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MEDIA AND DEMOCRACY

**A Comparative Case Study on
the Press Portrayal of
the Belgrano and
Kocatepe Affairs**

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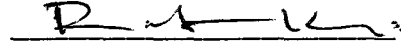
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TABLE OF CONTENTS

ACKNOWLEDGEMENTS	iii
TABLE OF CONTENTS	iv
INTRODUCTION	1
PART I : MEDIA, DEMOCRACY, AND THE PRESS	4
I. LIBERTARIAN COMMUNICATION THEORY	5
Functions and Principles	10
II. SOCIAL RESPONSIBILITY THEORY	13
III. CONTEMPORARY (Liberal) APPROACH	22
"Right to Communicate"	22
Basic Concepts	25
1. Democratic Communication	27
- Individual's Basic Rights	29
. Freedom of Opinion	32
. Freedom of Expression	33
. Freedom of the Press	33
. Right to Communicate	37
- Obstacles	41
2. Journalist Responsibility	45
- Rights of the Journalist	45
. Access to Information	45
. Right to Publish	45
. Right to Protection	45
- Responsibilities of the Journalist	48
3. Communication Freedom	55
Secrecy-Security Controversy	61

PART II - "BELGRANO" AND "KOCATEPE" AFFAIRS:	
A COMPARATIVE INQUIRY	67
I. LEGAL-NORMATIVE FRAMEWORK IN TURKEY AND	
IN BRITAIN	69
II. THE CASES	73
The Belgrano Affair	73
The Kocatepe Affair	77
Governmental Attitudes	81
. In Britain	81
. In Turkey	84
How the Affairs Became A Public Issue	84
. In Britain	84
. In Turkey	90
Public's Reaction	94
. In Britain	94
. In Turkey	100
III. A COMPERATIVE EVALUATION OF THE	
"BELGRANO" AND "KOCATEPE" AFFAIRS	104
CONCLUSION	108
APPENDIXES	114
Appendix A	114
Appendix B	118
Appendix C	125

INTRODUCTION

In our modern age everybody would agree that information is an important source of power for those who hold it. In fact, it has always been so all throughout the history. In the history of the mankind that is why, by the advent of mass media, a new type of struggle emerged; the struggle for the control of the mass media.

Thus, this struggle has become a major arena of all social strife especially that of political combats. From its very beginnings, the first mass medium, the press emerged as a challenge to the absolute power of the monarchs. From then on, the struggle for the press freedom became an unseparable part of the combats for democracy in general.

As an outcome of these long struggles the concepts like "freedom of expression and press" took concrete forms and became subject to normative state regulations. These regulations while offering legal grounds for the exercise of press freedom were also setting limits of its practice. Thus, today's information systems are moulded in a historical process.

This implies that behind any concrete information system there is always a normative theory that justifies the concrete rights and duties assigned to the mass media institution in a given society. This normative theory becomes the major support of the demands for concrete regulatory rules which would protect the rights and

freedoms against any attempts of violation. Thus like any other aspect of the social life, the laws in this field also appear to be the major indicator and the guarantee of the rights and freedoms accorded in a given society. The regulative rules like constitutions and laws in a given society not only state the principles of rights and freedoms but also define them. So, it is expected that this definition should also be the guide and the criterium for the related practice. In other words legal framework should reflect the nature of the practice.

But, when a right of freedom is closely related to the essential power structure of a society, in other words, when it is about a political right or freedom its exercise will be dependent not only to the officially and correctly laid down statements like laws but also will depend on the power relations and struggles in that society. So, the context in which the predefined regulations exist as such will be determining their actual practice.

This context may be taken as expressed by the political culture of a given country's society. Thus, we can claim that the political culture of the society determines the state of the exercise of political rights and freedoms that are officially recognized by the political power holders.

It is with such considerations that the present study which takes the media-democracy-press freedom linkages as the subject of investigation is conceived. The main assumption of the present study is that the exercise of the press freedom, which is a political matter in its essence, depends not only the normative rules and regulations

of a country but will be determined by the nature of the political culture of the society.

This assumption implies that the similar normative frameworks will bring out different outcomes in the countries with different political cultures.

To elaborate on the viewpoint and to substantiate the claim two countries, namely Britain and Turkey, with apparently similar regulation based on the same normative theory are chosen as the field of investigation. Two similar incidents that engaged the exercise of the press freedom and took place in these countries during the same decade provided us an unusual basis for comparison.

This study composed of two main parts will deal in the second part with the mentioned affairs in respect of their relations with the exercise of press freedom which is in principle recognized as a basic right in both countries. But, a theoretical framework is needed to locate the study into a context and to draw conclusions for evaluations. This is tried to be done in the first part of the study.

PART I

MEDIA, DEMOCRACY, AND THE PRESS

One can hardly deny that the political structure of a country influences not only the regulatory and operational framework of communication, but it also effects the news media, both print and electronic.

In their classic book, *Four Theories of the Press*, Fred S. Siebert, Theodore Peterson and Wilbur Schramm outline four theories that have characterized the operation of the press in society, namely, "authoritarian", "libertarian", "social responsibility", and "Soviet communist".¹

Since the aim of this study is to inquire and compare the two cases which took place in the two liberal countries, namely in Britain and in Turkey, in this chapter we will focus our attention mainly on the libertarian theory of the press and its contemporary interpretations.

¹Fred S. Siebert, Theodore B. Peterson, and Wilbur Schramm, *Four Theories of the Press*, Urbana, University of Illinois Press, 1956.

I. LIBERTARIAN COMMUNICATION THEORY

The libertarian theory of communication grew with and from the great revolutions of mind throughout the seventeenth and eighteenth centuries.

It was a time of startling change, succeeding apparent or relative changeless long years. There were the penetrating developments in geography and science, which challenged the traditional knowledge and seemed to vindicate the power of human reason over inherited and revealed knowledge. There was the reformation, which challenged the authority of the Church of Rome. There was the swift new growth of the middle class and of capitalism, both of which challenged the old idea of fixed status and ushered in a world of social mobility. There were political revolutions, like the one in England against the Stuarts, challenging the right to arbitrary rule.

Most importantly, the new theory put its roots down into the kind of intellectual change represented by the Enlightenment of the seventeenth and eighteenth centuries. Among the Enlightenment's several assumptions are these:

Man is a creature of reason who wants to know the truth and will be guided by it. He can find truth by applying his reason. He is born with certain inalienable natural rights. He forms governments of his own volition to protect those rights. And hence the best government is that which governs least.

In discussing the development of libertarianism, the writers of the "Four Theories of the Press" credit its transition from authoritarianism to the efforts of four men:

John Milton was one of them as the writer of one of the earliest great anti-authoritarian documents that spoke directly to the question of a free press. Based on the premise that men have reason and wisdom to distinguish between right and wrong, good and wisdom to distinguish between right and wrong, good and bad, it is an eloquent argument for freedom from government restriction. Men can exercise their reason to its fullest power, Milton wrote in his *Areopagitica*, only when they have free choice. Given a free and open encounter, "truth will triumph over error". As a result, to make decisions, people should have "unlimited access to the ideas and thoughts of other men".²

Although Milton's thesis had little affect in his own time, it was revived and expanded in the eighteenth century.

John Erskine broadened libertarian theory by arguing that the power of the government to interfere with the press should be severely restricted. He believed that the authority of government is limited by natural law and natural rights. Because free expression is a natural right, the government should not restrict the press either before or after publication, so long as the material is aimed at peaceful change.

²Quoted in William L. Rivers, Theodore B. Peterson, and Jay W. Jensen, *The Mass Media and Modern Society*, New York, Rinehart Press, 1971, p.73.

Erskine's views were instantly caught up by the defenders of the new theory of communication. Thomas Jefferson carried it further, contending that, just as the function of government is to establish and maintain a framework within which an individual can develop his own capabilities and pursue his own ends, the chief function guard against deviation by government from its basic assignment. A constant victim of press vituperation during his own career, Jefferson nevertheless maintained that a government which could not stand up against criticism deserved to fall:

"No experiment can be more interesting than what we are now trying, and which we trust will end in establishing the fact, that man may be governed by reason and truth. Our first object should therefore be, to leave open to him all the avenues of truth. The most effectual hitherto found, is the freedom of press. It is therefore the first to be shut up by those who fear the investigation of their actions".³

Barrowing from Milton's ideas, Jefferson believed that the collective aggregate of a people, if intelligent and informed, could arrive at sound decisions. The press was the instrument to inform the people and therefore had to be free of control.

Finally John Stuart Mill who is accepted as a turning point between classical liberalism and contemporary liberalism, defined the market place more clearly. He believed that people had the right to think and act as they pleased if they did not infringe on the rights of others. He wrote in his famous essay *On Liberty*;

"...Liberty for all required that neither the few nor the many dominate completely but that each have its due. This could be heard in public.

³A.A. Lipscomb, ed., *The Writings of Thomas Jefferson*, Vol.II, Washington, Thomas Jefferson Memorial Association, 1904, p.32.

Tolerance of all views, the freedom of speech must be guaranteed so that, in a market-place for ideas, the most rational would be accepted by all. This tolerance, and the rational acceptance of argument which is supposed to flow from it, is meant, among other things, to ensure that the powerful do not convince by dint of their power alone".⁴

The reliance on reason to discriminate between truth and error, the need of a free market place of ideas in order that reason may work, and the function of the press as a check on government were the basic elements of the new theory of communication.

This theory was foreshadowed in the sixteenth century, envisioned in the seventeenth, fought for in the eighteenth, and finally brought to widespread favor in the nineteenth, when power was added to the printing press and machine-duplicated communication could be brought to a large part of the public. By then, the authoritarian system of communication seemed to be vanquished. Gradually the rights of the press and libertarianism began to gain ground. Most countries had adopted at least the language of the new theory, although many authoritarian practices remain below the surface. Eventually libertarianism, with its freedom of the press, became part of the constitutional doctrine both in the United States and later in England.

"Pluralism" is the name that is given to this doctrine when it clothes itself in the robes of political science. The name accurately reflects its practitioners' beliefs that theirs is a world in which all is for the best, since the plurality of interest groups is tolerated on an equal footing and each is allowed to fight for its goals.

⁴John Stuart Mill, *On Liberty*, ed. by Alburey Castell, New York, Crofts, 1947, p.16.

"Pluralism" here emerges as a means to reach the "most rational" i.e. the "truth". As the "free competition conditions" give us a chance to separate the "good" from the "bad" or the "useful" from the "harmful", the truth can also be distinguished among the ideas flowing freely in the society. In other words the only way to reach the truth, the libertarians believe, is to assure the free flow of information in the market-place. As Kaya points out, liberalism has an "optimism" with a belief that the "truth" can be reached only by pluralism.⁵

Borrowing freely from Adam Smith's concept of "the invisible hand" in classical economics, later George Sokolsky describes the ways to reach "inevitable emergence of truth" by asserting that in a competitive system "the truth would come out since one would publish what the others would seek to suppress".^{6 (*)}

⁵Raşit Kaya, "İletişim Alanına Liberal Yaklaşım ve Çağdaş Yorumlar", *Bilim ve Sanat*, 35, October 1983, pp.12-17.

⁶Quoted in Rivers, Peterson, Jensen, p.83.

(*)As quoted in "The Mass Media and Modern Society" by Rivers, Peterson, and Jensen, Sokolsky made it clear that "Some newspapers and some journalists may become subservient to base purposes but in a competitive system, the truth will out. What one seeks to suppress, another will publish. The error of one reporter is corrected by another. The fallacy of one editor is made right by another editor. The attempt to serve some private cause is exposed by a competing newspaper or news service".

Finally Theodore Peterson who summarized the basic elements of the libertarian theory of the press, while claiming that the press must have only the minimum of restraints imposed upon it since man can find truth only through free trade in information and ideas asserts that the governments should not intervene to control the press.^{7(*)}

Functions and Principles

According to the early philosophers of the libertarian theory the mass media had two major tasks. The first was to inform; the second was to entertain.

Libertarian theorists widened these functions regarding that the underlying purpose of the media is to help discover the truth, to assist in the successful working of self-government by presenting all manner of evidence and opinion as the basis for political and social decisions, and to safeguard civil liberties by providing a check on government.

⁷Theodore B. Peterson, "The Social Responsibility Theory of the Press", in *Four Theories of the Press*, by Siebert, Peterson, and Schramm, op.cit., pp.78-79.

(*)The reasons why the government should keep its hands off the press were explained by Peterson as followings: "For one thing, free expression is a natural rights, ones the state must preserve and protect. For another, the state has traditionally been a foe of liberty and is always likely to use the press for its own selfish purposes. For yet another thing, the state by intervening would surely upset the delicate dialectic by which truth emerges. The press, then, is best left in private hands, to make its own way in the market place, free from the pressuress of any one group or interest. In short, freedom under libertarian theory consists simply of the absence of restraint, to put it another way, a negative freedom is an effective freedom".

In this framework libertarian theory seems to recognize at least five social functions:

Public enlightenment, as a major function of the press, which can feed man the information he needs to formulate his own ideas;

Servicing the economic and political system in which the press furnished the people with the information and ideas they need for making sound decisions;

Safeguarding civil liberties, emerging from the idea that individual autonomy is the heart of libertarian theory;

Profit making, as an inevitable factor to keep the press away from any kind of dependency;

And lastly providing entertainment.

To fulfill these functions mass media has to have some means without which a liberal communication system can not be reached. No doubt, the first principle is the "free circulation of the information".

The first principle express one of the basic laws of the liberal thought that "every man has the right to own and manage his own enterprise".

In theory, the mass communication system that would result from libertarianism would be private enterprise-privately owned media competing in an open market. Anyone with sufficient capital could start a newspaper or a magazine or electronic media, and capital demands should not be so severe that viewpoints would be squeezed out. It should be easy to enter publishing, especially

because the many political factions are eager to support journals which reflected their opinions.

In short, first principle contains a) the right to own and manage any media without any permission in advance, and b) the right to work in the communication sector regardless of special conditions.

The second principle is the free circulation of everything that is used by mass media. This principle contains two factors: a) "Right to gather news" and b) "right to make it public".

In liberal regimes the media is assumed to serve the public rather than the government. Governments are viewed as fallible servants of the people, potentially corrupt, stupid, or abusive of citizens. Because of their inherent weaknesses and because individuals' rights to judge their government is highly prized, governments must be criticized for their misbehaviors.

The media, on the other hand, are viewed as impartial reporters of good and evil who scrutinize the passing scene on behalf of the public and report whatever journalists consider newsworthy. Journalists serve as the watchdog fourth branch of government which monitors excesses and misbehavior of the executive, legislative, and judicial branches. Through playing an adversary role, they provide the feedback which democratic systems need to remain on course. If, as the result of this scrutiny, governments fall and public officials are ousted, this is as it should be.

This, broadly stated, is the theory behind the role of media in liberal democratic societies.

II. SOCIAL RESPONSIBILITY THEORY

After the middle of the nineteenth century, support of the press began to come in large measure from advertising rather than from political subsidy. The costs of entering into the business of publishing multiplied. Almost from the beginning of broadcasting and film, increasing costs were a major problem.

It was the time when the revolution in ideas wrought by Darwin with his theory of evolution, Einstein with his theory of relativity, and Freud with his theory of the unconscious has undermined the very foundations of libertarian theory. The ideas of evolution and modern physics have challenged the Newtonian picture of the universe as a timeless, unchanging order. Modern psychology, with Freud and behaviorism, has laid siege to the fortress of rationalism. Contemporary political science, attacking the tradition of natural law, has declared the doctrine of rights to be merely a persuasive slogan of an outmoded ideology. Economists and social scientists, questioning the radical individualism of libertarians, have raised bouts about even the possibility of a free and open market place of either commodities or ideas. The self-righting process has been widely rejected as a notion without foundation in reality; and free exercise of the individual will has been forcefully attacked as often harmful to the community.

Moreover, critics assert, certain social forces and certain developments within the media themselves have so altered the

environment of public communication that the media can not be and can not do what libertarian theory prescribes.

By the twentieth century the printed press had been through the era of yellow journalism and was beginning to see the first glimpses of radio and motion pictures. Political ideas could persuade the masses via such platforms as the airwaves and the giant screen.

Thus, in the twentieth century especially, many of the assumptions of traditional theory have been seriously challenged if not indeed actually undermined. In this atmosphere of the industrial revolution and a multimedia society developed a theory of a "free but responsible press".

New "Social Responsibility Theory" rests on the proposition to society. The mass media are guaranteed freedom by the laws and are therefore obliged to perform certain essential functions. To the extent that the media assume those obligations, libertarian theory will surface. If the media are remiss, other agencies, including government, must take them live up to their responsibilities.

One of the basic needs of society in the Enlightenment seemed to be to free the press from the state so that it could operate as a check upon government and as a vehicle through which man might discern the truth. For more than half a century now, however, the tendency has been to examine the performance of the press and perhaps to lay some requirements upon it that would be quite foreign to the spirit of libertarianism.

Mass communication has been subjected to a rising wave of criticism in recent decades. The general themes of the criticism of all the media can be summarized as following:⁸

1. The mass media have wielded enormous power for their own ends. The owners have propagated their own opinions, especially in politics and economics, at the expense of opposing views.
2. The mass media have been subservient to big business and at times have let advertisers control editorial policy and editorial content.
3. The mass media have resisted social change.
4. The mass media have often given more attention to the superficial and the sensational in their coverage of human happenings than to the significant, and their entertainment has often lacked substance.
5. The mass media have endangered public morals.
6. The mass media have invaded the privacy of individuals without just cause.
7. The mass media are controlled by one socio-economic class loosely, "the business class", and access to the media is difficult for the newcomer, therefore, the free and open market of ideas is endangered.

But the most cogent single body of criticism was formed in 1947 by the Commission on Freedom of the Press. The Commission,

⁸Theodore B. Peterson, "The Social Responsibility Theory of the Press", in *Four Theories of the Press*, by Siebert, Peterson, and Schramm, op.cit., pp.78-79.

a group of distinguished private citizens headed by Robert M. Hutchins, concluded its studies with the money provided by Time, Inc. and Encyclopedia Britannica, Inc. Social Responsibility Theory is spelled out in "A Free and Responsible Press", compiled by the Commission as a whole, and in "Freedom of the Press: A Framework of Principle", written by William T. Hocking, a commission member.

The Commission couched its assessment in words of attack:

"It becomes an imperative question whether the performance of the press can any longer be left to the unregulated initiative of the few who manage it. Those who direct the machinery of the press have engaged from time to time in practices which the society condemns and which, if continued, it will inevitably undertake to regulate or control".⁹

Criticizing the irresponsible policies of the editors, the Commission listed society's expectations from the press:

1. Truth and meaning in the news: press, according to the Commission, should provide "a truthful, comprehensive, and intelligent account of the day's events in a context which gives them meaning. The media should be accurate; they should not lie. Moreover, they should identify fact as fact and opinion as opinion and should separate the two as much as possible.
2. Common carrier of ideas: Because of the concentration of media ownership in fewer and fewer hands, the individual citizen can hardly find access to the facilities of public expression. Therefore, the media must act as a common carrier of viewpoints that otherwise might not find public circulation.

⁹William Hocking, *Freedom of the Press: A Framework of Principle*, Chicago, University of Chicago Press, 1947.

3. A representative picture of society: The third requirement is that the media should give a representative picture of the various groups that make up society. That is, they should portray accurately all social groups and not perpetuate stereotypes. Media performance in this area has been tragically weak. The Commission urged that the media should take into account each group's values and aspirations as well as its weaknesses and vices.(*)

4. Classification of the goals of society: The Commission asks for realistic reporting of the events and forces that work against social goals as well as those that work for them. The media, according to the Commission, are an educational instrument, therefore, they must "assume a responsibility like that of educators in stating and clarifying the ideals toward which the community should strive".

5. Full access to information: The citizens of a modern industrial society, the Commission says, need a far greater amount of current information than people needed in any earlier time. Even if the citizens do not always use all the information they get, the wide distribution of news and opinion is essential to government carried on by consent. Moreover, information must be available to everyone because leadership changes so often and so freely that any citizen may suddenly find himself holding the power of decision.

Arguing with the Commission on these requirements, some authors began to criticize the traditional thinking.

(*) Philosophical reasons for such policy are difficult to find in libertarian theory, which assumed and approved of social as well as intellectual competition, of the conflict of group interests and wills. Reasons for this policy may be readily found, however, in the ascendant twentieth-century conceptions of man, of society, and of freedom. For these conceptions emphasize social equality over personal liberty, forswear the ruptures caused by social competition, and seek to socialize individual interest and will.

In their view although libertarian theory assumes that "full access to the day's intelligence" would be a natural consequence of a free and open "market-place of knowledge and opinion", the right of free expression would be meaningless without full access to the information that "ought to be conveyed". They claim that this is why the media see themselves as active agents in breaking down the barriers of secrecy and silence. Again in their view as the libertarian theory sees the media as instruments of individual will and interest as opposed to public it encourages the selfish use of the media on the assumption that conflict in idea, as in society, is of itself good. Today, however, they say, with the media ownership resting in fewer hands media are "exhorted to act as agents not of the individuals who own and manage them but of the public, which bestows freedom".

But Commission's anxieties about the irresponsible press were accepted as an invitation to the government control over the mass media. Just as the changing nature of some libertarian values, such as classical laissez-faire economics, new understanding of liberalism opened a way to the state's interference into the communication business, although it was unsuitable to the "highest ideals of Enlightenment".

Kaya summarized the reasons of this interference as technical and political: "While some complicated structure of new electronic media requires a state regulation, the media's deep effects on politics awaken the states to be more involved in the mass communication area."¹⁰

¹⁰Kaya, p.15.

This belief that the media effects are important political forces is based on the assumption that institutions which control public information shape public knowledge and behavior and thereby determine the support or opposition of citizens and officials to the government and its policies.

With this belief the states in different countries have charged themselves with new roles in communication sector, spreading from being a partner to the private companies (like in England) to the creation of a monopoly in broadcasting area (like in Turkey). The aim was -with Kaya's words- "to bring a more strict public control over the mass media".

This structural change over the ownership of the media, brought a new understanding about the role of the journalists and even the definition of the "news".

According to the libertarian theory anything that happened which was interesting and/or involved important people was news. Doris Graber claims that this understanding led to the overemphasis of matters which had the widest audience appeal even if that meant sex and violence stories and entertainment rather than information.¹¹ Education was not taken as a chief function of the media. In contrast, the adherents to social responsibility theory believed that news and entertainment presented by the mass media should reflect a social conscience. This simply meant that the media personnel should be participants in the political process, not merely reporters

¹¹Doris A. Graber, *Mass Media and American Politics*, Washington, Congressional Quarterly Press, 1980, p.19.

of the passing scene. As guardians of the public welfare, they should spur political action when necessary. If reporters think, for instance, that pollution or racial segregation are prevalent social evils, they should cover these stories in depth and make them news, even when nothing new has happened. Likewise, "undesirable viewpoints and questionable accusations should be denied exposure, however sensational they may be". As also Graber himself agrees, journalists in Western countries are now loaded with new responsibilities by the "Social Responsibility Theory".

Accordingly new legal regulations brought new punishments to the newsmen that were not found 'responsible enough'. But the social responsibility theory is also open to criticism on several grounds.

John Merrill's book on "The Press and Social Responsibility" is a good example of the liberal critiques, addressed to the social responsibility theory.¹² Merrill, while admitting the "attraction" of the theory for "many", states if it is a "power elite" to decide the press is not responsible then even "the First Amendment will not keep the publishers from losing this freedom to government". Indeed the liberal critics of social responsibility journalism point to the fact that the journalists do not have a "public mandate" to act as arbiters of social values or policies. In other words they lack the legitimacy that in a liberal democracy comes only from being elected by the public or appointed by elected officials. However, tenets of the social responsibility rejects these arguments on the grounds that

¹²John Merrill, *The Press and Social Responsibility*, Freedom of Information Center Publication No.001, Columbia, Missouri, School of Journalism, University of Missouri, 1965, p.2.

the "social responsibility is defined by journalists themselves but not enforced at all".¹³

At any rate, from this controversy a new and important debate emerges. From then on the role and the social responsibilities of the journalists in modern societies are engaged in a public debate.^(*)

In this debate two different approaches to responsibilities of journalists confront to each other:

Informing the public -without any limitation- on the one hand, and considering the primacy of the state's interest, in their work, on the other. This confrontation is one of the main subjects that the students of mass communication focused on in recent years. And their works and efforts resulted with a new and contemporary approach.

¹³William L. Rivers and Wilbur Schramm, *Responsibility in Mass Communication*, New York, Evanston, and London, Harper and Row Publishers, 1957, p.50.

^(*) One of the most significant arguments in this debate was voiced in the Spectator magazine. Criticising the belief that "the media's natural posture is to print or broadcast everything they can find out about the government's activities, since their duty to inform the public comes before anything else" Paul Johnson supports the social responsibility theory in his article, "Reporting the Spies":

"It is important that the media be reminded of a few elementary facts which they tend to forget:

First, a man or a woman, by becoming a journalist does not therefore cease to be a citizen. He has all the legal and moral responsibilities to obey the law and serve his country which citizenship implies. His calling gives him no exemption from any of them. On the contrary in so far his duties cover important aspects of state security and the safety of his fellow-citizens, his citizenship obligations are enhanced, not diminished. The penalties for breaking the law, or evading his responsibilities ought to be greater, not less, than for any other citizen.

Second, just as the individual journalist is a citizen, so the newspaper or television station is a business, with the same duty to obey the laws imposed by the community on all businesses. A media business has no more right to disclose information against the law than, say, a US or British arms-manufacturer has the right to sell weapons in cases banned by law, or any trader to defy the terms of an embargo. Laws to protect national security are just as important as laws to prevent federal government corruption or business tax avoidance or illegal arms-sales. The cause of press freedom is not a licence for illegality" (The Spectator, May 17 1986, pp:19-20).

III. CONTEMPORARY (LIBERAL) APPROACH: "RIGHT TO COMMUNICATE"

"Information overload" is the name given to the new problem of contemporary societies which used to complain for lack of information.

Spectacular recent strides in communications technology have shattered the ancient barriers of space and time. Transmission of information is almost instantaneous.

News bulletins are flashed around the world in seconds. A computer in New York calls a computer in San Francisco and discharges into it masses of information at the rate of ten thousand words a minute. Today's news stories, instead of being transmitted along the earth's surface by wire, are beamed to a satellite 22,300 miles above the earth. There they bounce off a transponder and back to the ground and are delivered into homes on the television screen.

A person sitting in the family living room presses buttons on a keyboard and, without leaving the chair, reads on screen the latest news, makes a bank deposit, and casts a vote in a straw poll being taken on a local cable television channel.

The invention and near universal distribution of new information technologies has been totally transforming the societies.

Political scientist Benjamin Barber claims that those who control the television medium will direct the future of democracy.

He writes, "This may be our last opportunity to turn the technology of the new age into a servant of an old political idea: Democracy"¹⁴

Toffler argues in his famous "The Third Wave" that the "new civilization will require governments that are simpler, more effective, yet more democratic than any we know today".¹⁵

This new democracy -so-called "tele-democracy"- is already being tried to realize in the small towns of the US, by organizing "electronic town meetings", "electronic public hearings", or "electronic referendums".

These developments in communication have made a profound difference in the way public receives information, as well as the kind and amount of information we receive.

This is, of course, not the world that libertarians had imagined. Nobody is as optimistic as they were nowadays about the pluralism's "invisible hand" that supposed to assure the free flow of information in the market-place and -in this way- to reach the truth. "Free private enterprises" of classic liberalism have been replaced by giant communication conglomerates, with their "visible hands" all over the world. Only four Western-based international news agencies have been supplying the news and pictures for the world press. "One-way information flow" is one of the basic concerns of the UNESCO. Demanding a "more balanced" flow of news between the developed and developing countries, Third World rejects the traditional concepts of freedom and asks for "new order of information".

¹⁴Benjamin R. Barber, *The Second American Revolution*, Channels, 1982, p.21.

¹⁵Alvin Toffler, *The Third Wave*, New York, Bantam, 1980.

Media is being criticized for getting far away from its historical "social missions". Commercial anxieties are more valid than "old values" like "objectivity" or "professional responsibility". Not the "social responsibilities" but the "profit maximization demand" determines the contents of the publications.

As the Hutchins Commission puts it "the concentration of press ownership in the hands of a few representatives of 'big business' and exaggerated drives for power and profit are the leading factors towards monopoly". This monopolization is a "common bias" of the large investors and employers.

Kaya called attention on the fact that with the monopolization of media basic information rights like "right too inform the public (droit d'information) is transformed to the "right to enlighten the public" within which "filtered news" shaped by some privileged groups is transferred to the others.¹⁶

However, contemporary understanding of "freedom of information" does include "the public's right to be informed" in other words "right to be enlightened". This new concept necessitates -in addition to the "right to enlighten"- the other suitable conditions for public to get information freely, spreading from providing the audience greater participation in the communication process, to widening the journalist's right to access by eliminating the barriers such as "secrecy". Kaya categorizes these necessities as 1) the establishment for the citizens of concrete conditions enabling them to consume their freedom of communication, 2) in that regard the

¹⁶Kaya, p.17.

implementation by public authorities of several measures that will provide new services, facilities and new choices and 3) the provision of a "microphone" for each and every different social group's representatives through mass media channels".

Defending a new concept, "The right to communicate" as we will call it, this "New Contemporary Approach" to the communication which emerged in recent years will be our theoretical framework on which this study will examine the cases.

Basic Concepts

Walter Lippmann was one of the first analysts who realized that it was "foolhardy to expect the press, especially in complex modern society, to provide accurate and truthful information needed for action by citizens in a democratic society".¹⁷

What changes the believes of Lippmann, who used to define the press as the "bible of democracy" was his personal experiences on press' performance at the Versailles Peace Conference after the First World War. Studying carefully about the news on Russia, he realized that "the news is a case of seeing not what was, but what men wished to see".

The centerpiece of Lippmann's argument was that news and truth were different from each other and that one ought not expect them to be identical. Even with the best of intentions the journalist was the prisoner of his own stereotypes and prejudices and the victim

¹⁷Walter Lippmann, *Public Opinion*, New York, MacMillan, 1922.

of manipulation by propagandists seeking to direct his understanding of events.

Thus Lippmann opposed to the idea that "journalists help protect political liberty by providing information that a democratic society requires if it is to govern itself" and confessed, sadly, that this 'democratic assumption' was faulty, and that the press was a "frail reed" to lean upon for carrying out the democratic assumption.

When Lippmann wrote "Public Opinion", television had not appeared yet and radio was in infancy. Yet the present ready availability of sights and sounds that bring the images and words of newsmakers into the living room has not altered Lippmann's thesis. On the contrary, although both the libertarians and the philosophers of social responsibility theory attributed the press a tremendous power, such great expectations are regarded with suspicion today. Media's role in transforming the society is more questionable since the information is seen as an instrument rather than an independent factor.

Scholars have already rejected the notion that media by itself as a cause of development, and they leveled numerous criticisms against the early writers. Communication is far from a simple, independent variable, the critics point out. It is, as Stover replaces, "both a dependent and independent variable in a complex set of relationships with social, political and economic institutions and processes".¹⁸

¹⁸William Jamiss Stover, *Information Technology in the Third World*, Boulder, Colorado, Westview Press, 1984, p.10.

Showing concern about the media's exaggerated power, the founders of the new contemporary approach have been trying to reconsider the relationship between communication and a 'democratic' regime. Freedom of the press is determined -by them- as a necessary factor for a democracy, but it does not mean that this freedom automatically guarantee a greater democracy. More is needed if economic, political and social development are to achieve humane goals.

With this understanding some efforts, led especially by UNESCO, are observed in recent years.

To understand the dimensions of relationship between communication and democracy, however, the founders of the contemporary approach offer new concepts without which it is almost impossible to formulate the information's effect on democracy and vis-a-vis.

These new concepts can be examined under the headlines of "Democratic communication", "Journalist Responsibility" and "Freedom to Communicate".

1. Democratic Communication

Democratic communication is an evolutionary process, changing over time and achieving varying levels in different states. It aims, however, at a goal which makes communication more attuned to humane development.

The International Commission for the Study of Communication with its members from sixteen different countries has realized the most comprehensive study on the actual problems of communication.¹⁹ "Many Voices, One World: The Final Report of the Commission" enumerates the connotations of democratic communication as;

- providing more and varied means to more people,
- broader access to existing media by the general public,
- broader possibilities for nations, political forces, cultural communities, economic entities, and social groups to interchange information on a more equal footing, without dominance over the weaker partners and without discrimination against any one.

"Without a two-way flow between participants in the process, without the existence of multiple information sources permitting wider selection, without more opportunity for each individual to reach decisions based on a broad awareness of divergent facts and viewpoints, without increased participation by readers, viewers and listeners in the decision-making and programming activities of the media-true democratization will not become a reality" the Report concluded.

Neither the legal regulations nor the information technology can be the indicator of a democratic communication. As Kaya emphasizes, the practice of the communication system may be

¹⁹Sean MacBride, et.al, The International Commission for the Study of Communication Problems, *Many Voices, One World*, Kogan Page, London/Unipub, New York/UNESCO, Paris, 1980, p.173.

incoherent with its ideological bases.²⁰ Thus, in order to examine the reality and validity of a normative regulation we must take some other variables into consideration.

Examining these variables the MacBride Report defined the democratic communication as a process in which,

- a) the individual becomes an active partner and not a mere object of communication,
- b) the variety of messages exchanged increases, and
- c) the extent and quality of social representation or participation in communication are augmented.²¹

Because of its close link to our subject, we will take a closer look at the individual's position in the democratic communication process.

Individual's Basic Rights

The need to communicate with our fellow human beings is fundamental as the physical requirements of food and shelter. This urge for communication is a primal one and, in our contemporary civilization, a necessity for survival.

Simply defined, communication is the act of transmitting information, ideas, and attitudes from one person to another.

Upon this foundation, society has built on intricate, many-faceted machinery for delivering its messages. "As soon as

²⁰Raşit Kaya, *Kitle İletişim Sistemleri*, Ankara, Teori Yayınları, 1985, p.27.

²¹MacBride, p.166.

communication moves outside personal relationships and becomes a socially organized process", the MacBride Report points out, "the individual has a two-fold role: he communicates on his own account, and he is the recipient of communication".²² The report complains that too often, the latter is stressed and the former ignored. The individual is often not even treated as the recipient of information relevant to needs, but as a mere consumer of a product whose content is none of his business. Thus, the messages of information and persuasion are transmitted from the educated to the uneducated, from the organizers of collective action to participants at a lower level, from producers of commodities to consumers.

This system in which the flow of information is usually in one direction (from the top downward), rather than horizontal, among the communicators and the public, is called the "vertical communication". This unequal order is strengthened by the improvements in information technology which give additional skills to the producers but add nothing to the position of the average citizen, who has a need to communicate.

Jean d'Arcy of France, a prominent press theorist, has summarized vertical communication as follows:

"Over fifty years" experience of the mass media -press, film, radio, television- have conditioned us both at the national and international levels, to a single kind of information flow, which we have come to accept

²²MacBride, p.36.

as normal and indeed as the only possible kind: a vertical, one-way flow from the top downwards of non-diversified, anonymous messages, produced by a few and addressed to all".²³

Preferring to call it as "dissemination" rather than "communication", The International Commission for the Study of Communication Problems adds that "the one-way flow in communication is basically a reflection of the world's dominant political and economic structures which tend to maintain or reinforce the dependence of poorer countries on the richer".²⁴

It was not only an imbalance in news which the Commission complained. It was also an imbalance in the flow of all kinds of information, especially through instruments of advanced technology. To the members of the Commission, transnationals were exerting a positive influence in extending "facilities for cultural development", but they were also having the negative effect of promoting "alien attitudes across cultural frontiers", thus practicing "cultural imperialism" through their control of communication infrastructures, news circulation, cultural products, educational software, books, films, equipment, and training. The effect, according to the Commission, was to impose uniformity of taste, style, and content.

Producing a large volume of information, vertical communication can also lead to "information overload", causing confusion, alienation, passivity.

²³Jean d'Arcy, *The Right to Communicate*, Research Paper Number 36, The International Commission on the Study of Communication Problems on File at UNESCO Headquarters, Paris/The International Institute of Communication, London; reprinted in *Crisis in International News: Politics and Prospects*, ed. by Jim Richstad, and Michael H. Anderson, New York, Columbia University Press, 1981, p.122.

²⁴MacBride, pp.145-149.

That is the reason why members of the Commission emphasized insistently that communication at its best is an exchange, to which each can make a contribution.

Deriving from the individual's desire to communicate with others and the society's will to express itself, these contributions can be realized if some basic freedoms exist in the society. In this chapter we will trace the historical evolution and contemporary interpretations of these basic freedoms.

Freedom of Opinion

Article 19 of the Universal Declaration of Human Rights mentions the freedom of opinion: "Everyone has the right to freedom of opinion and expression, this right includes freedom to hold opinions without interference, and to seek, receive and impart information and ideas through any media". During a distant, primitive past when communication was interpersonal, "freedom of opinion" emerged as an individual right. People recognized that the others had the same right even when they disagreed with accepted ideas.

In opposition to this emerging right were religious, social, and political forces which sought orthodoxy through inquisition and persecution.

The right to freedom of opinion grew, however, despite repression. During the Renaissance and the Reformation, it was a demand which challenged social authority.

Freedom of Expression

With the invention and increased use of printing came additional demands for the right of free expression. The printing press provided the means to reach large numbers of people. Consequently, individuals sought to use this media to express themselves even when they disagreed with church, state, or society. It took many centuries, but freedom of expression was gradually accepted and recognized in the first "Declaration of the Rights of Man".

Freedom of the Press

Freedom of the press was the next demand made by individuals to social and political authority. It was the result of new information technology which led to mass circulation of newspapers and reflected the desire of individuals to oppose with words and ideas injustice and arbitrary rule. Like the other rights this one was not accepted without struggle. It was opposed by kings, clerics, and colonialists, but freedom of the press was recognized in the new world.

As already implied, with the advent of the Enlightenment, two important developments affected the press. First, there developed the libertarian justifications for free expression. The libertarians argued that the press should be free of governmental control, and developed justifications for press freedom such as the justification from self-fulfillment, the justification from the search for truth (a free market-place of ideas would facilitate the search for truth), and the justification from self-rule.

Alongside the libertarian conception of the press, the liberal state developed a different conception of law which prescribed that the legitimacy of governmental action depended on the principles of the generality of law and uniformity in adjudication. These two conceptions -the principle of free speech and the principle of the rule of law- challenged the legitimacy of the authoritarian/instrumental conception of press law.

Respecting the existence of a free press, different countries, either democratic, or authoritarian, recognize the freedom of the press in different ways. Some of the liberal democracies, such as England, have neither written constitutions nor normative constitutional commitments to press freedom. But they describe themselves as having "a living constitution" and consider the principle of freedom of speech and of the press as part of this tradition.

Operationally, this means that the British courts lack power to invalidate statutes violating the principle of free expression. However, as a guideline for statutory interpretation, the principle of free expression may be used by the courts to disarm potentially suppressive statutes. Thus, even absent the power of judicial review, courts willing to protect free expression can through interpretation, render the law less harmful.

Countries with formal constitutions, such as the United States and Turkey, share an explicit normative commitment to liberty of speech and press.^(*)

The basic concern underlying the Constitutions' protection of freedom of the press is society's interest in preserving the free flow of information to the public, so that the people in a democratic, one-man, one-vote society may have the opportunity to be well informed and therefore able to participate intelligently in the political process. United State's well known First Amendment of the Constitution rests on the assumption that the widest possible dissemination of information from diverse and antagonistic source is essential to the welfare of the public, that a free press is a condition of a free society.

Thus, Freedom of Information is a fundamental statement about the way in which decisions should be taken in a democracy and who should have enough information would open up the decision-taking process. It would enable ordinary people and small, often local, pressure groups to obtain access to important information effecting their own futures. With this information they will be able to challenge and question the decisions that are being taken elsewhere inside the bureaucracy.

These ideals and constitutional commitments, however, may or may not reflect -or guarantee- the actual practice of the mass media's

^(*) Turkish Constitutions, both 1961 and 1982, underline that "The press is free, and shall not be censored... The State shall take the necessary measures to ensure the freedom of the press and freedom of information". (Article 28 of the 1982 Constitution/Article 22 of the 1961 Constitution).

The First Amendment of the American Constitutions is sparsely straightforward that "Congress shall make no law... abridging... the freedom of speech or of the press".

freedoms. It may be misleading to decide on one country's press regime only by reviewing its constitutional guarantees, legal regulations or information technologies.

Freedom of press can assist in the process of democratization only if certain conditions and values are present among the elite who hold the power particularly, and among the receivers in general. Without these communication values, the technological means to communicate gave Adolf Hitler powerful tools of domination through propaganda. As some authors pointed out after the war, Hitler and his Fascist regime might never have been able to rise to power if they had not seized the German press and other communications facilities and put them to use as instruments of propaganda. The argument offered by journalists at that time was that only a society that has access to a free flow of information can be free. In the years that followed the victory over Germany, the free-flow issue became a central aspect.

There was little new in these discussions. The subject of freedom of expression was at the heart of the troubles of Socrates and Galileo, of Milton and Voltaire. Now, however, these discussions were cast in the content of nation-states. As new nation-states were created in the 1950s and early 1960s they enthusiastically endorsed the free-flow doctrine, but by it they meant something quite different from what was meant by the US and her allies. The "free flow of information" was, as the US State Department asserted, "an integral part of American foreign policy". But the new nation-states of Asia and Africa convinced that free flow of information had been

denied them by their colonial masters were to find in the arguments for free flow of information by the US and their former colonial overlords, a vehicle to use against those same countries.

It was at the 16th General Conference of UNESCO in 1970 that the advancing-world demand for "a more balanced flow of information" was first heard. Since that time, the basic concepts of a new demand were shaped in the individual's struggle with social authority. Going beyond the right to receive communication or to be given information, right to communication emerges and voiced in many countries as a general concept which cumulates the opinion, expression, press and information rights.

Right to Communicate

MacBride Report defines the "right to communicate" as "an extension of the continuing advance towards liberty and democracy".²⁵

"In every age, man has fought to be free from dominating powers - political, economic, social, religious- that tried to curtail communication. Only through fervent, unflagging efforts did peoples achieve freedom of speech, of the press, of information. Today, the struggle still goes on for extending human rights in order to make the world of communications more democratic than it is today. But the present stage of the struggle introduces new aspects of the basic concept of freedom. The demands for a two-way flow, for free exchange, for access and participation, make a qualitatively new addition to the freedom successively attained in the past.

Indeed, the idea of the right to communicate lifts the whole debate on 'free flow' to a higher level, and gives promise to bringing it out of the deadlock to which it was confined for the past thirty years".

²⁵Ibid., p.172.

One of the originators of the "right to communicate" idea, Jean d'Arcy concluded that "the right to communicate encompasses all the victories of mankind" -freedom of opinion, freedom of expression, freedom of the press- "but adds them, both for individuals and societies, the concepts of access, participation, two -way information flow- all of which are vital, as we now sense for the harmonious development of man and mankind".²⁶

In fact, the right to communicate is not yet a completely developed concept. In 1974, Sweden introduced a resolution at a UNESCO conference instructing the Director General to examine how more active participation in the communication process might be possible and to analyze the right to communicate.

Subsequently, the International Commission for the Study of Communications Problems put the right to communicate on its agenda as a major item. In 1982, a Conference in Bucharest, Rumania was held to examine this right further. It has been under discussion at the International Institute of Communication (London) and at a number of universities in different countries.

MacBride Report brings following formulation of right to communicate:²⁷

"Everyone has the right to communicate: the components of this comprehensive human right include but are not limited to the following specific communication rights:

²⁶Jean d'Arcy, p.130.

²⁷MacBride, p.173.

- a) a right to assembly, a right to discuss, a right to participate and related association rights,
- b) a right to inquire, a right to be informed, a right to inform and related information rights,
- c) a right to culture, a right to choose, a right to privacy, and related developments rights".

Examining these three elements Stover tries to understand democratic communication more fully:²⁸

a) **Association rights:** the need for communication to be participatory is central to greater democracy in the exchange of messages. Domestically, interactive or two-way communication is necessary if the process of communication is to be more than simply the dissemination of information from the elite to the mass. Internationally, participation in communication involves access to existing facilities. This includes equitable use of satellite systems, data banks, spectrum frequencies, and the geosynchronous orbit. There must also be participation in the policy planning process of international communication by all states, advanced as well as developing. This requires input into the decision making process of international organizations such as the International Telecommunications Union and UNESCO as well as transnational corporations, news agencies, film and television production and distribution companies. Moreover, all countries should share in the creation of international media content. This could be realized

²⁸Stover , pp.113-114.

through more consultation on program content and greater efforts to exchange programming between advanced and less developed countries, with Third World programming appearing in the western media. This is difficult, given the commercial nature of American networks and programming. However, public broadcasting in the US and the increased use of cable television makes an effort at this kind of participation more feasible.

Associational rights aimed at greater participation are vital to the development of better international understanding and the creation of new ideas. An example of this process is expression of the right to communicate itself, which springs from multi-cultural exchanges. Participation is essential for the illiterate and poor who have no access to information except through oral, interpersonal communication. The world will better understand their needs and put them on its agenda only when their governments achieve associational representation in international communication.

b) Information rights: Article 19 of the Universal Declaration of Human Rights claims that everyone has the right to "seek, receive, and impart information" but this claim has not been realized. Thus far, it has been treated as an information receiver's right in which mass media have provided a one-way flow of information with few sources and many receivers. In the future the right to information must be more active with the receivers indicating that information they need by means of two-way communication and feedback. They must be free to interview official and nonofficial sources and transmit their reports without government interference. Restrictions

on journalists' access, their ability to visit countries, or areas within countries are clearly in conflict with information rights.

c) Development rights: It is the least sharply defined, the newest area of communication rights arising from charges of cultural domination. It concludes the right to be left alone, in privacy, permitting a culture to develop its own values without interference from outside. It also means respect for the languages and cultures of smaller countries and minorities within larger countries. In short, development rights mean that "everyone has the right not to communicate".

Obstacles

There are, of course, many obstacles, in establishing the right to communicate as a practical, effective principle. Among them are, differing interpretations of the right to communicate, inequalities in the distribution of wealth, or a rigid centralized administrative system, ext.

But most important and meaningful -for our study- ones of these obstacles are the ones related to the,

- receiver's unwillingness to get the messages,
- journalist's irresponsibility for transferring the news,
- and government's obstructions over the public's -media's right to gather news.

Individual as receiver:

No provision was made for guaranteeing the flow of information when individuals choose to be silent. Lack of knowledge (or of desire) itself can be an obstacle when people do not have the ability (or of desire) to understand messages.

Unless the public is ready to receive these messages, communication fails. According to Krech and Crutchfield "reception depends upon the needs, the mental set, and the moods of the public".²⁹

Many psychologists have developed theories of selective attention and inattention which elevate these faculties into central psychological properties of life. Schramm notes "we scan our communication environment like an index, selecting among cues and concentrating our attention on the signs that specially attract us".³⁰

However explained, it is certainly important to note that a person will see in the media what he has been sensitized to see: he will see news about corruption in politics if he has been taught that politics are corrupt. As Lippmann puts it "the facts we see depend on where we are placed and the habits of our eyes".³¹

Beyond this, a person sees what is useful to him. People pay attention to political reporting when some issue which effects their

²⁹David Krech and Richard S. Crutchfield, *Theory and Problems of Social Psychology*, New York, McGraw Hill, 1948, pp.87-88.

³⁰Wilbur Schramm, "The Anatomy of Attention", in *The Process and Effects of Mass Communication*, ed. by Wilbur Schramm, Urbana, Ill., University of Illinois Press, 1954, pp.29-32.

³¹Lippman, p.80.

careers, incomes, perquisites, or status is being discussed in the media.

People follow political news when it tells them things they like to hear and when it deals with figures with whom they can identify and whom they understand. People pay attention to political reporting and public events in the news, as Berelson expresses, if they can use the information in conversation with others to show how much they know or to avoid revealing ignorance, to advance a program, to support partisan arguments against opponents, to ingratiate themselves with partisan superiors, to fulfill prophecies, to denigrate disliked prominent men, to create heroes, to validate a theory, to flatter their self-image, to legitimize their hostilities, to rationalize their failures, to provide vicarious excitement, to distract them from personal troubles, and to satisfy their need for meaning and order in their environment.³²

A more general way of stating the predispositions which influence people to pay attention to the content of the media is to say that this content must have familiar elements, that is, it must fit into an appropriate frame of reference, and it must be functional, that is, it must somehow be rewarding to the individual. The most common of these rewards were determined by Klapper as a) agreement with social norms or majority opinion, and b) various types of in-group membership or 'belongingness', and c) release from tension.³³

³²Bernard R. Berelson, "What 'Missing the Newspaper' Means" in *Communications Research 1948-49*, by P.F. Lazarsfeld and F. Stanton, New York, Harper, 1949, pp.111-29.

³³J.T. Klapper, "Mass Media and Persuasion", in *The Process and Effects of Mass Communication*, by Schramm, p.319.

If we put it the other way around, inattention may serve to avoid tension-producing situations. "One explanation for this attitude lies in the tendency for people to avoid anxiety-provoking or fear-inducing situations" say Janis and Feshbach, "...an avoidance which may be expressed in apathy or preoccupation with other things and rationalized in any number of ways".³⁴ For some persons the sensations created by conflicting ideas, or opposing courses of action, are intolerable. Defining this "Intolerance of Ambiguity" as "an emotional and personality variable" Frankel-Brunswik concludes "such persons, often authoritarian in their general personality constellation, must either expose themselves to a single area of the media where only a single and congenial point of view will be expressed, or, as may often be the case, avoid extended exposure altogether."³⁵

More generally, as Cooper and Jahoda have pointed out, material which violates views which serve important psychic functions for the individual -as ethnic prejudice may 'bind' the aggressive feelings of the authoritarian personality- will be distorted or ignored.³⁶

These psychologic attitudes of the individual constitute one of the most important factors which prevent the right to communication from being realized.

³⁴Quoted in Robert E. Lane, *Political Life*, Glencoe, Illinois, The Free Press Publishers, 1959, p.297.

³⁵*Ibid.*, p.297.

³⁶*Ibid.*, p.297.

2. Journalist Responsibility

The power that journalists ascribe to themselves arises from the fact that enormous missions are attributed to their profession.^(*) Indeed, journalists' potential capacity to influence and even to shape ideas and opinions and the problems in which they are involved by the nature of their work make journalism both a profession and a mission. As admitted by the MacBride Report, this is particularly important "since public opinion is dependent more than ever on these who supply objective, truthful and unbiased news and information; the news disseminator are essential to the workings of any democratic system".³⁷

But, this power gives the journalist some responsibilities as well as certain rights.

Rights of the Journalists

Access to Information

Among the rights of journalists, one of the most important is the right to seek out and disseminate information freely, without hindrance.

There has always been a discussion on the fact that freedom of information and of expression should be enjoyed by everybody, not

(*) The Watergate story was only one example of how mass media can influence the politics. In a study surveying broadcasters' attitudes about the part played by television news in reporting the Watergate scandal, a spokesman from the news department of a Minnesota television says proudly that "We are the most powerful men in the history of the world. I'm happy to say that, on the whole, I think that power is being used in the best interests of everybody" (Quoted in J. Herbert Altschull, *Agents of Power*, New York, London, Longman, 1984, p.187).

³⁷MacBride, pp.233-40.

only by journalists. For example recent United States Supreme Court decisions have ruled against special access rights. Upholding the State Department's ban on Cuban travel, the Court ruled recently that neither ordinary citizens nor media personnel have a right to gather information. In Court's words: "The right to speak and publish does not carry with it the unrestrained right to gather information".³⁸

In another case, similarly the Court said "It has generally been held that the First Amendment does not guarantee the press a constitutional right of special access to information not available to the public generally".

It is of course true that the right to get information and the right to express opinions should belong to every citizen. But journalists argue that the press' status as the fourth branch of government, surveying the political scene for the public entitled them to special rights of access. This right is accepted as the basic condition of doing their job effectively. As MacBride Report puts it: "Freedom of the press in its widest sense represents the collective enlargement of each citizen's freedom of expression which is accepted as a human right. Democratic societies are based on the concept of sovereignty of the people, whose general will is determined by an informed public opinion. It is this right of the people to know that is the essence of media freedom of which the professional journalist, writer and producer are only custodians. Deprivation of this freedom diminishes all others".³⁹

³⁸Graber, p.99.

³⁹MacBride, p.20.

Nevertheless, the right of free access to information is tried to conceal by the governments in several ways that we will examine in the coming chapters.

Right of Publish

The right to gather news means little if information can not transmitted and be published freely. This right must include the distribution of the information without restraint.

Right of Protection

Journalists are often placed, whether they wish it or not, among those who find themselves in the front line of defence of freedom. The journalist is often an embarrassing witness to sinister events, therefore a target to those who seek to conceal their part in them. This occurs in war, both civil and international, as well as in the reporting of public assemblies and demonstrations opposed by authorities. Extreme forms of pressure include imprisonment, beating, even assassination.

Thus, journalists must be guaranteed the right to protection. This is not limited to physical protection of journalists, but also the protection of the professional independence and integrity of all those involved in the collection and dissemination of news, information, and views to the public.

However there are widely expressed reservations about the desirability of special protection for journalists. Some become

anxious that such protection could result in journalists' guidance and surveillance by authorities, thwarting their freedom and their ability to gather news independently. Moreover, special protection would probably be made contingent on correspondents' licensing, permitting authorities to decide who is a journalist and prevent those who are not officially approved from working.

It is generally argued that the best guarantee for the protection of journalists is the extension of human rights for all citizens. "Until that occurs, journalism in many countries will be a dangerous occupation, and the public often will be deprived of accurate reliable information".⁴⁰

Responsibilities of the Journalists

With rights, independence, and freedom, comes responsibility, as essential element of any profession. The responsibilities of journalists have been detailed in codes of professional ethics, existing today in 60 different nations. The codes vary considerably from country to country. Some are formulated and adopted by the journalists themselves on a voluntary basis. Others are imposed by law or a decree of the state. Most codes contain some principles which are accepted universally, but there are often significant differences in other aspects of the codes as well as their formulation and interpretation.

⁴⁰Ibid., p.234.

The Final Report of the International Commission for the Study of Communication Problems has defined 4 kinds of responsibility:⁴¹

- a) Contractual responsibility in relation to the media and their internal organization in which the journalist is required to fulfill certain obligations.
- b) A social responsibility entailing obligations towards public opinion and society as a whole from whom journalists receive information. Codes of professional conduct refer to this obligation when they demand "objectivity", "accuracy", "truthfulness", "nonmisrepresentation of facts", and ask to refrain from "calumny", "unfounded accusation", "slander", and "violation of privacy".
- c) Responsibility or liability deriving from the obligation to comply with the law. Most states have legal remedies for citizens who are libeled by the media. These remedies contain the public's right of correction and reply, candidate's right of equal time, opposing views' right to fair treatment, and right of rebuttal of a person who is assailed on the media.
- d) Responsibility towards the international community, relating to respect of universal values. Requiring sensitive and humane reporting, MacBride Report asks from the journalists to focus their attention on the dangers of nuclear war, the consequences of national and international inequality, and the systematic abuse of human rights in many countries.

⁴¹Ibid., pp.261-162.

Understandably these "professional norms" defined by an International Commission under the effect of UNESCO, have angrily been criticized by different groups for different reasons. After the UNESCO's 1980 General Conference in Belgrade, the decisions, which were taken within the UNESCO were evaluated by the Western press with the headlines like "UNESCO votes to muzzle press" or "Communist and third world countries used their majority in UNESCO to pass resolutions aimed at getting more control over international news reporting" (Associated Press).

The reasons of this anger is well summarized in the following statement:

"Many Western journalists believe that their professional values require them to be absolutely neutral. Thus to condemn the arms race, for example, would require taking sides on an issue, and this would interfere with their professional objectivity. They believe that it is the editor's or columnists' job to state opinion, not that of the reporter, whose obligation is to promote any cause, no matter how noble".⁴²

But the definition of "neutrality" brings new questions. Is it possible for a journalist who is deeply effected by the political climate that he/she lives in, to be neutral or "objective". As Aristotle observed long ago, a human being is by his nature a "political animal". He exists in society. To live outside the social order is to be less than a human being. By virtue of his humanity alone, Altschull added, a journalist is a political creature. Moreover, in

⁴²Stover, p.138.

carrying out his trade, a journalist attains a political rank far above that of most other men and women. "Everything he/she writes is related to the social and political order that he/she inhabits. To take sides for a certain political point of view is to be clearly political. To take no side (so-called neutralism) is also to be political, for if one does not oppose the status quo, one is giving it his/her tacit support. There can be no impartiality about what exists. Either you are for it and are a political supporter, or you are against it and a political antagonist. And to take no position is also to support that which exists".⁴³

Because of the mentioned reasons, the Contemporary Approach rejects objectivity, defending that truth could only be discovered if the reporter were subjectively involved in his/her research.

And since the "journalist is a political creature", the press, simply a political institution. So when it is said that "the press is above politics" what is often meant is that "the press is above partisan politics". And since the role of the press is seen to be the pursuit of truth, there is no way in which the press can be above politics.

Although these arguments contain considerable rightness, more radical -and more significant for our study- criticisms are being made, stressing the vagueness of the concepts used for defining the responsibilities of journalists.

⁴³J. Herbert Altschull, *Agents of Power*, New York, London, Longman, 1984, p.284.

Who will determine what is 'in the best interests of the society' and what is not? For whom the journalists exist? What is the mission of the press?

Of course the answers are vary depend on the systems in which media perform. But what is common in these answers is the system's expectation from the press to behave responsibly. The authors of the Four Theories of the Press, accuse both the Marxist and the capitalist press as irresponsible. In the Third World, the charge of irresponsibility is directed against both capitalist and socialist mass media. Socialist theorists condemn the capitalist press as irresponsible.

Thus the image, as Altschull points out, is inevitably that of "the press serving the need of society. Yet it is also true that no authority wants its press to practice just any kind of social responsibility; what is wanted is the kind of social responsibility that suits a particular conception of the social order".⁴⁴

Defending this argument Altschull calls attention to the fact that "Soviet rulers would no way accept as virtuous the American model of social responsibility. Nor would the US Government accept the Soviet idea of social responsibility". In the same way, the leaders of many arriving nation-states reject both the Soviet and the American models. Inside each system, it is only those news media that are "prepared to live in comfortable symbiosis with the leadership that are permitted to flourish". It is important for leaders in all nation-states to see that their press behaves in an acceptable

⁴⁴Ibid., p.201.

fashion. The most painless method for ensuring this result is manipulation, the gentle direction of publishers, editors, and reporters into the promotion of the status quo. If manipulation fails, the wielders of power find themselves compelled to resort to less gentle practices, to rigid rules and regulations: to censorship, or if necessary, to repression, prison sentences, torture, or death. Each of these practices is carried out in the name of protecting society and ensuring that the press behaves responsibly in reporting to society. The press in all instances is an agent of political and economic power.

Sociologist Max Weber recognized the agency role of the press early in the twentieth century. He argued that "so-called public opinion" in a modern democratic state was for the most part stage-managed by political leaders and the press; the press, he said, was lured by the politically powerful into manipulating the masses to accept the social order in good cheer. The notion of freedom of the press, Weber wrote, is a convenient vehicle for charismatic leadership.⁴⁵

Ferdinand Tönnies, another influential German sociologist, argues that "public opinion is the expression not of the masses but of the elite of the social order since the press is a weapon and tool in the hands of those who know how to use it and have to use it". Hence the press, when it gives voice to public opinion, is in reality expressing the viewpoint of the elite. No government would be

⁴⁵Quoted in Stover, p.119.

likely to object to that kind of public opinion. After all, it would be socially irresponsible not to deliver such reports.⁴⁶

Ironically, the investigative work of the Washington Post in exposing the abuses of the Nixon administration in the Watergate, (through which journalists are called as the 'most powerful men in the history of the world') assisted in maintaining the social and political order; leaks from the Federal Bureau of Investigation, not from any group of dissidents, supplied the Post with the information it needed to continue its investigation. Similarly in Turkey, Uğur Mumcu's aim in continuing the publication on "Vuralhan Affair" is no longer more than reaffirming the existing social order, by criticizing the deviations.

If the journalists disclaim any kind of professional status and reject a symbiotic role for themselves and goes too far, their activities are restricted, in the name of "social responsibility". Those journalists who refused to be manipulated, follow the time-honored tradition of going underground and raise challenges to the politically and economically powerful who normally control the press.

This so-called "loyal opposition" of the press had the ethic-creators' pressures for the maintaining of social and political order in the name of "social responsibility" determine one of the most important barrier over the democratic communication.

⁴⁶Ibid., p.201.

3. Communication Freedom

There are many studies which examine the relationship between a free communication system and the functioning democracy. The assumption can be summarized as follows:

"In a democracy, it is the people who rule. The voice of the people is heard in the voting booths. The decisions made by the people in the voting booths are based on the information made available to them. If people better informed and thus more able to influence the decision taking process, this would bring about a major change in the way in which democracy works. Hence, since that information is provided primarily by the news media, communication system in which free of information is assured must be completely free from any form of government interference".

Obviously, if these basic principles are to have any real meaning we must look much deeper into the relationship of mass communication and the government.

It is, in fact, a short step from asserting the overwhelming power of a free press to desiring domination over it. By enlarging and widening its power thanks to the dazzling developments in media technology, the news media attracts more attention of the governments which seek to keep this giant power under control.

The puzzlement circular is that communication freedom requires the technological means to communicate, but the development of communication means invites control by a government -or party, financial or class interest.

Because of this unavoidable circular process, governmental attempts to control and manipulate the media are universal since the media effects were accepted as imparted political forces. This belief is based on the assumption that institutions which control public information shape public knowledge and thereby determine the support or opposition of citizens and officials to the government and its policies. Through control over mass information institutions, governments everywhere seek to preserve the political system as a whole as well as to regulate the media and other social institutions which depend on them for publicity.

Professor Howard C. Anawalt classified three basic approaches to communication control methods:⁴⁷

The Soviet view insists that there is no need for a separate freedom of communication beyond the freedom of the Communist Party to speak as the voice of the people, or at least to supervise the messages that flow among the people. Thus Soviet approach views order as more valuable than freedom and currently practices censorship.

The second theory is the developmental journalism viewpoint which emphasizes that communication is an essential process in the establishment of national identity, economic and social strength. The less developed countries have relatively weak economies, and communication is seen as a means to support economic growth and enhance independence and national culture. The process of communication itself, particularly "western media imports" seem to

⁴⁷Quoted in Stover, p.119.

be responsible for the creation of a culture alien to many Third World countries. As a result, they seek to enhance all the elements which make up national identity, encouraging pride and a positive self-image. They also want to increase their power to direct media and communication resources thereby serving their own people more effectively.

Most important one for our study is the Western Approach as our cases have taken place in countries which place themselves in the "Western world".

The Western Approach is usually examined in two forms one of which is the American point of view, emphasizing communication freedom as a lively political process and an important commercial activity. The basic goal is that individuals and groups should have the maximum possible degree of freedom to send and receive information. Censorship by government is almost absolutely condemned. Freedom of communication is valued as a means to exchange ideas and examine competing political programs. The freedom to express criticism of government and public officials is guaranteed in theory and carried out to a large degree in practice.

The ideals of this theory are partially shared in many Western countries. It appears, however, that only the United States has emphasized the 'right to profit' through commercial advertising as a protected freedom.

The Western approach also appears in a different form, a Western European Viewpoint which posits that communication is not protected from government interference if messages threaten 'public

order'. This theory arose in European societies which experienced the decline of feudalism and monarchy, replaced by some form of representative democracy.

A good example of this is the Tenth Article of the original French Declaration of the Rights of Man and of the Citizen. It provided that no one could be put under governmental restraint because of his/her opinions so long as the manifestation of those opinions did not interfere with "order established by the law". Beside France, Germany, Italy and the Scandinavian countries, Great Britain and Turkey too, follow this approach, but most of these nations appear to limit the degree to which the demands of "public order" actually interfere with freedom of expression. In these nations, the State, often in the form of executive, traditionally wields the main power, and is responsible for ensuring the predominance of the "general interest", enlisting all the nation's activities, including information and communication, as a means to this end.^(*)

This approach, in which Turkey and the UK take part, seems to be the one with the least interference and the widest freedom for the media in theory. But, as already mentioned, the fact that legal acknowledged freedom of expression does not guarantee its existence in practice. Even if the guarantees were assured by Constitutions, these freedoms are often hemmed by certain restrictions, which may be minimal or may extend to various aspects of their exercise. It is,

^(*) The conclusions of Pnina Lahav, who has realised a comparative study on "Press Law In Modern Democracies" (New York-London, Longman 1985), showed us that the authoritarian/instrumental conception of the press, in which the media are seen as a tool to advance the ruler's point of view, did not disappear in the modern democracies. "To the contrary" Lahav writes, "it has been very much present in all the legal systems (in modern democracies). What did happen was a transformation of this conception to fit the new requirements of a liberal legal order. Governments adjusted to the new reality by complying with the new philosophy in form".

hence, generally a mistake to attach excessive importance to the provisions contained in countries' constitutions, since these solemn texts are frequently no more than formal declarations of intention or principles.

While control occurs in all societies, whatever the laws or constitutions may say, its nature and purposes vary, according to their tendency to strike a balance between freedom and public order. This control may be legal and political (through laws and censorship), economic (through ownership and support) or social (through criticism and giving or withholding of patronage). Freedom of information may be infringed in practice by concentration of ownership in the press for example, or by the establishment of monopolies, by law or in fact, in radio and television. Party in Britain fully in Turkey telecommunications is considered as an area which must remain the property of the state. Private monopolies or concentration of media ownership in conglomerates may also result in a single source of news or various sources with the same general orientation which is usually shaped by the ruling philosophy.

Another significant way to manipulate the media indirectly, despite the Constitutional guarantee on the freedom of press, is to raise difficulties over the basic rights with the exalted reasons. "Assuring public order", or "defending the state's security" may be accepted as justifications to limit the basic rights of the free press. Like "love" or "motherhood", these concepts have a good ring and undeniable attraction for many and therefore can be used as valid

reasons to justify the government's intervention. Since their definition is relative it's hard to limit their applicability.

All societies have treason and sedition laws that prohibit publication of information which must be kept secret to protect the country against foreign and domestic enemies who endanger its national survival. The big problem in here is to determine the point at which secrecy is essential so that freedom to gather news or publish it must give way. In democratic societies, media and the government are in a constant struggle to determine this exact point. Governments lean towards protection; the media lean towards disclosure. The boundaries of the secrecy system, or in other words, concessions of the struggle are determined by the characteristics of the general political environment. Those concepts can be widened and be used to eliminate all the declared rights of the individuals in a society without participant public opinion, responsible journalists, organized mass organizations, or democratic tradition. But in a powerful democratic climate with a demanding public opinion, and strong organizations, such concepts can not shelter or justify infractions of the freedom of communication.

In brief, these concepts -like communication rights- should be determined in a political context to understand whether they have any real power. This is why the present study in the next part aims to inquire into two cases which happily offers possibilities to test the basic assumption of the study. But before presenting and proceeding to the analysis of the two cases, another key concept appears to be very important in the analysis and thus class for some clarifications.

Secrecy-Security Controversy

Governmental secrecy is as old as government itself. Both the need to keep sensitive information out of enemy hands and the need for unity in policy-making seemed to call for a carefully structured system of information control. Governments try to establish control over the publication of material that may be harmful to themselves - or to the country. For instance, confidential reports about the performance of government agencies, records of bidding on public jobs and conversations during closed meetings are generally shielded from publicity.

Arguing that is the function of the government to keep its national secrets, journalists, however, believe that a reporter has the right to publish what he/she discovers. In effect, the journalists say, "We and we alone should make the decisions as to what and when to publish". They believe that any publication should be free to publish, so long as the writers and editors honestly believe that what they have learned is true.

This struggle of the governments' need for secrecy versus the public's right to know and the press' duty to find out and tell is an eternal debate which should last for ever.

Paul Johnson, in his spectacular article in *Spectator*, writes that "When a self-confident government and a powerful newspaper come into conflict over national security, the result is almost certain to damage all three" and suggests that "...such battles should be avoided".⁴⁸

⁴⁸Paul Johnson, "Reporting the Spies", *Spectator*, May 17, 1986, pp.19-20.

But it is not easy to avoid it in actual life situations since the conflict is so controversial and problematic.

It is generally argued that government's great demand for secrecy by using the "national security" excuse, can be considered as one of the ways to control the media. Preventing the media from gathering information on very serious issues, the governments indirectly cause harm on the public's right to know, and on democratic system.

Then come some crucial questions:

"What information is of public importance? What price is too high to pay to provide such information to the people? Who decides -and how- what information is of such critical national security importance that the people have no right to know it, because there is no way to inform the citizens of an open society, without informing the enemies of that society?"

Answers are, no doubt relative. Sheinfeld pointed out another danger: "How can we be sure that the governments have sought to achieve their goals without justifying them in debate, by using secrecy, censorship and sleek propaganda to protect themselves from public scrutiny and criticism?".⁴⁹

The important point is that the prevailing system of disclosure, while intrinsically capable both of assisting public debate and of harming the national security, is primarily oriented toward the parochial needs of members of the executive branch. Much information does become public through regular channels or by

⁴⁹Lois P. Sheinfeld, "Washington vs. The Right to Know", *The Nation*, April 13, 1985, pp.426-28.

leaks, yet the criteria for release are determined not by the public interest in informed debate but by the particular interest of those who control the information. These interests may or may not coincide in a given case with those of the public as a whole.

This control over information gives a powerful weapon to the bureaucracies which consists of innumerable organizations cliques, and individuals engaged in constant battle for policy influence, larger budget shares, and other goods. To put our contention very simply, important information is made public when someone in a position to release it, decides that it would further his policy, organizational or personal interests to do so. Much information is therefore kept secret not as a result of any evil intent, but simply because no one has a specific interest in its disclosure.

Clive Ponting, who was prosecuted of violating the Official Secrets Act, widened the boundaries of the discussion by claiming that "the interests of the State is synonymous with the political interests of the Government of the day". This, according to Ponting "would be a radical new departure in English law that would have profound implications and could be the first step on the road to greater authoritarianism".⁵⁰

This view shows that the purpose of secrecy sometimes relates to considerations of national security, but often it derives from a domestic political need. The Government may recognize that if secrecy is not maintained, a proposed policy or action will encounter vigorous opposition within the bureaucracy, or from the public.

⁵⁰Clive Ponting, *The Right to Know*, London and Sydney, Sphere Books Limited, 1985, p.4.

Thus governments have often used secrecy to exclude these groups from decisions and actions of great consequence.

Thus, in summary the overall bias toward secrecy, the salient danger is not that information vital to national security will be disclosed, but that politically critical decisions will be made without due consultation -either horizontally or vertically, inside the bureaucracy or in the country.

No doubt there are many matters which ought not to be disclosed for a time, but the officials should not have a free hand to determine what those matters are or to lock them up forever. It may be human nature for them to want their mere say - so to be decisive on the need for secrecy, but the possession of such a power would allow them to hoist public safety as an umbrella to cover their own mistakes.

Because of the mentioned reasons, it is believed that the harms to national security for which leaking is sometimes blamed have been vastly exaggerated. Certainly it is difficult to discern such harms in connection with some selective examples that occurred in the last decades:

As a matter of fact, a striking example is recently offered in Turkey. An intelligence report, prepared within the National Intelligence Organization, was published in the weekly press first and followed up by dailies later, in Feb. 1988. Because of its content which contained controversial claims about very important officials, so-called "Intelligence Report" attracted the Government's reaction. The Prime Minister Turgut Özal declared that the officials

who were responsible for the 'leak' as well as the journalists who disclosed the report were brought a suit because of the fact that the report was a classified document, hence its disclosure was banned by law. This case was a perfect example of the ways in which several cliques in the bureaucracy use the information as a weapon in their struggle with others, and of how the secrecy system can help the Government to cover its own mistakes.

Another example took place in Autumn of 1983 in Britain when Sarah Tisdall, a 23-year-old Foreign Office clerk came across two classified papers about cruise missiles. One of the papers dealt with safety and security measures to be taken at the base when they arrived, the other was a minute from the Minister of Defence, to the Prime Minister about how best to tackle the matter from the view of the Government and the Conservative Party. Tisdall, for reasons she explained later (as "I felt this was incedent, sort of doing it by the back door and I could not stomach it. I felt the public had a right to know what was being done to them") felt it was wrong that decisions should be taken in secret on how to manipulate public opinion and delivered the documents to the Guardian Newspaper. When the Guardian run the story the Prime Minister was angry, since the Executive already had terrified that there might be a popular protest against cruise. Tisdall was sentenced to six months in prison, but her case became the major subject of the public during her trial.

As widely known now, during the 1962 crisis over Soviet missles in Cuba, government officials in the US withheld some news items from the press, issued others that were misleading, and

attempted to regulate the interviews of newsmen with officials more closely. This provoked a vigorous controversy over management of the press. Official spokesmen maintained that in time of national crisis a government was entitled to manipulate public information, while most spokesmen for the press pointed to the dangers of government controls that would keep the public from being informed.

The most memorable example, however, is provided by the incident known as the "Watergate Affair". The "Pentagon Papers", which Nixon administration went to court to keep secret, were published, and the Republic was not destroyed. If anything, it was strengthened by an understanding of how Americans were drawn into a national tragedy. The bombing of Cambodia in 1969-70 was reported in the press yet it went on, despite the claim that secrecy was essential, and Americans know now that it was neither necessary nor sufficient to accomplish American objectives in Indochina whatever these were or should have been.

The examples may be easily multiplied since, as already discussed, developments in the information technology strengthen the belief in the power of the mass media and tempting governments to tighten their surveillance and control over the media.

PART II

"BELGRANO" AND "KOCATEPE" AFFAIRS: A COMPARATIVE INQUIRY

In this part -after having studied the theoretical concerns and asserted our aim, we will deal with the analysis of two related and similar incidents which took place in the recent history of Turkey and Britain.

Indeed, both of the events have chosen because of this similarities and of their characteristics which give us an unique opportunity to prove our arguments.

An extensive research was done for the details of the incidents in Britain first and in Turkey later. The documentary sources, the published and unpublished studies, articles, books, surveys, and reports at the official archives were reviewed as well as the daily and weekly literature.

Special interviews to the people who are involved in the cases, or, who were working for the media during the crisis were made in order to discover the main reasons of the different attitudes observed in both countries. Observations and opinions of the experienced journalists were also used.

In inquiry the cases, we will remind the details of the affairs first of all and will remember the governmental attitudes to these events later.

In the next step we will be covering the way in which the "truth" came to light. Lastly the reactions of different pressure groups and media to the "truth" will be examined and be compared under the lights of previously studied theoretical framework.

Bearing in mind that the media reflects (and are shaped by) the socio-political structure of a country, the two similar cases (the sinking of warships), which took place in similar periods (during war times), in the countries whose legal and philosophical structures are similar to each other (Britain and Turkey) offer us a chance to test the determinative role of the countries' political cultures over the media.

Before examining the diversities in the attitudes, we will deal with the legal regulations at first to show the similarities.

I. LEGAL-NORMATIVE FRAMEWORK IN TURKEY AND IN BRITAIN

As it is not the main aim of this study to examine the legal regulations, we will not involve in the normative framework in deep. Rather, we will contented with a short review of both countries' press dispositions in general and -since our subject is related to the limitations concerning the "national security" and "secrecy"-restrictions in particular.

Although the absence of a constitutional guarantee or a special regime of law regulating the press, Britain is generally accepted as the "cradle of press freedom". The main feature of liberty of the press consists in printing without any previous license subject to the consequence of law. Under English law, press offenses are tried and punished only by ordinary courts. Individual's need to have access to a wide range of accurate information is commonly accepted as a basic right.⁵¹

In Turkey, on the other hand, the freedom of the press is mentioned in the Constitution and can be limited only by law without spoiling to its essence.

By stating the freedom of the press, the Article 28 of the Turkish Constitution (1982) enumerates the exceptions of this general principle. One of these exceptions is related to the "national security" and brings a ban over the disclosure of "official secrets",

⁵¹Michael Supperstone, "Press Law in the United Kingdom", in *Press Law in Modern Democracies*, ed. by Pnina Lahav, New York and London, Longman, 1985, pp.9-10.

by stating that "Anyone who writes or prints any news or articles which threaten the internal or external security of the State ...or which refer to classified State secrets and anyone who prints or transmits such news or articles to others for the above purposes, shall be held responsible under the law relevant to these offences" (See Appendix A).

The details of this general statement are formed both in the Criminal Code and in the Press Law. Punishments to be applied to those who reveal secret information are underlined in the Criminal Code's Articles from 132 to 138. Under the law, those who found guilty are subject to arrest and if convicted to a minimum sentence of two years in prison. (See Appendix B)

Very similar Articles exist in Britain's hundred years old Official Secrets Act which allows the government to withhold details of its activities, no matter how significant, simply by claiming that anything not officially released is a state secret. Under the law, any civil servant who reveals such secrets, as well as any journalist who publishes them is subject to a maximum sentence of two years in prison.

But these Articles, neither the ones in the Constitution, nor the ones in the laws, define the secrecy which is generally understood in different ways. Özek, pointed out that a criterion must be determined since the boundaries and definitions of the "national secret" concept have important consequences over the media's basic

rights. He also claimed that the criteria that was brought by the Criminal Code determined the "secrecy" in a subjective manner.⁵²

Muammer Yaşar Bostancı, a prominent journalist with a law background, pointed out another danger in a special interview made for this study:

"The decision on what information has critical national security importance is taken by the related units within the bureaucracy. By using their competence, each Ministry takes decisions on the degree of secrecy of an official material. In other words documents and papers can be accepted as 'secret' by only a marking with a stamp of an employee".

As we will examine in the coming chapter, these decisions can be so relative that even the two officials, working in the same Ministry, may not be agreed upon the degree of secrecy of a given document.

The degree of secrecy of a document is determined in the same way as "classified", "secret" and "top secret". (In the military different kinds of classification are used). When a journalist publishes a document which is claimed to be a secret one, Bostancı explains, the courts usually transferred the matter to an expert commission. Experts examine whether the publication is harmful for the "interests of the state" which is another subjective concept.

Similarly in Britain where the secrets are classified under four headings as "top-secret", "secret", "confidential", and "restricted", there is virtually no agreement on who is authorized and who is not

⁵²Çetin Özek, *Türk Basın Hukuku*, İstanbul, Fakülteler Matbaası, 1978, pp.441-47.

to impart information and who to receive it. Section 2 of the 1911 Official Secrets Act covers everything-all official documents and information without distinction of kind, and of degree. (See Appendix C).

Surprisingly both in Britain and in Turkey the Conservative Governments are preparing a reform on the issue. The Thatcher Government has been working since April 1987 on proposals to reform Section 2 of the Act which is accepted as "too wide and too weak".

In Turkey, on the other hand, Ministry of Justice is working on a bill that is said to describe the "secrecy" and determine the authorized department which will be responsible on the matter. Most likely a Commission within the Prime Ministry will be given the authority to determine and distinguish the secrecy system. The period in which the document must remain secret is also determined by this Commission. In Bostancı's words "The press will know the boundaries of the mine-field in advance".

But the controversy is still valid since the decision on the public's right to know is taken by the Executive.

II. THE CASES

The Belgrano Affair

The conflict between Britain and Argentina has begun with the Argentinian invasion to the Falkland Islands (or Malvinas in Argentinian term) on the South Atlantic Ocean. Due to the fact that it is not related to our main subject, the reasons behind the controversy will not be examined in this study. Instead, here, we will focus our attention on the story of the Argentinian cruiser Belgrano's sinking.⁵³

The first British military response to the Argentinian invasion after the dispatch of the Task Force came on the 7th of April. A Maritime Exclusion Zone was set up around the Falklands and an announcement was made indicating that "...any Argentine Warships and Argentine naval auxiliaries found within this zone will be treated as hostile and are liable to be attacked by British Forces".

When the first surface elements of the Task Force entered the "hostile waters", a new public warning was issued by the British Government that "any approach on the part of Argentine warships, including submarines, naval auxiliaries or military aircraft which could amount to a treat to interfere with the mission of British forces in the South Atlantic will encounter the appropriate response".

⁵³For an examination on Belgrano Affair see especially Clive Ponting', *The Inside Study of the Belgrano Affair*, London and Sydney, Sphere Books Limited, 1985.; Judith Cook', *The Price of Freedom*, London, New English Library, 1985; Arthur Gaschon and Desmond Rice, *The Sinking of the Belgrano*, London, New English Library, 1984; Robert Harris, *The Media, The Government and the Falkland Crisis*, London, Redwood Burn Ltd., 1983.

This warning has been used since the event to justify the sinking of the Belgrano in international law.

With the Argentinians' reply to the Haig proposals on the 29th April, negotiations collapsed. The military imperative was about to take over. The Argentinian fleet, including the former US 1930s' cruiser General Belgrano on the Southern Group, put to sea. Belgrano and her two destroyer escorts have left Argentinian waters late on the 29th of April. Her orders were to steam east, without entering the Exclusion Zone, and then return on a westerly course. Over the next three days the group of ships was to carry out these orders exactly. On the 30th of April, the British Navy picked up the first sighs from the group on its solar. Gradually British HMS Conqueror began to close in.

According to British War Cabinet, there were 'clear indications' of a 'pincer attack' involving the 25 De Mayo, another Argentinian cruiser, in the north and the General Belgrano in the south. That's why the War Cabinet decided to allow an attack on the 25 De Mayo outside the Exclusion Zone and HMS Splendid was ordered to find and sink the carrier.

But Splendid could not find the 25 De Mayo and there was no attack. HMS Conqueror was more successful. At 14.00 on the first of May, the first sighting of the General Belgrano took place. The elderly cruiser was engaged in refuelling at sea from the old tanker that had been detected the previous day. It was a sitting target but the "Rules of Engagement", which contains the means by which control is exercised over naval operations, did not allow it to be

attacked. While the Belgrano and her escorts were continuing to steam quickly to the south-east keeping still outside the Total Exclusion Zone, Admiral Sandy Woodward, in charge of the Task Force on board HMS Hermes, sought a major change to the Rules of Engagement to enable Conqueror to attack the Belgrano outside the Exclusion Zone. Concerned that HMS Conqueror might lose the Belgrano as she ran over the shallow water of the Burdwood Bank, the Argentinian cruiser was treated as a "threat to the Task Force". Asking for the authority to sink the Belgrano, Commanders said the War Cabinet that "an opportunity to knock off a major unit of the Argentinian fleet has taken".

Regardless of the Belgrano's position and course, Ministers have given the orders to attack all Argentinian ships without warning. However, just after the change in the Rules of Engagement was signalled from Northwood headquarters to HMS Conqueror, the information about the position of the Belgrano was signalling from the Conqueror to Northwood. This was an important information. It showed that the cruiser had reversed course away from the Task Force and back towards the Argentinian mainland. It was clear that the group was keeping outside the Exclusion Zone and its behaviour suggested that they felt safe outside the area that the British had designated as the 'war zone'.

Events on board HMS Conqueror can best be described through the eyes of Lieutenant Sethia who was in the control room throughout this period. His diary entry for 2 May 1982 reprinted in the Observer on 25 November 1984, reads:

This afternoon I knew what fear was. At 14.00 we received a signal authorizing us to sink the cruiser Belgrano, even though it was outside our Exclusion Zone. We had been trailing her for more than 25 hours and held her visually at periscope observation. After tracking her for a while, we went to action stations around 215.00 and shut off for attack. The tension in the control room was mounting steadily. We went deep and opened (moved away) from the cruiser's port side. She was flanked by two destroyers.

"At about 16.00 (20.00 London time) we fired three Mk8 torpedoes at the Belgrano. The atmosphere was electric as the seconds ticked away. 43 seconds after discharge we heard the first exposition, followed by two more-three hits from three weapons. The control room was in an uproar, thirty people shouting and cheering".

So were the British press. On the night of 3 May 1982 The Sun, the most circulated daily in Britain used the most famous headline of the Falklands war: "GOTCHA". A few minutes after eight o'clock that evening, the first copies began coming off the presses. By the time Kelvin MacKenzie, the paper's editor, had remade the front page, the whole of the first edition -upwards of 1,5 million copies- was already on its way to the north of England, Scotland and Northern Ireland, bearing witness to the Sun's initial excitement. In subsequent editions, a more subdued headline, which the Sun apparently believed better in keeping with the sombre news was used: "DID 1200 ARGIES DROWN?"

"I agree that headline was a shame" said the editorial director of the Sun, "but it wasn't meant in a blood-curdling way. We just felt excited and euphoric. Only when we began to hear reports of how many men had died did we begin to have second thoughts".

The Kocatepe Affair

Kocatepe was the name of the Turkish navy destroyer that was sunk mistakenly by the Turkish military aircrafts, during the Cyprus operation. The story of the event can be summarized as follows:⁵⁴

In 21 July, the Prime Minister of the time Bülent Ecevit was informed by the fact that a group of Greek ships were moving towards Cyprus. The reconnaissance planes which were hatching over the Mediterranean Sea had monitored a convoy of around 11 ships that were directed towards Cyprus. However for the fact that the weather was hazy and there was no arm on the plane, the situation could not be clarified by eyesight. Thus the planes could not abase and it was not made clear what kind of load they were carrying and under which colors they were sailing. When the warning of reconnaissance planes was supported by the intelligence reports and radar tracks, the General Staff in Ankara became sure that "a Greek convoy of 11 ships has been directed towards Cyprus, inside the war zone" and the situation was made known to the Prime Minister.

Accordingly Adatepe, Kocatepe and Fevzi Çakmak navy destroyers which were in the zone at that time were given the order to move towards the region where the convoy were sailing and to attack to all Greek destroyers which were on the forbidden zone.

⁵⁴For an examination on Kocatepe Affair see Mehmet Ali Birand, *30 Sıcak Gün*, İstanbul, Milliyet Yayınları, 1975. For mentioned serials and interviews see Yener Süsoy's "Interview with Kayacan", in *Milliyet* (June 14, 1987) and with Koralp Kaymaklı, in *Milliyet* (June 7, 1987); Akın Simav's serial "Dakika Dakika Kocatepe Faciası" in *Sabah* (June 21-30, 1987); Emin Çölaşan's interview with Tamuroğlu, in *Hürriyet* (July 26-27, 1987) and with Kılıç (July 26, 1987); Nezih Tavlaş's exclusive story on the General Staff's Report for Sinking of the Kocatepe in *Söz* (December 9, 1987) and Nursun Erel's serial "Denizin Dibindeki Sır" in *Tercüman* (June 17,23, 1987).

Keeping a prolonged contact with Mr. Sisco who was conducting a "shuttle diplomacy" in Athens, Ankara, Washington, and London, Prime Minister Ecevit informed him that if the convoy would not turn back immediately, Turkey could come to a point to sink it.

Realising that this would be a beginning of a "hot war", Sisco immediately made contact with the Greek side. The answer of the Greeks was clear: "We haven't got any destroyer in the zone. If the Turks can find any, they can sink it".

This answer wasn't taken seriously in Ankara. While the diplomatic negotiations were continuing for the convoy's return, the military was setting up preparations of a possible attack. The consideration of the Navy Force was that, the 3 destroyers that were given the order to move towards the zone were unable to reach the speed of the convoy which could still be seen on the radar screens. Besides this, the 3 destroyers could be inadequate in coping with the convoy. Thus, it was decided to attack in coordination with the Air Force. The first step of the tragedy which was ended with the sinking of Kocatepe was taken by this decision.

Keeping the contact on the telephone, the two Forces' Commanders tried to coordinate the operation from their separate headquarters. The first observation of the 3 Turkish destroyers was that "there was no convoy except 3 small commercial ships in the zone". But Ankara was insistently sending the order "to attack the convoy if it would not turn back". At the same time one reconnaissance plane reported the "except from a few small ships, there was no convoy in the zone and 3 Turkish destroyers were

approaching to the zone". But somehow this report was unable to reach Ankara. Furthermore when the reconnaissance plane gave this report, Ankara had already given the order "to attack to eleven landing crafts carriers which were protected by 5 destroyers, 15 miles away from the Baf see shore, by the squadrons which were to take off from Antalya, Mürted, and Eskişehir". While the Aid Force squadrons were taking off towards the zone, the Navy Force was giving the order to the 3 destroyers "to attack the Greek convoy in coordination with the Air Force". But in the same order, the destroyers were warned not to enter the operation zone of the Air Force.

At 03.00 p.m., the first squadron that reached the zone saw the 3 destroyers very close to the given coordinates. There were no other ships around. Air Force pilots were face to face with a situation exactly the same as the given orders, so they immediately opened fire to one of the three Turkish destroyers, which was Kocatepe.

Whereas in the destroyers there was a certain opinion that the planes belonged to the Greek Air Force, on the planes, pilots were certain that the destroyers belonged to Greeks. Thus, neither those in the destroyers, nor the ones on the planes had doubts about the flags on the planes or the signs on the destroyers. The conversations in Turkish which were heard from the destroyers were taken as a "Greek trap".

Half an hour later, while the Air Operation Department in Ankara was joyful with the information that the planes successfully

hit the target in the planned way, the Navy Operation Center was in sorrow because of the information that the destroyer Kocatepe was hit by an air attack. With the contact between the operation units of the two forces, there emerged a suspicion about the situation, but yet nobody wanted to believe it.

The corridors of the Prime Ministry was echoing with the happy cheers, when the Air Force Headquarters reported that the jets of the Turkish Air Forces have attacked the hostile ships which were imparting strength to Baf, and sunk one of them. Meanwhile, following statement was made public by the General Staff Press Department:

"In the area that was announced to be the forbidden zone from the beginning of the night of July 29, the landing crafts convoy which was full of personnel, accompanied by Greek carriers arrived the Baf Harbour around 03.00 . Replying the friendly warnings of our Air and Navy Forces with fire, the convoy started landing to Baf. This landing has been stopped by the attacks of Turkish Air Forces. At the end of these attacks heavy losses were inflicted to the destroyers and landing crafts in the convoy".

The next day, while this statement about the successful attack was published in the newspapers, the British, Israel; and Libyan ships were searching for the personnel of Kocatepe all over the region. At the end of 5 days of search and pick up operation, the result of the "great fault" was: 54 "martyrs" (3 officers, 14 noncommissioned officers, and 37 privates).

On July 25, 1974, five days later the incident, another statement was made by the General Staff that Kocatepe had been sunk on the first day of the operation and searching operation for the survivors was continuing. No detail was given intimating that it was the Turkish side, not the Greeks, who attacked to the Kocatepe.

Governmental Attitudes

After the incidents the British and the Turkish Governments acted similarly while the former was giving misleading information, the latter has chosen to stay silence.

In this section we will glance at the governments' attitudes in both countries.

In Britain

The British Government knew that they were in a weak position under international law for the action they had taken. Although the earlier statements warned the hostile warships "within the Zone", the War Cabinet had agreed to attack, without warning and without any indication of a specific military threat, the Argentinian aircraft carrier 25 De Mayo outside the Exclusion Zone. On May 2nd the War Cabinet had agreed to attack all Argentinian warships on the high seas outside the announced Exclusion Zone, again without warning.

Also, politically the sinking of the Belgrano was controversial and elsewhere in the world British actions were not easily

understood. The Thatcher Government has been accused of giving the order to sink the cruiser at a time when an honorable peace settlement (so-called Peruvian Peace Plan) was almost reached-one which could have prevented the subsequent bloodshed of the Falklands campaign.

The news on the sinking of the General Belgrano reached the Ministry of Defence late in the evening of May 2nd and the War Cabinet was briefed the next day at its regular meeting. That day, Minister of Defence John Nott at a press conference said that the Government was committed to a policy of "minimum force". It was not until the afternoon of Tuesday 4 May that the first statements were made at the Parliament. These covered all the events since the previous Ministerial statements on 26 April. The Government, thus, had at least 36 hours to prepare the statements on the Belgrano Affair. The Leader of the Opposition, Michael Foot, raised the question of the sinking and asked how this could be reconciled with the declaration about "minimum force" made by John Nott the day before. The Prime Minister Mrs. Thatcher referred to the 23 April warnings and then under further pressure admitted that she knew what John Nott was to say later and saw what the House would hear about:

"The very heavy armaments that the cruiser carried, and of course, the cruiser was accompanied by two destroyers which were not attacked in any way".

The latter part of this statement was not correct since the accompanying destroyer Hipolito Bouchard had been hit by a torpedo from HMS Conqueror that failed to explode.

About half an hour later John Nott rose to make the main statement. The part that dealt with the General Belgrano was:

"...the next day, 2 May, at 20.00 London time, one of our submarines detected the Argentine cruiser, General Belgrano, escorted by two destroyers. This heavily armed surface attack group was close to the Total Exclusion Zone and was closing on elements of our Task Force, which was only hours away. We knew that the cruiser itself had substantial fire power, provided by fifteen 6 inch guns, with a range of 13 miles, and Seacat anti-aircraft missiles. Together with its escorting destroyers, which we believe were equipped with Exocet anti ship missiles with a range of more than 20 miles, the threat to the Task Force was such that the Task Force Commander could ignore it only at his peril".

"The House will know that the attack by our submarine involved the capital ship only and not its escorting destroyers, so that they should have been able to go to the assistance of the damaged cruiser. We do not know whether they did so, but, in so doing, they would not have been engaged".

As the latter events brought to light, this statement contained three major factual errors:

- The General Belgrano was not detected at 20.00 London time on May 2 nd. It was detected over 48 hours before.
- She was not "closing on elements of the Task Force". It had been sailing away, heading for the Argentinian coast for 11 hours before the attack.
- The attack did involve the escorting destroyers and had they gone back to pick up survivors either later on May 2nd or May 3th, they could well have been attacked as Ministers had authorized on May 2nd since the countermanding orders were not issued by the Commander-in-Chief until May 4th.

Although the opposition asked insistently for the distance between the General Belgrano and the Task Force, John Nott refused to say how far away the Belgrano had been from the Task Force

when it was attacked. Minister of Defence seems to have tried to create the impression that the decision to attack had been taken at the last moment by the submarine commander to protect the Task Force. Once they were committed to this version, the Government apparently decided to stick by it. It took over two years to unravel the knots they had tied.

In Turkey

Even though the reality behind the sinking of the Kocatepe was known in every stage in Ankara, neither the Government nor the General Staff wanted to change the earlier statement. Furthermore it was not made public that the Turkish destroyer Kocatepe was sunk mistakenly by Turkish military aircrafts.

Learning the reality, the Prime Minister Bülent Ecevit did not give any importance to the event and considered it as "a usual war occurrence". It was an "interior matter of the military" according to Ecevit and must be seen as a matter that must be left to be solved inside the military. "At the day, we, as the Government did not believe the use of touching a sore spot" says a member of the Government.

How the Affairs Became A Public Issue

In Britain

Approximately two years later the Belgrano Affair was put on the agenda in Britain by the two opposition members of the

Parliament, asking detailed questions about the sinking. Denzil Davies, the Opposition Defence Spokesman, who had written on 6 March 1984 to the Prime Minister on behalf of the Shadow Cabinet expressing concern about "discrepancies" which exist between the Government's version of the circumstances surrounding the sinking of the Belgrano and statements made regarding the affair in two recent publications.

Mentioned books were the "Our Falkland War: The Men of the Task Force Tell Their Story" by Geoffrey Underwood, the Commander of the Conqueror, and the "Sinking of the Belgrano" by Desmond Rice and Arthur Gacshon. Both of the books were claiming that the Belgrano had been located 48 hours before it was sunk and was then trailed for more than 30 hours. This claims were contradicting the statements of the Government which had announced that the Belgrano detected on May 2nd 1982, on the day that it was sunk.

This was the first time that the Shadow Cabinet had taken up the Belgrano question and this letter from Denzil Davies was the start of a process by which the Belgrano Affair became a major political issue.

The second letter was from Tam Dalyell to Michael Heseltine, the Minister of Defence. He asked nine detailed questions about the time and detection of the Belgrano.

The day after, the Private Secretary to the Prime Minister has send out a minute to Clive Ponting, Head of DS5, one of the divisions within Ministry of Defence responsible for controlling

military operations, asking to do a complete investigation into the sinking of the Belgrano on behalf of the Ministry of Defence.

Having easy access to all the Defence archives and records, Ponting produced a 25-30 pages document which were giving a detailed chronology of every event that seemed to be relevant. It was a highly classified document so was called later as the "Crown Jewels".

Discovering both the truth about the events in 1982 and the scale of the cover up, the officials at the Defence Ministry have plunged into a remarkable series of meetings with Ministers to decide how the Government should deal with the situation that had been revealed. During the meetings the conversations essentially revolved around the question of whether it was right politically to admit that the Government's line on the time of detection had been wrong for nearly 2 years. John Stanley, the junior Minister and a former Parliamentary Private Secretary of State proposed to "claim everything is classified and refuse to answer any of the questions" which can damage the 'national interests'. But he was told that none of the information was classified and therefore could be released.

Thus, Mrs. Thatcher had agreed to finally admit the true date of detection and sighting of the Belgrano. So the reply was sent to Denzil Davies on 4 April confessing for the first time that the Belgrano was sighted on May 1st. In the reply text, Mrs. Thatcher said "I have only felt able to do this now as, with the passage of time, those events have lost some of their original operational significance".

This, of course, was not true because of the fact that the correct information was unclassified and could have been made public earlier.

About the second letter, the Ministers decided not to give a detailed answer although a complete reply was already prepared by Clive Ponting on behalf of the Defence Ministry. Remembering the first major principle of a civil servant as "You must never lie to Parliament", Mr. Ponting insisted to give the whole information to the Parliament and said "...in accordance with the formal rules for answering Parliamentary Questions, there is no reason for withholding this information".

John Stanley, the junior Minister disagreed and told Heseltine that he would have 'no difficulty' in claiming the information was classified even though it was not.

This proposition is consequential for our study since its aim is to use the national security as a blanket to cover up the Government's faults-in this case, to cover up the fact that Members of the Government had misled the House of Commons for two years.

Ponting's insistence was useless since he had received no support from anybody else in the Ministry. In Ponting's word's "obviously they -his superiors- were content to do what Ministers wanted even if this means being party to a 'cover up'".

Thus, Ministry refused to answer the detailed questions on Belgrano Affair by claiming that "there is nothing to be gained from providing the detailed answers".

While a rude correspondence was continuing between Tam Danyell and Michael Heseltine, the House of Commons' Foreign Affairs Committee had started an enquiry into the future of the Falkland Islands. As part of this enquiry the Committee considered some of the unsuccessful attempts to secure a settlement during the conflict. This led them to look into the sinking of the General Belgrano.

On 20 June 1984, Baroness Young, Minister of Foreign Affairs, appeared before the Committee and was asked about the details of the Affair, especially of the ones related to the Rules of Engagement. The Labour MP (Member of Parliament) Nigel Spearing asked her to provide 'a note of the changes which took place and the dates and the outcome of these changes'. Baroness Young agreed to let the Committee have such a note. The request for this information was then made formally by the Clerk to the Committee in a letter to the Foreign Office on 28 June. This request could only be answered by Ministry of Defence and so it was transferred by the Foreign Office to Michael Legge, the Head of the division responsible for general policy operations outside the NATO area.

After discussing the form of the response with the Defence Commitments Staff, Michael Legge advised to the Ministry "not to provide the Committee required note listing all the changes in the Rules of Engagement" one of which had let the Navy to sink the Belgrano, just on time when the peace negotiations were about to come an end.

The number of the reasons that were shown by the Defence Ministry was again significant to our study:

"Firstly the Rules of Engagement (ROE) themselves are classified and are drawn from the Fleet Operating and Tactical Instructions which is a classified document. Secondly some of the ROE are still in force for the Falkland garrison. Thirdly the production of a full list of all changes would be an extremely time-consuming exercise".

This draft was ending with a confirmation, reads; "...since it does not actually specify any ROE it would pose no problems from a security point of view".

This was an unusual attitude since normally -traditionally- requests from a Parliamentary Committee are answered as fully as possible. The real reason for withholding the details that the Select Committee wanted came last: "A full list of the changes would provide more information than Ministers have been prepared to reveal so far about the Belgrano Affair".

Ministers were now involved in blocking an enquiry by a Select Committee which had the right to enquire and get truthful answers.

According to Clive Ponting, who was another civil servant responsible for controlling military operations, the first and second reasons that the ROE are classified is not strictly correct "since if they were paraphrased to make them intelligible any classified material would be removed. Even if some classified material

remained this did not preclude it being shown to a Select Committee since they often see classified material".

Subjectivity in deciding on the "sensitivity" of the official documents can be clearly observed here, since even the two civil servants in the same Ministry can not agree on whether a specific document is a classified one or not.

Luckily in this case Ponting, who was about the only person who knew all that had happened, was brave enough to act honorably and told Parliament the true situation. In his book about the inside story of the Belgrano Affair he justified his action as follows:

"All my instincts after 15 years in the Civil Service told me that my loyalty was to Ministers and the department. But then I realized that Ministers had broken their side of the bargain in attempting to evade their responsibilities to Parliament. If they could just simply shrug off their duties, refuse to answer or refuse to correct false statements to Parliament how could there be any effective control over what the Government did? In the end Ministers had to be responsible to Parliament or the whole British Constitutional system would break down".

So he put all the "Crown Jewels into the envelope and posted them to Tam Dalyell, the opposition MP.

In Turkey

The reality about sinking of the Kocatepe was kept secret thanks to the astonishing consensus of the Government, the Military, and the Press, although there was no visible restriction on the story. The Government, as we mentioned earlier - preferred to see it as an "interior matter of the army" and left it to be solved within the Armed Forces. The General Staff, on the other hand, gave no

information about the event and made a secret investigation which was a "cover-up" inquiry.

Most surprisingly the media's attitude was -as we will examine in coming sections- in exactly the same direction with the Prime Minister. None of the newspapers attempted to clarify what had really happened.

The question of whether the press had been informed about the situation has been answered by the journalist Kemal Bağlum who was directing the Press Department of the Prime Ministry at that time. In a special interview which was made for this study, Bağlum explained ashamedly that "they learned the event together with the Turkish press from the Radio of Israel. After the day that the Kocatepe had sunk, the Radio of Israel announced that an Israeli seaching ship, named Mevoot Vam, had picked up some Turkish Marines from Mediterranean Sea, the night before (July 21st). By listening the BBC, which immediately repeated the news, Turkish journalists became aware of what really has been happening in the area. According to Bağlum "it was a shame for Turkish journalists to get the true information about their country from their foreign colleagues".

The reasons why they were scared -/or at least reluctant- to cover the story were vary. It was the martial law who prevent the story from being public, according to Muammer Yaşar Bostancı, who was working at the TRT as a consultant at that time. "Although no warning was made defining the event as a 'secret issue'", he says in a special interview, "there was an investigation on the affair and

naturally it should have kept secret". "Another reason", Bostancı adds, "was our habit not to cover the military affairs assuming that they are secret activities". This confession -that we will pay attention on in the coming sections- is more newsworthy since one of the basic assumptions of this study is the fact that "It is the journalists' acquiescence, in some cases, which practically block the public's right to be informed".

Arguing with Bostancı, another journalist Mehmet Ali Birand, who followed the Cyprus operation at the Milliyet Office in İstanbul, adds that "there was a joy of victory in the press offices where journalists chosed not to pay attention to the event". According to Birand "the minds had not been cleared yet about the importance of the sinking and it was determined as an accident that could happen in every war". Nuri Çolakoğlu, who was in Istanbul during the Cyprus operation and in London during the Falklands war, hence in a position to compare the two affairs, emphasizes the importance of "deep-rooted taboos" in Turkish press and in the society.

Whatever the reasons were, it succeeded to keep the truth stay as a secret and this affair was left to be reduced to ashes, even after the operation. It took one year to reveal the real story of the Kocatepe.

In June 1975, Mehmet Ali Birand was asked to prepare a serial for the first anniversary of the "Cyprus Operation". During this preparation, Birand has discovered the details of the truth about the Kocatepe Affair from the interviews he had made with the officials of that time.

In these interviews he was told that "information concerning the Kocatepe Affair is dangerous to publish, because of the fact that it may be regarded, by the top military officials, as an hostile attempt aiming to set the Forces at logger-heads, with each other. After reading the drafts of the serial, Bülent Ulusu, one of the top offices in the Navy, Prime Minister than, tried to daunt him. His lawyer, as well, has warned Birand that he would be judged with the same accusation. It was a "matter of braveness" to run the story.

Even though there was no restriction preventing the serial's publication, these warnings were already dissuasive enough. But Birand did not give up. Instead he bought a ticket to Europe for the day that his serial would be published, guessing that "the martial law authorities would seize the paper and he would be under arrest". So he was ready to leave Turkey by plane if this would be the case. When he called the editor from the airport, the reply was "We've got no reactions, but this does not guarantee your position".

Nothing has happened to Birand when the real story of the Kocatepe was made public for the first time on 27 July 1975 in the serial published in Milliyet named "30 Hot Days". The news story was revealing the details of the event with a highly careful manner, and a photograph that shows the rescue of the Kocatepe marines by the foreign ships was also published in the same page.

In the serial, which than published as a book with the same name, Birand summed up the situation as a "bad luck which may take place in almost every war and in every army". Reminding the telegram of a British Submarine Commander to the Navy Headquarter

during the Second World War, saying that "If I can save myself from the British jets scanning the Atlantic, I'll be at the base by tomorrow evening", Birand concluded that "there is nothing to be taken into offence or be kept secret".

"The reasons which caused the sinking of Kocatepe has not been known by the Turkish public because of the 'extraordinary conditions' of the period" added Birand, "but secrecy excites the curiosity of the public and causes the exaggerated gossips which may raise the difficulties to explain the truth".

Birand enumerate the reasons why he had investigated this "unlucky event" with a responsible style in his book: "To show the real side of the rumours which were spreading quickly among the people...to prevent the exploitation of the event (with the help of secrecy curtain) and to reveal the truth".

Saying that the incident was both a lesson and a good fortune for Turkish Army, Birand concluded "the best profit can be obtained by this affair by accepting it as an opportunity for the Turkish Army to correct its defectiveness".

Public's Reaction

In Britain

After the two documents concerning the Sinking of the Belgrano, so-called "Crown Jewels" were leaked, an enormous activities has been observed in the public to be informed.

Some of these activities can be examined as follows:

In the Parliament: Tam Dalyell, the opposition MP who received the documents, decided that the papers should be placed before the Foreign Affairs Committee so that they could see how they had been misled by Ministry of Defence. When the Committee saw the papers they agreed that Michael Heseltine, Minister of Defence, should be asked to give evidence to explain what was happening. In return for giving back the papers, the Committee extracted a promise that Heseltine would come down to Parliament and give evidence to the Committee. In November 1984 Heseltine was invited to the Parliament and the Members of the Committee asked him a series of questions about the "Crown Jewels". During his appearance at the Committee, Heseltine's words has perfectly summed up the attitude of the Government to the whole affair, reads:

"One of the things which influenced my mind profoundly when I came to the original judgement on how to deal with the 'Crown Jewels' was that it was quite apparent to me that the more information we provided the more it would be argued yet more information was needed".

Finally the Committee made it clear that if they had not had this information they would not have realized they had been misled by the Memorandum from the Ministry of Defence and they would not have realized they had been misled by the Memorandum from the Ministry of Defence and they would not have pursued their inquiries.

Exactly a week after the Ponting acquittal, the House of Commons had a major debate on the "Sinking of the General Belgrano" and Michael Heseltine was asked to give information.

After the verdict, there was a major political row involving all the party leaders. The debate concentrated on why Ponting had been

prosecuted, the future of the Official Secrets Act and why the Belgrano had been sunk. The Prime Minister Margaret Thatcher and the Opposition Leader Neil Kinnock clashed in the Commons over the decision to prosecute Clive Ponting.

In the Army: While reviewing the daily and weekly literature for this study, no -neither official, nor unofficial- statement showing the army's reaction has been found. Instead, concepts like "interests of the state" or "national security" were defended by the Minister of Defence or the Prime Minister in the Parliament. Some Navy Commanders preferred to help the press to find out the truth, by explaining some details that they have experienced.

Within the Bureaucracy and in the Legislative Branch: An enquiry to trace the 'leak' has begun just after the papers were given to Heseltine by the Committee. After a 10-days-long investigation Clive Ponting was arrested and charged under the Official Secrets Act which prevent the public officials from releasing the official information to an unauthorized person.

The trial opened at No.2 Court at the Old Bailey on 28 Jan. 1985. The jury was carefully vetted by the Special Branch to ensure nobody had even a hint of any kind of politically doubtful past. The prosecution case was simple: Ponting was guilty under Section 2 of passing information to an unauthorized person, namely Tam Dalyell. Ponting's defence was that he admitted sending the documents, but denied his action breached Section 2 in that the information was not classified and that Dalyell was a proper person, as an MP in a Sovereign Body, to receive it. He had thought Mr. Dalyell a more

suitable recipient than the Committee because he would understand the information in the papers and realize its significance. Remarkably, the "Crown Jewels", considered too secret even to be shown to the House of Commons' Select Committee, were freely handed out to the Jury without their being requested and for no good reason.

The prosecution seemed aimed at smearing Ponting, accusing him among other things, of being involved in some kind of plot with Dalyell.

The defence case, made by Ponting's Counsel, Bruce Laughland OC, pointed out that even Winston Churchill had been the recipient of leaks in similar circumstances, but no prosecution had resulted. Churchill had said himself that:

"The Official Secrets Act was devised to protect the national defences and ought not to be used...to shield Ministers who have strong personal interests in concealing the truth".

Laughland finished his case saying that:

"If what he (Ponting) did was a crime, you know this could be a licence for Ministers to withhold information from the House of Commons with the tame acquiescence of their civil servants, and so infringe your liberties. If what he (Ponting) did was a crime in English law, you say so. But if it is, God help us because no government will".

On 8 February the Judge began to sum up. It seemed a foregone conclusion because in a session on the previous day, while the Jury had been sent out, the Judge had made clear that to him "the crucial issue of the trial was the meaning of the words, 'the interest

of the State". And he considered these were "synonymous with those of the government of the day".

In the end the Jury unanimously acquitted Ponting. According to Judith Cook "It was the biggest sensation since the days of the trials of the great early nineteenth century Radicals when Juries began to refuse to convict".

Ponting made the following commend on his acquittal to the Newsnight on BBC 2:

"We have won a tremendous victory and the jury has made an historic decision in favour of democracy".

Press Coverage: The Belgrano Affair has become the major subject for Britain's Fleet Street since the "Crown Jewels" were released. British media has begun to follow and discuss the case day by day and the level of media attention to the Ponting trial was so tremendous that the public have got all the details of the event.

Right after the Ponting's arrest the Observer ran an exclusive story, "Belgrano Cover Up Exposed", with the details of how vital information on the sinking had been withheld from the Foreign Affairs Committee-and accordingly from the public. The Government has been hardly criticized by the press for misleading the public about the sinking of Belgrano. Most of the media pressed the Government to admit the truth about the affair, while some dailies took the part of Government by defending the sinking.

No matter how they covered the story, the British media succeeded to inform the public in this very sensitive subject.

The first part of the Ponting trial was heard in camera although up until the trial even the prosecution had claimed that the case did not effect national security. Channel 4 was prevented from going ahead with its plans to reconstruct each day's events using actors, and had to fall back on newsreaders reading the court reports-when reporters were allowed in.

Bearing in mind that the official secrecy serves as an obstacle on public's right to be informed, the media understandably backed Ponting in his struggle against the Official Secrets Act. So much that Ponting was offered help by some journalists who naturally well informed about the Act. Finally they succeeded to present the official secrecy as a major target and to keep it under fire.

Pressure groups: Encouraged by the media Britain's public opinion raised its voice by demanding more information about the events. Open discussions were held by some pressure groups. Opinion pages of the newspapers were full of "letters to the editor" about Ponting Affair. Senior civil servants, through their own trade union, began to work on "a code of ethics" which they hope would be accepted on all sides in the wake of the Ponting case.

The National Council of Civil Liberties organized Ponting's defence fund to help the legal expanses. Backing his fight against the prosecution the First Division Association also agreed to be a sponsor in the campaign. All three Opposition Party leaders -Neil Kinnock, David Owen, and David Steel- have agreed to act as patrons of the fund. This was an unprecedented move -never before had the party leaders been accused of 'leaking'. According to

Ponting "the thousands of contributions to the fund were a tangible sign that ordinary people did care about the issues in the case".

In Turkey

On the contrary to the Ponting experience in Britain, publication on the Kocatepe's sinking did not catch any attention in Turkey. No feedback could be assured neither by the public, nor by the government.

More surprisingly no attempt was made by the press to follow-up the Birand's story. Even Milliyet, which published the story, did not intent to keep investigating the event.

The only reaction from the Army was the rumours about the words of the Chief of the General Staff for Mehmet Ali Birand: "This man has to be hanged from his legs".

But the Birand's story was so undeniable and so grave that the Generals could not turn their reaction into a legal prosecution.

Probably under the effect of this publication, an enquiry started within the General Staff on Dec.24, 1975. (Neither the inquiry nor its results have been declared to the public).

We know of what took place because it was published in the daily Söz on 9 December 1987 by Nezih Tavlaş. Referring the Expertise Report prepared by 5 top level army officers including General Necip Torumtay, Commander of General Staff now, Söz's story disclosed that the investigation was started with the order of General Kenan Evren, who was the vice Commander of General Staff

then, and final Report was presented to him on 26 Jan. 1976, one and a half years after the incident, six months after the publication.

Summarizing the story of the event concerning the Kocatepe Affair, this 22 pages Report seemed aimed at covering up the event by declaring that "Nobody could be found guilty except from their responsibility in failing to assure a functioning communication".'

By giving similar examples from all over the world, the Report tried to justify the fault and proposed lastly the combination of the headquarters of the Navy and Air Forces. But the final statement of the Report seems to aim at blocking the possible investigations in the future:

"It is a prevailing conviction in the military literature that the bureaucratic examinations of the army operations which concludes with success, can set a bad example to the coming Commanders, enabling them to take the initiative under this psychologic pressure".

Based on this report of the Expertise Commission, the Military Prosecutor of the General Staff saw no need for prosecution. As a result the report was abrogated and left to be forgotten.

As this report was made public 11 years later, the Turkish press waited for 13 years to give up its indifference. At the 13th anniversary of the Cyprus crises three newspapers ran exclusive stories on the sinking of Kocatepe. (*)

Milliyet published three interviews one after the other with Vice Admiral Kemal Kayacan, the Navy Force Commander of the

(*) While examining the reasons of this delay, one must consider the special conditions of the period. In 1987, the Army, which had run the country betweenh 1980-1983, has already turned back to the barracks-an action which was regarded as a first step for democratization. Politically Kocatepe Affair gave the Army's opponents an appropriate opportunity to show their reaction to the military regime by using an old failure story instead of directing straight criticism.

time, Rear Admiral Nejat Serim, the Chief of the Operation in the Navy, and retired Lieutenant General Hulusi Kaymaklı, who was the Commander of 2nd Tactic Air Force in Diyarbakır, during the operation. In these interviews, realized by Yener Süsoy, the Commanders who had the responsibility in two headquarters blamed each others. According to the Air Force, the main reason of the fault was Navy's statement claiming that there was no Turkish destroyer in the region. The Navy, on the other hand, was criticizing the Air Force Commanders for continuing the attack for one and a half hours despite the warnings of both the destroyers and their own operation centers.

These interviews were followed by Sabah, in a serial named "The Kocatepe Disaster" by Akın Simav. In this serial the telephone and telex dialogs during the bombing of Kocatepe were published.

Hürriyet joined the campaign with an exclusive interview with Pilot Staff Colonel Behçet Tamuroğlu, who was in charge of the coordination of Land and Air Forces. After him, Emin Çölaşan made another interview with Major Zeki Kılıç, whose jet was in the squadron which bombed the Kocatepe.

What was common in these interviews and serials was their excessive sensitivity and soft manner in dealing with the affair. Yener Süsoy, in Milliyet, began his interviews with an explanation that "his aim is neither to settle an account with the history, nor to display the guilties, but to discover the historical truths".

Akın Simav repeated this explanation with almost the same words: "Our aim is neither to accuse someone, not to look for a

guilty person. Our aim is only to be brought to light this painful affair with historical documents".

After receiving a statement from a retired vice Admiral claiming that the accusations were not confirmed by the official documents-which referred to the secret inquiry within the General Staff, Emin Çölaşan asked about the results of this inquiry. Reminding the sunk destroyer and 220 "martyrs" (this figure declared by Sabah) Çölaşan adds; "Who are the responsible of this event? What kind of a punishment was given to them? Turkish nation is waiting for the answers of these questions".

Unfortunately this was not the case. These questions were never asked neither in the Parliament, nor in any other sovereign body. Only reaction to the press' demand for the clarification of the event came from the Army in an indirect way. Hürriyet reflected the response of the Commanders on 28 July 1987. The headline was: "The Commanders are against the discussion on Kocatepe":

"While a guilty was being tried to be found for the 'Kocatepe Disaster' that had happened 13 years ago, the Commanders of the Navy and Air Forces opposed this kind of discussions. Full Admiral Emin Göksean, the Navy Force Commander has declared that since he found 'useless' to discuss, 'not 13 years, even if a century passes he would never talk about this matter'. Arguing with him in defining the discussions as 'no good', Full General Cemil Çuha, the Air Forces Commander has said that the discussions must be stopped, "because if the discussions would spread to the lower levels it would end up badly".

A 'cover-up' attempt can clearly be observed here, similar to the one which have taken place in Britain where the high level officials were eager to cover their faults by using guilt words like "national interests" or rigid laws such as Official Secrets Act.

III. A COMPARATIVE EVALUATION OF THE "BELGRANO" AND "KOCATEPE" AFFAIRS

To test the correlation between the political culture and the communication systems, which is the main subject of this study, two very similar cases, experienced in two similar countries whose political and communicational systems depended mainly on liberal understanding, were examined in this part with the inspiration of the contemporary approach.

The comparison of these cases shows us how different the practices could be even if the dispositions seem similar.

Officially, there was no censorship neither in the UK, nor in Turkey during the crises. Liberal understanding upon which the two countries based their policies was valid for the media, that is to say the freedom of the press and the freedom of expression is sanctified at least in theory and in the laws as well. None of the governments, in both cases, enforced any kind of censorship during or after the affairs. But in both countries the Governments have tried to cover up the truths about the sinking affairs by giving no -or misleading-information to the public-via media.

Although these similarities in inputs, the outputs of the cases have become completely different. What is surprising is the fact that the secrecy system did not work although the Official Secrets Act was applied in Britain, while in Turkey the secrecy was assured in a perfect manner despite the fact that no legal enforcement was used to get this result.

The crucial point in this difference is the dissimilarities between the socio-political environments of the two countries.

By examining only the legal regulations and theoretical philosophy which is valid in these two countries, one may expect that the media coverage of the similar events should have a degree of resemblance. However since the democratic climate is so different between the two countries, implications of the events become completely different.

As Birand pointed out in his special interview, differences are much greater than similarities in this manner.

In Belgrano Affair the British Government attempted to mislead the public and the Parliament. But when the media got the true information about the real face of the event, a wide discussion platform has been created and this atmosphere has spread quickly. The British media has demanded to be informed on the affair, asking "what went wrong" and more importantly "why the public was not be informed".

In Turkey, however, although there was no legal restriction preventing the story from being published, the press turned a blind eye to the event because of "under-estimation" in some cases, but mostly -and at worst- because of its tendency to be more loyalist than the king.

Of course journalists have some justifications about their failure to publish the event. The reason, according to Bostancı "was the bad habit of the press which generally accept military as a taboo subject". Nuri Çolakoğlu agrees by pointing out that "although the

strong legal supports exist for its protection, the media, in Turkey, tend to accept some subjects, such as defence or security, out of their coverage field".

By taking no position in these kind of affairs, the Turkish press indirectly gives a tacit support to the status quo via self-censorship and accept a kind of manipulation of its own accord.^(*)

It is true -as far as we are concern- that the Military tried seriously to cover-up the Kocatepe Affair. But it was also true that they would not have succeeded to deny the case if there was a responsible press, covering the case seriously. But as Birand points out "since the press did not pay any attention to the affair, the Army, understandably adopted to a kind of 'autism policy' and preferred to stay silent". Which army would not has done the same?

Apart from its close link to the media's responsibility to inform the public, this difference in attitudes has its roots in the characteristics of the two nations.

As a "demanding public" the Britons voiced their reactions via media and some pressure groups, while Turkish public has chosen to stay silent. As we have examined in previous chapters "in the countries where the democracy is not widened individuals avoid

^(*) This position exactly fits to the definition of the MacBride Report about "self-censored press":

"Even where freedom is not openly attacked by authority, it may be limited by self-censorship on the part of communicators themselves. Journalists may fail to publish facts which have come into their possession for several reasons: sheer timidity, an excessive respect for the power structure or in some instances they give offence to officialdom and thus risk losing access to their sources of information. Self-censorship, like censorship itself, if adopted as a regular practice grows more and more restrictive. Nevertheless, there is room for debate on this delicate issue of self-censorship, or restraint as it might more favourably be called". (Final Report of the International Commission for the Study of Communication Problems, *Many Voices, One World*, London, New York, UNESCO 1980. p:19.

anxiety-provoking or fear-inducing situations". The attitude assumed by the Turkish public towards the Kocatepe Affair may be given as a good example to this message-rejecting attitude. The impression we get by the interviews that we made for this study is that the Turkish public does not like to learn that the Military, which is accepted as one of the most reliable institutions in the country, may do something wrong. That's why, 'disturbing questions' were not asked to avoid a 'war of attribution'. Birand, who observed this fear from the reactions that he received to his books on Kocatepe Affair and on the Army's structure, claimed that "the military's will to be opened to the public is much more greater than the public's will about this 'glasnost policy'".

Finally, lack of pressure groups such as strong trade unions, well-organized associations, conscious political parties and a stimulating press which are accepted as the fundamentals of a democratic society, was another reason which led to a general silence in the Turkish public.

CONCLUSION

One of the most significant indications of the contemporary Western democracies is a free press without which "liberty" does not have any real meaning. A free press is supposed to serve an AWA role, i.e. adversary, watchdog, and agenda-setter, thus accepted as an unavoidable precondition of a functioning democracy.

It is possible to write it in the reverse way that without democratic conditions, freedom of the press can not be assured due to the fact that a free press can exist and breathe freely only in a democratic climate.

This relationship between democracy and the free press necessitates the recognition of some basic rights which are accepted as the fundamental pillars on which a free communication system can be built.

As we have mentioned in the first part, the emphasis in the pioneering period was placed on "freedom of opinion". As the MacBride Report points out, with the development of the press on a more stable basis and on a larger scale, the stress shifted to the diffusion of information -of facts. Freedom of information was, in the first place, the citizen's right to information -the right to be kept informed of what- ever might effect his daily life, help him make decisions and contribute to his thinking.

But as new techniques gave improved access to information on a nation-wide and then a worldwide scale, the scope of this right to information broadened.

The new dimension of this freedom was the journalists' right to get information, clearing away the secrecy in which the conduct of political affairs had been shrouded, and the freedom to publish the information that he/she obtained.

With the rapid monopolization of the media and the increasing attempts of the governments to manipulate the press, new concepts have occurred recently as "the public's right to be enlightened" or "right to communicate" which examine the freedom of the press in a wider context regarding the necessity of the other freedoms (freedom of association, to assemble and to demonstrate for redress of grievances, freedom to join trade unions etc.) as essential components of man's right to communicate. Any obstacle to these freedoms -according to Contemporary Approach- results in suppression of freedom of expression.

As the basic concern of all these approaches is to reach a free press, hence the concept of freedom is central to all political debate in the modern world. In short, new demands for more and free information went hand in hand with the political and social struggles of the countries. In other words since the word 'freedom' is interpreted in diverse ways, the problems of information have become more and more political, economic, and social in character.

These interpretations inevitably form a theoretical base for the different approaches to the press. These approaches -no matter what

names are given to them ('communist', 'liberal', 'social responsibility' or 'contemporary')- purpose certain solutions to the communication's problems arose from their political ideologies.

Although each of these approaches profess, in different degrees, the ideals of communication freedom, none have completely achieved this ideal. In the contrary, parallel to the developments in communication technology, the state begins to play a growing role in controlling the press.

Although the government's involvement in communication is seen as a part of world reality today, the degree and form of this activity vary -from direct governmental intervention and ownership through activities of non-governmental bodies, to user's participation.

Restricting the public's right to be informed by using the secrecy system -as we pointed out in previous chapters- is one of the most effective ways of these involvement.

The state tends to justify this intervention with the invocation of "national security" which is a subjective concept creates a dilemma between the "public's right to be informed" and the "state's responsibility to assure security".

Although in some cases secrecy may be necessary for the countries' security, some experiences which have taken place in recent years show us that the reasons behind the secrecy system are far more complex than the traditional rationale of national security implies. The cases, given as an example in this study, clearly confirm that the secrecy system is being used to cover-up the faults

of the governments and hence helps the domestic political needs rather than securing the "national interests".

This confirmation necessitates a clearness in the definition and limitation of the secrecy. But since the concepts are so relative, the proposed solutions of the problem are also controversial.

Each system and each country imposes a solution via their legal regulations to balance the interests of the press freedom and the national security. In Western countries, which this study focuses its attention on, these legal regulations are similar to each other since they all emerged from the liberal understanding of the press.

But, if we are concentrated mainly on these regulations and try to understand the whole system by only examining the constitutions and laws, this inevitably leads us some deceptive results. What is necessary is to check the usefulness of these rights in practice. In other words, legal-normative guarantees do not necessarily guarantee the functional use of these basic liberties. More is needed if we would like to examine how the things are in practice in a given country.

Thus, beside the legal regulations, the qualities of the public, traditions of the media, characteristics of the journalists, indirect control methods of the government, in short the political culture of the given society must be taken fully into consideration for a healthy examination. In this sense the press may help us a "a barometer, sensitive to the socio-political atmosphere in which it survives".

Under the lights of the above-mentioned considerations and by adopting the contemporary approach, this study aimed at comparing

the two similar cases which have taken place in different times in two "Western" countries, namely in Britain and in Turkey whose legal regulations in particular and political philosophies in general are similar to each other.

The main aim was to prove the high correlation between the socio-political structure of these countries and the quality of their press. Bearing in mind that the media reflects the socio-political culture of the country under which they exist, attitudes of British and Turkish media towards the cases which had similar characteristics, were compared.

Some of the basic concepts of the contemporary approach were applied to the cases and the constitutional -or legal, philosophical-rights were checked within this framework. By reviewing the press coverage of that time, and interviewing to the people-or only applying their memories-who involved in the cases, the attitudes of the different parties to the problem were examined.

The results can be summarized as follows:

The both governments attempted to cover the real sides of the affairs, although the communication system they adopted gives the press right to inform in theory.

After the truth was revealed by different ways completely different attitudes were observed both in the press and in the public.

While the cover-up story was widely criticized in Britain reminding the public's right to be informed, Turkish public and the press preferred to remain silent although no legal restriction existed.

The reason why the Turkish journalists and have chosen not to use their constitutional rights the public has found its roots in the political culture of the country.

Political taboos, traditional bad habits and climate of fear were the reasons of this silence in Turkey, while the demanding public, the responding press and the democratic culture assured the emergence of truth in Britain.

This result supported the hypothesis of this study that without democratic communication, journalists' responsibility, and communication freedom which are the basic concepts of the contemporary approach includes a demanding public opinion, responsible journalists, and more open governments, constitutional and legal guarantees are no more than an empty sound.

APPENDIXES

APPENDIX A

Provisions relating to the Press and Publication in the 1982 Constitution

A. Freedom of the Press

ARTICLE 28. The press is free, and shall not be censored. The establishment of a printing house shall not be subject to prior permission and to the deposit of a financial guarantee.

Publication shall not be made in any language prohibited by law.

The State shall take the necessary measures to ensure the freedom of the press and freedom of information.

In the limitation of freedom of the press, Articles 26 and 27 of the Constitution are applicable.

Anyone who writes or prints any news or articles which threaten the internal or external security of the State or the indivisible integrity of the State with its territory and nation, which tend to incite offence, riot or insurrection, or which refer to classified State secrets and anyone who prints or transmits such news or articles to others for the above purposes, shall be held responsible under the law relevant to these offenses. Distribution may be suspended as a preventive measure by a decision of judge, or in the

event delay is deemed prejudicial by the competent authority designated by law. The authority suspending distribution shall notify the competent judge of its decision within twenty-four hours at the latest. The order suspending distribution shall become null and void unless upheld by the competent judge within forty-eight hours at the latest.

No ban shall be placed on the reporting of events, except by a decision of judge issued to ensure proper functioning of the judiciary, within the limits to be specified by law.

Periodical and non-periodical publications may be seized by a decision of judge in cases of ongoing investigation or prosecution of offenses prescribed by law; and, in situations where delay could endanger the indivisible integrity of the State with its territory and nation, national security, public order or public morals, and for the prevention of offense, by order of the competent authority designated by law. The authority issuing the seizure order shall notify the competent judge of its decision within twenty-four hours at the latest. The seizure order shall become null and void unless upheld by the competent court within forty-eight hours at the latest.

The general common provisions shall apply when seizure and confiscation of periodicals and non-periodicals for reasons of criminal investigation and prosecution take place.

Periodicals published in Turkey may be temporarily suspended by court sentence if found guilty of publishing material which contravenes the indivisible integrity of the State with its territory and nation, the fundamental principles of the Republic, national security

and public morals. Any publication which clearly bears the characteristics of being the continuation of the suspended periodical is prohibited; and shall be seized by a decision of judge.

B. Right to Publish Periodicals and Non-periodicals

ARTICLE 29. Publication of periodicals or non-periodicals shall be subject to prior authorization or to the deposit of a financial guarantee.

To publish a periodical it shall suffice to submit the information and documents prescribed by law to the competent authority designated by law. If the information and documents submitted are found to be in contravention of law, the competent authority shall apply to the appropriate court for suspension of publication.

The publication of periodicals, the conditions of publication, the financial resources and rules relevant to the profession of journalism shall be regulated by law. The law shall not impose any political, economic, financial, and technical conditions obstructing or making difficult the free dissemination of news, thought, or beliefs.

Periodicals shall have equal access to the means and facilities of the State, other public corporate bodies, and their agencies.

C. Protection of Printing Facilities

ARTICLE 30. A printing press or its annexes duly established as a publishing house under law shall not be seized, confiscated, or barred from operation on the grounds of being an instrument of crime, except in cases where it is convicted of offenses against the indivisible integrity of the State with its territory and nation, against the fundamental principles of the Republic or against national security.

D. Right to Use Mass Media Other Than the Press Which are Owned by Public Corporations

ARTICLE 31. Individuals and political parties have the right to use mass media and means of communication other than the press owned by public corporations. The conditions and procedures for such use shall be regulated by law.

The law shall not impose restrictions preventing the public from receiving information or forming ideas and opinions through these media, or preventing public opinion from being freely formed, on grounds other than the general restrictions set forth in Article 13.

E. Right to Rectification and Reply

ARTICLE 32. The right of rectification and reply shall be accorded only in cases where personal reputation and honor is attacked or in cases of unfounded allegation and shall be regulated by law.

If a rectification or reply is not published, the judge will decide, within seven days of appeal by the individual involved, whether this publication is required.

APPENDIX B

Provisions relating to the publication of classified State Secrets in the Criminal Code and in the Press Law

In the Criminal Code

MADDE 132. Devletin emniyetine veya dahili veyahut beynelminel siyasi menfaatlerine taalluk eden evrak veya vesikaları tamamen veya kısmen yok eden, tahrip eden, veya üzerlerinde sahtelik yapan veyahut muvakkaten de olsa bunları tahsis olunduıkları yerden başka bir yerde kullanan, hiyle ile alan veya çalan kimse sekiz seneden aşağı olmamak üzere ağır hapis cezasıyla cezalandırılır.

Gizli kalması Devletin emniyeti ve yukarıda yazılı menfaatleri icabından olan malumatı istihsal eden kimse üç seneden on seneye kadar ağır hapis cezasıyla cezalandırılır. Bu bab hükümlerine nazaran Devletin menfaatleri namına gizli kalması lazım gelen malumat arasında, dahili veya beynelminel siyasi sebeplerle neşrolunmayan hükümet muamelelerinin ihtiva ettiği malumat da dahildir.

Salahiyetli makamların neşir veya işaasını menettiği malumatı istihsal eden kimse iki seneden sekiz seneye kadar ağır hapis cezasıyla cezalandırılır.

Yukarıdaki fıkralarda yazılı fiiller devletin harp hazırlıklarını veya harp kudret ve kabiliyetini veya askeri hareketlerini tehlikeye koymuşsa ölüm cezası verilir. (Ağır Ceza).

MADDE 133. Devletin emniyeti veya dahili veya beynelminel siyasi menfaatleri icabından olarak gizli kalması lazım gelen malumatı siyasi veya askeri casusluk maksadiyle istihsal eden kimse on beş seneden aşağı olmamak üzere ağır hapis cezasıyla cezalandırılır.

Aşağıdaki hallerde ölüm cezası verilir:

1. Fiil, Türkiye ile harp halinde bulunan bir devletin menfaati namına işlenmiş ise,
2. Fiil, Devletin harp hazırlıklarını veya harp kudret veya kabiliyetini veya askeri hareketlerini tehlikeye koymuş ise,

Salahiyetli makamların neşir veya işaasını menettikleri malumatı siyasi veya askeri casusluk maksadiyle istihsal eden kimse on seneden aşağı olmamak üzere ağır hapi cezasıyla cezalandırılır.

Yukarıdaki fıkrada yazılı fiil, Türkiye ile harp halinde bulunan bir devletin menfaatine işlenmiş ise müebbet ağır hapis cezası hükmolunur.

Yukarıdaki iki fıkrada yazılı fiil, Devletin harp hazırlıklarını veya harp kudret veya kabiliyetini veya askeri hareketlerini tehlikeye koymuş ise, ölüm cezası verilir.

Yabancı bir devletin emniyeti veya dahili veya beynelminel siyasi menfaatleri icabından olarak gizli kalması lazım gelen malumatı diğer bir ecnebi devlet lehine siyasi veya askeri casusluk maksadiyle istihsal eden kimse beş seneye kadar ağır hapis cezasıyla cezalandırılır. (Ağır Ceza).

MADDE 134. 132 ve 133 üncü maddelerde yazılı cürümlerin icrası, evrak veya vesikaları elinde bulunduran veya malumata malik olan kimsenin taksiri neticesi mümkün kılınmış veya sadece kolaylaştırılmış olursa bu şahıs hakkında bir seneden beş seneye kadar ağır hapis cezası hükmolunur.

Fiil, devletin harp hazırlıklarını veya harp kudret ve kabiliyetini yahut askeri hareketlerini tehlikeye koymuş ise üç seneden on beş seneye kadar ağır hapis cezası verilir.

Bu cürümlerin icrası Devletin askeri menfaati icabından olarak girilmesi menedilmiş olan yerlerin veya toprak, su veya hava mıntıklarının muhafazası ve nezaretiyle mükellef olan kimsenin taksiri neticesi mümkün kılınmış veya sadece kolaylaştırılmış ise aynı ceza hükmolunur. (Ağır Ceza).

MADDE 135. Her kim:

1. Devletin askeri menfaati icabı olarak girilmesi menedilmiş olan yerlere veya toprak, su veya hava mıntıklarına gizlice veya iğfal ile girerse,

2. 132 inci maddenin iki, üç, dört ve beşinci fıkralarında yazılı malumatı tedarik etmeye yarayan ve elde bulundurulması için makbul sebep gösterilmeyen vesikalarla veya diğer herhangi bir şey ile

yakalanırsa, bir seneden beş seneye kadar ağır hapis cezasıyla cezalandırılır.

Yukarıdaki bentlerde yazılı fiillerden biri harp zamanında işlenirse verilecek ceza üç seneden on seneye kadar ağır haptir. (Ağır Ceza).

MADDE 136. 132 inci maddenin iki, üç, dört ve beşinci fıkralarında yazılı gizli kalması lazım gelen malumatı ifşa eden kimseler beş seneden aşağı olmamak üzere ağır hapis cezasıyla cezalandırılır.

Fiil harp zamanında işlenmiş veya devletin harp hazırlıkları veya harp kudret ve kabiliyetini veya askeri hareketlerini tehlikeye koymuş ise ağır hapis cezası on seneden aşağı olamaz.

Suçlu, siyasi veya askeri casusluk maksadiyle hareket etmiş ise bu maddenin birinci fıkrasında yazılı halde müebbet ağır hapis ve ikinci fıkrasındaki halde ölüm cezasına mahkum edilir.

Bu cezalar bu maddede yazılı olan malumatı istihsal eden kimseler hakkında da tatbik olunur.

Eğer fiil suçlunun taksiri neticesi vukubulmuş ise birinci fıkrada yazılı halde altı aydan iki seneye ve ikinci fıkradaki hallerden birinin mevcudiyeti takdirinde üç seneden on beş seneye kadar ağır hapis cezası verilir. (Ağır Ceza).

MADDE 137. Salahiyetli makamların neşir ve işaasını menettikleri malumatı ifşa eden kimse üç seneden aşağı olmamak üzere ağır hapis cezasıyla cezalandırılır.

Fiil harp zamanında işlenir veyahut Devletin harp hazırlıklarını veya harp kudret ve kabiliyetini veya askeri hareketlerini tehlikeye koyarsa verilecek ağır hapis cezası on seneden aşağı olamaz.

Suçlu, siyasi veya askere casusluk maksadiyle hareket etmişse bu maddenin birinci fıkrasında yazılı halde on beş seneden aşağı olmamak üzere ağır hapis cezasına mahkum edilir. İkinci fıkrada yazılı hallerde ölüm cezası verilir.

Bu cezalar bu maddede yazılı olan malumatı istihlal etmiş olanlar hakkında da tatbik olunur.

Eğer fiil suçlunun taksiri neticesi vukubulmuş ise birinci fıkrada yazılı halde altı aydan iki seneye ve ikinci fıkradaki hallerden birinin mevcudiyeti takdirinde üç seneden on beş seneye kadar ağır hapis cezası verilir. (Ağır Ceza).

MADDE 138. Vazifesi veya hizmeti dolayısıyla öğrendiği ve Devletin emniyeti icabı olarak gizli kalması lazım gelen fenni keşif veya ihtiraları yahut sınai yenilikleri, kendisinin veya başkasının menfaatine olarak kullanan memur veya başkasının menfaatine olarak kullanan memur veya amme hizmetini ifa ile mükellef olan kimse beş seneden aşağı olmamak üzere ağır hapis ve bin liradan aşağı olmamak üzere ağır para cezasıyla cezalandırılır.

Eğer fiil Türkiye ile harp halinde bulunan bir devletin menfaati için işlenir veya Devletin harp hazırlıklarını veya harp kudret ve kabiliyetini veya askeri hareketlerini tehlikeye koyarsa suçlu ölüm cezasıyla cezalandırılır.

Türkiye Devleti tarafından yabancı bir memlekette devlet işlerini görmeye memur edilen kimse, kendisine verilen vazifeyi sadakatla ifa etmezse bu fiilden milli menfaate zarar gelebileceği takdirde beş seneden aşağı olmamak üzere ağır hapis cezasıyla cezalandırılır. (Ağır Ceza).

129 uncu madde ile ondan sonraki maddelerde ve 153 ve 161 inci maddelerde yazılı cürümler harp için Türkiye Devletiyle aralarında ittifak veya iştirak olan bir devletin zararına işlendiği takdirde dahi tatbik olunur.

Bundan evvelki fıkrada yazılı cürümlerin işlenebileceğini haber alıp da zamanında devlet memurlarına haber vermeyi ihmal edenler, cürüm teşebbüs derecesinde kalsa bile, altı aydan az olmamak üzere hapsolünür. (Asliye).

In the Press Law

EK MADDE 1-(10.11.1983) Türk Ceza Kanunu'nun İkinci Kitabı'nın Birinci Babi'nin 1, 2 ve 4 üncü fasıllarında veya 311 veya 312 nci maddelerinde yazılı suçları veya Devlete 'ait gizli bilgileri ihtiva eden her türlü mevkute veya mevkute tanımına girmeyen diğer basılmış eserlerin dağıtımını, eserlerin basıldığı yerdeki sulh ceza hakiminin kararı ile ve gecikmesinde sakınca bulunan hallerde ise bu yerlerdeki Cumhuriyet Savcılığının yazılı kararı ile önlenabilir. Cumhuriyet Savcılığı, bu kararını en geç yirmidört saat içinde sulh ceza hakimine bildirir. Hakim en geç kırksekiz saat içinde kararın onaylanıp onaylanmaması hakkında karar verir. Onaylanmama halinde Cumhuriyet savcılığının kararı hükümsüz kalır. Bu fıkraya

göre verilen kararlar o yer Cumhuriyet Savcılığı tarafından eserin basıldığı ve dağıtıldığı yerlerdeki Cumhuriyet savcılıklarına en seri vasıta ile bildirilir.

Yukarıdaki fıkrada sayılan suçlar ile Türk Ceza Kanunu'nun 426 ve 428 inci maddelerindeki suçları veya 5816 sayılı Atatürk Aleyhine İşlenen Suçlar Hakkında Kanun'da veya 6187 sayılı Vicdan ve Toplanma Hürriyetinin Korunması Hakkında Kanun'da yer alan suçları veya Devlete ait gizli bilgilerini ihtiva eyledikleri iddiasıyla aleyhlerine soruşturma veya kovuşturmaya geçilmiş, her türlü basılmış eserlerin toplatılmasına, soruşturma safhasında sulh ceza hakimince, kovuşturma safhasında görevli mahkemece karar verilebilir. Ancak, soruşturma safhasında gecikmesinde sakınca bulunan hallerde Cumhuriyet savcılığı da toplatma kararını yazılı olarak verebilir. Bu karar en geç yirmidört saat içinde yetkili sulh ceza hakiminin onayına sunulur. Hakim toplatmanın onaylanıp onaylanmaması hususunda kırksekiz saat içinde karar verir. Kararın onaylanmaması halinde toplatma kararı hükümsüz sayılır. Bu fıkra hükmüne göre verilen kararlar, o yer Cumhuriyet Savcılığınca tüm Cumhuriyet savcılıklarına en seri vasıta ile bildirilir.

Türk Ceza Kanunu'nun İkinci Kitabı'nın Birinci Bab'ının 1, 2 ve 4 üncü fasıllarında veya 312 nci maddenin ikinci fıkrasında yazılı suçların basın yoluyla işlenmeleri sebebiyle mahkumiyet halinde, faillerden bir veya birkaçına ait olmaları şartıyla suçu ihtiva eden mevkute veya mevkute sayılmayan basılmış eserlerin basımında kullanılan makineler ile diğer basım aletlerinin müsaderesine de karar verilir.

Yukarıdaki fıkrada sözü geçen makineler ile diğer basım aletlerinin kaçırılmasını, değiştirilmesini, kaybolmasını ve tahribini önlemek için tahkikatın her aşamasında gerekli görülen tedbirler alınır. Ancak bu tedbirler, makineler ile diğer basım aletlerinin faaliyetlerini engelleyici nitelikte olamaz.

EK MADDE 2-(10.11.1983) Basın yolu ile işlenen ve ek birinci maddenin üçüncü fıkrasında yazılı suçlarla ilgili milli güvenliğe ve genel ahlaka aykırı davranışlardan mahkumiyet hallerinde, suç teşkil eden yazının yayınlandığı mevkutenin üç günden bir aya kadar kapatılmasına da mahkemece karar verilebilir.

Kapatılan mevkutenin açıkca devamı niteliğini taşıyan her türlü yayın yasaktır. Bunlar sulh ceza hakiminin kararıyla toplatılır. Birinci Fıkraya göre kapatılmasına karar verilen mevkutenin yayınına kapatılma süresinde devam edenler veya o mevkutenin açıkca devamı niteliğini taşıyan yeni mevkute çıkarılanlar bir aydan altı aya kadar hapis ve yüzbin liradan üçyüz bin liraya kadar ağır para cezası ile cezalandırılırlar.

APPENDIX C

Section 2 of the Official Secrets Act of Britain

2. Wrongful communication, etc., of information

(1) If any person having in his possession or control (any secret official code word, or pass word, or) any sketch, plan, model, article, note, document, or information which relates to or is used in a prohibited place or anything in such a place, or which has been made

or obtained in contravention of this Act, or which has been entrusted in confidence to him by any person holding office under His Majesty or which he has obtained (or to which he has had access) owing to his position as a person who holds or has held a contract made on behalf of His Majesty, or as a person who is or has been employed under a person who holds or has held such an office or contract

- (a) communicates the (code word, pass word,) sketch, plan or model, article, note, document, or information to any person, other than a person to whom he is authorized to communicate it, or,
- (aa) Uses the information in his possession for the benefit of any foreign power or in any other manner prejudicial to the safety or interests of the State;
- (b) retains the sketch, plan, model, article, note, or document in his possession or control when he has no right to retain it or when it is contrary to his duty to retain it (or fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof) (or)
- (c) fails to take reasonable care of, or so conducts himself as to endanger the safety of the sketch, plan, model, article, note, document, secret official code, or pass word or information).

that person shall be guilty of a misdemeanor.

((1A) If any person having in his possession or control any sketch, plan, model, article, note, document, or information which relates to munitions of war, communicates it directly or indirectly to any foreign power, or in any other manner prejudicial to the safety or interests of the State, that person shall be guilty of a misdemeanor;)

(2) If any person receives any (secret official code word, or password, or) sketch, plan, model, article, note, document, or information, knowing, or having reasonable ground to believe, at the time when he receives it, that the (code word, pass word) sketch, plan, model, article, note, document, or information is communicated to him in contravention of this Act, he shall be guilty of a misdemeanor, unless he proves that the communication to him of the (code word, pass word), sketch, plan, model, article, note, document, or information was contrary to his desire.