish a party to spread communist propaganda. He rejected this argument on 8 and 12 June 1931. Since he was a communist in the past, the governmental press tried to show the new party as communist. If they read the party program, they could see that the party had no relation with communism. According to him, RPP and its press organs accused all people who criticized or objected them of communism or reactionary religious fundamentalism. He reminded that Nadi was also a member Turkish Communist Party in the past. A declaration was published in *Yarın* on 8 June 1931. It was stated that *Yarın* changed its policy. From then onwards, it would defend the people and give change to people to express their dissent and problems and it would be more amenable.³⁹

In spite of *Yarın*'s denial, another opposition newspaper, *Son Posta*, gave some news about the attempt of this new party on 12 June⁴⁰. It argued that people who tried to establish this party consisted of board of directors of *Yarın*. The argument of governmental press and *Son Posta* about the people who planned to establish a new party was correct. First news about the party was published in *Yarın*. Also, *Yarın* was the only newspaper that gave detailed news about it. There was also propaganda of the new party in the newspaper. Moreover, there was no motto of *Yarın* until 15 June. From this date, it began to use "Secular and Republican newspaper that defends the rights of farmers, workers and tradesmen".

³⁹ Cumhuriyet Gazetesine Cevap, *Yarın*, 8 Haziran 1931; *Bir Tezvir*, *Yarın*, 12 Haziran 1931.

⁴⁰ *Son Posta*, İstanbul, 11 Haziran 1931.

There was also another discussion between the opposition and governmental press at the end of June, before the press law of 1931 was accepted. The debate was only between Oruç and Nadi at the beginning of the conflict. However, other journalists and newspapers joined the conflict in time. The governmental press accused Oruç about his past. They criticized the opposition press also. This was the beginning of the conflict.

According to *Cumhuriyet*, authorities shouldn't give permission to him to establish a party since he served Çerkez Ethem at past. Oruç replied this argument on 23 June by writing "When we look at the writings of governmental press and the howling of Yunus Nadi, it is understood that they were incited to attack the other press organs as a group."

⁴¹ He showed three reasons to the attacks of governmental press. Firstly, they were trying to define the new party by attacking Arif Oruç. Secondly, they aimed to prevent the citizens who might join the party by accusing Oruç of betrayal. And thirdly, they were planning to frighten the citizens considering to join the party by showing that authorities would never give permission to establish that party.

Son Posta also criticized governmental press at the same day. It said that the governmental press and the periodicals of party, *Cumhuriyet*, *Milliyet*, *Vakit* and *Akşam*, began a common attack against the opposition press and it seemed that they received orders from someone or somewhere. As it was stated, *Yarın*'s relation with the attempts to establish a new party was shown as the cause of the attacks. A news in *Son Posta* about the appropriations of deputies disturbed *Hakimiyet-i Milliye*. Falih

⁴¹ Oruç, Arif, *Menfur Hala Uluyor*, Yarın, 23 Haziran 1931.

Rıfki Atay criticized *Son Posta* heavily because of that news. *Son Posta* argued that almost all journalists of governmental press wished to closing of opposition periodicals.⁴² The article of Nadi on 25 June confirmed this argument as well.⁴³ He said that some journalists attacked and insulted the government and party in the name of opposition. Until that time, nobody objected to these attacks. However, they should be punished now. He also continued to attack Oruç. He argued that Oruç betrayed his country and this accusation was approved by the Independence Tribunal also. According to him, such a person should not be authorized to publish a newspaper.

When the conflict between the governmental and opposition press was continuing, the first news on the press law of 1931 was given by *Son Posta* on 26 June⁴⁴. Its headline was “*Are the latest publications of party newspapers restricting freedom of expression?*” It was said that the governmental and party periodicals increased their attacks against the opposition press and finally, on 25 June, they stated that they could not endure that kind of press freedom anymore. According to *Son Posta*, this attack was a maneuver of governmental press to limit press freedom. The next day, *Son Posta* criticized *Yarın* and *Yılmaz* because of their heavy opposition against the governmental press⁴⁵. It stated that although the government was angry because of the some criticisms and evaluations of opposition press, freedom of expression would not be limited. Moreover, Zekeriya Sertel stated that the opposition and criticisms of *Yılmaz* and *Yarın*

⁴²*Batarya ile Ates Basladı*, *Son Posta*, İstanbul, 23 Haziran 1931.

⁴³ Nadi, Yunus, *Cumhuriyet*, 25.07.1931.

⁴⁴ *Fırka gazeteleri tarafından yapılan son neşriyat, Matbuat Hürriyetini Tahdit Ettirmek için midir?*, *Son Posta*, İstanbul, 26 Haziran 1931.

⁴⁵ *Matbuat'ın Sesi Kesilmeyecek*, *Son Posta*, İstanbul, 27 Haziran 1931.

turned into insults. He wrote, “the delirium of these newspapers might mean the suicide of the opposition. We have to show the freedom of criticism now.”⁴⁶

Cumhuriyet published an article of Şeref Bey, deputy of Edirne, on the same day⁴⁷. He argued that the opposition newspapers were trying to show all works of government as bad or wrong. If they could do, they would have sold the Turkish banner also. In addition, Nadi⁴⁸ continued his arguments and insults about Oruç and his newspaper. He also criticized *Yılmaz* and argued the ethnic origin of people who managed *Yılmaz* was uncertain as to whether they are Turks or Greeks.

We have no information that who proposed the preparation of a new press law. There was an article in *Son Posta* on 28 June about that. According to it, Yunus Nadi and his friends wanted to bring this problem to the Parliament⁴⁹. Before they gave a proposal to the Parliament to make some changes in the press law, they should have discussed the matter at a Party meeting. It was also stated that a commission had been established to make arrangements in the press law. But, it didn't begin to work until that time. Moreover, *Son Posta* argued that the Italian press law would become a model for the new press law of Turkey.

The parliamentary group of RPP had two meetings on 1 July 1931 about the draft law on press. Prime Minister İsmet İnönü, the ministers of foreign and internal affairs and the

⁴⁶ Sertel, Zekeriya, *Son Posta*, İstanbul, 27 Haziran 1931.

⁴⁷ Şeref Bey, *Muhallifler Ne İstiyorlar?*, *Cumhuriyet*, 27 Haziran 1931.

⁴⁸ Nadi, Yunus, *Cumhuriyet*, 27 Haziran 1931.

⁴⁹ *Gazeteler Münakaşası Mecliste*, *Son Posta*, İstanbul, 28 Haziran 1931.

representatives of governmental press were the deputies that joined to the meeting. The deputies that spoke at the meeting argued that opposition press misused press freedom. They claimed that the government had to take some measures to stop this attack. *Son Posta* argued that the party decided to make some arrangements at the end of this meeting. The most important of them was the abolishment of directorship (*sorumlu müdürlük*). Henceforth, the owner of newspaper and the head-writer (*başmuharrir*) would take the responsibility at the newspapers.⁵⁰ *Yarın* also gave news about the arrangements on the press law⁵¹. It stated that there would be a study against the press at the parliament and some deputies of RPP would attack the opposition press. It also stated that an interpellation (*gensoru*) would be given for the government about the press, and a new press law would be prepared following this interpellation.

There was another article in *Son Posta* on 3 July about the meeting of RPP on press. It stated that some deputies, who were also journalists at the governmental press, criticized the opposition press heavily and demanded hard measurements against it⁵². However, İnönü defended the necessity of press freedom. The same day, *Yarın*⁵³ replied the criticisms of deputies against the opposition press. It stated that opposition press did not try to destroy the country or help the rebellious groups. They only defended themselves against the insults of other periodicals.

⁵⁰ *Matbuat Kanunu Değişiyor*, *Son Posta*, İstanbul, 1 Temmuz 1931.

⁵¹ *Yarın*, 1 Temmuz 1931.

⁵² *Fırka İçtimasında Münakaşalar*, *Son Posta*, İstanbul, 3 Temmuz 1931.

⁵³ *Yarın*, İstanbul, 3 Temmuz 1931.

The main model for the new press law was given firstly at *Son Posta* on 4 July 1931⁵⁴. It stated that the press commission established on July 3 and the French Press Law of 1881 would be basis of the pres law. In his article⁵⁵, Zekeriya Sertel said that there were no press laws in democratic countries such as the United States, Switzerland, the United Kingdom, and France. He argued that journalists or other people who committed crime by using press tools were being punished according to criminal and other laws. However, Sertel was wrong about his argument about the arrangements of press laws. As I mentioned above, many European countries, including France, had legal arrangements on the issue.

In his article on 5 July, Oruç stated that the government tried to prevent the criticism and discussion of such subjects in public areas and new press law was the main aim this study.⁵⁶ At the same day, *Son Posta*⁵⁷ attacked to the deputies of RPP. It argued that almost all deputies of RPP was against the opposition press. They divided the opposition press into three parts. First group was the opposition newspapers in Adana and other provinces. The second one was in İzmir and the last one in Istanbul. *Yeni Asır*, *Hizmet*, *Son Posta* and *Yarın* were at the top of the list.

⁵⁴ *Yeni Kanun Hazırlanıyor*, *Son Posta*, İstanbul, 4 Temmuz 1931.

⁵⁵ *Matbuat Kanunna İhtiyaç Varmıdır?*, Zekeriya Sertel, *Son Posta*, 4 Temmuz 1931.

⁵⁶ *Bugün Cumhuriyet Tarihinde Matbuat Hürriyetinin Son Günü Olmayacaktır*, Arif Oruç, *Yarın*, İstanbul, 5 Temmuz 1931.

⁵⁷ *Matbuat'ın Seviyesi Alçalıyor*, *Son Posta*, 5 Temmuz 1931.

In spite of their attempt, the opposition press could not decrease the tension between them and the party newspapers. Actually, they were late to move against the preparation of the new press law.

IV.4. An Examination of the Articles of the Press Law of 1931

The first signs of a new press law was seen at the third general assembly of RPP, which was arranged on 10-12 May 1931. At the beginning of Assembly, İsmet İnönü read the general presidency statement of RPP. When he evaluated the internal problems and policy of Turkey, he talked about the opposition press also,

The opposition press in the country increased its effect after the abolishment of Takrir-i Sükûn. It has caused conflicts and anxiety to grow among citizens in the country and in the government. At past, there were similar periods in the country. The cause of such an opposition is clear. The enthusiasm of people following an authoritarian period was high. Then, some people try to use the freedoms that were given in the new period to provoke the people. However, they might cause a lack of confidence in the society. In a while, people might begin to doubt about the competency of state officers and laws. Finally, subversive ideas might emerge as a result of such a development. We have to be calm and strong in such possible situations. People must trust to the power and ability of state. Otherwise, such developments might use destruction and the government can use extraordinary measures to prevent such a development. Thus, the nation cannot prevent instability and its development was often interrupted....⁵⁸

Most of the newspapers that İnönü was mentioning in his statement above were mainly published in Istanbul. At the first decade of the Republic, the governments took temporary measures to suppress them. Finally, the İnönü government decided to prepare a press law in order to control the press easily.

⁵⁸ C. H. F. Üçüncü Büyük Kongre Zabıtları, p. 4.

As I mentioned in the previous chapter, it was rumored that a new press law was to be prepared to curtail the opposition. Three deputies of Turkish Grand National Assembly (Fazıl Ahmet Bey, Ahmet Süreyya and Ahmet İhsan, which were the deputies of Elaziz, Aksaray and Ordu respectively) gave an interpellation on 5 July 1931.⁵⁹ At the first part of meeting of Parliament, the interpellation was read:

Politics and opinions of citizens and state are being poisoned because of the harmful and dangerous publications in some newspapers. Such kind of publishing is not beneficial for the society today. It might also cause disasters at the future. What is the opinion of government about this issue?

People are anxious about the press since it caused damage the national entity by abuse. We believe that Turkish Grand National Assembly should discuss this issue and take a decision.

The present measures are not enough to prevent the misuse by the press. Therefore, we ask the Government to answer the interpellation.(TBMM-ZCIII: 3-2).

After the interpellation was given, İnönü made a statement at the Parliament. He argued that the government used all methods that were permitted by law. However, these methods were not enough to solve the problems in press area (TBMM-ZCIII: 3).

In addition to İnönü, some deputies made similar statements in the meetings of Parliament. Ahmet Süreyya Bey stated that he was not against the sincere opposition and constructive criticism of people. The press freedom that was used in this frame might be useful and he didn't demand a measure against it. However, there were some journalists that used the press freedom maliciously. He argued that these journalists tried to create a state of chaos in Turkey. Despite being warned by their colleagues, who were the

⁵⁹ This interpellation was also the first at the history of Turkish Grand national Assembly. (Türk Parlamento tarihi, p. 246)

supporters of republic and revolution, these journalists continued their harmful publications. They also argued that they were warned by their colleagues under the effect of president of RPP and Republic of Turkey. According to Süreyya, the press in Turkey should be administrated by the big companies, the associations or the parties. He argued that this method was used even in the most liberal countries. The journalists, who were working in the newspapers under the management of big companies, parties or associations, could be controlled easier. Consequently, the government could control all press tools since these companies, parties and associations are under the control of state and government (TBMM-ZCIII: 6).

The second deputy that criticized the opposition press was Mazhar Müfit Bey. At the beginning of his speech, he gave some information about Arif Oruç. According to him, the case of Oruç in Independence Tribunal during the Independence War is an important proof about Oruç's purposes. He argued that Oruç was defaming people's honour and pride by using press freedom. He said that if present legal arrangements were not enough to take measures against such journalists, the Parliament must prepare a new one. Moreover, Müfit Bey made some proposals about the new press law draft. First, the owners of periodicals and journalists had to be educated. Secondly, the judges could fine or imprison only those people who had taken the license to publish newspaper according to the present law. From then on, the author of the article in question or editor of the periodical should have been punished (see TBMM-ZCIII: 7-8).

Another criticism against the opposition press was made by Ziya Cevher Bey. According to him, the family honor and relations of Turkish nation and young people were being

damaged because of the obscene publication of opposition press. The only aim of opposition press was to make more money. Furthermore, Ahmet İhsan Bey, who was also a veteran journalist, said that the press should have been tried to bring peace to the society and encouraged people to increase scientific studies in the country. However, opposition press was trying to form a state of chaos in the country. He argued that such periodicals were never read in democratic countries. Each occupation had a newspaper and people read the newspapers that gave related news in their profession.

Yunus Nadi also made a speech at the meeting on the opposition press. Besides being the editor and owner of *Cumhuriyet*, he was also a member of the Parliament. Unlike other deputies, he argued that the present legal arrangements were enough to stop the obscene and harmful publications of opposition press. According to him, there were deficiencies in application. Officers were not quick enough in enforcement.

The severest criticism against the opposition press was made by Ali Saip Bey. According to him, the real problem was not the press law. Some people, who hid their identities by introducing themselves as journalists, were trying to demolish the Republic by lying and defamation and slandering. He also gave the names of these journalists: Arif Oruç, Zekeriya Sertel and Ahmet Kadri in Istanbul; Zeynel Besim, İsmail Hakkı and Sırrı in İzmir. He argued that Arif Oruç tried to rob the convoy that he joined to cross Anatolia during the Independence War. Also, he published two newspapers named as *Yeni Dünya* and *Seyyare* on behalf of Çerkez Ethem at that period. The second journalist that Ali Saip attacked was Zekeriya Sertel. Despite their negative attitude against the missionaries, Sertel and his wife was the supporter of them. Moreover, he

argued that they were trained by missionaries. Ali Saip also criticized the latest news in *Son Posta* about the corruption and the spread of tuberculosis in Istanbul. The aim of Sertels by giving such news was to demolish the Republic.

Ali Saip's third criticism was about the Ahmet Kadri and his newspaper, *Yılmaz*. Ahmet Kadri had closed his newspaper just before the preparation of the new press law. Saip said that Ahmet Kadri closed his newspaper because he got some information about the preparation of Parliament against the press. He argued that officers should be careful about him at future (TBMM-ZCIII: 27). The evaluation of Saip about the journalists of İzmir was also at the same style. The first journalist was Zeynel Besim. Saip argued that he served Greeks during the Greek invasion of İzmir. Another one was İsmail Hakkı, the journalist of *Yeni Asır*. With the cooperation of Jews, İsmail Hakkı wrote articles against the Republic and regime. The last journalist that Saip accused was Sakızlı Kirye Sırrı. According to Saip, he wrote against the Turks during the Greek invasion of İzmir. Ali Saip argued that all these journalists betrayed their countries and this situation was approved by the Parliament also. For a punishment, they should have been exiled. The accusations of Saip against the opposition journalists seem fictitious. He didn't show any evidence about his accusations. It seems that the government needed some reasons to make a move against the opposition journalists, and Ali Saip was charged to carry out this duty.

At the second part of meeting on the press, the criticism of opposition press continued. Şeref Bey and Refik Bey claimed that opposition press intended to demolish the national will and to weaken the revolution. Moreover, Refik Şevket Bey stated that the martial

law that had been in force in Istanbul about ten years and the law on the Maintenance of Order were prepared to prevent the harmful activities of the press. Actually, this statement could be accepted as a confession that clarified the real reasons of these laws.

Another criticism against the opposition press was about the suicides and unemployment news. Turgut Bey argued that opposition press accused the government of these issues and ignored the effects of Great Depression. He also stated that the free press was being used in democratic countries to overthrow the parties that governed the country. The political system in these countries had a multiparty system. However, the political system in Turkey was different. The attacks and criticisms against the government were of great benefit to the enemies of the Republic. Because of this risk, he warned the opposition journalists, “Your heads would have been also cut, if the counter-revolutionists rebelled.”(TBMM-ZCIII: 30).

Some other deputies, Emin Bey, Hamdi Bey, Rasih Bey, Galip Bey and Celal Nuri Bey, also made similar statements at the meeting. Moreover, one of the common arguments of deputies was the obscene publications. It was argued that obscene publication of press was one of the most important reasons of the case of *31 Mart*, the Sheikh Sait Rebellion and the Menemen Incident.

The last person that made a statement at the meeting was the prime minister, İsmet Paşa. He explained the situation and effect of the present press law. The crimes that were committed by the press against the government and citizens were being pursued by the courts. In addition, the government had a power to close the periodicals temporarily.

According to İsmet Paşa, press freedom in Turkey was being misused by some groups. For these groups, press freedom meant to attack the government without obeying any rules and laws. He also said that the government had no tolerance against the criticisms about itself because of the effects of oppressive and closed societies of the past. He argued that society accepted all news given by the newspapers, as true. This was an important weakness for the society. The continuous propagandas of opposition press had a bad effect on the young people and children. The number of young people and children, which were believed that the country was governed badly, was increasing greatly because of this policy.

According to İsmet Paşa, the other journalists at the press community should have been the first group to take measures against the periodicals that misused the press freedom. All journalists and periodicals should unite against the obscene and harmful press. So, he showed a method to the periodicals of RPP in their fight against the opposition press. İnönü stated that the government could close the harmful periodicals temporarily by using the present press law. However, the press law should have been rearranged and the crimes and punishments relating to the press should be defined clearly since it became a national and important problem. If the government used the present law, which had no clear statement on crimes and punishments, to stop the publication of harmful periodicals, people might think that the government was afraid of every criticism about itself and tried to suppress the opposition press (see TBMM-ZCIII: 37). At the last part of his statement, İsmet Paşa said that the present press law had many deficiencies. Since

these deficiencies caused a grievance for citizens, a new press law should have been prepared to prevent the misusing of press freedom.⁶⁰

Following the meeting at the Parliament on 5 July 1931, a commission was established to prepare a draft law on press. This draft was presented to the Parliament on 25 July. It was approved by the Parliament at the same day with some minor changes. The press law of 1931 consisted of 23 chapters and 68 articles.⁶¹ First chapter was about the general conditions. It states that all kinds of periodicals that were published and distributed among the country was dependent on this press law.

The conditions to establish a printing press were defined at the second chapter. It consisted of four articles. According to it, any person that wanted to establish a printing press had to give information about himself and his printing press (the name, address and language of printing press) to the governor in the province that he lived. The printing presses in the country could not begin to publishing before they took permission from the government.

Chapter three stated the general rules for all press tools. There were two articles in this chapter and it states that all printers had to send two copies of their periodicals to the governor of their provinces and prosecutors. The printers that violated this rule shall be fined five *Lira* for each copy.

⁶⁰ The minutes of meeting on 5 July 1931 at the Parliament was published by almost all newspapers at the following day.

⁶¹ *Düster* (Üçüncü Tertip), Cilt 12, s. 1069-1085.

The conditions to establish and publish periodicals were written at the fourth chapter. It consisted of twelve articles. According to the fourth chapter of the law, a person who wanted to establish a periodical had to apply to the governor of the city where he lived. In his application, he had to give the required information about himself and the periodicals that he would publish. According to article twelve, the owner of periodicals had to be a Turkish citizen. Also, he had to be twenty-one years of age or over. Besides, he had to be at least a high school graduate. Also, officers of the state institutions and army were prohibited from establishing a periodical. Periodicals that were published without permission would be closed immediately also. In addition, its owner would have been fined from a hundred *Lira* to five hundred *Lira*. If they committed this crime secondly, they would be imprisoned from a month to six months.

The conditions about the editors of periodicals were defined at article fifteen. According to it, the editor had to be a college graduate. Moreover, all journalists and correspondents that worked in a periodical formally had to be twenty-one or over. The responsible people in case of press crimes were defined at article twenty-seven. According to it, both the owner and editor were responsible for all the articles and news in the periodicals. Correspondents might also be trialed before the court if they used their names, signatures, or nicknames in the articles and news. The owners, editors and journalists have been jailed and punished according to the article sixty-five of Criminal Law.

Chapter five about the people that work in newspapers and sell and distribute them. According to article twenty-one, the directorate of newspapers had to give information to the governors about the correspondents and photographers. These employees should not have been having previous conviction.

The rights of periodicals' owners were determined at chapter six. According to it, the right of a person to keep a name of newspaper for five years after he quitted to publish it. This period was fifteen years in the previous law.

Chapter seven stated the people that were responsible for newspaper crimes. According to it, the owners and editors were responsible for all the articles and news in the periodicals. They would have been trialed even if the names of author or correspondents were known.

The crimes relating to the provocation were defined at chapter eight. Journalists that provoke society by giving news on a baseless rumor would have been punished according to article 311 of Turkish Criminal Law. In addition, journalists and correspondents that accused the deputies of Turkish Grand National Assembly and government or state officers without evidence would be imprisoned from three months to six months. There was also a hundred *Lira* fine.

Obscene publications were another important issue. According to article thirty-two (chapter nine), any news or pictures that humiliated the feelings and clashed with the morale of society were prohibited. However, the works of art were excepted from this

ban. To be able to evaluate the artistic value of the pictures or writings, a commission of experts was to be formed by the Prosecutor. There was also a separate article for blackmail. It stated that journalists that blackmailed the people by slandering their names would have been punished according to the Criminal Law.

Journalists, who published wrong or speculative news, would be imprisoned from a week to a month and fined from ten to fifty hundred *Lira* by article thirty-three and thirty -four. This penalty was too light compared to the former one.

Chapter twelve was about issues that were prohibited from publishing. The publication of news on secret cases was forbidden. Also, prosecutors had a right to ban the publication of a news that was about an investigation. In addition, the decisions of any case were prohibited from publishing before they were acknowledged in the court. Article sixty-four of this chapter was about the lotteries of newspapers. From now on, they could not organize lotteries. Moreover, the news on suicides could be published after the police chief gave permission according to article thirty-eight. Also, the publication of officers and soldiers' articles, opinions and letters that were about the interior and foreign issues were prohibited.

There was also a statement about the counter-revolutionists movements in the country. Article forty prohibited any news and articles that provoked the supporters of monarchy, caliphate, communism and anarchism. People that violated this statement would have been imprisoned from six months to three years.

Chapter thirteen stated the sources for the newspapers that were allowed. The official statements of state institutions and officers and the bulletins of news agencies that were recognized by the government could be used and published by the press.

The compensation and disclaimer issue (*tekzip*) was defined in chapter fourteen and fifteen. State institutions or officers that were criticized or accused in a newspaper had a right to reply the news. Related newspaper had to put the reply at the same place that the related news was printed in the newspaper with the same size fonts, Moreover, if a periodical was condemned because of its news, the cause of conviction had to be published with the notification of court in two days according to article forty-eight.

According to article fifty of the law (chapter sixteen), the government had a right to close the newspapers and journals that had an insubordinate policy harming national interests. In addition, the owners and editors of closed newspapers could not establish a new periodical until the government gave permission.

The confiscation of periodicals was arranged at chapter seventeen. The government had a right to prohibit the import and distribution of any periodicals that were published in foreign countries. Also, prosecutors could confiscate the periodicals that published obscene pictures. The limitation for crimes concerning the press was also determined as six months.

Finally, there were two temporary articles in the law. The first of them stated that all newspapers and journals had to give a petition, which includes information about the

type and content of periodical to the government in fifteen days after the law was published in official newspaper. The second temporary article was about the education. According to it, the owners and editors of all periodicals, which began to publishing before the press law of 1931 came into force, was excluded from the education condition. However, they had to graduate from a college or high school in three years' time.

IV.5. The effect of Press Law of 1931

Following the approval of Press law by the Turkish Grand National Assembly, the opposition press stopped its criticism against the government. However, the opposition press was hopeful that the law might be relaxed in time. In his article on 27 July, Arif Oruç stated that the new law would have been caused the closure of many newspapers. On the other hand, Gazi Mustafa Kemal, the president of Turkish Republic, often stated the importance of press freedom. Such a development would cause a paradox. Oruç also argued that Gazi would turn out the press law (Yarın: 1931). *Son Posta* had also similar wishes.⁶² However, the press law of 1931 was approved by the president and it came into force on August 10, 1931.

The government sent an announcement to the newspapers and journals on 15 August and stating who could no more work as a journalist anymore. Arif Oruç was at the top of the list. In his article on 13 August, Oruç stated that he decided to leave journalism because of the new law. He said that he knew the government would have sent an announcement to him at the following days to ban him from journalism. So, he gave up before the

⁶² *Kanun Henüz Neşredilmedi*, *Son Posta*, 27 Temmuz 1931.

announcement was sent. After Oruç resigned from the editorship of the *Yarın*, it continued to its publishing. However, the government closed it six more days later. At the last issue of it, the newspaper stated that it might be republished in the future if the new law was rearranged.

Unlike *Yarın*, *Son Posta* continued to be published. But, the level of its criticism and opposition decreased. The change in the policy of newspaper can be seen at the issues on August. There was a news in *Son Posta* on 12 August about the two journalists of *Akşam* that were arrested because of obscene publication. Sertel evaluated this event in his article and said that:

“the aim of new press law was to increase the quality of newspapers and to prevent the publication of obscene pictures and writings... We need a journalism like the British one, which was pure and dignified. The new law was prepared to realize this aim.”⁶³

The press law of 1931 was rearranged six times until 1940.⁶⁴ Although it was prepared in order to suppress and control the opposition press, the government did not use the right to close periodicals as often as might have been expected. After the government succeeded to control the opposition press by the press law of 1931, the struggle between the opposition press and party’s newspapers ended. In 1931, the government closed three periodicals; *Yarın* and *Muhit* in Istanbul and *Türk Yurdu* in Ankara (see İskit 1939: 257). Ahmet Kadri, an important opponent of the government and the editor and partner of *Yılmaz*, stopped the publication of *Yılmaz* on 2 July 1931. He preferred to close his

⁶³ Zekeriya Sertel, *Matbuat Kanununun Ruhu*, *Son Posta*, 12 Ağustos 1931.

⁶⁴ The first arrangement was made on 14 May 1932 and the others were made in 1933, 1934, 1938 and 1940.

newspaper himself, since he guessed the aim of the government. Also, when we look at the list of periodicals that were established and closed between 1923 and 1940, there is no clear increase after 1931 in the number of closed newspapers and journals.⁶⁵ The press law of 1931 was in force until 1950. The second press law of the Turkish Republic was used for about fifty-five years and was revoked in 2005.

IV.6. A Comparison Between the Press Laws of 1909 and 1931

There were many similarities and differences between two laws. The Press Law of 1909 consisted of three chapters and thirty-seven articles. On the other hand, the press law of 1931 consisted of 23 chapters and 68 articles. The general conditions of both laws were similar. In both laws, the owners and editors of periodicals had to be twenty-one years of age or over and they were responsible for all the articles and news in the periodicals. However, there were some additional conditions in 1931. The owners of periodicals did not have to be an Ottoman citizen according to the press law of 1909. However, the owner of periodicals had to be a Turkish citizen according to the press law of 1931. The citizenship issue was discussed in 1909. Hüseyin Cahit Bey, the deputy of Istanbul and editor of *Tanin*, criticized this article and said that “*every Ottoman citizen*” could have concession for the publishing, not “*every person.*” However, Lütfi Fikri Bey, chairman of press commission in 1909, said that the press law of 1909 was prepared according to the French Law. He showed the French Press Law as an example and stated that the editors of periodicals in France had to be a French citizen. On the other hand, there were

⁶⁵ Feridun Fazıl Tülbentçi stated that about 550 newspapers were established between 1923 and 1940 in Turkey. Moreover, 1008 journals were published at the same period. 134 of them were political and official newspapers and the other ones (874) were about culture, literature, sports, art, occupation and children (Feridun Fazıl Tülbetçi, *Cumhuriyetten Sonra Çıkan Gazeteler ve Mecmualar*, Ankara: Başvekalet Matbuat Umum Müdürlüğü, 1941, p.3)

no any statements about the citizenship of owners in French law. So, the press law of 1909 did not state a condition on the owners' citizenship. This was an important difference between two laws.

The conditions of country were very different in 1909 and 1931. In 1909, the aim of Ottoman governments was to prevent the collapse of Empire and to be able to achieve this they took the Western institutions as model. Also, they did not want to disturb the foreign entrepreneurs in the country since they did not expect any danger or subversive sturdy against themselves. On the other hand, the nationalist characteristics in the press law of 1931 are seen very well. Besides being a nation-state, the founders of Turkish Republic were suspicious about the foreign investment in the country. The increasing power of fascism in Europe effected Turkey also. There were alternative models in Europe except for France in that period.

There was also another addition in the press law of 1931 about owners. According to it, the owner should never have been in the service of another country and people that supported the enemies during the Independence War were prohibited from establishing a periodical. As I mentioned at chapter four, some deputies had accused Oruç of betraying his country. It seems that the aim of this article was to prevent Oruç from publishing newspapers.

There was also another difference about the owners of periodicals also. There were no restrictions for the officers of state institutions and army in the press law of 1909. However, the press law of 1931 was prohibited them from publishing a periodical. This

addition in 1931 might be because of the sensitiveness of Republic's founders. Mustafa Kemal tried to keep the army out of the politics after 1924. One of the tools to achieve this aim was to keep way them from newspapers.

A similarity between two laws was about the periodicals that were published without permission. The periodicals that violated this rule would have been closed immediately in both laws. There were also punishments against the people that violated this rule. Furthermore, there was not a condition for correspondents and photographers in 1909. Having previous conviction was an obstacle for these employees in the press law of 1931

Another difference between two laws was about blackmail. The press law of 1909 did not give a clear statement about blackmail. It just punished journalists, who published wrong or speculative news. They would have been imprisoned and fined. However, the press law of 1931 separated provocation and blackmail. Instead of giving a punishment in the press law, journalists that blackmailed the people by slandering their names would have been punished according to the Turkish Criminal Law.

The education level of journalists and correspondents was another difference. In 1909, there was a great discussion on this issue in the Ottoman Parliament. Hüseyin Cahit Bey claimed that people who demanded to publish newspapers had to be a college graduate. He argued that the publications of uneducated people would not be beneficial for the country and this condition was also present at the other countries' laws. Again Lütfi Fikri Bey replied him and said that education condition should have been necessary for

the editor of newspaper, not the owner. The education condition for the periodicals' owners changed in 1931 also. Henceforth, they had to be at least a high school graduate. Besides this condition, the education level of editors was rearranged in 1931. From now on, they had to graduate from a college or high school. However, this article was not carried out and removed in 1933 (Alemdar 1996: 29-30).

A common aspect of two laws was about the crimes relating to the provocation. In both laws, journalists and newspapers that gave news on a baseless rumor or publish incorrect documents would be imprisoned and fined. However, there was no an exact definition of *provocation*. Because of this flexibility in relating articles of press laws, the governments gained an important power to control the opposition press. Also, another aim of both laws with the provocation statement was to prevent the counter-revolutionists movements. In 1909, the main threat for the constitutional monarchy was the supporters of absolute monarchy. There was a statement that gave imprisonment to the journalists, who wrote articles against the constitutional monarchy. Besides this threat, there were also new ones such as the supporters of caliphate, communism and anarchism in 1931. The press law of 1931 was also imprisoned the journalists that provoked the subversive movements.

There was also an addition in the restrictions of news in 1931. The news on suicides could be published after the police chief gave permission. According to the government, suicide news might be distorted by some newspapers. Therefore, they found it necessary to put a relating article on this issue.

Obscene publications were another important difference between two laws. The press law 1909 gave a right to the police to confiscate the periodicals that published obscene news. However, there was no definition in the law relating to the obscene news. So, the government could have been easily suppressed the opposition press by using police force. This article supplied an arbitrary power to them. The press law of 1931 was better about this issue. According to it, any news or pictures that humiliated the feelings and clashed with the morale of society were prohibited. However, the works of art were excepted from this ban. To be able to evaluate the artistic value of the pictures or writings, a commission of experts was to be formed by the Prosecutor. The police had not a right to confiscate newspapers in 1931. Also, the prosecutors had to make a research before they give a fine in such issues. This was a positive development for the press.

The compensation and disclaimer issue (*tekzip*) were similar in both laws. If a newspaper was found guilty at the end of a case because of its news, it had to publish the decision of court at its first or second issue. If they did not publish it, they would have been fined in both laws.

The most important difference of the Press Law of 1931 from the 1909 law was article fifty. According to it, the government had a right to close the newspapers and journals that had an insubordinate policy harming national interests. In addition, the owners and editors of closed newspapers could not establish a new periodical until the government gave permission. Because of this article, the government gained the opportunity to

suppress or threaten the opposition press. Since, the term “national interests” were not defined openly, the government could make arbitrary decisions.

V. Conclusion

When we looked at the reasons and results of the press laws of 1909 and 1931, we found different aims and consequences. After the censorship was abolished with the declaration of constitutional monarchy in 1908, the press gained a new environment that let it to move in an unlimited freedom. The main reason of the press law of 1909 was to prepare a new law that determined the rules and limits of press in the Ottoman Empire. There had been no law on press before that time.

The newspapers and journals met with the Ottoman society in the nineteenth century. The Western influence, especially the French culture and institutions, can be seen clearly in the reforms of Ottoman State at that time. This tendency continued at the reforms of twentieth century also. The people that overthrown the oppressive suzerainty of Abdulhamit II, Young Turks (*Jön Türkler*), were impressed by the Western institutions like their successors. Their aim was to prevent the collapse of the Empire and modernize its all institutions. One of the most important areas for them was press.

The rebellion of 31 March 1909 also affected the press law 1909. The government accelerated the preparation of press law because of this rebel. Because of a possible counter-revolution against the constitutional monarchy, some deputies of the Ottoman Parliament suggested to put some articles on the press law that restrict the press freedom. However, they could not succeed at all and it might be argued that the press law of 1909 had positive aspects for the press. There was a balance in the government at the first

years of second constitutional monarchy. The struggle of different groups to be able to gain the power prevented them to prepare a hard and restrictive press law.

It might be argued that because of this balance, the press law of 1909 became more flexible than the press law of 1931. When looked back from the present, the 1909 Press Law may be criticized as it included a lot of limit-imposing articles. However, when it is when analysed within the time period, it can be argued that the 1909 law was progressive and liberal in comparison with the previous, Abdulhamid era. However, the liberalistic aspect of the press law of 1909 was removed at the following years. The continuous martial laws in Istanbul and the coup d'état of *İttihat ve Terakki* leaders prevented the development of press freedom in the Empire.

The press law of 1909 continued to be in force at the first decade of Turkish Republic. The governors did not tried to change the press law at the first years since they chose to use extraordinary laws when they needed to control or suppress the opposition such as *Law on the Maintenance of Order*. The foundation of Free Republican Party reactivated the opposition in the country. The opposition continued to its criticism and attacks against the government and Republican's People Party after the FRP was closed.

The struggle between the opposition and the newspapers of RPP at this period was very harsh. Both of the groups had a harsh and crude language in their articles and news against each other. According to the government, the behaviors of opposition proved that the opposition misused the press freedom. They assumed that the criticism and the attacks of opposition about the works of government helped the people that tried to

subvert the Republic. Although the government, the members of RPP and its newspapers stated this argument frequently before the preparation of new press law, they did not show enough evidence.

The most important threat to the Republic at this period was the Menemen Incident. However, it occurred about eight months before the government decided to prepare a new press law. Also, it was not a big threat as the rebellion of Sheikh Sait in 1925. The claims of government about the subversive studies seem invalid. The minutes of meeting at the Parliament relating to the press law showed that the government and deputies of RPP accused the opposition press of alleged crimes. Their aim was to suppress the increasing criticism of opposition against the government.

The increasing dominance of single-party was also one of the reasons of the press law of 1931. The increase of authoritarianism among the leaders of Kemalist group caused a reaction against the opposition press in the country. According to this Kemalist group, the criticism of government and system by the opposition could not be beneficial for the country. The press law of 1931 gave the opportunity them to quite the opposition. Article fifty of the law gave permission to the government to close the periodicals that had a insubordinate policy harming national interests.

A common aspect of the press laws of 1909 and 1931 was their anxieties about the safety of their regimes. The deputies of *Mebusan Meclisi* frequently showed the rebellion of 31 March and the effect of *Volkan* in this rebellion as an evident to the misusing of press freedom. Also, the government and deputies of RPP frequently

expressed their worries about subversive studies in 1931. The efforts of administrators to legitimate the restriction of press are seen in both periods.

The Press Law of 1931, just like the 1909 law, included articles that limited press activities. However, the difference of the 1931 law was its being more restrictive and limiting in comparison with the previous era, a big difference from the 1909 law.

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