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Writers on Trial

By Maureen Freely

Elif Shafak is a Turkish novelist who has spent much of her life in Europe and the United States. She fills her books with characters who defy all orthodoxy, and in her journalism she lives by the same code, mixing feminism and nuanced political analysis with a deep interest in Ottoman culture. She has been much criticized by literary purists for using words of Arabic and Persian origin that the reformers of the early republic worked so hard to expunge, and for drawing on Sufi traditions that continue to inform popular culture 80 years after those same reformers banned Turkey's dervish sects. She has a particular genius for depicting backstreet Istanbul, where the myriad cultures of the Ottoman Empire are still in tangled evidence on every family tree.

In her sixth and most recent novel, "The Bastard of Istanbul," which is already a best seller in Turkey and will be published in the United States by Viking next year, one character declares: "My father is Barsam Tchakhmakhchian, my great-uncle is Dikran Stamboulian, his father is Varvant Istanbulian, my name is Armanoush Tchakhmakhchian, all my family tree has been Something Somethingian, and I am the grandchild of genocide survivors who lost all their relatives in the hands of Turkish butchers in 1915, but I myself have been brainwashed to deny the genocide because I was raised by some Turk named Mustapha!" These are strong words in a country whose official historians maintain that the Armenian genocide at the hands of Turks is itself a fiction. In February 2005, when Orhan Pamuk, Turkey's most famous novelist, said in passing to a Swiss journalist that "a million Armenians had been killed in these lands, and I am the only one who talks about it," he was branded a traitor and prosecuted for "denigrating Turkishness." Shafak must have known that she was risking the same, as she has frequently challenged Turkey's treatment of its minorities. In September, she spoke at a conference at Bilgi University in Istanbul — the first Turkish conference ever to challenge the official line on the Ottoman Armenians — and though she went on to state her own position clearly and unequivocally in several newspapers, the censors left her alone. But early last month, Shafak learned that she was to be prosecuted for, among other things, allowing a character of partly Armenian heritage in "The Bastard of Istanbul" to utter the forbidden G-word. Her trial is scheduled for Sept. 21.

Since its inception in 1923, the Turkish Republic has policed its writers fiercely. Its penal code, taken from Mussolini's Italy, puts serious curbs on freedom of expression, but Turkey's leading writers have never toed the line. The great modernist poet Nazim Hikmet spent much of his adult life in prison and died in exile. The novelist Yashar Kemal, for many decades Turkey's most famous writer, has been serially harassed and prosecuted. During the 70's, 80's and 90's, so many writers, journalists and scholars were imprisoned for their views that a prosecution became a badge of honor: if you had not yet angered the state, then perhaps you hadn't said anything of importance.

But 18 months ago, the rules of the game looked set to change. The European Union had at last set a date for talks on Turkish accession. The long conflict with Kurdish separatists was apparently over, and the Kurds had been accorded limited cultural rights.

Encouraged by the prospect of entry into the European Union, other previously silent Muslim and non-Muslim minorities were beginning to make themselves heard. It was finally possible to tap the rich multicultural Ottoman legacies that nationalist ideology had so long repressed. There was a new vogue for family memoirs. Some showed how peacefully the empire's diverse "nations" had once coexisted. Others — like Fethiye Cetin's "My Grandmother," in which the author recounts her discovery that her grandmother was in fact Armenian — explored suppressed histories. In Europe, a new generation of bicultural Turks were mixing Turkish and Ottoman traditions with European forms and winning prestigious prizes. As Pamuk's star rose in the West, many other Turkish novelists — Shafak, Latife Tekin, Asli Erdogan and Perihan Magden — had their works translated. All were writing sophisticated fiction that refused to conform to national — or nationalist — modes.

In so doing, they seemed to be reflecting the mood of the country as a whole. An overwhelming majority wanted to join the European Union. Recep Tayyip Erdogan, the pro-market, pro-Europe Islamist prime minister, had committed himself to a new penal code that promised to bring Turkey into line with European norms. The hope was that the European Union process would force the ossified machinery of state to modernize.

What few people predicted was that the new penal code would become the vehicle for backlash by expanding curbs on freedom of expression. Article 301 recommends sentences of up to three years for those convicted of "denigrating Turkishness" or insulting the judiciary or other state organs, while other articles make it an offense to insult the memory of Ataturk or "seek to alienate people from military service." A recently revised antiterror law is so broadly written that it will, human rights groups claim, make it a crime to espouse any view that is shared by an outlawed group or even to publish a statement by an illegal organization.

To date, there have been more than 60 cases brought against novelists, publishers, journalists, scholars, politicians and cartoonists. Hrant Dink, the editor of the Turkish-Armenian weekly *Agos*, currently has two cases against him open. The publisher Fatih Tas is on trial for publishing a book (by the political scientist John Tirman of M.I.T.) that takes a critical look at the Turkish Army. Two eminent professors faced charges for saying, in a never-published government-commissioned report, that Turkey's treatment of its minorities fell short of European standards, while the magazine *Penguen* and one of its cartoonists were prosecuted for portraying the prime minister as a kitten and an elephant, among other animals.

So far, no one has been sent to prison. Some defendants have been acquitted; others, like Pamuk, have seen their cases dropped on technicalities, while many have been given suspended sentences that were then converted to fines. But to assume that writers have nothing to fear is to underestimate the forces behind these prosecutions.

It is still not clear how Article 301 found its way into the new penal code, but the Unity of Jurists, an ultranationalist lawyers group, is behind most of the high-profile prosecutions. Its main spokesman is a lawyer named Kemal Kerincsiz. His rabidly xenophobic sound bites have turned him into a national celebrity, and his words are echoed by the thugs who have taunted, assaulted and insulted defendants and observers in the corridors of the courthouses, denouncing them as traitors and “missionary children” (a reference to the foreign schools many of the defendants attended) and spouting racist slogans that call to mind Berlin in 1935, while the riot police look on.

In certain corners of the state apparatus there must be others who believe, like Kerincsiz, that “the European Union means slavery and a prisoner’s chains for Turkey.” They must be rejoicing that the trials have seriously damaged the case for Europe inside Turkey, while also giving fodder to anti-

Turkish nationalists in Europe. Most of all, they must be pleased that the European Union has now signaled that the 301 trials are serious impediments to accession.

This is not a tug of war between East and West as the West likes to understand it: while some of Turkey’s new ultranationalists are Islamists, most are old-guard, die-hard secularists. The battle is about democracy, with supporters of European Union membership hoping for peaceful change and opponents hoping for a return to authoritarian rule.

How best to help the writers caught in the middle? Because Kerincsiz and his colleagues have successfully labeled foreign trial observers as spies and agitators, many in Turkey believe that non-Turkish human rights groups should keep their mouths shut. But if the ultranationalists are allowed to continue their campaign unchallenged, they stand a very good chance of winning. And if they do, the oldest stable secular state in the Muslim world will cease to democratize, and a brave new literature will die.

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