Abstract

This article examines surveillance practices under the rule of Erdoğan’s AKP in Turkey and their culmination in their current totalitarian form following the declaration of a state of emergency in the aftermath of the attempted coup of July 2016. The article demonstrates that, rather than being established overnight, the AKP’s totalitarian surveillance machine has been long in the making. The AKP first tested and mastered surveillance methods—including wiretapping, internet surveillance, and surveillance by collaborator-informant networks—over its key opponents and dissidents in the process of capturing the state apparatus. It later generalized the use of these and similar repressive methods to govern the entire society. In the aftermath of the Gezi Protests of 2013, surveillance began to take on a mass and pre-emptive character. The recent state of emergency measures have further intensified mass surveillance and criminalization of the regime’s dissidents, turning the state of exception into the main paradigm of governance. Despite its growing coercive capacity, however, the AKP’s surveillance regime fails to reach to the level of what Arendt (1976) terms ‘total domination’, for it faces significant resistance.

Introduction

Under the rule of Erdoğan’s AKP (Justice and Development Party), the contemporary Turkish state possesses the major elements of a totalitarian state, including a propaganda machine that explains events in line with the “fictitious consistency” (Arendt 1976: 352) of the official ideology and a surveillance apparatus that criminalizes those who deviate from “the officially prescribed and permanently changing line” (Arendt 1976: 430). The declaration of a state of emergency after the failed coup attempt of July 2016...
moved Turkey further toward totalitarianism. In the post-coup environment, the state of exception has become the primary governing technique of the Turkish state.

The state of emergency allowed president Erdoğan and the cabinet to bypass the parliament, rule the country by governmental decree, and limit or suspend rights and freedoms. Governmental decrees targeted not only suspected coup plotters but also dissidents, including Kurdish parliamentarians, oppositional journalists, and leftist academics. These emergency measures expanded the previously prevailing scope of surveillance to enable mass surveillance and criminalization of the regime’s dissidents. They also allowed authorities to exercise unlimited discretionary powers to suspend fundamental rights and freedoms.

In a series of crackdowns, close to 100,000 individuals were initially detained, with 50,000 of them ultimately being arrested. More than 130,000 public employees were dismissed, and over 7,000 academics were purged from their positions—312 among them being signatories to the Academics for Peace petition. Thirteen Kurdish Parliamentarians, including both co-leaders of the HDP (Peoples’ Democratic Party), a coalition of the Kurdish rights movement and leftists, were jailed. Already intense government pressure on media further increased. 149 media outlets were shut down and 213 journalists arrested. 157 of them remain in jail as of writing. The chilling effects of the post-coup crackdown were deeply felt by all citizens of Turkey. For instance, sharing social media posts that were critical of Erdoğan’s policies could easily result in individuals being suspects in the making of terrorist propaganda. Close to 70,000 social media accounts were investigated by the police forces. 3,861 individuals were detained and 1,734 later arrested.

Erdoğan pushed for constitutional change in the April 16, 2017 Referendum to further bolster his power and realize every dictator’s dream: the ability to freely act outside the law, thus being exempt from the law and accountability, while having the full power to suspend the law and fundamental rights and freedoms, hence governing the society through a permanent state of exception. Amid a dispute over ballots (see OSCE 2017), Erdoğan declared a narrow victory with 51.4 per cent of votes cast in his favour and signalled a further intensification of repressive policies. His first action was to extend the state of emergency for another three months.

Walter Benjamin’s argument on the state of exception becoming the rule (Benjamin 1968: 257), rephrased by Agamben (2005: 6–7), can shed theoretical light on the current situation in Turkey. The law in Turkey is indeed in a perpetual state of suspension to the extent that it is now in “force without significance” (Agamben 1998: 51). That is, the law lacks any determinate content, for its content is continuously defined and re-defined by extra-juridical means based on the conjunctural needs of those who are in power, namely Erdoğan and the AKP. Yet, it would be a mistake to draw a sharp contrast between the current state of exception measures and the ways in which Turkish law functioned in the past. Not only because law-sanctified violence, even when it remains at the level of possibility, “permanently underlies” state power (Poulantzas 1978: 81), but also based on concrete historical realities. One need look no further than the long history of state repression against the Kurdish people to observe that the state of exception has always been the rule and a key feature of state power in modern Turkey, at least for certain groups. What Erdoğan’s AKP did was to inherit the authoritarian state tradition and to advance it to higher levels. Ever since it came to power in 2002, the AKP has been insidiously utilizing the mechanisms of the state of exception to expand surveillance power over its opponents and to strip the latter of their rights. After it succeeded in eliminating

leader of the Gülen community, Fetullah Gülen. The Gülen community is now alleged to be behind the failed coup attempt of July 2016. At the time of writing, Fetullah Gülen is considered enemy number one by the Turkish state.

3 The Academics for Peace signed a petition in January 2016 criticizing the human rights violations perpetrated by the Turkish Army in its operations in Kurdish areas of Turkey.


key opponents from the civilian and military bureaucracies, the AKP generalized the use of similar measures to govern the entire population, thus turning the state of exception into its main paradigm of governance.

The AKP’s record on surveillance demonstrates the shaky foundations of the once much-touted ‘Turkish model’. Only a few years ago, the popular belief was that Turkey could serve as a model for the entire Middle East, a successful combination of liberal economic and democratic principles with Islamic attitudes. Erdoğan was hailed as a successful moderate Islamist reformer with a strong commitment to democracy. This line of thinking would therefore imply that Erdoğan has suddenly shifted from liberal democracy to Islamist totalitarianism. Yet, rather than a sudden shift, Erdoğan’s policies have been characterized by a gradual transition from soft authoritarianism to hard authoritarianism or totalitarianism. A close examination of the history of expanding surveillance measures under the AKP’s rule demonstrates that the current totalitarian surveillance machine has been in the making for a long time, even though its scope has greatly widened in recent years. Surveillance has moved from being targeted against specific groups to having a mass character: it expanded from a focus on key oppositional members of the civilian and military bureaucracies, selected political opponents, and demonstrators to everyone critical of the AKP and Erdoğan.

This is not to produce a negative teleological narrative about the inevitability of the permanent state of exception. There were various internal and external factors that contributed to the rise of totalitarian surveillance in Turkey. The absence of an organized left in Turkey allowed Erdoğan to freely pursue a right-wing populist agenda, while the global turn to authoritarianism encouraged Erdoğan to intensify his drive to establish his own totalitarian surveillance regime. Yet, surveillance traditions are not created overnight. Since its early years in power, the AKP had experimented with the use of various surveillance techniques—including wiretapping, internet surveillance, and surveillance by informant/collaborator networks—to target those whom it perceived as threats to its rule. These practices paved the way for the establishment of the current surveillance regime.

**A Short History of Surveillance Under AKP Rule**

Until the AKP came to power in 2002, politics in Turkey were conventionally analyzed with reference to the secularist and nationalist military-bureaucracy elite who controlled the key institutions and directed the modernization process from the top down (see e.g. Kasaba 2008). When Erdoğan’s AKP came to power, presenting itself as a market-friendly form of moderate Islam that embraced the values of globalization and was strongly committed to Turkey’s European Union accession process, it found few opponents. Most public intellectuals (of both liberal and conservative varieties), secular as well as conservative national bourgeoisie, conservative middle and working classes, Western economic, academic, and policy elites, as well as global financial and development organizations (such as the IMF and World Bank) provided support to the AKP. Building on this support, the AKP succeeded in combining an unprecedented level of neoliberalization with authoritarianism (see e.g. Özden et. al. 2017; Topak 2013). When the AKP targeted the nationalist-secularist elites and gradually removed them from key positions in the civilian and military bureaucracies, the party’s strong national and international liberal support base perceived these practices as measures necessary for democratization rather than as steps towards authoritarianism. What did not capture their attention was the fact that during this process the AKP was mastering the use of surveillance techniques and demonstrating its capability to discredit and criminalize its opponents.

The surveillance techniques used during the Ergenekon and later Balyoz investigations were early indicators of AKP’s capabilities. The AKP and Gülen community-affiliated prosecutors launched the Ergenekon investigation in 2007 and targeted some members of the military and a number of journalists and academics for their alleged involvement in a plot aimed at toppling the government. The evidence presented against them was collected via the seizure of personal computers and documents and through wiretapping and

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6 For recent critical appraisals of the Turkish model, see also: Tuğal (2016) and Yeşil (2016).
internet surveillance (Akser and Baybars-Hawks 2012: 308). The collected evidence was later altered so as to make them look as if they were parts of a plan to overthrow the government (Deveci 2016). Various methods were used to fabricate charges from the evidence, including changing the content of electronic documents and adding sections to the wiretapped data. Despite concerns about the allegations and the credibility of evidence, pro-AKP media outlets conducted campaigns against the Ergenekon suspects in order to discredit them.

These methods were not limited to Ergenekon suspects, however. Under the rule of the AKP, the use of illegitimate and often manipulated surveillance data to criminalize and control the regime’s opponents became a common method of doing politics. Opposing voices were labelled as ‘pro-coup’ or ‘pro-Ergenekon’ without any credible evidence and were subjected to public shaming by pro-AKP media organizations. Others were brought into disrepute through scandals concerning their private sex life. In two famous cases in 2010 and 2011, the leader of the main opposition party and ten key members of the second opposition party were forced to resign after sex-tapes implicating them were leaked. In its search for political domination, the AKP perfected the use of an age-old technique of surveillance: the weaponization of scandal (see McCoy 2009, 2014). It successfully exploited the potential of digital technologies to control political opponents, dissident journalists, and insubordinate members of the state bureaucracy. A former deputy chief of Turkey’s General Directorate of Security stated that between 2007 and 2011, some police forces wiretapped various bureaucrats, judges, prosecutors, politicians, and journalists, even though these individuals had no connection to any illegal organizations. These same police forces also planted surveillance bugs and camera systems and used IMSI catchers to collect further data about their targets. The collected data were later used to intimidate and discredit targeted individuals and blackmail political opponents (TBMM 2013).

Having successfully utilized surveillance techniques to gradually remove opposing actors from the civilian and military bureaucracies, the AKP later concentrated its efforts on reshaping the entire society using similar repressive tactics. Vaguely formulated anti-terror laws and the lack of judicial oversight allowed security agencies to wiretap and prosecute dissident journalists and academics (Amnesty International 2012; Bahçeçik 2015; Berksoy 2013). The chilling effects of these practices led most journalists to engage in self-censorship (Yeşil 2016). All forms of internet surveillance were intensified. In 2011, the AKP attempted to establish a censorship filter, which it later abandoned due to strong civil society opposition. However, the practice of selective and arbitrary censoring of websites, including YouTube and pro-Kurdish websites, continued. In the absence of privacy laws, ordinary individuals were targeted for sharing information critical of government policies on their social media platforms. Yet, despite its growing coercive capacity, up until the Gezi Protests in 2013, surveillance in Turkey largely operated in a targeted way and focused on insubordinate civilian and military bureaucrats and key dissidents, such as oppositional journalists, Kurdish politicians, socialist academics, and striking workers. It was after the Gezi Protests that a mass surveillance machine was put in place, even though elements of targeted surveillance remained.

In May to June 2013, millions of people across Turkey protested against the neoliberal plundering of public spaces and the growing authoritarianism and Islamism of Erdoğan’s AKP. A new, dissident form of ‘sociality’ spontaneously came into being, thanks to social media technologies (Arda 2015). The AKP reacted to this new form of sociality by deploying brutal police violence against the protests and by introducing new security measures in the aftermath. The new amendments to the internal security law (Law No. 6638) and anti-terror law (Law No. 6526) gave the police extended powers to search and arrest

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7 The AKP seemed to have overcome the technical inefficiencies that characterized some of the earlier digital surveillance systems, such as the central population database, MERNIS (see Topal 2005), at least in the context of policing and criminalization of dissidents.

8 These devices operate as fake cell towers to convince cellphones to establish connections with them, thereby allowing authorities to intercept communications from cellphones.
individuals and seize property without a warrant, as well as new discretionary powers to use lethal weapons against protesters. The wiretapping powers of the police were also increased, or rather legalized. The earlier wiretapping practices had de facto legal status: police forces were already justifying wiretapping through vague terrorist suspect and preventative measure definitions, and the courts were treating wiretapped data as credible evidence. The new law allowed police forces to legally wiretap anyone without a warrant and get an approval from a court later. The breakdown of the Gülen-AKP alliance during this period further contributed to the expansion of surveillance practices in Turkey. While the Gülenists tried to discredit Erdoğan and leading AKP cadres using the earlier tactics of scandal and leaked corruption wiretaps, Erdoğan quickly reacted, accusing anyone questioning his authority of engaging in a Gülen-led terrorist conspiracy against the government.

Using his mass propaganda machine to discredit Gezi protesters and other dissidents for being ‘anti-Islam’ or ‘pro-Gülen’, Erdoğan later turned to fulfil an ancient dream of surveillance: to be omniscient of all dimensions of social life. Following a common historical comparison, one can speculate that Erdoğan’s dream was modelled after the policies of the late Ottoman Sultan Abdulhamit II, to whom he frequently refers with admiration. Abdulhamit II established an extensive spying and informant network to control public opinion and suppress dissidents in late 19th century. His surveillance network was comprised of professional state spies and local informants, as well as public servants from various levels of the state bureaucracy who were all involved in producing spy reports, known as jurnal (Koloğlu 1987: 338-346). Erdoğan similarly mobilized a diverse network of spies, informants, and collaborators to control the online and ‘offline’ public spheres.

The new laws empowered Erdoğan’s spy network with expanded powers to censor online content and monitor internet users (HRW 2014). The amended internet law (Law No. 5651) enabled government authorities to censor websites within hours without a court order, while the amended law on State Intelligence Services and the National Intelligence Agency (Law No. 6532) permitted Turkey’s National Intelligence Agency (MIT) to access all forms of information, digital and otherwise, about individuals from all public and private institutions and to collect data from telecommunication channels without any judicial oversight. The new amendments also criminalized counter-surveillance through introducing harsh penalties against those who leak or publish leaked data. In order to further suppress online dissent, the AKP also established an army of social media agents, known as “AkTrolls” (see Saka 2016). These professional and volunteer agents began to intimidate dissident social media users and potentially collected data about their activities.

The growing mass surveillance practices in Turkey, however, did not represent an end to ‘targeted’ surveillance. Following David Lyon’s observations on the mass surveillance conducted by the United States National Security Agency (Lyon 2015: 22), we could similarly point out a blurring distinction between ‘targeted’ and ‘mass’ surveillance rather than a replacement of one by the other. While the data is gathered en masse from the entire population, eventually specific individuals, or ‘persons of interest’ are targeted, depending on the conjunctural needs of the regime and authorities’ discretion. The chilling effects of such surveillance practices, however, are clearly mass in nature because they cause mass silencing of public dissent. The distinctions between future-oriented (or pre-emptive) and past-oriented surveillance is similarly blurred in Turkey. On the one hand, parallel to the global growth of pre-emptive surveillance tactics in recent decades (see e.g. Zedner 2009: 67-88), surveillance became more future-oriented, driven by the rationale of pre-empting dissent before it actualizes. On the other hand, the practice of surveilling past activities of dissidents also continued, and even intensified. For instance, security agencies dig into the past activities of dissidents, including tweets, financial activities, and personal associations, in order to find some
information to charge them with terrorism. No matter how absurd the gathered information is, the AKP-friendly prosecutors use their unlimited discretionary powers to imprison dissidents.⁹

In addition to combining mass/targeted and past/future-oriented forms of surveillance, the AKP’s surveillance regime also combines ‘surveillance by security professionals’ with ‘surveillance by collaborators-informants’. The AKP possesses a large collaborator-informant network within the state bureaucracy and public institutions, including public schools, universities, and hospitals. More research is required to reach a clear understanding of the role and extent of this network. However, considering that the AKP has filled most key institutional positions with its own members over the last 15 years, it is not hard to assume a large network of potential and active collaborators. Similar to informants in earlier totalitarian surveillance regimes, such as the Stasi of the former East Germany (Epstein 2004), these individuals seem to be motivated by ideological commitment, personal gain, or fear. Unlike informants in these earlier regimes, however, these collaborators do not seem to be engaging in extensive spying or submitting detailed spy reports, which are unnecessary in the age of digital surveillance. Rather, they seem to be working collaboratively with security agents to keep tabs on dissident employees, assist in their dismissals from public institutions, and help AKP-friendly ones to advance in their careers. The recent mass purge of over 100,000 public employees within a short time frame and without any official investigation seem to have relied at least partially on the activities of these collaborators.¹⁰

The tragic dismissal story of Dr. Mehmet Fatih Tıraş, a dissident academic who signed the Academics for Peace Petition, illustrates how these individuals collaborate with security agencies. In the faculty council meeting that resulted in the dismissal of Dr. Tıraş from Çukurova University, another academic, Dr. Hasim Akca, accused Dr. Tıraş of being a terrorist sympathizer based on information provided by his contacts in the MIT.¹¹ Signing a human rights petition and participating in the political demonstrations of an oppositional party, HDP, were enough for Dr. Tıraş to be labelled a terrorist by the MIT and a collaborator academic. Dr. Tıraş later received similar responses from other collaborators of the regime within Mardin Artuklu University and İstanbul Aydın University. He fell into desperation and eventually committed suicide. In other cases, university rectors’ offices were directly involved in spying dissident academics within their institutions and reporting them to security agencies.¹² The dark history of these collaborators and their responsibility in human rights violations (Cohen 1993) and the “banalization of evil” (Arendt 2006a) remains to be written, even though it is likely that a comprehensive picture will only be obtained after the collapse of the AKP regime. At the moment, Erdoğan is seeking to extend his collaborator-

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⁹ The space limitations of this article preclude listing all the absurdities involved in how prosecutors establish connections to ‘terrorism’. In one notable case, the payment of 2,500 TL (equivalent to $715 USD) for floor renovations was considered evidence of a link to a terrorist organization. After detailed investigations, the authorities found that the son of the man who completed the renovation was in Turkey’s financial surveillance database (MASAK) for his business connections with a Gülenist (now considered terrorist) firm. (See http://www.cumhuriyet.com.tr/haber/yazi_dizileri/747426/MASAK_tan_zorlama_rapor__Mademki_parke_dosettin_o_halde_FETO_cusun.html.) Accessed April 29, 2017.

¹⁰ The purges in Turkey demonstrate some strange similarities to purges in the former USSR during the Stalin era in that those individuals who were involved in the execution of previous purges were later themselves purged (Arendt 1976: 321). In Turkey, the Gülen community members took the lead in carrying out previous smaller-scale (yet continual) purges. The recent mass purges targeted the Gülen community members, alongside the AKP’s usual targets: leftists, Kurds, and Alevi.


informant network into urban neighbourhoods and rural villages by encouraging local headmen (muhtars) to spy on residents.13

We can observe a similar shift from soft authoritarianism to hard authoritarianism or totalitarianism in the AKP’s policies toward Kurds, who have suffered the most brutal consequences of the AKP’s surveillance regime. Despite promising reform and initiating a short-lived ‘peace process’, the AKP followed the state policy of the earlier secular-nationalist elites (see Yeğen 2011) and handled the Kurdish issue with exceptional security-surveillance measures, coupled with the suppression of cultural, civil, and political rights. In the most recent military operations in Kurdish areas, human rights groups documented numerous human rights violations, including civilian deaths, torture, prevention of access to basic necessities, destruction of houses, and mass displacement of over 350,000 residents (OHCHR 2017). The post-coup emergency measures have further increased the state’s pressure on Kurds. Kurdish parliamentarians, municipal mayors, journalists, and educators have been disproportionately targeted.

**Conclusion**

Under the rule of Erdoğan’s AKP, surveillance in Turkey has gradually extended over the whole population. The AKP first tested and mastered surveillance methods over its key opponents and dissidents in the process of capturing the state apparatus and later applied similar repressive methods to govern the entire society. In the aftermath of the Gezi protests, surveillance began to take on a mass character. Fearful of another popular revolt, the AKP established a mass surveillance mechanism and empowered it through new amendments to security and communication laws to pre-empt and suppress public dissent. The recent state of emergency measures represent a further stage in the move towards totalitarian surveillance. Fundamental rights and freedoms were suspended and the state of exception has become a permanent condition.

Using a popular comparison, one could point out the striking similarities between Germany in 1933, when Hitler seized power and declared a state of exception, and today’s Turkey. However, a straightforward comparison will not be fair to the complex, contingent, and open-ended nature of the situation. Even though the AKP possesses a totalitarian surveillance machine which attempts to reach every corner of social and political life, neither this surveillance machine nor the AKP regime itself has yet risen to the level of what Arendt (1976) terms ‘total domination’. Following Arendt (1976: 419), the AKP regime could be described as a single-party dictatorship rather than as a completed system of totalitarian rule. As Arendt points out, single-party dictatorships are characterized by the control of the state apparatus by a political party and its members which results in the “complete amalgamation of state and party” (1976: 419). In totalitarian regimes, on the other hand, “the movement” is above the party and even the state. The end result is not only the seizure of state power and repression of dissidents, but “the permanent domination of each single individual in each and every sphere of life” (Arendt 1976: 326). While the AKP’s surveillance machine desires to reach every sphere of life, it so far fails to dominate each single individual. The recent referendum results demonstrated that, despite the AKP’s mass propaganda and surveillance tactics, at least half of Turkey’s population refuses to comply. Against all odds, some individuals also continue to engage in courageous acts of resistance. A recent example is the hunger strike of two dismissed educators, who continue to confront death at the time of writing.14 The very possibility of these acts of resistance reminds us that there is no smooth transition from past to future. As Arendt (2006b) pointed out, there is rather a gap between past and future, a gap where past and future engage in a war against each other, a gap that also opens up a space for politics, thinking and action through responsibilizing individuals with a sense of urgency. Turkey now occupies that gap between past and future.

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