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THE LATENT MEDIATIZATION OF JUDICIARY: A MULTIPLE CASE STUDY ON POPULAR TRIALS IN TURKEY

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YARGININ ÖRTÜLÜ MEDYATİZASYONU: TÜRKİYE'DEKİ POPÜLER DAVALAR ÜZERİNE BİR ÇOKLU VAKA ANALİZİ

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Foreword

This thesis is not only a product of my three-year master's study but also an outcome of my endless working hours as an attorney at law. This job and performing it in a time of state of emergency in particular have pushed me towards a spiral of questions regarding the written law and the practices that revolve around it. This is my first detailed study in my path of understanding the legal system in its real-life context, a path which I very much intend to keep walking. Thus far in this journey, I especially thank my great supervisor, Dr. Esra Ercan Bilgiç. Her discipline combined with her vast knowledge and exceptional kindness have guided me in such a way that I am very grateful and lucky to have had the opportunity to work with her.

I want to thank my family, which has been my biggest luck in life. I thank my parents for their endless love, extraordinary efforts in my education, and particularly for giving me the courage to do what I wanted in life. I thank my dear husband who has not only been a loving partner but also a life coach and a great ally to me with his extraordinary support for me and my work. I also thank my dear sisters for their support and for always being my source of motivation and joy. Finally, I thank my colleagues at Erol Law Firm, who have been very supportive to me in my master's study and have shared their unique and inspirational experiences of long years in the Turkish legal system.

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Abbreviations

AKP	Justice and Development Party
CHP	Republican People's Party
CN	Case Number
FETO	Fetullahist Terrorist Organization
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Abstract

This study aims to observe the mediatization of the judiciary in Turkey. The author regards the media as a part of the construction of social and cultural reality together with the social and cultural sphere, adopting the social-constructivist approach. In this manner, six popular legal cases in Turkey that have different legal grounds are selected and a multiple case study is conducted by analyzing the legal processes on one hand and news and tweets covering such processes on the other for each case. The study observes that the mediatization of the judiciary has four elements, namely dramatization of legal cases, criticism of legal proceedings and parties, parties' attempt to persuade the media, and parallel developments in the judicial process. As a conclusion, it is asserted that even though the judicial decisions do not directly refer to the media, the judiciary is mediatized in a latent way.

Keywords: Mediatization, trial by media, tabloid justice, judiciary, latent mediatization

Özet

Bu çalışma, Türkiye'de yargının medyatizasyonunu gözlemlemeyi amaçlamaktadır. Yazar sosyal yapısalcı yaklaşımı benimseyerek, medyayı sosyal ve kültürel gerçekliğin şekillenme sürecinin bir parçası olarak kabul etmektedir. Bu doğrultuda, farklı hukuki temelleri olan altı popular dava seçilmiş ve bir yanda hukuki süreçler, diğer yanda bu süreçlerden bahseden haberler ve tivitler incelenerek bir çoklu vaka araştırması yapılmıştır. Çalışma, yargının medyatizasyonunun dört unsuru olduğunu gözlemlemiştir: davaların dramatizasyonu, hukuki süreçlerin ve tarafların eleştirisi, tarafların medyayı ikna etme çabası ve yargısal süreçteki paralel gelişmeler. Sonuç olarak, her ne kadar yargı kararlarında medyaya doğrudan atıf yapılmasa da yargının sessiz (örtülü) bir şekilde medyatize olduğu ileri sürülmektedir.

Anahtar kelimeler: Medyatizasyon, meyda yargısı, tabloid adalet, yargı, sessiz medyatizasyon

INTRODUCTION

In one of the most important books in the history of Western philosophy, The Republic, Plato illustrates the allegory of the cave (Plato, 2006). He likens individuals to prisoners who are chained in a cave and unable to turn their heads. They cannot see the real objects behind them but only the cast shadows of the real objects which fall on the cave's wall in front of them.

In the modern era, Lippmann referred to Plato's allegory to explain the media's function in the society. He stated that individuals rely on the shadows which fall on the cave's wall to understand the world and that shadows are the media content (Lippmann, 1922; Moy & Bosch, 2013). Since individuals cannot directly face the most of the incidents about the public, the media content is the shadow of the wall which individuals get information from the outside world. Although most of the time politics are focused on as a part of the 'outside world' in the literature, the institution of judiciary is also a significant part of that world because legal cases constitutes an important part of the media content, and the public generally sees judiciary through its shadows on the media (Fox, R., Sickel, R., Steiger, 2008).

The media easily creates the high degree entertaining news by using the inherent conflict quality of legal cases. It can harmonize the conflicts between famous people or the unusual events of the ordinary people with the drama in the form of legal news. This intention of turning the legal news into entertainment has created an area of 'tabloid justice' in which the media focuses on sensational, personal, and lurid details of legal proceedings (Fox, R., Sickel, R., Steiger, 2008; Greer & McLaughlin, 2012). Actually, the media can serve the public benefit by educating the public about the legal system and ensuring the accountability of the judiciary in means of judicial impartiality. However, broadcasting legal news as entertainment contents is much common in the competitional area in which the media operates because the entertaining legal news attracts more public attention (Fox, R., Sickel, R., Steiger, 2008; Petersen, 1999). Although legal news has occurred from the very beginning of the mass media, the number and frequency have increased after the

1990s (Fox, R., Sickel, R., Steiger, 2008). Individuals increasingly interact with the institution of judiciary, legal proceedings and judicial decisions through the presentations of the media (Greer & McLaughlin, 2012). The media provides the public with the data and framework to interpret the judicial decisions. Moreover, it also enables the judges to learn about public opinion on significant issues. The media, then, is a part of the process of construction of the reality within the interrelation of the judiciary and the public. Therefore, it is vital to take into account the media in order to understand the institution of judiciary.

There are many studies on the communication law which focuses on the media. They mainly relate to the legislations about the media, and many of them focus on the freedom of speech and the freedom of the press. In other words, regarding the relationship between the judiciary and the media, the literature of law focusses on regulating the media in means of both drawing the lines and also ensuring a free press. Although this literature is quite significant, it would be also significant to focus on how the media affects the legal sphere instead of how the legal sphere affects the media. Even though this question has not been focused on the literature of law directly, the legal realist approach creates a starting point in the legal philosophy. The legal realist approach reveals some critics against the acceptance of law as only a logical practice of norms and accepts the judiciary practices as uncertain processes which includes many factors such as personal beliefs of the judges. Legal realism also emphasizes that researching how legal decisions are made is vital to understand the judicial process, and such research should be interdisciplinary (Gürkan, 1967). Starting from a legal realist point of view, this study examines the judiciary's relationship with the media in light of the mediatization and public opinion theories.

As mentioned above, the media is a part of the process of construction of social and cultural reality (Hepp & Krotz, 2014). In this context, mediatization illustrates a meta-process whereby the media saturate all spheres of life and no institution can be understood without taking the media into account (Krotz, 2009). There have been various studies on the mediatization of institutions, although the academic

interest mainly focuses on the politics and mostly leaves out the institution of judiciary. This study aims to focus on the judiciary and to examine the judicial process on one hand, and the media content on the other in order to observe the mediatization of the judiciary in Turkey.

Starting from a social-constructivist approach, this study accepts the concept of mediatization not as an abstract and context-free phenomenon but instead as a meta-process which takes place in the spheres of institutions, social and cultural lives and tries to examine it empirically. However, researching the mediatization empirically is not a simple process both methodologically and practically. As Hepp points out, *"the present mediatization is characterized by the fact that the various 'fields' of culture and society are communicatively constructed across a variety of media at the same time."* (Hepp, 2013, p. 7). Hepp and Krotz suggest a perspective of accepting 'mediatized worlds' concept to overcome the difficulty of mediatization research. This perspective suggests researching various 'social worlds' or 'socially constructed part-time-realities' where mediatization becomes concrete (Hepp, 2013) because to research the mediatization of a culture or society as a whole is impossible (Hepp & Krotz, 2014). In this study, the judiciary is taken into account as a mediatized world and the mediatization of the judiciary is tried to be researched empirically.

In this manner, six popular legal cases in Turkey that have different legal grounds are selected: Case of Murat Başoğlu (crime of indecent behavior), Case of A.K.G. (crime of actual bodily harm with a weapon), Case of Nevin Yıldırım (crime of intentional killing), Case of Tarlabaşı (action for nullity against an urban transformation project), Case of Cerattepe (action for nullity against an environmental impact assessment report regarding a mine construction) and Case of Soma (crime of reckless killing). The legal processes on one hand and news and tweets covering such processes on the other are investigated for each case. The source of evidence of the research is documentation, and the units of analysis are websites of the traditional media and Twitter. The approach is a case study and the research method is qualitative content analysis.

The first chapter of the study reviews the literature on the judiciary, public opinion, and the media. In this manner, the media's function in a democratic state, the media's position between the public opinion and the judiciary, and the position of legal news on the media are described from the communication literature. Then, the institution of the judiciary as a power of the state, the rule of independence and impartiality of the judiciary, its relationship between the other powers, and the legal realist approach which questions the accepted positivist understanding of judiciary as a purely logical and influence-free practice are explained from the legal literature.

The second chapter illustrates the theoretical framework of the study. It explains the public opinion theory, the mediatization theory, and the literature on judiciary within these theoretical fields.

The third chapter lays out the methodology of the research, data collection, the reasons for determining websites of the traditional media and Twitter, and a summary of the cases. It also briefly reveals the findings of earlier research to explain the importance of case study in researching mediatization of the judiciary and to ground the term 'latent mediatization' of the judiciary.

The fourth chapter reveals the findings of the research. It explains the four elements of latent mediatization of the judiciary in Turkey by revealing examples from each case, and then explains the term 'latent mediatization' of judiciary together with a general review of the findings.

CHAPTER I
JUDICIARY, PUBLIC OPINION AND THE MEDIA

The media is an institution which should ideally serve as a public educator by informing the public on significant issues and provide sufficient background for citizens to make sense of social and political developments of national importance. Moreover, such media should serve a "watchdog" duty by holding government and other powerful institutions in check. In this way, the media would serve as a fourth power of the government and ensure a healthy "checks and balances" system in a democratic state by providing accountability of the exercise of power. Finally, such media would be a platform which enables the free exchange of various perspectives and ideas (Fox, R., Sickel, R., Steiger, 2008).

In an ideal democratic press, the media is expected to serve all the goods which stated above and arrange its press policy according to these democratic duties. Nevertheless, in the contemporary world of news media, newsworthiness appears to be determined by the competition among the news media corporations (Fox, R., Sickel, R., Steiger, 2008). This results in a disengagement of the objective importance of a story and of the major questions of serious national and global issues.

Richard Davis identified eight factors that media outlets use to determine newsworthiness: major events, timeliness, drama, conflict, unusual elements, unpredictable elements, famous names, and visual appeal (Davis, The Press and American Politics, 1996). Davis and Diana Owen argue that 'entertainment value' predominate over the whole factors of determining newsworthiness (Davis & Owen, 1998). Indeed, it can be seen that the media uses all these factors to increase the entertainment value of the content it serves. By this means, the entertainment value becomes the main factor which includes and which is above all other factors such as conflict, unusual elements, and major events.

In this context, legal cases become useful contents for the media's effort to increase the entertainment value of the news because of the inherent conflict quality of them (Fox, R., Sickel, R., Steiger, 2008). The media easily creates the high degree entertaining news by harmonizing the conflicts between the famous people or the unusual events of the ordinary people with the drama. Actually, the media can serve the public benefit by covering the justice system as educating the public about the workings of the legal system and ensure the accountability of the judiciary in means of judicial impartiality. However, since the entertaining legal news attracts more public attention and reaction, broadcasting legal news in an entertaining way is a much common choice for the media in the competitional area in which it operates (Fox, R., Sickel, R., Steiger, 2008; Petersen, 1999).

The intention of turning the legal news into entertainment has created an area of "tabloid justice" (Fox, R., Sickel, R., Steiger, 2008; Greer & McLaughlin, 2012). Tabloid justice is an atmosphere in which the media focuses on sensational, personal, and lurid details of popular trials. In this environment, legal news becomes a tool for entertainment, and the educational or democratic function of the media falls behind the entertainment function. Although such legal news has occurred from the very beginning of the mass media, their number and frequency have increased after the 1990s (Fox, R., Sickel, R., Steiger, 2008). The presentation style of today's legal news is a style that focuses on personality, visual appearance, unusual elements of the story, sensationalist highlights and emotional discourse, rather than on legal rules and processes (Greer & McLaughlin, 2012).

The aforementioned tabloid justice atmosphere has three characteristics. First and foremost, as previously mentioned, the educational function of the media falls behind its entertainment role. Secondly, the media outlets are deeply involved in the coverage of the legal proceedings, therefore they invest their resources and energy to cover them. The third characteristic of the tabloid justice atmosphere is the presence of a public that relatively witnesses legal events and the working of the judicial processes. However, this witnessing does not mean the public's awareness of the law, instead, it may result in public misinformation about the legal

system because of the sensationalist publishing style. To sum up, a legal proceeding which is presented largely as entertainment, a frenzy media establishment about catching legal news, and an attentive public together constitute a tabloid justice atmosphere (Fox, R., Sickel, R., Steiger, 2008). The public increasingly interacts with the legal proceedings and judicial decisions through the presentations of the media (Greer & McLaughlin, 2012). In other words, the media enables the public to engage with the legal proceedings and provide the public with the data and framework to interpret the judicial decisions. On the other hand, the media enables the judges to learn about public opinion on significant issues. The media, then, is a part of the process of the construction of the reality within the interrelation of the judiciary and the public.

1.1. JUDICIARY AS A POWER OF THE STATE

The emergence of the state within the social life and its functions have been the ground of the social conflicts and one of the most important issues of the philosophical thought. Since the state is the ground on which the theory and the practice of the judiciary develop, the concept of the state should be mentioned as an introduction to the topic of the judiciary.

The state is an institution which represents the whole country with its land and the people (Büyük, 2014; Kışlalı, 1987). It has a legal entity and embodies it through the medium of various institutions by using its organs. Three multiple organs perform the functions of the state and use its powers in the name of the public.

Although the forms and contents of the operations of the state's organs differ, there are all the reflections of the statecraft, and a statecraft is a unit (Büyük, 2014). However, the unitary statecraft has multiple functions to reflect its rulership, and the organs to perform the functions. For instance, to legislate is one of the functions of the state, and the legislative organ is the organ of the state which has a mission to perform the legislative function.

Aristotle identified three functions or powers of the state, and this categorization

has been accepted today since the ancient ages (Aristoteles, 1993). He stated that the functions of the state are the deliberative, the magisterial and the judicative functions. The deliberative function of the state is to think and debate the nationally important issues. The magisterial function includes all the missions and authorities of the state to operate. The third function is the judicative function which resolves disputes by rendering decisions.

Although Aristotle identified three separate functions or powers of the state, he did not suggest that these powers should be exercised by different organs. Still, his categorization underlies the modern identification and the doctrine of separation of powers (Büyük, 2014). However, since Aristotle and the modern era, the functions of the state and their missions have been argued broadly in political philosophy and the divergence on this issue derived from the dissidence on the source of the law.

1.2. THE SOURCE OF THE LAW AND THE DOCTRINE OF 'SEPARATION OF POWERS'

There have been various theories during the course of the history regarding the source of the law. For a very long time, a divine approach had dominated the theoretical literature on this issue. Platon asserted that the source of the social system and the law is God, by stating 'God is the measure of everything' (Büyük, 2014; Plato, 1971; Akın, 1974). Thomas Aquinas was also one of the vigorous advocates of the divine approach. According to him, God not only is the creator of the universe but also the source of the law (Cassirer, 1984). This approach had been widely adopted and used to legitimate the monarchies for a long time in history. Later, a consensus has been established since the Enlightenment Era that the source of the law is simply not God (Büyük, 2014). However, the debate had continued between those who prefer the individual and those who prefer the state.

The natural law theorists Hobbes, Locke, and Rousseau claimed that the state is a legal entity which the individuals in the wildlife create by transferring certain rights in order to maintain their safety (Kışlalı, 1987). However, they do not have a consensus about which rights are transferred to the state and in what limits they do

so. Therefore, all three have different claims about the source of the law.

Thomas Hobbes denies the thesis of separation of powers by defending a unitary authority (Hobbes, 1993). According to him, individuals have only the rights which are bestowed upon them by the positive law. Law belongs to the state and therefore the state has the right to interpret and exercise the law in the way it wills. Individuals do not have a right to object to the state or the chief of the state because it means to deny the aim to be safe which is the ideological ground of the state's constitution. On the other hand, he accepts an exception for the right to live and draws the line in a way that individuals' right to live is the one right the state cannot violate.

According to John Locke, the public has entered into a social contract and transferred only the right to judge and to punish to the state in order to end the wildlife in which the freedom of the individuals could not be provided (Göze, 2011). In this way, the wild public became a civilization and the state forms an institution which has the power to protect the individuals and their freedom (Akın, 1974; Büyük 2014). Locke accepts the legislative organ as the representative of the sovereignty and the superior power of the state. Further, he states his concern by acknowledging that people have a weakness toward the power. Therefore, he warns people that the mission of exercising the law should not be given to the legislative organ, instead it should be given to the executive organ which hinges upon the law and is accountable to the legislative organ. He expresses his concern about the union of powers and states that despotism is the biggest danger for a state and that it arises from the union of the legislative and executive power in one hand. Therefore, the separation of power is vital for the state in order to accomplish its *raison d'être* (reason for being) which is to protect the freedom of individuals. In Locke's conception of separation of powers, the judicial functions are within the legislative organ, and the third organ is the federative one whose mission is to deal with the foreign policy (Göze, 2011).

As is seen, Locke identifies three functions of the state which are performed by separate organs as Aristotle did. However, contrary to Aristotle, he identifies the

third function as federative function and categorizes the judicial function under the legislative function. Additionally, in Locke's view, the three organs are not assumed by three equally operating organs, instead, the legislative organ is supreme (Büyük, 2014).

Locke's ideas were inspired Montesquieu, and he had become the scholar who has developed the theoretical formulation of the doctrine of separation of powers in a complete manner (Göze, 2011; Büyük, 2014). In contrary to Locke's categorization, Montesquieu categorizes the powers similar to that of Aristotle's: Legislative, Executive, and Judiciary, as today's modern theory of the state also accepts (Montesquieu, 2001).

Montesquieu's political theory is based on the separate powers which balance each other to prevent the state power from concentrating in any one's or interest groups' hands. Only in this way, the peace in the public can be maintained and the freedom of individuals can be protected. In Chapter 6 of his book 'On the Spirit of Laws' he summarizes his motive as follows:

> *"When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.*
>
> *Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression.*
>
> *There would be an end of everything, were the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals." (Montesquieu, 2001, p. 173)*

As is seen, Montesquieu attaches importance to the judiciary power in his concept and emphasizes the separation of the judicial power from the other two. He also makes suggestions to ensure such separation, stating that the judiciary power should be performed by the justices who are elected by the public. The justices should not perform this job continuously because if the same people perform the justice mission continuously, the concentration and union of the powers might occur easily (Özkal Sayan, 2008). Montesquieu's exposition of the doctrine of the separation of powers has had a profound influence on political and legal thought and its impact had been seen on various constitutions (Büyük, 2014; Sam J. Ervin, 1970).

Jean-Jacques Rousseau, the third natural law theorist along with Locke and Hobbes, denied the doctrine of separation of powers. The people's will is the only power for him, and it cannot be divided (Göze, 2011). According to Rousseau, the people's will constitutes the total of the individuals in the public, and the decisions are made by the total of all the individuals' preferences. In this way, the minority would obey the decision of the majority and would be free due to obeying the law which they participate in its creation (Rousseau, 1994). As is seen, Rousseau's conception of sovereignty is different from both Locke's and Hobbes's conceptions. In Hobbes' conception, the public creates a legal entity (the state) and transfers all sovereignty to it. In Locke's conception, the public transfers limited sovereignty for limited purposes. On the other hand, Rousseau accepts the sovereignty merely as the people. The people cannot transfer their sovereignty to any entity because it is neither transferable nor separable (Büyük, 2014; Sam J. Ervin, 1970). Therefore, Rousseau denies the separation of power and asserts that the legislative function is the superior authority which directly belongs to the people. The executive and judiciary functions should perform as the special organs of the state, but they are also under the people's will (Sam J. Ervin, 1970).

Although Rousseau's conception of the sovereignty can be accepted and taken advantage of by the despotic regimes of the modern era, the modern theory of democracy accepts the separation of powers doctrine laid out by Aristo and developed by Montesquieu (Göze, 2011). Accordingly, the state has three functions

and these functions are performed by three separate organs: legislative, executive, and judiciary. The legislative organ passes laws, executive organ administers these laws, and judiciary organ secures the justice by resolving disputes. These three functions of the state should be separated and appointed to different organs in order to maintain a rightful government.

1.3. INDEPENDENCE AND IMPARTIALITY OF THE JUDICIARY

The judges are the protector and assurance of human rights in a state of law. The independence of the judiciary is vital for the judges to achieve their mission. Therefore, as Montesquieu emphasized, the independence of the judiciary from the legislation and execution is the most fundamental issue of the separation of powers.

The term of 'independence of the judiciary' is defined as no one, no institution, or no organ of the state can affect and interfere in the courts or judges in performing their judicial powers (Erdoğan, 1998). It is prescribed in the international legal documents that the independence of the judiciary shall be guaranteed by the state and enshrined in the constitution and the legislation of the country. It was first prescribed in 1776 in the Virginia Declaration of Rights Section 5 as "the legislative and executive powers of the state should be separate and distinct from the judiciary" (Virginia Declaration of Rights, 1776; Özkal Sayan, 2008). Later, the right to a fair trial "*by an independent and impartial tribunal established by law*" was guaranteed by the European Convention on Human Rights (article 6), the Universal Declaration of Human Rights (article 10), and International Covenant on Civil and Political Rights (article 14).

The independence of the judiciary refers to the independence of the judges in a perceptible manner. In this regard, the independence of the judiciary means that the judges shall be free and they will not be under any pressure or interference while making judicial decisions. The judges shall decide on the basis of facts and in accordance with the law, without any direct or indirect restrictions, influences, pressures or threats (Sam J. Ervin, 1970).

This concept of independence may be in different forms in various circumstances. For instance, the independence shall be from the other state organs and also from the colleague judges. Moreover, individual independence of the judges and the institutional independence of the judiciary as an institution shall remain together (Özkal Sayan, 2008).

Alongside the independence, the impartiality of the judiciary is also vital for the ideal operation of the judiciary in a state of law. The impartiality of the judiciary is the complement of the independence of it (Özkal Sayan, 2008). The impartiality of the judiciary means that the courts or the judges shall not have a prejudice against or for any of the parties. It requires that the judges should give their verdicts objectively and in accordance with the law without any influence including their personality, personal beliefs, ideology, and world-view (Türkbağ, 2000). This acceptance of the impartiality of the judiciary as the requirement of eluding the personal and environmental effects completely had been accepted without being questioned for several years. However, in the 20th century, the legal realism approach questioned whether the impartiality is possible in this broad framework (Edward A. Purcell, 1969)**.**

1.4. THE QUESTION OF LEGAL REALISM: IS A JUDICIARY WHICH IS FREE FROM INFLUENCE POSSIBLE?

The United States had experienced significant social and economic changes in the early 20th century (Türkbağ, 2000; Edward A. Purcell, 1969). In this dynamic era, the American thought evolved in a pragmatic, empirical, and realist way. The famous grounds of the constitution, namely natural law principles, had been questioned and lost favor because of not being able to prevent injustice and instability (Türkbağ, 2000). In this manner, the positivist approach which admits the law as a system of norms had been begun to be questioned.

Oliver Wendell Holmes, in his book 'The Common Law', stated his critics against the acceptance of law as only a logical practice of norms (Holmes, 1881; Türkbağ, 2000). His critics were adopted by young scholars in 1920s and 1930s, and an

intellectual movement called legal realism has emerged (Gürkan, 1967). Legal realists asserted that the general theory of law is incomplete because it focusses on the norms and accepts that the law is simply to practice the given norms into real-life cases. They questioned the acceptance that judicial decisions are the logical results of laws (Bybee, 2013). They asserted that the judges make their decisions in accordance with their own preferences, and the norms are being used only to rationalize the given decisions. They defined the main determinant of the judicial decisions as characteristics of the judges or the environment in which they live such as environmental conditions, character, various interests, libido, and ideology (Türkbağ, 2000).

It is obvious that this approach represents a radical shift in means of understanding the law from the safe process in which the judiciary practices the given logical norms to the uncertain process in which many factors are involved such as the personal beliefs and prejudices of the judges (Türkbağ, 2000). Legal realists assert that researching how the legal decisions are made is vital to understand this uncertain process and that various sciences should be used in this research, especially psychology, sociology, and statistics (Gürkan, 1967).

CHAPTER II
THEORETICAL FRAMEWORK

Starting from a legal realist point of view, the judiciary's relationship with the media and therefore the public opinion is examined in this study. Specifically, the mediatization of the judiciary is aimed to be observed by applying the mediatization theory and public opinion theory within the communication sciences.

2.1. PUBLIC OPINION THEORY

The concept of "public" had been the heart of many debates related to democracy since the ancient times, even though the definition and the content of the term have changed during the centuries. In ancient Greece, whether the public is competent to direct the political issues was questioned (Aristoteles, 1993; Plato, 2006), and in the eighteenth century, the concept of "public opinion" emerged and was recognized as a main political force by prominent political theorists such as Rousseau, Tocqueville, Bentham, Lord Acton and Bryce (Oberschall, 2004; Price, 2004). The recognition of the importance of the term in the eighteenth century is related to the social, political and economic atmosphere of the Enlightenment in which the growth of literacy, development of Merchant classes and the Protestant Reformation occurred (Price, 2004). The liberal ideas, critics and political interests of Merchant classes were argued in the popular intellectual salons of this age, and public opinion was recognized as a new source of authority and legitimacy (Price, 2004; Habermas, 1989; Mill, 1937; Rousseau, 1994). This recognition of the new source of authority by a powerful class was a trigger to replace the monarchies with democracies. In the excitement of this era, the early usages of the public opinion term used to refer to an expression of the common will which balances the actions of the state for the common good (Rousseau, 1994; Locke, 2005). Afterward, the term has been developed from the expression of a shared will to harmony of interests of individuals who intend to maximize their own benefits. This realist point of view asserts that members of the public have different interests, and therefore

there would not be a commonly shared will in every issue. Therefore, the problem of conflicting interests of individuals could be solved by a ruling of the majority which requires regular elections and plebiscite (Price, 2004). It is obvious that these democracies showed a significant difference from the democracy in ancient Greece. The enlightenment democracies and the later generations of them have not functioned by classical assemblies that were constituted of the public but of the representatives of the public. This means a distant relationship which is based on mediated information.

Lippmann questioned the system by arguing the citizen competence to rule again in the 1900s, like the ancient Greece philosophers. Lippmann asserts that the public is unable to process information rationally (Lippmann, 1922). He argues that the citizens know the environment in which they live indirectly by referring to Plato's allegory of the cave (Moy & Bosch, 2013). He states that *"the real environment is altogether too big, too complex, and too fleeting for direct acquaintance"* and citizens are *"not equipped to deal with so much subtlety, so much variety, so many permutations, and combinations"* (Lippmann, 1922, p. 16). Therefore, citizens rely on the shadows which fall beyond them on the wall of the cave to understand the world, which is the media content in today's world (Moy & Bosch, 2013). Since citizens cannot directly face the political issues, controversies, and even most of the daily incidents about the public, the media is the shadow of the wall which citizens use to get information from the outside world. In this manner, the media is a vital element of occurrence, construction, and shaping of public opinion (Schoenbach & Becker, 1995; Callaghan & Schnell, 2001).

The role of the media on constructing the public opinion was discussed as a subject of the studies of media effects in the early twentieth century. The earliest conception was an all-powerful media that is accepted as having direct and powerful effects on people. This theory is called the hypodermic needle model or the magic bullet theory and triggered the beginning of a research field on propaganda after World War I (Laswell, 1927). In the second half of the twentieth century, the conception of the media effect transformed into a two-step flow model. It is asserted that the

media does not affect citizens directly but influence them by affecting the opinion leaders of the public who are accepted as trustworthy (Lazarsfeld, Berelson, & Gaudet, 1948; Katz, 1957). After the 1970s, both of the theories lost their popularity in the academic area. Instead, the concept of 'contingent media effects' was occurred, which means that powerful media effects are not valid all the time for every individual, but some of the time for some individuals (Moy & Bosch, 2013). In this framework, the terms of agenda-setting, priming, and framing were emerged to understand the relationship between the media and public opinion.

2.1.1. Agenda-Setting, Priming, and Framing

Agenda setting is the media's power to influence the agenda of the public, in other words, what the public thinks about (McCombs & Shaw, 1972). 'Agenda setting' acknowledges that the media chooses the topics to be covered in the news, and these topics will be what the public thinks about. In this way, the media sets the agenda of the public. Researchers have investigated agenda-setting for both short-term and long-term issues such as war on drugs, local or national issues, and entertainment content. They have found that the objective importance of the issue is irrelevant; the focus of the media determines the most important issue of the day for the public (McCombs & Shaw, 1972). For instance, if the media focuses on a legal case intensely, the public would perceive the case as the most important issue of the day and continuously think about it, leaving aside security, education, or poverty.

This effect is also contingent in that differences among individuals may moderate agenda-setting effects (Miller & Krosnick, 2000; Tsfati, 2003; Wanta, 1997). For instance, interpersonal discussion, one's education levels and one's perceptions of media credibility can enhance or dampen agenda-setting effects (Wanta & Wu, 1992).

Priming is another concept on the media effects, which is an extension of agenda-setting. It refers to the media's power to affect the changes in the standards by which individuals make assessments (Iyengar & Kinder, 1987). For instance, the more attention paid into an issue, the more the citizens evaluate it when they are about to

make a decision (Iyengar & Kinder, 1987).

Finally, framing refers to providing a frame which includes the meaning of the social phenomenon by presenting and emphasizing information (Moy & Bosch, 2013). Tewksbury and Scheufele explain it as "*the primary effect of (that) frame is to render specific information, images, or ideas applicable to (that) issue*." (Tewksbury & Scheufele, 2009).

These theories which are summarized above was produced in relation to the mass media and the public opinion. However, the mass media and the public sphere have evolved greatly after the emergence of the internet. Moreover, a totally new communication media has emerged since, which is called the new media. The new media has created a space for the audience in which they have transformed from being the consumers to being the producers of the media content. Its interactive structure enables the public to comment on or criticize a given issue, and even to create a new issue by adding meaning and news value to an event (Zhou & Moy, 2007). It means that the concepts of agenda-setting, priming, and framing could not be accepted as one-sided effects anymore. Individuals, online journalists, interest groups, and activist groups can focus on the topics which are ignored by the mainstream media or evaluate the given topics in various point of views. On the other hand, it is not realistic to accept the new media as a totally independent frame building sphere because the traditional media is still the major source of information in means of political and social news. In this sense, although the users of the new media (netizens) can produce their own products, there is also an established line which has been drawn by the traditional media in most issues. In other words, the realistic view is to accept that netizens still mostly depend on the traditional media (Zhou & Moy, 2007).

2.1.2. Public Opinion and Judicial Behaviour

The points mentioned above are related to the relationship between public opinion and the media. There have been also studies on the one between public opinion and judicial behavior. The literature offers two types of explanation for a linkage

between public opinion and judicial behavior: strategic behavior and attitudinal change (Giles, Blackstone, & Vining, 2008).

2.1.2.1. The Strategic Behaviour Explanation

The strategic behavior explanation asserts that justices modify their behavior according to public opinion to protect institutional legitimacy.

McGuire and Stimson under the title of 'rational anticipation' assert that "*... a Court that cares about its perceived legitimacy must rationally anticipate whether its preferred outcomes will be respected and faithfully followed by relevant publics. Consequently, a Court that strays too far from the broad boundaries imposed by public mood risks having its decisions rejected. Naturally, in individual cases, the justices can and do buck the trends of public sentiment. In the aggregate, however, popular opinion should still shape the broad contours of judicial policymaking."* (McGuire & Stimson, 2004, p. 1019).

It is important to notice here that the justices do not change their personal preferences, but instead, they merely change their behavior strategically in accordance with public opinion (McGuire & Stimson, 2004).

2.1.2.2. The Attitudinal Change Explanation

This explanation asserts that judges are merely 'black-robed homo sapiens' and therefore cannot exclude their own preferences from their decision making (Ulmer, 1970, p. 580). Moreover, judges' preferences may be shaped and revised by social forces including public opinion.

Legal scholar and former associate justice of the United States Supreme Court, Benjamin Cardozo declared this point of view by stating that:

> *"I do not doubt the grandeur of the conception which lifts them [judges] into the realm of pure reason, above and beyond the sweep of perturbing and deflecting forces. None the less, if there is anything of reality in my analysis*

of the judicial process, they do not stand aloof on these chill and distant heights; and we shall not help the cause of truth by acting and speaking as if they do. The great tides and currents which engulf the rest of men do not turn aside in their course and pass the judge by." (Cardozo, 1921, p. 167-78) (Giles et al., 2008).

There have been various studies on this issue in later years. It has been observed that the attitudes of some U.S. Supreme Court justices have shifted significantly over time (Baum, 1988; Ulmer, 1973), and the attitudinal change of justices may be more common than it is generally assumed (Epstein, Hoekstra, Segal, & Spaeth, 1998). Mishler and Sheehan argue that *''…the attitudes of some justices occasionally may change, consciously or not, in response to either fundamental, long-term shifts in the public mood or to the societal forces that underlie them"* (Mishler & Sheehan, 1996, p. 175).

Giles, Blackstone, and Vining also came to the conclusion that justices' preferences shift in response to the same social forces that shape the public opinion (Giles et al., 2008). As is seen, the attitudinal change explanation accepts that the observed responsiveness to public opinion is not the result of the strategic behaviors of justices, but instead of the justices' changing preferences in parallel to the public opinion.

To sum up, it is observed in many studies that public opinion has a role in judicial decision making. However, it is not possible to accept to a certainty whether such a role is in the form of a strategic choice of the justices or an attitudinal orienting. It may be an attitudinal orienting but justices may simply make strategic choices to protect the institutional legitimacy or merely their own reputation and even careers in different circumstances. After all, the judiciary is not an institution which merely practices written formulas. Since it consists of justices which are human beings, justices' preferences and the stimuli of their preferences such as public opinion is likely to be effective in the decision-making process. The media, then, as a transmitter between the judiciary and the public as explained before, should also

have a role in the judicial making process. Since the media has saturated both the public and the institutions, this study does not examine the media and the judiciary but the mediatization of the judiciary.

2.2. MEDIATIZATION THEORY

The term "mediatization" began to be used in the early 20th century, and since then it is a concept which has been discussed in a variety of research fields. In 1933, Ernest Manheim wrote about the 'mediatization of direct human relationships' in his post-doctoral thesis. He uses this term in order to describe the changes in social relations that are marked by the mass media (Manheim, 1933 cited in Hepp & Krotz, 2014). Jean Baudrillard emphasized the mediation of information by stating that information is mediatized because there is no measure of the reality behind its mediation (Baudrillard, 1995 cited in Hepp & Krotz, 2014). Medium theorists also pointed out the concept of mediatization. In the early 1950s, Harold Innis argued that communication media plays an important role in shaping the modern societies (Heyer, 2003 cited in Lundby, 2009). In the 1960s, Marshall McLuhan asserted that the implosion driven by the electronic media following the explosion of the print media transformed social relations and therefore, societies (McLuhan, 1994 cited in Hepp & Krotz, 2014). In the 1970s and 1980s, Jesus Martin Barbero discussed the mass media in terms of communication and hegemony (Barbero 1993 cited in Hepp & Krotz, 2014), and John Thompson discussed that the symbolic forms change the forms of communication and interaction (Thompson, 1995 cited in Hepp & Krotz, 2014). In 1995 in Germany, mediatization-related concepts like 'mediatized communication' started to be used (Krotz A. H., 2013). Then, two traditions of mediatization research emerged.

2.2.1. Two Traditions of Mediatization Research

There have been two traditions of mediatization research: an 'institutionalist tradition' and a 'social-constructivist tradition' (Hepp, 2013).

2.2.1.1. Institutionalist Tradition

In the 'institutionalist tradition', the media is understood as an independent social institution that has its own sets of rules. Mediatization, then, means the adaptation of different social fields to these rules. These sets of rules are described as a 'media logic' by some scholars. In the late 1970s and early 1980s, David Altheide and Robert Snow asserted that media power does not simply originate from institutional resources, rather originates from the way that individuals interrelate with media. From that point of view, they create the term "media logic" which is a logic that people adopt, and they accept this as the cause of media power (Altheide, 1979, p. 237). Alike Altheide and Snow, Hjarvard accept the term of mediatization as a concept of interaction rather than a concept of form. He defines mediatization as "a process through which core elements of a social or cultural activity (like work, leisure, play etc.) assume media form" (Hjarvard S. , 2004, p. 48) and he detailed this definition by stating that mediatization is *"the process whereby society to an increasing degree is submitted to, or becomes dependent on, the media and their logic. This process is characterized by a duality in that the media have become integrated into the operations of other social institutions, while they also have acquired the status of social institutions in their own right. As a consequence, social interaction-within the respective institutions, between institutions, and in society at large- takes place via the media."* (Hjarvard S. , 2008, p. 113). To be clear, Hjarvard asserts that in the mediatization process, the media becomes integrated into the practices of other institutions, thus culture and society become increasingly dependent on the media and its modus operandi or namely "media logic", but at the same time the media acquires a semi-independent institution status. This duality is one of the major characteristics of Hjarvard's mediatization approach.

On the other hand, Mazzolini regards media logic a little bit differently. He does not see the mediatization in means of format, instead, he assumes the mediatization to refer to 'the whole of [the] processes that eventually shape and frame media content' (Mazzoleni G., 2008 cited in Lundby, 2009, p.8). Additionally, he admits that media logic consists of commercial logic, technical logic, and cultural logic

(Hjarvard S. , 2008).

Winfried Schulz was the one who made a specific explanation in regard to the role of the media on social change. He defined four processes of social change in which the media play a role, namely extension, substitution, amalgamation and accommodation (Schulz, 2004).

Firstly, he asserts that although human communication is limited in terms of time and space, the media extend these natural limits by serving as a bridge in different zones of time and space (extension).

Secondly, the media substitute social activities and institutions partly or totally and change their character in this way (substitution). For example, telephone, email and SMS substitute face-to-face communication and writing letters, watching television substitute family interaction. These examples, also show that substitution and extension can go hand in hand.

Thirdly, the media and non-media activities amalgamate, and therefore the media become an integral part of the social, cultural and professional sphere. For example, we listen to the radio while driving, watch television during dinner and have a date in cinemas. As a result of it, the media's definition of reality amalgamates the definition of reality in social life (amalgamation).

Fourthly, institutions, organizations and various actors in different spheres such as economy, politics, and entertainment have to accommodate the way of operation of the media (accommodation). For instance, political actors try to adapt to the rules of the media to increase their publicity.

Schulz declares that these four processes of change are together a description of mediatization. However, he warns us by saying that they are components of a complex process and not exclusive. It is important that he states that the concept of mediatization should emphasize interaction and transaction processes in a dynamic perspective to go beyond a simple causal logic. This point of view differentiates

him from the media logic acceptance of the institutionalist approach and locates him between the institutionalist approach and the social-constructivist approach.

Some scholars rightfully criticize the institutionalist approach in means of lack of specificity about the social ontology. As a matter of fact, this approach does not clarify how the social world can be accepted to be transformed by the media directly and if all spheres of the social world influence the same and only media logic (Hepp & Krotz, 2014). According to the field theory of Pierre Bourdieu, the space of the social is differentiated into multiple fields of competition such as politics, education, and law. Taking this into account, it may not be so convenient to accept that a single media logic transforms these whole social fields (Lundby, 2009, p. 101-119).

Ruthenbuhler also raises some important questions about the acceptance of the media logic and the accepted cause-effect relationship in the mediatization process. He asks that *"...if Protestantism was the result of the unfolding of some inward logic of writing or books or printing, though, then why do the three great religions of the book have such different relations with the printed word?"* and "*Why did it not produce the industrial revolution in China or Korea, where moveable type was known before Gutenberg's invention?*" (Rothenbuhler, 2009, p. 288). Then he states "*perhaps the logic is not the medium but in the communication. Perhaps the inner logic of the medium as such, its technological nature, is not the most important influence. As a technology, each medium offers constraints and possibilities; there are things that are more difficult to do and those that are easier. What gets done is still a social choice shaped at least as much by its social situation as by the medium as such. The printing press may "want" to reproduce large numbers of copies, but it cannot and will not do so unless there is a social use for large numbers of copies. It is the cultural value placed on the Bible, a rising cultural interest in individual study and knowledge, and a sense of a new religious movement that led to the Bible being printed in large numbers-not the wants of the printing press*" (Rothenbuhler, 2009, p. 288).

Ruthenbuhler's examples and questions illustrate that the mediatization cannot be degraded into a single media logic. It is a general process that may be observed differently in different institutional, historical or social spheres. Therefore, it is necessary not to think the mediatization in the barriers of cause and effect (Lundby, 2009, p. 9).

2.2.1.2. Social-Constructivist Tradition

Contrary to the 'media logic' argument of Hjarvard, Altheide, and Snow, some other scholars including Knoblauch, Krotz, Lundby, Berger, and Luckman opposed to a given and unitary 'media logic'. They argued that the media is both highly diversified and deeply embedded in social relations, and therefore does not follow any specific 'logic' (Lundby, 2009). According to the social- constructivist tradition, the media is a part of the process of the construction of social and cultural reality. Mediatization, then, means the process of the construction of socio-cultural reality by communication. Knut Lundby stated that the media is a part of the process of the construction of social and cultural reality by saying that "*it is not viable to speak of an overall media logic; it is necessary to specify how various media capabilities are applied in various patterns of social interactions"* and that *"a focus on a general media logic hides these patterns of interaction*" (Lundby, 2009, p. 117).

Friedrich Krotz understands the mediatization as one of the meta-processes such as individualization, commercialization, and globalization. He states that "*as today; no institution can be understood without taking the media into account*." (Krotz F. , 2009, p. 22). Krotz is not concerned about if there is a media logic which transforms the social and cultural world. Instead, he acknowledges that the media is relevant for the construction of everyday life, society, and culture as a whole (Krotz F. , 2009, p. 24).

In this context, the mediatization illustrates a meta-process "*whereby the media in their totality (forms, texts, technologies, and institution) saturate all spheres of life regardless of whether one uses a particular form of media (say, social media) or*

not" (Christensen, 2014). Since the media is something that we live inside, to accept the mediatization as a meta-process is a healthy choice both in an ontological way and to investigate its acceptance in different social spheres.

2.2.2. Dating the Mediatization Process

In regard to the history of the mediatization process, John Thompson asserts that the origins of the mediatization began in the 15th century when the printing press was invented and media organizations were established (Thompson, 1995 cited in Hepp & Krotz, 2014). On the other hand, Hjarvard assumes mediatization to be bound to the recent phase of history that he called 'media age'. He suggests that the media has become the leading societal institution of key importance to all sectors in the last decades of the 20th century in highly modern and mostly Western societies. He states that "*This is the historical situation in which media at once have attained autonomy as a social institution and are crucially interwoven with the functioning of other institutions.*" (Hjarvard S. , 2008, p. 110).

However, it is not easy to date the mediatization to a specific time. It is safe to assume that mediatization is a long-term process than a dateable historic event (Krotz F. , 2009). The media is a medium that modifies communication. Since communication happens by using signs and symbols, people have used and referred to the media to communicate since they first began to communicate with each other, and the media has become relevant for the social construction of reality. Thus, every communication has been mediatized, and social and cultural realities have been dependent on the media. Therefore, mediatization is not a new phenomenon, and it is an ongoing, long-term meta-process.

On the other hand, there may have been a decisive shift in its recent period, and it may process fast by the help of modernization, urbanization, secularization, and individualization (Krotz F. , 2009). According to Habermas, mediatization is also connected to bureaucratization and commercialization (Habermas, 1987). In the contemporary world, all major social and cultural issues directly implicate the media. Science, family, law, and even love correlate with the media. Since there is

no media-free zone, the mediatized and non-mediatized versions of something cannot be measured and compared entirely.

2.2.3. Mediatization of the Judiciary

As mentioned above, the mediatization illustrates a meta-process whereby the media in its totality saturate all spheres of life (Lundby, 2009; Krotz F. , 2009). It means that today no institution can be understood without taking the media into account (Krotz F. , 2009, p. 22). From this point of view, there have been a variety of studies on the media and various institutions, including the judiciary. As mentioned under the title of 'Judiciary, Public Opinion and The Media', the studies which focus on the relationship between the media and the judiciary are mostly based on the representations of judicial decisions and nominations in the media (Fox, R., Sickel, R., Steiger, 2008; Greer & McLaughlin, 2012; Petersen, 1999; Rose & Fox, 2014). For instance, in their study 'Framing Supreme Court Decisions: The Mainstream Versus the Black Press', Clawson, Strine Iv, and Waltenburg questioned whether the black press frame the U.S. Supreme Court's decisions differently than the mainstream press. They selected a popular case on race discrimination and examined the articles about it from the selected sample of mainstream and black press. They compared the media contents in various points such as the number of articles, comments on the judges and the individuals, and the points that were focused on (Clawson, Strine Iv, & Waltenburg, 2003).

Bryna Bogoch and Yifat Holzman-Gazit have contributed a lot to this field. Alike the previous study, Bogoch and Holzman-Gazit, in their study of 'Promoting Justices: Media Coverage of Judicial Nominations in Israel', compared the judicial nomination news of two Israeli newspapers with the news from preceding years of the same newspapers and to the patterns of U.S. press regarding the U.S. judicial nominations (Bogoch & Holzman-Gazit, 2014). They also examined the media representation of the Israeli High Court of Justice in the popular and elite press in another study, 'Mutual Bonds: Media Frames and the Israeli High Court of Justice' (Bogoch & Holzman-Gazit, 2008).

There are only a few studies which try to understand the media-judiciary relationship by not only focusing on the media but also on the legal sphere and conceptualizing 'the mediatization of the legal sphere'. For example, Anat Peleg and Bryna Bogoch's 'Removing Justitia's Blindfold: The Mediatization Of Law In Israel' is one which focuses on the legal sphere instead of the media. In this study, many journalists, judges, and attorneys were interviewed, and the mediatization process of the judiciary was investigated through their experiences and comments (Peleg & Bogoch, 2012). They also examined, in 'Mediatization, Legal Logic and the Coverage of Israeli Politicians on Trial', the news from the two top newspapers which cover the five cases about significant politicians from 1961 to 2012 and compares the media content and discourse change during time. Additionally, they examined the mediatization of legal coverage and conceptualized the characteristics of the mediatization of legal coverage as dramatization, criticism, and self-reflection by the media (Peleg & Bogoch, 2014).

Franziska Oehmer's 'Jurisprudence in the Media Society. An Analysis of References to the Media in the Swiss Federal Criminal Court's Decisions' is another study which focused directly on the legal sphere (Oehmer, 2016). In her study, Oehmer identifies the references towards the media in Swiss Federal Criminal Court's decisions since 2004. She codes *"every statement that refers to a) the media in general (press, TV, radio, social media), b) to certain media formats (names of newspapers, TV channels, radio stations, online news websites…), d) to journalists or d) to the general public/public opinion in order to 1) justify the Court's own rulings or to 2) summarize the pleadings of the advocates"* (Oehmer, 2016) as media reference and analyses the relevance of the media for the judiciary.

Inspired by the aforementioned works, this study aims to observe the mediatization process of the judiciary in Turkey. The author regards the media as a part of the construction of social and cultural reality together with the social and cultural sphere, adopting the social-constructivist approach. However, like Krotz, whether a media logic occurs or not is not the concern of this study as it focuses instead on the interrelation between the media and the institutional (judicial) sphere (Krotz F.

, 2009). In this way, Shulz's four processes of mediatization on social change and the acceptance of dependency on the media (Schulz, 2004) are taken into account without accepting a single media logic and a cause-effect relationship.

CHAPTER III
METHODOLOGY

The mediatization research aims to investigate the interrelation between the change of media and communication on one hand, and the change of culture and society on the other in a critical manner (Hepp, 2013). From the aforementioned theoretical conceptions of the mediatization, Friedrich Krotz conceptualizes the mediatization as a concrete way to apply in a research in real life (Hepp & Krotz, 2014). He accepts mediatization as a 'meta-process' of change like globalization, individualization, and commercialization (Hepp & Krotz, 2014) and admits that communication takes place more often, in more parts of life and in relation to more topics than merely media communication (Hepp, 2013). Starting from this approach, this study accepts the concept of mediatization not as an abstract and context-free phenomenon but instead as a meta-process which takes place in the spheres of institutions, social and cultural lives and tries to examine it empirically.

However, researching the mediatization empirically is not a simple process both methodologically and practically. As Andreas Hepp points out, *"the present mediatization is characterized by the fact that the various 'fields' of culture and society are communicatively constructed across a variety of media at the same time.*" (Hepp, 2013, p. 7). For instance, politics is not only mediatized by any one kind of media such as print media or television but by a variety of media at the same time including social media and mobile communication.

Andreas Hepp and Friedrich Krotz suggest a perspective of accepting 'mediatized worlds' concept to overcome the difficulty of mediatization research. This perspective suggests researching various 'social worlds' (Shibutani, 1955; Strauss, 1978) or '*socially constructed part-time-realities'* (Hitzler and Honer, 1984, p. 67) which mediatization becomes concrete (Hepp, 2013). In other words, Hepp and Krotz argue, by applying Strauss and Shibutani's arguments of social worlds, the mediatized worlds should be analysed in order to research mediatization

empirically because to research the mediatization of a culture or society as a whole is impossible (Hepp & Krotz, 2014).

There are three aspects of mediatized worlds which can be used to define them. Firstly, mediatized worlds are articulated by mediated communication networks. These communication networks exceed with increasing mediatization and extend beyond spaces. For instance, the mediatized world of stock exchange dealings not only takes place in the stock exchange building but at every place where individuals can trade their stocks via various media. Secondly, mediatized worlds exist on various scales. Anselm Strauss declares that Shibutani's concept of social worlds is very promising for empirical research because they can be studied at any scale from the smallest to the largest (Strauss, 1978, p.126). Thus, the concept of mediatized worlds as an example of the concept of social worlds can be studied in various scales such as micro, meso, and macro levels. Finally, the third aspect is that mediatized worlds are 'intertwined'. Therefore, researching mediatized worlds implies investigating them both exceeding to each other's mediatized world and establishing lines within each other (Hepp, 2013).

Consequently, the concept of mediatized worlds is a tool to overcome the difficulty of researching mediatization empirically. Besides, a 'non-media-centric' perspective will be better to understand whether or how media saturates political and social fields and practices (Couldry, 2013; Morley, 2009). In other words, it is more productive to focus on something like institutions, practices or aspects of life, and see whether and how mediatization emerged in these contexts.

Andreas Hepp identifies two ways to do this kind of research: 'diachronous' and 'synchronous' way (Hepp, 2013). Diachronous mediatization research means investigating the communicative figurations of certain mediatized worlds at different points in time and compare the results. Synchronous mediatization research means to investigate a single mediatized world only at a certain point of time, especially in certain eruptive moments in the mediatization process such as digitalization. In addition, these approaches to mediatization research are not

mutually exclusive (Hepp, 2013).

This study examines the interrelation between the media and the judiciary. The judiciary is taken into account as a mediatized world and the mediatization of the judiciary was tried to be researched empirically. In this way, the construction of the juridical sphere by the media as in social constructivist tradition and Schulz's mediatization processes are investigated (Schultz 2008). The research is closer to the synchronous way because it investigates a single mediatized world, namely judiciary, almost at a certain point in time. To that end, six legal cases in Turkey that have different legal grounds and which have been popular in the media are selected and investigated in their own processes. To examine the mediatization process, the legal processes on one hand and news and tweets covering such processes on the other are investigated. The source of evidence of the research is documentation, and the units of analysis are websites of the traditional news media and Twitter. The approach is a case study and the research method is qualitative content analysis.

3.1. THE EARLIER RESEARCH: THE METHODOLOGY AND THE FINDINGS

Inspired by the study of F. Oehmer explained above (Oehmer, 2016), in an earlier version of this study, the mediatization of the judiciary was researched by examining the references to the media in the judicial decisions. The decisions of the Constitutional Court on individual applications was decided as the population of the research. This was because almost all of the individual application decisions have been published in the court's website and therefore the research could include most of the decisions rendered by the court, which cannot be done with the other high courts' decisions, namely Court of Appeal and Council of State. Secondly, unlike the other high courts' decisions which are published in short summaries, the individual application decisions of the Constitutional Court have been published in full, allowing us to see both the justification of the judges and the arguments of the parties.

The data was collected by using the stratified sampling method. In this method, the population is divided into homogeneous groups which are called strata and units of analysis are chosen from the stratum (in plural 'strata') by using the simple random sampling or systematic sampling methods. For example, to collect a sample of size 100 from 10 stratum, one can choose 10 samples from each strata. However, if the size of the stratum varies, to select samples which are proportionate to stratum size would be appropriate (Adams, Khan, Raeside, & White, 2007, p. 89). In order to do this, the proportion of each strata in the population is calculated and each of them is represented in the sample in this proportion. Therefore, the sampling validity is high in this method (Bryman, 2004; Vaus, 1990; Morse, 2004; Neuman, 2010; George, 2003; Gökçe, 2006; Gökçe, 2012; Hansen, 2003; Jupp, 2006, p. 290).

The population of the earlier research was the individual application decisions of the Constitutional Court. Since the Constitutional Court began to accept the individual applications on 23 September 2012 and made its the first decision on 25 December 2012, the earlier research included the decisions which have been given between January 2013 and December 2017. The population was listed by using the court's official online database. There were 4205 decisions of individual applications between 01.01.2013 and 01.12.2017. 150 decisions were in the year of 2013, 657 decisions in 2014, 955 in 2015, 1274 in 2016 and 1169 in the year of 2017. In this 4205 units, the size of the sample was determined as 300 units of analysis. Applying proportionate stratified sampling method, the number of decisions which were chosen as sample were 11 from 2013, 47 from 2014, 68 from 2015, 91 from 2016 and 83 from the year of 2017.

The samples were randomly selected in equal numbers in each month of each year, and the remaining number of samples were selected from the second month, February. If there was not any decision made in a month or the number of decisions were not enough to select the decided number of samples, the selection was made from the next month in order.

Classical content analysis technique was applied to the collected data, which can be

described as "*a technique for making inferences from a focal text to its social context in an objectified manner."* (Bauer & Gaskell, 2000, p. 133). Classical content analysis is a technique utilized in searching the social reality by deducing from the manifest features about the non-manifest features of it: "*a symbol represents the world; this representation expresses a source and appeals to an audience"* (Buehler, 1934; Bauer & Gaskell, 2000, p. 133). This method is useful to analyze the textual materials empirically, and the materials of content analysis are usually written texts which had been created for other purposes (Bauer & Gaskell, 2000, p. 136).

In the earlier research, the sample was examined, and every statement that refers to the media in order to a) justify the Constitutional Court's decision, b) justify the Trial Court's decision or c) demonstrate the parties' claims in their pleadings were counted as a mediatization indicator. The reference of "the media" indicates the reference to the journalists, certain media formats (TV channels, newspapers etc.), and the media in general (press, TV, radio, social media). Unlike the study of F. Oehmer, the general public opinion references were not counted as a reference to the media unless it was directly linked with the media (Oehmer, 2016).

In conclusion, there was not a single statement that made a reference to the media in order to justify the Constitutional Court's decision, justify the Trial Courts' decision or to demonstrate the parties' claims in their pleadings. This outcome is extremely surprising because the sample included so many decisions which were related to popular criminal cases or political issues. Moreover, some of them were the infamous cases which are widely accepted as examples of trial by media in Turkey such as Ergenekon and Balyoz cases.

3.2. OBSERVING LATENT MEDIATIZATION: IMPORTANCE OF CASE STUDY IN RESEARCHING MEDIATIZATION OF JUDICIARY

The findings of the earlier research raised some important questions in the means of the judiciary's mediatization process and its structure. Apparently, there is no direct indicator of the mediatization in Turkey's most detailed judicial decision

texts, although it is obvious that the media includes a variety of judicial content regarding them. This leads us to the question that whether a latent mediatization occurs in the judiciary by virtue of judiciary's significant position in the state.

As mentioned above, the judiciary's position has huge importance for democracy. The independence and impartiality of the judiciary are vital for maintaining separation of powers, and they require that the judges should give a verdict in accordance with the law only and without any influence including those that originate from their personality, personal beliefs, ideology, or world-view (Türkbağ, 2000). The independence and impartiality of the judiciary are prescribed in both international legal documents and the Turkish Constitution. The significant position of the judiciary in the state and the emergence of the legal obligation for judges to decide without any influence may be one of the reasons that indicators of mediatization are not visible in the judicial decisions.

If there is indeed a latent mediatization of the judiciary, it may only be understood empirically by investigating the process of legal decision-making as a whole. In other words, investigating the mediatization of the judiciary in this environment requires an investigation that not only focuses on the final decisions of the courts but also on the legal processes leading to such final decisions as a whole.

3.3. METHODOLOGY OF THE RESEARCH

As explained above, a case study is the most appropriate approach to investigate the mediatization of the judiciary. Therefore, a case study is conducted by applying qualitative content analysis method for in-depth interpretive analysis.

3.3.1. Case Study Approach

As Yin defines, "*A case study is an empirical inquiry that investigates a contemporary phenomenon in depth and within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident."* (Yin, 2009, p. 18). According to Schramm, *"The essence of case study, the central*

tendency among all types of case study, is that it tries to illuminate a decision or set of decisions: why they were taken, how they were implemented, and with what result." (Schramm, 1971 cited in Yin, 2009). This approach is useful when the aim is to research a relationship between a phenomenon and the real-life context in which it occurs. However, since there are not any standardized techniques of a case study, it has not been accepted as an objective approach by everyone. On the other hand, most scientific inquiries need to be crosschecked by multiple experiments, and even in medicine, the scientific knowledge consists of the results of many multiple cases (Yin 2009).

The ultimate purpose of the case study is to reveal patterns, determine meanings, reach conclusions, and build a theory (Kohlbacher, 2006). In this process, Gillham declares that using multiple sources of evidence is a key characteristic of a case study research because *"[a]ll evidence is of some use to the case study researcher: nothing is turned away"* (Gillham, 2000, p. 20). The data collection and analysis are developed together, and the data may be organized around certain topics and themes in order to search for patterns (Kohlbacher, 2006).

To sum up, a case study is an important and useful approach to explain the causal links in real-life contexts, which are too complex for surveys or experiments, by uncovering the causal links by investigating multiple cases. Accordingly, in this study, six legal cases that have different legal grounds and which have been popular in the media were selected for a multiple case study, and qualitative content analysis method was applied to the research for in-depth interpretive analysis.

3.3.2. Qualitative Content Analysis Method

The word qualitative implies processes, meanings and the qualities of entities which cannot be measured in terms of quantity (Kohlbacher, 2006). Qualitative research methods emerge from phenomenological and interpretive paradigms. They are appropriate to researches which focus on organizational processes and the circumstances which there is no clear-cut objectivity or reality (Cassell & Gillian, 1994). Cassell and Symon assert that only qualitative methods are sensitive enough

to do a detailed analysis of change because quantitative methods are only able to *"assess that a change has occurred over time but cannot say how (what processes were involved) or why (in terms of circumstances and stakeholders)"* (Cassell & Gillian, 1994, p. 5). Therefore, qualitative methods are appropriate to be used when the field of research is unknown or not understood enough yet (Kohlbacher, 2006).

Mayring defines qualitative content analysis as *"an approach of empirical, methodological controlled analysis of texts within their context of communication, following content analytical rules and step by step models, without rash quantification"* (Mayring, 2000, p. 2). A strength of qualitative content analysis is that it is strictly controlled methodologically and the data is analyzed step-by-step (Kohlbacher, 2006). In other words, qualitative content analysis preserves the advantages of quantitative content analysis but apply a more qualitative text interpretation and takes context and other important points into consideration at the same time (Kohlbacher, 2006). As mentioned above, the key feature of the case study is the emphasis on understanding processes. All in all, qualitative content analysis is a suitable method for analyzing data material in a case study research.

3.3.3. A Brief Summary of The Cases

3.3.3.1. Case Number 1: Case of Murat Başoğlu

Murat Başoğlu is a famous anchorman and an actor in Turkey. In the summer of 2017, some photos of him kissing a woman on a boat were published in the media. The woman seen on the photos was allegedly his niece. After these photos were revealed and the allegations kept on spreading, the media reported on him quite frequently adopting a very critical tone. Although Mr. Başoğlu asserted that the woman was another woman called Olga and that she was not his niece, the media did not find this argument convincing, and the coverage of the story over the media continued. After the further spreading of the photos and the critics from the media, Public Prosecutor of Bodrum launched a criminal investigation on its own accord (*ex officio*) based on the alleged crime of "indecent behavior" which is prescribed in article 255 of Turkish Criminal Code.

3.3.3.2. Case Number 2: Case of Nevin Yıldırım

Nevin Yıldırım is a 26-year-old formerly married woman who used to live in a small village in Isparta, Turkey with her two children. On 29 August 2012, she beheaded a man after killing him with a shotgun, and threw the man's head to the village square by shouting "Don't gossip about me, don't dishonor me, here is the head of the man who dishonored me!". Eventually, an investigation was begun, Nevin Yıldırım was arrested, and a trial was begun with the allegation of intentional killing. Nevin Yıldırım confessed that she killed the man, who was named Nurettin Gider. She defended herself by stating that he had raped her for three years by threatening to kill her children, and she was pregnant with his child. Many non-governmental organizations and lawyer and non-lawyer activists protested and declared that Ms. Yıldırım's act of killing should be accepted as self-defense. However, the prosecutor argued that there was no self-defense because she had a relationship with Mr. Gider according to some witness statements. The court sentenced Ms. Yıldırım to imprisonment for life and did not reduce her sentence at all based on good behavior. This judgment was also criticized by many people around the country and was called 'manly justice' by activists. However, the judgment was appealed and the Court of Appeal reversed the judgment on the grounds of insufficient examination of the alleged participants of the crime. After the re-trial, the trial court sentenced her to imprisonment for life, again without any deduction for good behavior.

3.3.3.3. Case Number 3: Case of A.K.G.

A 17-year-old woman was attacked by a man in the street. After she filed a complaint about the man, the media published the footage of the street camera in which the incident occurred. It is seen from the footage that the woman and the man were walking through the opposite directions to each other, and suddenly the man punched the woman's nose without any incident between them which may be interpreted as a reason of the action. The suspect was found by the police on the same day and set free after he gave a statement. The media, especially the social

media, criticized that he was set free, and stated that he should be arrested. In the evening on the same day, the suspect, A.K.G. was detained again and then arrested. The indictment was drafted and filed in a week and it accused the suspect of committing the crime of actual bodily harm with a weapon, accepting the ring in the suspect's hand by which he punched the victim a weapon.

3.3.3.4. Case Number 4: Case of Cerattepe

Cerattepe is a hill located at the peak of one of the hills in the Blacksea region in Artvin, Turkey. The hill is considered to be containing one of the world's most rich vegetation. In 2011, the Ministry of Environment and Forestry initiated a tender regarding a mine site in the area, and Özaltın Construction Commerce and Industry Incorporation was awarded the tender. The firm assigned its copper mining license to Etibakır Incorporation of Cengiz Holding, whose director is widely known by the public as a pro-government figure. Then, The Green Artvin Association filed an annulment action against the Environmental Impact Assessment Report of the ministry and demanded that it be annulled. The Administrative Court made a judgment and nullified the report, and the Council of State approved the judgment. However, the firm applied to the Ministry for another Environmental Impact Assessment Report and received a new report on 2 June 2015 which confirmed that the environmental impact of the planned mining site is positive. The case of Cerattepe is the legal battle against this second report.

The Green Artvin Association and within its leadership 61 lawyers and 751 citizens filed the largest environmental case to date on 8 July 2015 and claimed that the Environmental Impact Assessment Report should be annulled. On 16 February 2016, the firm started to bring its heavy equipment to Cerattepe stating that there was no court order at that time requiring it not to do so. The public and the activists made barricades and prevented the equipment from arriving in the designated site. Law enforcement officers interfered the public by using pepper gas, truncheon, and plastic bullets for two days, and the equipment was finally brought to the Cerattepe area. These two days and the process afterward have been a popular issue on the

media for almost three years. At first, the prime minister had a meeting with the activists and instructed the firm not to start working in the mine until the legal process is over. Then, the Administrative Court dismissed the case on 3 October 2016, and the Council of State approved the judgment on 5 July 2017. The activists lodged an individual application to the Constitutional Court against this judgment. The Constitutional Court has not yet rendered its decision on the application and the controversy surrounding the case still continues. Following the decision of the Council of State, the mass media has lost its interest on Cerattepe.

3.3.3.5. Case Number 5: Case of Tarlabaşı

Tarlabaşı is a neighborhood near Taksim in İstanbul. It was declared in 2006 as one of the renewal areas in the Beyoğlu Urban Protected Area. Çalık Holding won the tender, and İstanbul Renewal Area Cultural and Natural Heritage Preservation Board approved the urban transformation project in 2007. After the Beyoğlu Municipal Council also approved the projects covering nine city blocks, the residents in the area were started to be evicted in 2008. Thereafter, the Chamber of Architects filed legal action in 2008 to nullify the approval decision and the project. The court dismissed the case in 2010 on the ground that the practice was legitimate and the arrangement serves the public benefit. This judgment was appealed by the Chamber of Architects and was reversed by the Council of State in 2015 on the ground that the projects do not serve the public benefit. After the Council of State's reversal decision, the Administrative Court re-heard the case and decided in 2017 that the renewal project and the approval of the Cultural and Natural Heritage Preservation Board are illegitimate and against the public benefit.

3.3.3.6. Case Number 6: Case of Soma

Soma is a town in Manisa, Turkey which has a coal mine. There was a fire in the mine in the evening of 13 May 2014, which left 301 workers dead and 162 injured according to the official numbers. It was determined that the fire was triggered by the high-level of carbon monoxide gas in the mine and that the workers were still made to work in such circumstances. However, the ministry did not give permission

to lodge an investigation against the twelve inspectors who inspected the mine two months prior to the incident and reported that no deficiency was found.

Additionally, a prosecution was initiated as regards the incident, although, the prosecutor dropped the charges against Alp Gürkan who was the largest shareholder of the company operating the mine, and two managers of the company, namely Hayri Kebapçılar and Haluk Sevinç, on the ground that they did not have any responsibility in relation to the incident. The prosecution was carried out against other forty-six suspects which included one of the directors of the company Can Gürkan. The indictment was accepted by the court and the trial began on 13 April 2015, leaving Alp Gürkan and the two managers outside the prosecution. However, there was serious criticism from the public that Alp Gürkan and the two managers should have been included in the case. Some of the victim families filed separate criminal complaints against them, and a new prosecution was started on 5 September 2016 against Alp Gürkan and the two managers. The latter case was subsequently consolidated with the ongoing case of Soma. As of the date of the research, twenty hearings have been held by the court, and the trial still continues.

3.3.4. Data Collection

The Supplementary Report for Turkey of Reuters Institute Digital News Report 2017 shows that access to news in Turkey is 91% which is relatively higher than the average, 89% (Levy, Newman, Fletcher, Kalogeropoulos, & Nielsen, 2017). According to the survey, Turkish people access news once or more every day. Participants were asked in the survey to name the sources of the news they viewed in the last week and select one as their main source. The results of 2015, 2016 and 2017 surveys showed that online news including social media was the most accessed source of news, followed by the television. However, the participants accept the television as their main source of news, and online news including social media came in as the second main source of news in all these years.

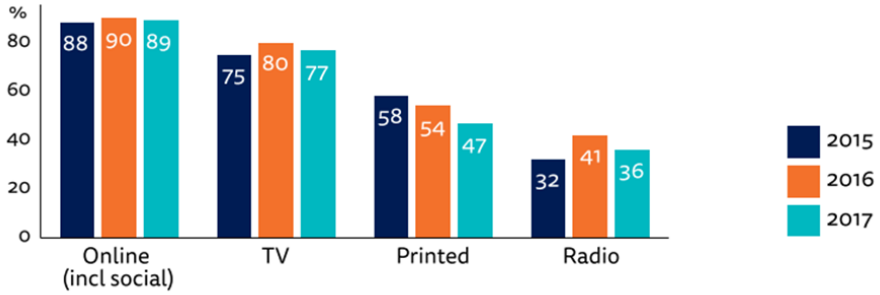

Table 1: Source of News in The Last Week Over Time

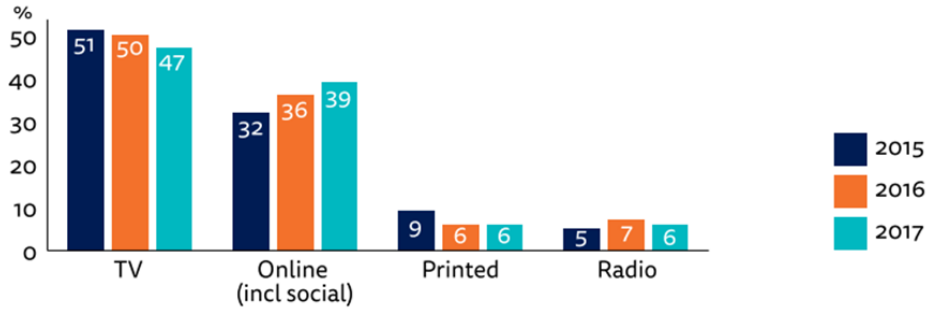

Table 2: Main News Source Over Time

As is seen, online news including social media is used more than the television news, but television is still accepted as the main source of news by the people. Nevertheless, it is remarkable that the online news increased its percentage from 32% to 39%, and television's percentage decreased from 19% to 8% in two years. Additionally, it was also determined that the most used online news sites are those that belong to the traditional media brands. Websites or apps of traditional media constituted 46% of 'online including social media' category as the main source of news, whereas the percentage of digital-born news media is only 18% and of the social media is 36% (Levy et al., 2017, p. 20).

Eventually, the top two news source, by a wide margin to the others, were television and online news sources including social media. In 'online news sources' category, almost half of the sources are the websites of traditional media, and the other largely consists of social media. Since the websites of traditional media broadcast the

content of the traditional media brands, examining their content means examining the content of traditional media such as television, newspapers, and magazines. Therefore, websites of traditional media and social media were determined as the units of analysis in this study.

3.3.4.1. Determining the Websites of Traditional Media and Sampling the Data

Although the cases of the study are not directly political, the cases were not presented from the same point of view by all of the news sources. For instance, some cases were supported by the pro-government media, but oppositional media approached them with suspicion or vice versa. Therefore, three traditional media brands which are pro-government or central and three brands which are oppositional were selected within the top visited websites. These are www.sabah.com.tr, www.hurriyet.com.tr, www.haber7.com on one hand (pro-government) and www.sozcu.com.tr, www.cumhuriyet.com.tr, www.birgun.net on the other (oppositional) (Alexa Internet, Inc., 2018). www.sabah.com.tr is the website of the newspaper 'Sabah' which is one of the biggest pro-government newspapers in Turkey. www.haber7.com is a news website of the channel 'Kanal7' which also openly locates itself a pro-government institution. www.hurriyet.com.tr is the website of one of the oldest and biggest newspapers called 'Hürriyet'. Hürriyet is known as a central media corporation which present itself as neither pro-government nor oppositional. Nevertheless, it is appropriate to accept it as a pro-government media because of its general editorial policy and its ownership by Doğan Holding, a conglomerate operating in various sectors in Turkey who often participates in government tenders. During this study, it was sold to Demiroren group, another holding company similar to Doğan Holding on certain accounts, which does not change Hurriyet's status for the purpose of this study. www.sozcu.com.tr, www.cumhuriyet.com.tr, and www.birgun.net are the websites of the newspapers called Sözcü, Cumhuriyet and Birgün respectively. All of them clearly present themselves as oppositional.

Six news texts were selected for each case from every website in the sample, except the A.K.G. case. Since it is a short-term case, there were not six news texts in every website of the sample, and therefore all the news which are related to the case were selected in the given sample, which is eighteen in total. For the other five cases, the news were selected by avoiding repetition. The news articles which had the exact same text with another news article that was already selected was eliminated. Since there are so many repetitive news articles, the selection does not require any sampling method to be applied. The news stories were selected starting from the time that the incident was first mentioned until 15 April 2018 for each case. In total, the sample consisted of 162 news texts from the top visited websites of traditional media.

3.3.4.2. Determining the Social Media Platform and Sampling the Data

Social media was determined as a unit of analysis not only because it is one of the top news sources in Turkey but also it enables us to engage with the public opinion directly. Social media has given a space to the audience to transform from being the consumers to be the producers of the media content. Its interactive structure enables the public to comment or to criticize a given issue, and even to create a new issue by adding meaning and news value to an event (Zhou & Moy, 2007). Individuals, online journalists, interest groups, and activist groups can focus on the topics which are ignored by the mainstream media or evaluate the given topics in various point of views. Moreover, social media gives journalists a space where they can verify or revise their news according to public opinion.

In Turkey, Twitter and Facebook are the most popular social media sites with 78.9% of people having at least one active account in them, and they are followed by YouTube (52.8%), Instagram (47.2%), and LinkedIn (31.7%) (Çetinkaya, Şahin, & Kirik, 2014, p. 56). Among the social media users, 29.8% of them sometimes, 32.3 % generally, and 11.2% always use social media for social and political purposes. They identify their motivations that social media provides the social and political information which they need. In the scale of social media platforms, Twitter is the

top social media platform for social and political information that 67.7% of people chose Twitter to get news about social and political issues. It is also the top social media platform for social and political discussion (Çetinkaya, Şahin, & Kirik, 2014). Therefore, Twitter was determined as the unit of analysis social media platform for this research in order to examine the public opinion.

The tweets are searched via the advanced search section of Twitter. Since some cases were not discussed under a hashtag while some had more than one hashtag and the used hashtags were always different due to wrong spelling, the data was not collected by selecting hashtags. Instead, keywords were determined for each case as is shown in Table 3.

Case Number	**Keywords**	**English Translation**
1	"Murat Başoğlu"	Murat Başoğlu
2	"Nevin Yıldırım"	Nevin Yıldırım
3	"A.K.G."; "Kadıköy yumruk"	A.K.G.; Kadıköy punch
4	"Cerattepe"	Cerattepe
5	"Tarlabaşı kentsel dönüşüm"	Tarlabaşı urban transformation
6	"Soma maden"	Soma the mine

Table 3: Keywords for Advanced Search on Twitter

The keywords were searched on Twitter from the beginning of the incidents to 15 April 2018. A tweet corpus was constructed by 30 tweets for each case. The tweets which were significant for the argumentations of the public and the media were selected.

CHAPTER IV
FINDINGS

As a result of the analysis, the silent mediatization processes of the legal cases have been observed to have four elements. These are 'Dramatization of Legal Cases', 'Criticism of Legal Proceedings and Parties', 'Parties' Attempt to Persuade the Media' and 'Parallel Developments in the Judicial Process'.

4.1. THE FOUR ELEMENTS OF THE MEDIATIZATION OF JUDICIARY

These elements are examined below in the sections of each case, and the examples of the legal news and tweets which are explanatory for the sections are also enclosed. However, these legal news and tweets shall not be evaluated only for the section in which they are enclosed because they mostly point more than one element.

4.1.1. Dramatization of Legal Cases

The word of dramatization means *"the process of adapting a novel or presenting a particular incident in a play or film*" (Oxford Dictionary). The concept of 'dramatization of the legal cases' means the storification and presentation of legal cases as sources of entertainment like plays or series. In other words, dramatization in this context can be defined as 'episodic coverage' which employs anecdotal, individualized, and largely superficial legal stories in contrast to thematic coverage which employs statistics, context, and discussion of general trends (Fox, R., Sickel, R., Steiger, 2008). Some indicators of dramatization are the emphasis of conflict which is an inherent quality of a legal case, mentioning unusual events and sensational details broadly, and focusing on personality and visual appearance. In all of the cases reviewed in this thesis, dramatization was observed to be a prevalent element.

4.1.1.1. Case Number 1: Case of Murat Başoğlu

The inherent sensational content of the issue of incest has been a useful tool for a dramatized story. In this manner, various news and tweets have been published from various perspectives, focusing on Murat Başoğlu's emotions, his wife's response, conspiracy theories, and the effect of the incident on his work partners.

How Murat Başoğlu regrets about cheating his wife and denies the rumors that the woman is his niece have been the content of some news:

> *"Murat Başoğlu says 'I made a huge mistake, and my wife will probably divorce me.'" (www.sabah.com.tr, 02.08.2017) (CN1, Dramatization)*

> *"Murat Başoğlu, who said that the photographs that did not belong to his niece Burcu Başaoğlu, did not keep his tears from time to time during the interview. Murat Başoğlu also stated, 'This is a planned attack. I am very sorry for what happened, someone is doing evil to us and they have plotted against us to accomplish this. People wanted me to die.'" (birgun.net, 02.11.2017) (CN1, Dramatization)*

The response of his wife and his parents have also been the focus on many news. Additionally, a rumor about his brother involved in a sexual harassment incident has been mentioned in the news:

> *"The retired father, Tahir Mahir Başoğlu, and psychologist mother, Zekiye Başoğlu, of Burcu Başoğlu, who was Murat Başoğlu's niece with whom Murat Başoğlu had love, put up their summer house in Ayvalik, in which they had lived for 10 years, for sale and they disappeared after the incident. Tahir Mahir Başoğlu, the brother of the famous presenter, was also alleged to have involved in a harassment scandal in the past whose legal proceedings were claimed to continue." (sabah.com.tr, 28.08.2017) (CN1, Dramatization)*

"The echoes of the forbidden love of Murat Başoğlu and his married niece Burcu Kabadayı Başoğlu continues. In the past days, Basoglu and his niece gave rise to a big scandal by having been displayed improperly on the boat. Başoğlu, who was married to Hande Bermek, daughter of businessman Ayhan Bermek, said that the woman on the boat was a stranger after the incident. However, after the divorce case filed by Selcuk Kabadayı, the husband of the Burcu Kabadayı Başoğlu, it was revealed that the woman on the boat was Murat Başoğlu's niece. After the betrayal, the wife of Başoğlu, Hande Bermek, retreated into silence by saying, "I embrace this experience with love." (sabah.com.tr, 28.08.2017) (CN1, Dramatization)

The effect of the incident on his co-workers has been also mentioned as a sensational detail:

"The official who said 'from the very first time that the incest had been revealed, people stopped coming to the sport center', continued with the following remarks: "The members of the sports hall ask for Murat Başoğlu, and say 'If he comes, we will not, we will continue if he does not come'. Citizens from outside spit on the glass of the hall and shout as 'the place of pervert guy' while throwing stones and swearing." (cumhuriyet.com.tr, 24.08.2017) (CN1, Dramatization)

Moreover, different conflicts in Turkish society has cultivated the dramatization of this case. Some media brands and people even have stigmatized him as a member of various social groups in Turkey such as a secular, a conservative and a member of AKP or of Gulen Group which is lately called FETÖ (Fetullahist Terrorist Organization) in Turkey, and various stories have been created based on the assumptions.

*"**Ord. Prof. Cen Ben-Elliot @TC_CenCidel**_ 02.09.2017*

You know, the pervert called Murat Başoğlu is a conservative guy having an affiliation with AK Party replaced the speaker who was fired from her job for

wearing low-cut. Akp supporters are always perverts (angel emoji) " (CN1, Dramatization)

*"**Null SUBJECT 🕐7@ SerendeR 02.09.2017***

If Muslims did not react, Murat and his niece would have been marketed to as a paparazzi incident!!!" (CN1, Dramatization)

"Fatih @fathaydn41 02.09.2017

Murat Başoğlu, the incest imam of Feto :'D" (CN1, Dramatization)

"enver karakuş @enverkaraku3 30.11.2017

1.Murat Başoğlu, whose love images with his married niece were released, is son-in-law of Ayhan Bermek who has FETO affiliation and has fled abroad" (CN1, Dramatization)

"Erol Köse and Ali Eyüpoğlu have a different assertion about the silence of Hande Bermek in the days we passed. Eyüpoğlu said that Ayhan Bermek, the father-in-law of Murat Başoğlu was close to FETÖ and he might have transferred all his assets to Başoğlu against the danger of seizure. Eyupoglu told, "It is said that they have not been divorced, and even this incident may have been made up to get all the money." (Sabah.com.tr, 28.08.2017) (CN1, Dramatization)

As is seen, the legal case of Murat Başoğlu has been turned into an entertainment source by the media. The reflections of the incident in different people's lives have been told by emphasizing sensational details, and various scenarios have been created by merging the negative reaction of the public with the ongoing polarization issues within the society. By this way, the legal case has been presented in the news like it is a series or a play, in other words, it has been dramatized.

4.1.1.2. Case Number 2: Case of Nevin Yıldırım

This case has an entertainment value with its sensational details and inherent conflict quality. The media has used this entertainment value often and dramatized the whole process starting from the events before the murder. In this manner, the time of the incident and after the incident has been broadcasted by the statements of the witnesses and the suspect. The theories on the true nature of the incident were emerged and presented to the audience in a dramatized way.

The theory which accepts that Nevin Yıldırım was a victim of rape and the murder was a self-defense has been defended by the women organizations mostly and published in most of the news.

> *"Nevin Yildirim, who killed the man, who she claimed to have raped and impregnated her, with a hunting rifle and threw his head into the village square after beheading him, told what she has been through and how she committed the crime to Haberturk Antalya Representative Tekin Atay who went to prison for visiting Nevin Yıldırım. Here is a victim of rape, a pregnant woman carrying a baby which is a product of this offense, a mother who suffers from the separation of her children, a woman who is very far from her loving husband, but at the same time, she is a murderer who committed a brutal crime, and she answers the questions that everyone is curious about: "We went to Polatlı about 2 years ago on beet mattock., We were working with my brother-in-law. Nurettin was a worker sergeant, but on the pretext of helping us constantly, he was coming nearer to us and he was trying to get closer to me. I told my brother-in-law ' this man shall not come to help us, we will do our work'. When Nurettin heard it, he said 'My daughter, I am married to your husband's aunt. We are related. Why are you bothered?' he said. I said that 'people can get it wrong'. Then he said to me, 'I cast a slur on you. I tell people you sleep with me. He threatened me as 'People will believe me, not you, you will be ashamed'. " (sabah.com.tr, 18.10.2012) (CN2, Dramatization)*

The second theory which asserts that Nevin Yıldırım and the victim had been in a relationship for years and it was not self-defense has been raised by the victim's wife, Kezban Gider, and is published as a question mark on the innocence of Nevin Yıldırım. The theory was presented by publishing the explanations by Keziban Gider about the relationship between her husband and Nevin and her suspicion about the real killer may not be Nevin.

> *"Saying she saw her husband and Nevin Yildirim together and how she knows about the relationship, Kezban Gider makes the following remarks, "Nurettin was entrapped by Nevin. Her family knew Nevin's relationship with my husband. For this reason, they recently beat Nevin very badly at home. Having called my husband, Nevin said 'no matter how hard it is, come and take me, I have been beaten so badly'. My husband did not believe, and he said 'take a photo and send me'. Nevin sent the photo, but my husband could not get the photo because the phone's memory card was full. After that, they met next to the village mosque. Later he came home, and he told me that Nevin was beaten so badly. ... Kezban Gider, who argued that Nevin Yıldırım's post-incident explanation which blames cow's kick for the scar on her face is not true, says "Nevin was beaten by her family and she was forced to commit the murder. I do not think Nevin committed the murder alone. Others have a hand in this. A woman cannot do this job. Okay, maybe she shot him with a gun and killed him. However, beheading and throwing head to village square is not something Nevin can do alone." (sozcu.com.tr, 29.11.2012) (CN2, Dramatization)*

> *"Nurettin Gider's wife, Kezban Gider, argued that her husband had been having a relationship with Nevin Yıldırım for3 years, and she said that she was exposed to violence by her husband for having opposed this relationship. Kezban Yıldırım, who said 'I saw two of them making love', stated that 'their relationship had started three years ago. In summer season, we went Ankara*

Polatlı to reap beet. Nevin was there, too. At that time, some of my kith and kin warned me. They saw Nurettin and Nevin together. At that time, I did not want to believe in what my relatives said. I trusted my husband very much, he also denied it. We stayed for two months in Ankara Polatlı. Then we returned to our village, one month passed. I asked my husband again 'Rumors have started. Does this relationship exist?' He told me 'We are only chatting with Nevin.' The I heard here and there that they even had had sexual intercourse. When I asked about it, we had numerous fights, I was subjected to violence. 4 months passed since then We went to Antalya Yankoy for cotton harvesting. I went out at 4 a.m. in the morning, I saw them standing against the wall and having sex naked. I shouted and fainted then, and I lost consciousness. My husband helped me gain consciousness. When I regained consciousness, I told ' I am going to say it to my brother.'. Nurettin threatened me and started beating me. Next day in Antalya, I saw Nevin in the field. We talked together, and I told her that what she did was wrong. I said 'One can lose his/her life from both sides, this is a forbidden relationship and he is not to be a husband to you.'. Nevin was my nephew's wife. This relationship had always continued like this. I said to my husband, 'Shoot me, I cannot resist'." (sabah.com.tr, 14.09.2012) (CN2, Dramatization)

The pro-government and oppositional media have not taken sides in these theories and broadcasted and questioned both in their various news. They also enriched the stories with the statements which were given in the trial, the labor process of the Nevin Yıldırım, and the arguments on the custody of the baby. The dramatic aspects of the parties' and the witnesses' statements are published in detail:

"İlyas Yıldırım, who is one of the witnesses and Nevin Yıldırım's father-in-law, told the night of the incident in his statement in the trial. Having returned from the coffeehouse and entered the restroom, İlyas Yıldırım stated that he heard shouting and he said 'After the screams and shouting, I went upstairs of the house. My daughter-in-law had a rifle in her hands. Her hands were covered with blood. She looked like she was shocked. When I asked 'What

happened?', she replied ' I cut a dog', then I asked 'What dog did you cut?' she responded ' I chopped the Nurettin dog." Upon the statements of İlyas Yıldırım, the court board asked Nevin Yıldırım whether she confirms them or not. Yıldırım verified what her father-in-law stated. The court board showed each piece of evidence to Nevin Yıldırım which were collected during the investigation. Having shown knife, rifle and the pistol, which was among Nurettin Gider's belongings, to Yıldırım, Court board asked her how she had used the knife. After the chief judge, Mustafa Yeşilkaya, repeated the question, Yıldırım kept silence for a moment, and she replied 'On the dead body'." (cumhuriyet.com.tr, 15.11.2013) (CN2, Dramatization)

"Nevin Yıldırım stated " Keziban Gider had the full knowledge of what had happened. She even insisted on taking me to her home by saying 'Your uncle (Nurettin Gider) is going to talk business with you.' Keziban was preparing the tea. And I was having a conversation with Nurettin. She knew everything, she was not objecting."... Having objected to Nevin Yıldırım's words, Keziban Gider said "The pain that I felt when my husband died was less than the pain I felt when I saw them kissing as we went for cotton harvesting. Which woman lets her husband go to other women willingly." (cumhuriyet.com.tr, 15.11.2013) (CN2, Dramatization)

The labor process of Nevin Yıldırım was also published in many news. The news also emphasized that she did not want to take on the baby on her lap.

"Nevin Yıldırım, who was placed in Isparta Type E Closed Prison, gave birth to a baby today. The labor pains of Nevin Yıldırım, who stated that she had been impregnated by her raper Nurettin Gider, started around 2 p.m. Firstly having been taken to the prison infirmary, Nevin Yıldırım was later transferred to the hospital. Nevin Yildirim, who was brought to the Isparta Maternity and Pediatry Hospital by ambulance around 3 p.m., brought a baby girl to the world at 17:45. The baby weighing 3.5 kilograms was put into the incubator without having been given to Nevin Yildirim's lap. Yıldırım, who

practiced a normal delivery, was brought to the room. It is stated that the health conditions of the mother and the baby are good. In front of the room where Mother Yildirim stayed, the gendarmerie teams are keeping guard. Hospital officials stated that the baby was not given to the mother because she said: "I do not want to take the baby on my lap". (sozcu.com.tr, 17.11.2012) (CN2, Dramatization)

After that, there were some arguments on the custody of the baby, and the wife of the victim, Keziban Gider, said that she wants to look after the baby if the DNA results confirm that it is her husband's. Her statement was published in the media and was debated:

"Kezban Gider, who was the wife of Nurettin Gider whose head had been thrown into the village square after having been killed with a rifle and beheaded, said she learned Nevin Yildirim's pregnancy in April. Responding to the queries of the DHA reporter, Kezban Gider noted that Nevin Yildirim's pregnancy was told her by her husband Nurettin. Stating that they are waiting for the DNA results to detect the baby's father, Kezban Gider said "If this baby is my husband's, then I will take care of the baby till my death. My children did not want at first but they have been convinced too. They said to me ' Mom, she is our sister. Besides, a girl child should not stay with someone else. We should take care of her." (sozcu.com.tr, 29.11.2012) (CN2, Dramatization)

On the other hand, there have been many tweets on Twitter which honor and praise Nevin Yıldırım. She has been seen as a hero of women for punishing her rapist on her own by many individuals:

"Duygu Evet @DygEvet 18.11.2016

If you offer to be a groom to rapists, I do not abstain from being "NEVIN YILDIRIM" #athousandregardstonevinyıldırım" (CN2, Dramatization)

"haluk kabakcıoğlu @colmanak 21.06.2015

AGAINST VIOLENCE TO WOMEN, NEVIN YILDIRIM SHOULD BE RELEASED." (CN2, Dramatization)

"Selincan Turna @selincanturna 14.02.2015

A woman greater than the state, who punishes her rapist with her own method when the state cannot punish the rapist. NEVİN YİLDİRİM" (CN2, Dramatization)

"Mufide Ersen @Mufide_Ersen 24.06.2015

IN A SEXIST COUNTRY, A WOMAN OF HONOUR; NEVIN YILDIRIM" (CN2, Dramatization)

"Nevin Sultan @NevinTorun 20.11.2016

Greetings to NEVIN YILDIRIM who hung the head of the pervert, who raped her, to the village square... #rapecannotbelegitimized" (CN2, Dramatization)

To sum up, the case of Nevin Yıldırım was highly dramatized by the media. There was many news which published the story of the case like an entertainment content. In this manner, before the incident, after the incident, the future of the newborn baby, the theories on how the incident occurred and who is the real criminal were broadly discussed. Additionally, Nevin Yıldırım was heroized on Twitter by many people for punishing her rapist on her own.

4.1.1.3. Case Number 3: Case of A.K.G.

After the 17-year-old woman was attacked by a stranger man in the street and the suspect was set free, the media dramatized the story by emphasizing the fear and pain of the victim. In this manner, the incident was told repeatedly in the news by

drawing the details which were told by the victim.

> *"The incident happened in Kadıköy Caferağa Neighborhood yesterday morning. High school student 17-year-old B.G.K. got attacked by a fist of a person coming from the other side of the way while walking on the sidewalk. The shocked young girl shouted, "What are you doing?" from attacker's behind. The attacker continued on the path as if nothing had happened. People in the area run to help the injured girl." (sozcu.com.tr, 27.01.2018) (CN3, Dramatization)*

> *"I go to school from this way, I always use this route. A guy came and hit. Then he continued walking. I started shouting, those around run to help. I got bruises and scratches on my nose, also my face swelled. The point I am happy with is that cops took good care of me. They found the guy on that day." (sabah.com.tr, 28.01.2018) (CN3, Dramatization)*

Additionally, the emotions of the victim's mother were also indicated in the news, and the details of the incident were also told by the people who were around at that time.

> *"Mother Mehtap K., who said she got really sad, stated, "We were really afraid. Catching him in the soonest time was very important for us. Because children generally use this route while going to their schools."*

> *İsmail Seven, owner of a store who run to help B.G.K after the attack, said "When we went out after the screams, the girl's nose was bleeding and she fell down. A person, probably a doctor, dressed her wound. A lot of blood was flowing through her nose. When I talked to her, she said she did not know the attacker." Berrin Alpay, another person who run to help, said, "Her nose was bleeding. Those in the cafe and those in our store run to help. They tried to stop bleeding. This guy hit the girl on the street, and he went away. She was very frightened." (sozcu.com.tr, 27.01.2018) (CN3, Dramatization)*

Since the incident of punching a woman is beyond the ideological differences and political polarization, all of the media brands in the sample reflected the incident in the same way. In terms of dramatization, they all published the woman as a victim of the cruel behavior of a cruel man and dramatized the news by emphasizing the fear and pain of the victim. However, there were few attempts from the people on Twitter to turn this issue to a polarizing manner as in this example:

> ***"Kula Minnet Eyleme Ⓜ @mezarvar 27.01.2018***
>
> *You better know the punching guy is a member of AKP and fan of Reis" (CN3, Dramatization)*

4.1.1.4. Case Number 4: Case of Cerattepe

There has been a strict split in opinion between the pro-government and oppositional media regarding the Cerattepe case. The oppositional media asserted that the operation of the mine would destroy the nature in the region. On the other hand, the pro-government media defended that there would not be any damage to the nature because new trees will be planted, substituting the ones that will be cut down. Both sides dramatized the case heavily to support their arguments.

The oppositional media emphasized that the existence of the mine would destroy the environment and published news about the dying animals and poisoned food in a dramatized way.

> *"They say people shall die*
>
> *After the small talk, we are being guests to neighbors Mevlut Altinbaş, 79, and Sabri Yiğit, 60. Altinbas states as follows: " I am doing agriculture and stockbreeding. Suddenly, milk-white eater flew. I have not seen anything like this before. This happened when mining started. As people protested, they started to give water during nights. We cannot make our animals drink water, we cannot irrigate our vegetables. Sabit Yiğit states, "I moved to Bursa. I visit here in summer seasons. I even made kiwi grow in here. Now, our water*

gets polluted with the mining activities. They say people shall die. Not us, but they shall live. He says, there is also a drop in vegetables this year." (cumhuriyet.com.tr, 13.08.2017) (CN4, Dramatization)

On the other side, the pro-government media denied these arguments and asserted that the ones who are opposed to the existence of the mine are in an 'evil partnership' with Germany (representing the "imperialist west") and the terrorist organization PKK. In this manner, the pro-government media published many news about the interests of the external powers in the mine and how the opposition of the mine contributes to the goals of the external powers.

"In Cerattepe Artvin, the real face of those who are trying to turn it into second Gezi by provoking the people appeared." (sabah.com.tr, 25.02.2016) (CN4, Dramatization)

"The newspaper of PKK keeps provoking Artvin. In Artvin, The HDP, CHP, PKK and Gezi circles, which are trying to prevent the work of the completed mine site in Cerattepe, continue to provoke the incident. Despite the removal of the ore from the copper mine in Artvin Cerattepe by means of a closed hearth underground operation and the planned transport of the ore by the cable car without destroying the environment, those, who do not want Turkey to use her mines in reviving economy and grow, Cerattepe is abused with undertaken actions and perception operations." (sabah.com.tr, 19.02.2016) (CN4, Dramatization)

"Cerattepe facts are revealed!

Germany, who wants to prevent the removal of copper and gold from mines by using so-called environmentalists as a cat's paw, aims at hindering Turkey from making billions of dollars...Amid the quarrels of provocations, the concerned party, the general coordinator of Eti Bakır, Ünsal Arkadaş, who is responsible for mining activities in Cerattepe, responded the queries of Star. Pointing at the impact of unfounded claims on the people of Artvin,

Arkadaş states "If I was not in the business and did not know the truth, I would be together with them". Here are the claims about Cerattepe and their responses." (haber7.com, 27.02.2016) (CN4, Dramatization)

As opposed to this argument, the oppositional media engaged in a dramatization which is based on the evil characteristic of the mining company. The oppositional media emphasized that the company is owned by a pro-government businessman and introduced this association with the government to persuade the citizens to the existence of the mine as an 'evil partnership'.

"Described as the family company of AKP", Cengiz has started mining activities with the support of AKP. Despite mining activity carried out under the protection of the gendarmerie, Cengiz established cooperation with some names from the local society. Lately, it has been revealed that Mehmet Ali Ergul who is the head of Our Artvin Platform Association which was founded to facilitate the mining activities of Cengiz Holding, and Ünsal Arkadaş who is Eti Bakır Mining Operations Coordinator, which is affiliated to Cengiz Holding, has signed a scandal contract. According to the contract, Eti Bakır Inc. is committed to pay a total of 70 Thousand TL each month to the 14 members of the committee which was established under the presidency of Mehmet Ali Ergül for convincing the people who put up great resistance to the Cerattepe project." (birgun.net, 28.09.2017) (CN4, Dramatization)

"Green Artvin Association President Nur Nese Karahan said that they had carried out a very tough fight and said they would never stop fighting until they reach the victory. ... 'This is a provincial sales document, a betrayal document. It is the document that those who accused us of taking money from the Germans sold themselves to the mining company for three pennies to betray the people of Artvin. As a result, we present the red-handed caught treacherous network to the knowledge and interest of the Artvin people. We want you to see what kind of challenges our struggle face and the utmost importance of staying shoulder to shoulder in these days. Again, we expect

you to understand how the mining companies are prepared for corrupt methods and dirty games, and that we must empower each other for not getting deceived with such immoral practices. " Birgun.net, 04.10.2017) (CN4, Dramatization)

It is seen that the dramatization techniques applied by the traditional media have been adopted by many citizens in Twitter. The dramatization of the pro-government media is published mostly by individuals while the dramatization of oppositional media is published mostly by non-governmental organizations. Therefore, most of the tweets of individuals represent the pro-government media's dramatized arguments.

"umut @umut4420 19.10.2016

If a mine is opposed in Turkey, know that German agents exist behind the opposition. Cerattepe is the greatest example" (CN4, Dramatization)

"zaza zaza @halilalpyasar 19.10.2016

The US ambassador supports the activists. The side we will take in Cerattepe is obvious. #CerattepeFacts" (CN4, Dramatization)

"hakan @hakan_ak44 19.10.2016

Those who protest in Cerattepe should be searched for connections with Germany and the USA. #CerattepeGercekleri" (CN4, Dramatization)

"namı diğer kıvırcık @kvrckkaffa 19.10.2016

If the US ambassador is involved in Cerattepe incident, then the matter is really big. #CerattepeFacts" (CN4, Dramatization)

4.1.1.5. Case Number 5: Case of Tarlabaşı

The urban transformation in Tarlabaşı and the legal process after it began have been dramatized mostly by the oppositional media. The oppositional media has

dramatized the process from the perspective of the residents by presenting stories which are about the residents' personal lives and the difficulty which they face because of the urban transformation project. They also have emphasized that the fast and forcing change in the neighborhood would be a loss for the cultural and historical value of it.

> *"A part of this historical neighborhood of Istanbul, in which for almost 100 years minorities have lived, was demolished as a part of the urban transformation project. Were only houses demolished? Of course, no. What was demolished was the life of 'Rum Suleyman' who had Rum origins and had changed his name to Süleyman after September 6th-7th incidents since "It was no longer to live with a Rum name here" and who was the owner of an antique mansion with high ceiling and four doors. What about Uncle Ahmet, who has 4 houses next to the Assyrian church and says 'I want a house in exchange for my house, money spoils honorable men. Why do I need to go to Dudullu, I want a house for mine'. Uncle Ahmet who lost his life from a heart attack during the eviction. Who will pay the price for this? The answer is clear, no one..." (cumhuriyet.com.tr, 21.11.2017) (CN5, Dramatization)*

> *"Batur explains that unlike the construction permissions given nowadays, around 470 houses detected so far are authentic with regards to location in urban geography, existing urban typology; and he says 'As far as we say the structures, those masonry houses are in better shape than ferro-concrete houses. They are standing in Balat, Kumkapu, Yeldeğirmen, Harbiye. While providing information with reference to maps and occasionally taken photos, Batur says, Unfortunately, Tarlabaşı got harmed a lot, and row houses disappeared'." (cumhuriyet.com.tr, 07.11.2013) (CN5, Dramatization)*

> *"The regular life order of the citizens living in Tarlabaşı became upside down. Lots of evicted citizens lost their jobs. Besides, owing to the building construction activities, crime rates in the neighborhood hiked."" (sozcu.com.tr, 03.11.2017) (CN5, Dramatization)*

Unlike the oppositional media, pro-government media has not dramatized the process in this case. Instead, it has focused on the alleged advantages of the planned urban transformation which will be explained in the later sections.

The tweets regarding this case mostly belong to the oppositional ideas and are parallel to the traditional oppositional media's dramatized content.

> ***"AFET YASASI @AfetYasasi 31.10.2013***
>
> *Uncle Jirays, who was a victim of Tarlabaşı urban transformation project, lost his life. Three people attended to his funeral. Rest in Peace" (CN5, Dramatization)*
>
> ***"Onur @ilkKosegen 26.08.2010***
>
> *Demolitions under color of urban transformation have started in Tarlabaşı. People are victims, and history is demolished." (CN5, Dramatization)*
>
> ***"Seray Şahiner @seraysahiner 10.03.2016***
>
> *#Those coming for urban transformation are undermining the clotheslines that reach from window to window. #notourbantransformation" (CN5, Dramatization)*
>
> ***"önder halis @derhalis 05.10.2012***
>
> *"Gregor Samsa has found herself in the shape of an evicted house in Tarlabaşı when she wakes up in one morning..." Franz Kafka - from Urban Transformation Book" (CN5, Dramatization)*
>
> ***"Murat İnceoglu @muratinceoglu 01.02.2010***
>
> *@denizzeyrek I hope, when these people get kicked out on the pretext of urban transformation from Tarlabaşı this incident lead people not to see evicted ones as troublemakers." (CN5, Dramatization)*

4.1.1.6. Case Number 6: Case of Soma

In this case, the stories of the victims' families have been broadcasted in a tragic discourse. Since the protests continued for a long time after the incident, the news about the victims and their families also continued for a long time.

> *"In the beginning of the march, the women and children, who carried the names of miners that had died, said that their pain is still fresh though a year has passed after the incident A girl child expressed her reaction as follows, 'Every day, I look forward to my father's arrival, still imagining the day when he is going to get out of the mine and come to home. Those people who made us live these pains should hear our voice." (birgun.net, 16.05.2015) (CN6, Dramatization)*

It has been widely criticized that the prosecution against the governor and two managers of the firm was nol-prossed on the ground that they were not responsible for the incident. In this manner, conspiracy theories about the governor of the firm were created and broadcasted which debates the reason that the prosecution was nol-prossed even he is the governor. The pro-government media asserts that he is related to Israel, the oppositional party CHP (Republican People's Party) and he is also a mason. They also emphasized that he is definitely not related to the government or any pro-government association.

> *"Shocking claim about the mine-owner Alp Gürkan*
>
> *The general editorial coordinator of daily Yeni Akit Hasan Karakaya has made astonishing claims about the Israel connections of Alp Gürkan." (haber7.com, 19.05.2014) (CN6, Dramatization)*
>
> *"Has Alp Gürkan made a donation to TURGEV?*
>
> *Not only the board chairman of Soma Inc. Alp Gürkan has not made any donation to TURGEV or ISEGEV, but also Soma Inc. or any affiliated firm, corporation or person has not made any donation to our foundation."*

(haber7.com, 22.05.2014) (CN6, Dramatization)

"It has become clear why Hurriyet and its associates have not spoken any ill about the owner of the company whose more than 300 miners lost their lives. It seems that the guy is a mason. That is the reason!

For this reason, nobody has asked 'Where are you?' to this man who appeared on the 4th day ... However, they made the guys they hired boo the President and Prime Minister who went to Soma…" (sabah.com.tr, 17.05.2014) (CN6, Dramatization)

"It is said that Alp Gürkan has a tendency to CHP" (sabah.com.tr, 28.05.2014) (CN6, Dramatization)

On the other hand, the oppositional media asserts that he is pro-government and therefore he is protected from any prosecution against him.

"10 facts to know about Soma Inc.

The largest share in the company belongs to Alp Gürkan

Looking at the partnership structure of the Soma Coal Inc., which operated the mine where disaster had happened, Can Gürkan, son of Alp Gürkan has 25% and Alp Gürkan has 17 % individual share. While Müzeyyen Nazlı Asafrana has 5 % share in Soma coal Inc., İsmet Kasapoğlu and İsmail Hakkı Kalkavan are also shareholders. But their shares are even less than 0.01 %. The largest shareholder is Tilaga Mining Inc. which has 53% of shares. However, as the 53% share of Alp Gürkan in Tilaga Mining is added to the account, his total share in Soma Coal Inc. reaches 44 %. Since the share of Can Gürkan in Tilaga is less than 1 %, it seems that the largest sharer in Soma Coal Inc. is Alp Gürkan." (cumhuriyet.com.tr, 19.05.2014) (CN6, Dramatization)

Additionally, the suspects of the ongoing trial assert in their defense that FETÖ, the

recently accepted terrorist organization in Turkey, was responsible for the incident and that they are the victim of FETÖ.

> *"As the Soma case approaches the end, the defendant lawyers get puzzled about what to do. The defendant Can Gürkan's lawyers, who claimed that the finger of FETÖ in the event could have been the case, sought a judge rejection before yesterday's hearing and tried to postpone the case when those requests were rejected. Renewing the sabotage claims upon the continuation of the trial, lawyers showed Muge Anli's show as the evidence, which caused laughter and reactions." (birgun.net, 13.10.2016) (CN6, Dramatization)*

The twitter sample indicates parallel stories to the traditional media's stories. There are various tweets which accept that Alp Gürkan was protected by some powerful group because he is a mason or related to AKP, CHP or FETO.

> ***"Musa Öztürk @ztrk_musa 05.01.2015***
>
> *The mason boss of Soma sold 750 thousand tones stone to the state as if they were coal." (CN6, Dramatization)*
>
> ***"Süleyman @sleymanyavuzhan 13.05.2015***
>
> *#didweforget The owner of Soma Mining, Alp Gürkan, is a mason and has been protected by Dogan Media Outlet #PullYourselfTogetherforSoma" (CN6, Dramatization)*
>
> ***"Emre Döker @emredoker 28.08.2015***
>
> *The court in the Soma case has decreed upon filing a criminal complaint against Alp Gürkan, who is the "real" boss of Some Holding and one of the financiers of AKP" (CN6, Dramatization)*
>
> ***"emre karakas @eemreekarakas 28.12.2017***
>
> *#TheEnemyofthePeopleAKP Prime Minister RTE: -Who are you booing*

israeli descent? (While he was forcing a citizen, who lost someone close in the mine, into a grocery store and slapping him)" (CN6, Dramatization)

"Çirkin Armut @cirkinarmut 28.12.2017

#EnemyofthePeopleCHP Do you know what this CHP had done? In Soma and Zonguldak, when the mines had to be inspected, miners lost their lives since they did not do their jobs right. CHP did this too." (CN6, Dramatization)

"Enes Çakmak @QuranRevolution 14.05.2014

Disaster in Soma. - CHP Soma Resolution is not yet 20 days. - Owner of SOMA Mining, Alp Gürkan, is KOC's subcontractor. - Koç is Gulen's pineapple supplier. Etc." (CN6, Dramatization)

4.1.2. Criticism of Legal Proceedings and Parties

Criticism is a term which illustrates the level that the media examines, criticizes and comments on the legal proceedings and parties. It is also a process whereby the substitution process which is categorized by Schulz as one of the four processes of mediatization is observed. Substitution means that the communication media substitutes social activities and institutions. The media substitutes legal proceedings by criticizing one of the parties like the opposing party, making decisions like the court and announcing these to the public. The media may provide justification by asserting logical argumentation or may not provide a justification but only a dramatization. In the latter, the media presents one of the parties as a sufferer in the relevant case but does not assert argumentation to justify its decision. In this respect, criticism within the meaning of this study has a broader meaning than its traditional sense and it encompasses when the media follows-up on a legal case and covers it in detail and/or comments on the parties and the legal process with either adopting a positive or negative tone.

4.1.2.1. Case Number 1: Case of Murat Başoğlu

It is interesting that at the beginning, the traditional media covered this case very slightly and represented it as any usual yellow news. However, the users of the social media did not consume it as it was served to them by the traditional media. They focused on the incest characteristic of the case and criticized the traditional media for their attitude which normalizes incest behavior by representing it as a usual news story, as well as the actors of the case for their behavior. Some people even criticized the state for not imposing sanctions against them.

> ***"Kaan Ark @kaanrq 27.08.2017***
>
> *The perversion of the bad hat Murat Basoğlu does not attract much reaction for some reason! The wreck of human being is vile pervert. @muratcanbasoglu" (CN1, Criticism)*
>
> ***"Nuray @frezya82 27.08.2017***
>
> *Spitting in Murat Başoğlu's face will never suffice. You skank guy, you are disgusting." (CN1, Criticism)*
>
> ***"muhtelifmuhalif @_ArdArda_ 27.08.2017***
>
> *Murat Başoğlu, who had an incest relationship with his niece, is an example of what media tricks us to believe as a sympathetic presenter and a family man." (CN1, Criticism)*
>
> ***"Jasmine @YYamanolu 30.08.2017***
>
> *Where is the government? Murat Başoğlu and his niece should be arrested for setting a bad example to the public, perverts!!!" (CN1, Criticism)*
>
> ***"Selen Aksoooyyy @sln_aksy 27.08.2017***
>
> *Those days the incident of Murat Başoğlu nauseates me, there cannot be such degradation, people are questioning what's the world coming to and I agree*

with them" (CN1, Criticism)

Although Murat Başoğlu asserted that the woman was not his niece but another woman called Olga, the media did not find this argument convincing, and the reports were continued in a criticized manner. Some individuals and institutions also stroked an attitude against the famous anchorman. The educators and workers of the sports company which he is one of the co-founders made a statement and clarified that he is not related to their company anymore. Then, the actor agency which he has worked with for years severed all ties with him.

> *"The trainers and employees of the 'Body Project', whose one of the founding partners is Murat Başoğlu, have strictly announced that Murat Başoğlu and Burcu Başoğlu have no longer moral or material attachment to the company" (cumhuriyet.com.tr, 24.08.2017) (CN1, Criticism)*

> *"Murat Başoğlu, who kissed his biological brother's biological sister in the boat, faces a different kind of shock every day. His agent has broken off ties with Murat Başoğlu while removing pictures from the website." (cumhuriyet.com.tr, 24.08.2017) (CN1, Criticism)*

The Religious Affairs Administration also made a statement to the press about this issue:

> *"Dr. Ekrem Keleş, who substitutes for the Directorate of Religious Affairs after the head of the institution Mehmet Görmez left the office, described the relationship between Murat Başoğlu and his niece Burcu Başoğlu as a "disaster"." (cumhuriyet.com.tr, 30.08.2017) (CN1, Criticism)*

After all, a persecution was started against Murat Başoğlu and his niece Burcu Başoğlu. Additionally, broadcasting on this case was banned by the decision of the court:

> *" In the statement made by the Chief Public Prosecutor of Bodrum, it is said that... "Due to the fact that those images and public morality, public*

conscience and value judgments are clearly contradictory and they cause negative consequences; and also, all kinds of news and images regarding the incident are forbidden to publish and broadcast for the health of the investigation process in accordance with the 3/2's sentence of the Press Law. This decision has been taken in line with the demand of Chief Public Prosecutor and practiced by the Criminal Court of Peace. A sample of the decision has been sent to concerned parties." (Cumhuriyet.com.tr, 30.08.2017) (CN1, Criticism)

However, even the statements of the suspects and the indictment has continued to be published in spite of the ban, and the legal proceedings have been published in detail. In this manner, even the statements in the legal file were published:

"Prosecutor filed a suit against Murat Başoğlu and Burcu Başoğlu for 'immodest action'. According to the case's indictment in Bodrum 4th Criminal Court of First Instance, Murat Başoğlu denied that the person in the photographs his niece, saying that she was a girl named 'Olga', Burcu Başoğlu Kabadayı accepted that she was the woman on the boat." (cumhuriyet.com.tr) (CN1, Criticism)

"Murat Başoğlu, about whom Bodrum Prosecutor Office filed a case on 'Immodesty', said in his statement on 31st, August 'She was not my niece.' And yesterday in Bodrum, Burcu Başoğlu stated as follows: "I was not the one who was making love with my uncle on the boat. I do not know who she was." Like Murat Başoğlu, Burcu Başoğlu has also been banned from leaving the country." (birgun.net, 09.09.2017) (CN1, Criticism)

"According to the case file, the expert witness has also reported that the ones in the photo are Murat Başoğlu and Burcu Başoğlu." (www.sozcu.com.tr) (CN1, Criticism)

"In the case that was started to be examined on November 28th, 2017, in line with the judge's decree, an expert witness examination has started in the bay

of Yalıkavak neighborhood." (hurriyet.com.tr, 04.11.2018) (CN1, Criticism)

"Murat Başoğlu expresses in his statement that they left the beach by boat to go to the hotel with the niece Burcu Başoğlu Kabadayı,but later they entered to a bay because of the wave, and then when they understood they could not go to hotel by boat thanks to the waves, and returned back to the beach, according to his claims." (cumhuriyet.com.tr, 02.10.2017) (CN1, Criticism)

"The disgrace of Murat Başoğlu has been proven!

The indictment prepared by the Chief Prosecutor of the Republic about the two was completed. In the sickening details of the indictment, it is revealed that the faces of the two were confirmed by the face recognition system." (sabah.com.tr, 02.03.2018) (CN1, Criticism)

As is seen, this case has been highly criticized by the media both before and during the legal proceedings. Especially the public responded the incident very critically, and the proceeding has been published in detail in spite of the broadcasting ban. It is also observed in many news and tweets that the defendants of the case have been received as guilty by the media before the court gave the verdict. In this regard, the accusations have been presented as proven facts, and the principle of 'presumption of innocence' has been explicitly violated.

4.1.2.2. Case Number 2: Case of Nevin Yıldırım

The legal proceeding of this case has been broadcasted in so much detail that the public followed the trial to the very minute. The statements of the parties and witnesses have been presented with the reactions of the judges, and the trial has been conveyed minute-by-minute by some media outlets.

"Following the hearing of the witnesses, Nevin Yıldırım's attorney Halil Hilmi Tütüncü said that the trial has moved in the wrong direction. Tütüncü tells us that witness statements are always on the rumors and that no one has seen anything, he also tells "All the witnesses claim that they have heard that

there is an emotional relationship between Nevin and Nurettin. But there is no such thing. It is clear that there is a relationship by force. If my client had a voluntary relationship, she could escape with the killed man. We demand that the case be dealt with in this direction and the defendant to be referred to the Istanbul Forensic Medical Institution with regards to his mental health state."." (cumhuriyet.com.tr, 15.10.2013) (CN2, Criticism)

"14:35: The trial has started. The women, who went to Yalvaç to support Nevin Yildirim, are closely following the trial, too.

15:15 In the trial, it is brought to attention that villagers have contradictory testimonies with regards to Nevin Yıldırım's statements about her rapist Nurettin Gider. In this frame, Nevin Yildirim's lawyers conveyed the request to make the proceedings in a more detailed manner.

15.20 The Court of Cassation's decision to overturn attracted attention to the contradictions in the decision of the local court which formed the basis of overturning. In the first decision of the local court, it was told that Nevin Yildirim had not committed the crime alone. Nevin Yildirim's lawyers demanded a release decision with a judicial check and stressed that the detention period was exceeded extremely.

15:22: In the prosecutor's opinion, the continuation of the life sentence of the local court was requested.

15-minute break given in the trial.

15.45: Nevin Yıldırım repeated that the murder was committed by her.

15.47: Yıldırım's lawyers demanded time for objection in case of dismissal of the case. The request was accepted." (sozcu.com.tr, 03.01.2018) (CN2, Criticism)

"Court of Appeals for the 1st Circuit has reversed the judgment with regards

to the procedure by taking the view of the local court, which says that the opinion has been reshaped by the view that someone else had helped Nevin Yıldırım while undertaking this action, into consideration. The file sent to the local court has begun to be reviewed again. ... Speaking on the permission of the court delegation, Nurettin Gider's wife, Kezban Gider, says "I always say, 'Nevin cannot do this job alone' Nevin never threatened my partner, his father Zekeriya Yıldız always threatened. When Kezban says 'Let real guilty people get revealed', Nevin Yıldırım began to speak 'I did it, I killed.' I have been telling you this from the beginning, and I am willing to pay the price. The lady Keziban is talking very assertively. If she knows the incident, then we killed with together." (sozcu.com.tr, 04.01.2018) (CN2, Criticism)

While the legal proceedings continued, the theories of the true nature of the incident have emerged and were debated in the media. There were basically two theories on the incident: the first theory was that Nevin Yıldırım was a victim of rape and the murder was self-defense, and the second was that Nevin Yıldırım had been in a relationship with the victim for years and it was not self-defense. The pro-government and oppositional media have not taken sides in these theories. Although some of them have implicated that Nevin Yıldırım was the rape victim in some news at the beginning of the case, the majority of the news have not accepted any of the theories and broadcasted both theories in their various news.

"Nevin Yildirim, who killed the man, who she claimed to have raped and impregnated her, with a hunting rifle and threw his head into the village square after beheading him, told what she has been through and how she committed the crime to Haberturk Antalya Representative Tekin Atay who is and went to prison for visiting Nevin Yıldırım. Here is a victim of rape, a pregnant woman carrying a baby which is a product of this offense, a mother who suffers from the separation of her children, a woman who is very far from her loving husband, but at the same time, she is a murderer who committed a brutal crime, and she answers the questions that everyone is curious about" (sabah.com.tr, 18.10.2012) (CN2, Criticism)

“In the indictment, Nevin Yildirim is reported to have seen Nurettin Gider since 2010, and Nevin Yildirim is stated to have had a mobile phone conversation with Nurettin Gider for 3 hours 46 minutes 31 seconds in 2010, 42 hours 3 minutes 10 seconds in 2011 and 114 hours 47 minutes 22 seconds in 2012. It is noted that Nevin Yıldırım used expressions like 'I love you, sweetheart' in her talks and messages with Nurettin Gider.” (hurriyet.com.tr, 20.08.2013) (CN2, Criticism)

There were also many protests which criticized the judicial decision, stating it was not fair because the remission which is almost always applied to the punishment of guilty men was not applied to the punishment of Nevin. These protests were also published in the media in a supportive discourse.

“In Kocaeli, women went to the street for Nevin Yildirim, who killed the rapist and received life imprisonment. Nevin Yıldırım was sentenced to life imprisonment for shooting his relative who had raped him by force of arms. Kocaeli Women's Platform protested this situation with a press statement. Çağla Aslan, who reads the press statement, said, "We want life imprisonment for rapists, not for women, and we will continue to be in the streets against abuse, rape, and violence against women in this city and everywhere." The press statement was concluded with the following slogans: 'Women will call AKP to account, Not male justice but real justice.” (birgun.net, 27.03.2015) (CN2, Criticism)

“Women, who came to in front of Galatasaray High School with the sheets carrying Nevin Yıldırım's portraitit, shouted slogans for the release of Yıldırım. During the protests, a template portrait of Nevin Yıldırım was also painted and printed on a sheet. In the press release on behalf of the group, it was said that ' “We came together to demand that discriminatory and unfair practices against women are to be stopped and justice for Nevin Yıldırım is to be secured urgently. Nevin Yildirim, who was tried for killing his long-time raping relative, had to kill this man to escape the rape and protect herself.

Not to be treated within the scope of legitimate self-defense, even penalty reductions applied to men, who murdered women, were not applied to Nevin Yildirim." (hurriyet.com.tr, 16.04.2015) (CN2, Criticism)

Looking at the Twitter, it is seen that the criticism of this case mainly begun after Nevin Yıldırım was sentenced for life. There were very few tweets before the sentencing and they mostly belonged to women organizations rather than individuals. The case became popular among individuals after Nevin was sentenced for life. The tweets from the individuals mostly accepted that Nevin was a victim of rape and criticized that remission was not applied in her punishment in contrast to most male criminals who are not victims but the perpetrators of rape.

"#AtmaRcpDinKardeşyiz @DiploMANerede35 26.03.2015

HE RAPED AND KILLED OZGECAN ASLAN WHO GOT ON HIS MINIBUS. 17 YEAR IMPRISONMENT WAS DEMANDED FOR HIM... BUT FOR NEVIN YILDIRIM, WHO KILLED HER RAPIST, LIFE IMPRISONMENT HAS BEEN DEMANDED" (CN2, Criticism)

"FATMA BARIŞ EFE @fatmacumhurefe 09.04.2016

No penalty reduction, which has been applied to men, has been applied to Nevin Yıldırım, who killed her rapist SHE WAS DEEMED WORTHY OF LIFE IMPRISONMENT" (CN2, Criticism)

"Gülenay Pınarbaşı @gulenaypnrbs 31.08.2012

It is for sure that Nevin Yıldırım did not behead the man with bestial sentiments I think it is different from the case in which Cem Garipoglu had beheaded Munevver" (CN2, Criticism)

"Canan Karakaya @CananKarkya 25.03.2015

Nevin Yıldırım, who killed her rapist, has been given life imprisonment! Getting time off for good behavior is available only for perverts and

burglars." (CN2, Criticism)

"Jînda Zekioğlu @jinda_zekioglu 25.06.2015

Nevin Yıldırım has got life imprisonment for having killed her rapist. But the guy, who killed his wife with a club, got out with good behavior. Now, respect the law!" (CN2, Criticism)

"ÜZÜMCE 🦋🌍@_uzumce 25.03.2015

Kemal Balaban, who killed his 24 years- long wife, was punished yesterday for 10 years with an unjust provocation reduction. Nevin Yıldırım, who killed her rapist, has got life imprisonment today." (CN2, Criticism)

4.1.2.3. Case Number 3: Case of A.K.G.

This is one of the rare cases that both pro-government and oppositional media reacted in a similar way. After the suspect who punched the woman in the street was set free, the media, especially social media, criticized the judicial decision bitterly. Many people tweeted that he should be arrested by emphasizing that the decision was unjust and stated that their trust in the justice system was lost:

"A fistful attack to the young lady in Kadıköy! The attacker was released." (hurriyet.com.tr, 27.01.2018) (CN3, Criticism)

"Buket Atik @bukettatikk 27.01.2018

A man in Kadıköy punches a young girl, who walks quietly, for no reason. This man who is psychopathic and aggressive is then released. Is this the order? Obviously, this psychopath is going to hurt someone else. Then who's going to pay for it?" (CN3, Criticism)

"Hilmi Ozcelik @HilmiOzcelik1 27.01.2018

The state released the rapists early. A guy punches a lady in Kadıköy, and

gets released. Which conscience accepts this!" (CN3, Criticism)

"Ersin Ünlü @ersin_unlu 27.01.2018

If you live in a country like Turkey, while walking on the street on your way in your own state, one can come and throw a punch at you, and when captured, he may say "I live on the street, I do not remember the incident" and gets released" (CN3, Criticism)

"hø $ik @jinhobix 27.01.2018

I will also punch someone, that I do not like, walking on the street, somehow, they will not put me in prison too." (CN3, Criticism)

"beg ☸ @__pem__ 27.01.2018

Well, okay then. You can leave the courthouse freely with no sentence by saying 'I do not remember what I did'. What is the use of the courthouse then?" (CN3, Criticism)

"Adem Kadam @ademkadam 27.01.2018

It is not possible to understand why these perverts are released! He punched the girl walking on the street and broke her nose! He was released in the court!" (CN3, Criticism)

"Isıl @isilacevit 27.01.2018

It means that one of the psychopaths is going to throw a punch and will be released Which justice conception will deal with the trauma and injustice that he had been through?" (CN3, Criticism)

In addition, the case continued to be a news content after the suspect was arrested. The content of the indictment was published even before it was accepted by the court, and the claims of the prosecution were published as proven facts:

"A.K.G., who attacked and punched a young woman in Kadikoy Istanbul, was referred to the court for the second time and got arrested. The assailant was released after being detained. He was re-detained on the appearance of attack images reflected in security cameras." (sabah.com.tr, 28.01.2018) (CN3, Criticism)

"DESPITE ABSENCE OF ANY QUARREL, HE ATTACKED THE GİRL.

In the prepared indictment, it has been stated that B.G.K., who was going to her school, was injured by the suspect A.K.G., who punched on girl's nose without saying anything with his ring-worn hand and made the nosebleed despite the absence of any quarrel or discussion. It is stated in the indictment that according to the report dated 26 January 2018, after the treatment of the young girl in Sultan Abdülhamit Han Training and Research Hospital, it was noted that there was a superficial skin lesion around the nose and nose roots, and it was recorded that injuries could be treated with a simple medical intervention. ...In the indictment it is stated that the complainant B.G.K. went to the police station after the incident to file a report; later, the images of the scene were examined by the security officials and the identity of the suspect was detected and complainant verified the identity of the suspect. It is stated that the complainant diagnosed the identity of the suspect accurately and clearly during the identification process." (sozcu.com.tr, 02.02.2018) (CN3, Criticism)

"RING WAS ACCEPTED AS A WEAPON

In the indictment, it was noted that after the incident, the complainant went to the police station and filed a report, and the images of the scene were examined and the identity of the suspect was detected, and the complainant diagnosed the identity of the suspect accurately and clearly during the identification process Suspect told during the investigation that he did not know the complainant, and he endorses the action, which he accepts as pushing the complainant out of the pavement and which suspect accepts as

crime only by means of willful misinterpretation, therefore suspect tells the story of his attack and his wounding on the complainant by his ring-worn hand in this way. It is expected that the Istanbul Anatolian Criminal Court of Appeals, to which the indictment was sent, will decide within 15 days to accept or reject the indictment." (cumhuriyet.com.tr, 02.02.2018) (CN3, Criticism)

4.1.2.4. Case Number 4: Case of Cerattepe

As is mentioned in the 'dramatization of the legal cases' section, the pro-government media supported the permission given to the mine by introducing the ones who are opposed to the mine as the traitors who work for the interests of Germany and the terrorist organization PKK. The dramatized content formed most part of the news in the pro-government media. It can be said that they criticized the applicant parties of the legal case mostly not by arguments but by dramatizing them as traitors. On the other hand, in a few news stories, they defended that there would not be any damage to the nature because new trees would be planted, substituting the ones that were cut down:

"Despite the removal of the ore from the copper mine in Artvin Cerattepe by means of a closed hearth underground operation and the planned transport of the ore by the cable car without destroying the environment, those, who do not want Turkey to use her mines in reviving economy and grow, Cerattepe is abused with undertaken actions and perception operations." (sabah.com.tr, 19.02.2016) (CN4, Criticism)

"Cerattepe facts are revealed!

Germany, who wants to prevent the removal of copper and gold from mines by using so-called environmentalists as a cat's paw, aims at hindering Turkey from making billions of dollars...Amid the quarrels of provocations, the concerned party, the general coordinator of Etibank Ünsal Arkadaş, who is responsible for mining activities in Cerattepe, responded the queries of Star.

Pointing at the impact of unfounded claims on the people of Artvin, Arkadaş states "If I was not in the business and did not know the truth, I would be together with them". Here are the claims about Cerattepe and their responses" (haber7.com, 27.02.2016) (CN4, Criticism)

On the other hand, the oppositional media criticized the administrative act which permitted the construction of the mine as opposed to the expected harm to be done to the environment. After the action for nullity was filed, the legal proceedings were followed closely and every development was broadcasted. In this manner, even the expert report was criticized in the media in detail. Especially the oppositional media criticized every argument of the report paragraph by paragraph as if they were the advocates of the applicants:

"The court expert is confused.

According to the report, the expert panel approaches the new EIA Report positively after the cancellation of the previous EIA Report to the judiciary and expresses that if the necessary measures are taken and audits are carried out, the project can be implemented. However, according to the report, the delegation acknowledges that the amount of ore to be extracted from the mine is inconsistent with the carrying capacity of the cable car. The expert report transmits that 500,000 tons of ore will be extracted annually from the mine, while the carrying capacity of the cable car is 292 thousand tons per year. The delegation mentions the positive effects of the cable car in all other evaluations, although it uses "expressions that the line is not technically feasible to transport the entire 500,000 ton/year ore production proposed in the project with a cable car line carrying capacity of 292,000 ton/year". The Green Artvin Association informed the expert delegation by making the same account during the discovery that the ore to be extracted from the mine would be transported by trucks and that it would be contrary to the EIA Report…. 'Take the plants from here, put them the other side'

Evaluations of the expert delegation about the endemic species in the mine

project and the protected life forms caused a surprise…. The delegation also found that the measures put forward in the EIA Report for conservation and reforestation of the soil within the mine project site "sufficient" and " appropriate in terms of scientific criteria". 'There is no problem if measures against water pollution are taken' The expert committee did not pay much attention to the of the top objections that the mining project in Cerattepe would pollute the water resources of Artvin" (birgun.net, 07.06.2016) (CN4, Criticism)

The oppositional media also criticized quite a lot, the decision to dismiss of the Administrative Court and the decision to approve of the Council of State. The criticisms emphasized that a decision of nullity was made in 2009 in another case regarding the license of the same mine in the same region and the Council of State approved it. The contradiction between the decisions which were made in 2009 and 2014 was interpreted as an intervention of the government to the judiciary since the owner of the current firm was known as pro-government:

"Mining work started at Cerattepe, water resources got polluted

After the Supreme Court's approval of the local court decision on 'mining can be done', the first crisis broke out in the Cerattepe region of the Caucasus Plateau of Artvin, where mining activities began. Water sources, to which wastes from the northern and southern gallery areas of the Cerattepe mine were alleged to be dropped, got polluted." (birgun.net, 24.07.2017) (CN4, Criticism)

"The decision of the Rize Administrative Court which says "mining is permitted" was approved by the 14th Chamber of the Council of State. The company began the activity. With the entrance of company, whose first job was a massacre of trees, to the mining field, the cattle in the region got poisoned from the water. People are prohibited from taking action against mining projects. The Ministry of the Interior has not processed the crime announcement about Yucel Yavuz, the Governor of Trabzon who threatened

Artvin people "We will cut off the heads of defiants if necessary"... Workers working in the mines of both Murgul and Cerattepe were fired by Eti Bakır Inc. for their demand for wage increase." (birgun.net, 16.02.2018) (CN4, Criticism)

"Council of State approves Cengiz Holding's plan to destroy Cerattepe

... Did we get very surprised! Of course NO ... But at least we hoped that the Council of State could decide to cancel the EIA on the basis of the 2009 and 2015 decisions that 'mining can not be done at Cerattepe'. We did not get surprised because with the Mining Law and EIA Regulations got riddled with holes in favor of companies, judges got constantly changed, discoveries and expert reports got repeated until decision became as Cengiz requested and martial law bans in the province of Artvin got introduced in addition to State of Emergency, it was so obvious that such a decision was about to come." (birgun.net, 05.07.2017) (CN4, Criticism)

"The Council of State, approved the decision of the local court which says 'Mining can be done' and which is to destroy Cerattepe; and in the 25-page long report, there is no case to cancel the decision... The 14th Office of the Council of State has approved a local court ruling that had previously canceled the 'EIA positive' report issued by the Ministry of Environment and Urbanism for the same region in 2013." (birgun.net, 07.07.2017) (CN4, Criticism)

"The damage caused by the work initiated after the approval of the mining project, which the Cerattepeliler had kept watch for 245 days, was displayed. It is said that there has already 2,500 trees been cut in the region. The villagers also say that streams flow gray, and agriculture and stock raising have been negatively affected by the polluted water." (cumhuriyet.com.tr 15.08.2017) (CN4, Criticism)

"Mine work in Cerattepe poisoned animals

11 animals were poisoned and got sick in the Cerattepe region of Artvin's Caucasus Plateau. The cause of the poisoning of animals is pollution of the drinking water by the mining work which gets a reaction in the region...." (sozcu.com.tr, 24.07.2017) (CN4, Criticism)

On the other hand, the pro-government media illustrated the judicial decisions as proof of their arguments:

"Refusal to the case for canceling EIA in Cerattepe

THE MINING ACTIVITY POSES NO RISK

The court examined the region with an expert panel on March 14th. In the expert report that reached the court, it is stated that if the ore, which is estimated to be removed by 500 thousand tons per year, is transported by cable car with enclosed cabin, damage to the surrounding area will be reduced and the risk of landslide would not occur with the intermediate production method." (sabah.com.tr, 3.10.2016) (CN4, Criticism)

The tweets were reflections of the traditional media news in means of argumentation. However, the tweets of individuals which were from a pro-government point of view were much more than the ones from an oppositional point of view. The tweets which were from an oppositional point of view mostly belonged to associations or non-governmental organizations rather than individuals. This situation may be interpreted as that the individuals were mostly not against the mine or that the opposition remained silent in this case which was relatively political:

"artvinden @artvindencom 02.10.2017

Artvin's People will go to the UN if necessary: In #Cerattepenot water, but grease flows in the streams" (CN4, Criticism)

"Yeşil İnci @ridvankan1 12.11.2017

#CERATTEPE is vital to our country, they pulled a lot of tricks to prevent iy but could not accomplish." (CN4, Criticism)

"EŞBER ATİLA @EsberAtila 13.11.2017

In #Cerattepe tree got defeated to te rent." (CN4, Criticism)

"Karadeniz İsyandadır @karadenizisyan 02.07.2015

Against Cengiz Construction and the Governor, Artvin's People have a single voice: Cerattepe is Impassable, Artvin's People are Undefeatable! #NotoMininginArtvin" (CN4, Criticism)

"Yakup Okumuşoğlu @YakupOkumusoglu 22.06.2015

Guard station is ready! Artvin Cerattepe mine struggle. They could not have entered for 20 years, and they won't be able to penetrate again! #CerattepeArtvin" (CN4, Criticism)

4.1.2.5. Case Number 5: Case of Tarlabaşı

The pro-government and oppositional media had different point of views regarding this case. The pro-government media presented the urban transformation project as favorable for the public by emphasizing that it is advantageous for the economy and the renewal is necessary for the city:

"A brand-new favorite city is emerging in the most problematic region of Istanbul. In the direction of the construction plans, alternative projects are being prepared by taking individual buildings, roads, sports areas, public service buildings, transportation axes one by one into consideration. The economic source of the new city is planned as tourism and service sectors. Also, an employment center is to be formed for 30 thousand people while 100 thousand people will be living in the city." (haber7.com, 27.03.2014) (CN5, Criticism)

“The project has increased the value of derelict buildings by 40 times

Beyoğlu Mayor Demircan says "With the Tarlabaşı Urban Renewal Project, the value of the derelict buildings has already increased by 40 times and Tarlabaşı has become one of the most valuable districts in the region."” (haber7.com, 07.03.2014) (CN5, Criticism)

“In his statement, Demircan noted that Beyoğlu, which has been neglected for years, has prepared a "Tarlabaşı Renovation Project" to lift the Tarlabaşı district again and also the project includes 278 properties, 213 of which are registered. ... He informed that the projects prepared by business experts were approved in the Council of Monuments and mechanism proceeds upon this common project. He also noted '"There is no such thing as lawlessness, arbitrariness, stolidity, destruction of historical heritage. On the contrary, it is also the aim of this project to protect the cultural heritage, which is constantly and continuously disappearing, in a certain concept within a certain project.” (hurriyet.com.tr, 26.08.2010) (CN5, Criticism)

On the other hand, the oppositional media asserted that the project is against the public benefit by emphasizing that the fast change destroys the historical and cultural aspect of the neighborhood and the project is only advantageous for the capital-owning class:

“The shame of the state: Tarlabaşı

The exhibition titled 'Tarlabaşı-The Shame City', which covers 30 thousand photographs taken by photographer Ali Öz for two years in Tarlabaşı, opens today in Vienna. Oz, with whom we met for an interview, says 'the massacre undertaken here on the pretext of urban transformation is the shame of state.” (cumhuriyet.com.tr, 21.11.2017) (CN5, Criticism)

“Protests in Tarlabaşı

The "urban transformation" activities and works in Istanbul Tarlabaşı were

protested. … Balcı, who states that the activities started a few days ago, says 'The process of expropriation against property owners, who have resisted abandoning their homes, also continues. All historic buildings within the renovation area will be demolished in order to implement new projects. Contrary to other historical sites, neither floor plans nor building heights will be preserved. We argue that this project is a slaughter of history and Istanbul in which the project demolishes all the standing and usable historical buildings, displaces all the population without granting any realistic alternative and aims at making selected institutions get huge rents.'" (cumhuriyet.com.tr, 23.09.2010) (CN5, Criticism)

"They said, "It is not a transformation project, it is a distribution project".

A group gathered in front of the Beyoglu Municipality protested the Gap Construction Company, the contractor of the " Tarlabaşı Renovation Project ". The demonstrators carrying banners bearing the words " End to the municipality-holding partnership ", " not a transformation but a distribution project " got scattered after shouting slogans for a while in front of the Municipality of Beyoglu." (cumhuriyet.com.tr, 12.02.2009) (CN5, Criticism)

The tweets were mostly parallel to the oppositional media's arguments. They emphasized the destruction of the historical and cultural aspect of the neighborhood. Moreover, they generally criticized that the project is in favor of the capital-owning class:

"Elif Ince @Elifince 15.12.2011

Operation 'Return to Life' in Tarlabaşı... Urban transformation=old-timers to the street, new-comers to the residences" (CN5, Criticism)

"vandalovski @sfk_yvz 15.04.2013

Sevan Ataoglu said 'Do you know ongoing demolitions of urban transformation in Tarlabaşı are about to erase a 200-year-old church..."

(CN5, Criticism)

"Zeynep Aslı @sharkandangel 07.09.2013

Where is Sulukule? To where is Tarlabaşı? Urban transformation kills a city's soul and its memories" (CN5, Criticism)

"Gülseren Onanç @gulserenonanc 27.09.2013

@cuneytozdemir Have you thought about the urban transformation as a rent-oriented transformation when you looked at the company that was contracted to Tarlabaşı project?" (CN5, Criticism)

"gamsız yaklaşmayın @GamsizDansoz 21.10.2013

It is in our hands to say stop to rent of urban transformation which victimizes people of Sulukule, Tarlabaşı and other many neighborhoods: https://www.change.org/tr/..." (CN5, Criticism)

"Seray Şahiner @seraysahiner 24.10.2013

On the boards of Tarlabaşı urban transformation, whose who are displayed are blonde; those who are forced to say 'renewal' are brunette. To what are we supposed to get convinced, to get blonde?" (CN5, Criticism)

4.1.2.6. Case Number 6: Case of Soma

After the fire in the Soma mine which resulted in 301 death and 162 injured according to official sources, the ministry did not give permission to hold an inquiry against the twelve inspectors, who inspected the mine two months ago from the incident and reported that there was not any deficiency in the mine. In addition, a prosecution was started against Alp Gürkan who was the largest shareholder of the company operating the mine and two managers, namely Hayri Kebapçılar and Haluk Sevinç but then the prosecutor nol-prossed the indictment on the ground that they did not have any responsibility about the incident. The only prosecution about

the incident was that against the forty-six suspects which include the chairman Can Gürkan. The media highly criticized that the governor and the two managers were not included in the case. As is described in the dramatization section, the media highly dramatized the case and presented various scenarios in order to explain why Alp Gürkan and the two managers were not included in the legal case. The media especially sided itself against Alp Gürkan in this manner and generally claimed that the suspects in the legal case are the most innocent people in means of the responsibility of the incident:

> *"Alp Gürkan is also supposed to be tried on the suspicion of killing someone with eventual intent …Those who are tried in the Soma Workers' Massacre case, except the boss Can Gürkan, are at the bottom of this crime tree." (birgun.net, 24.09.2015) (CN6, Criticism)*

> *"Even if just a smidgen, our state will bind up wounds with its deeds. Nobody can do anything to the owner of the mine. I do not understand why none can touch him? You know he is Koç's former partner. All sorts of things come to one's mind. Our capacity does not suffice. The judge said there is no need to call him because there is no overt concrete evidence. It is not possible to understand it." (haber7.com, 27.05.2014) (CN6, Criticism)*

> *"There 'was' not sufficient information about the disaster, in which 301 miners had died. In a mining disaster investigation in which 301 workers lost their lives in SOMA, the court rejected the custody demand of the public prosecutor's office about Soma Mining and Soma Holding's owner Alp Gürkan. It was learned that the vacation court rejected the request for detention on the grounds that there was not enough evidence and information available" (hurriyet.com.tr, 22.05.2014) (CN6, Criticism)*

Apart from the critics about Alp Gürkan and the fairness of selecting the suspects for the legal case, the media also followed-up on the trial process. In this manner, the details of the trial such as the claims of the parties, the indictment, interim decisions of the judges and the statements of the suspects and the witnesses were

published in the media in detail:

"Request for a trial of Alp Gürkan in the case of Soma

In the seventh session of the trials in Akhisar, which is about the disaster in which 301 miners had lost their lives in the Soma district of Manisa and in which there are 45 defendants among which 7 are arrested, Gani Engin Ulusoy, the lawyer of Electrical Engineer Ümit Şahin who is one of the defendants and not arrested, defended the defendant. Ulusoy, who accused Alp Gürkan, who bought the mine in 2009, without giving a name, demanded him to be present in the courtroom and be tried." (hurriyet.com.tr, 22.04.2015) (CN6, Criticism)

"The indictment also includes an expert report dated September 5, 2014. In the report, primary and secondary defects were detected under 20 subjects. Among those who had defects, there are company's executives at different levels, job security experts and government-affiliated Turkey Coal Enterprises (TKI) Aegean Lignite Company (EL)'s chief engineer and control engineers.

HERE ARE THESE DEFECTS

Some of the outstanding subjects in the report are the following:

-The difference in oxygen and carbon monoxide levels from the sensors was not taken into account.

-The ventilation system was not made properly for the mine, it was not possible to talk of a reasonable distance to get out to the fresh air.

-Wooden wedges, PVC pipes, and tapes were not fire resistant. Some of the tape motors and the connection terminal equipment of the electrical cables were not selected from the flame-proof ones.

-It was observed that some CO masks did not perform their functions during

the incident and that the controls of masks debited by employees were not carried out for a long time.

-the Volume of production exceeded what was planned. "Forced production" led to the failure to take necessary measures and to create dangerous working conditions." (birgun.net, 09.08.2016) (CN6, Criticism)

"Complainant lawyers asked Alp Gürkan, "Why did you take over the Mine despite the warning by Park Technical Inc. that it is not possible to make the production as much as it is promised due to uncontrollable fires?" Gürkan said, "Being aware of them and taking necessary measures is essential for the mining operation. All the mines in Soma are prone to fire. We knew that. We did not say it could not be operated because of the fire. We completely renewed the enterprise." ... The complainant lawyers asked '"How and by what means did you get the annual production of 1.5 million tons to 3 million tons?", Alp Gürkan replied "Since the production was completely automized, machines raised the production level. Increasing the production is about the mechanization of the enterprise." In reply to the question "Why did not you apply the ventilation revision project?", Gürkan said "It's not possible for me to know that", and also in reply to questions concerning the responsibility of other defendants, Gürkan made the following remarks "I do not think or accept that any of my dear friends is flawed." (birgun.net, 26.12.2016) (CN6, Criticism)

The tweets were parallel to the content of the traditional media. They criticized that the managers, especially Alp Gürkan, were not sued and voiced the demand that he should stand trial:

"kabapelit TR @erkankabapelit 22.11.2014

Do not forget!! ALP GURKAN, who is responsible for Soma disaster, is still enjoying the day and making money with the same methods!! Did justice work?" (CN6, Criticism)

"asosyal @asosyalll 17.04.2015

Why does Alp Gürkan get no trial!? Live blog – Soma Case|. The defendants are shifting the blame to on the security expert who died in the massacre http://www.diken.com.tr/canli-blog-soma-davasi-saniklar-tum-sucu-katliamda-olen-guvenlik-uzmanina-atiyor/ …" (CN6, Criticism)

"Nuray Duran @NurayDuran 22.04.2015

Let Alp Gürkan be tried in Soma Case: 301 in the Soma district of Manisa… http://dlvr.it/9VqP2Y #takipleselim" (CN6, Criticism)

"Meral Köroğlu @MeralKoroglu 22.04.2015

If NOT TOO MUCH TROUBLE.....! The request for the trial of Alp Gurkan in Soma http://www.karsigazete.com.tr/gundem/somada-alp-gurkan-yargilansin-talebi-h37186.html …via @karsigazete" (CN6, Criticism)

4.1.3. Parties' Attempt to Persuade the Media

In a context where the media is active about the legal processes, it is observed that parties often try to persuade the media. It can be said that this situation is a reflection of the practice which is explained in the 'criticism' section that the media examines, criticizes, decides and announced its decisions to the public. The parties accommodate to the role which the media gains and try to persuade the media as if they are persuading the court. This effort may be in order not to be affected negatively by the media's criticism or for the faith that one can be acquitted in the court if she can be acquitted in the media. As is mentioned in the 'criticism' section, the media sometimes presents justification for its decisions and sometimes presents only dramatization to show that one party is right or wrong in the case. Parties also sometimes use justification and sometimes dramatization to persuade the media as parallel to the media's own strategy. In this section, the cases are examined in order to observe the parties' attempt to persuade the media.

4.1.3.1. Case Number 1: Case of Murat Başoğlu

After the claim that Murat Başoğlu had an affair with his niece, he asserted that the woman was not his niece but another woman called Olga. Then, he declared his regrets for cheating his wife to the media:

> *"M.B.: It Can Happen to Any Man!*
>
> *Murat Başoğlu, the famous presenter married for 14 years and father of a child, got caught kissing a woman on a boat said "I made a huge mistake. Probably my wife will divorce me." Talking to Bülent İpek from Haberturk, Başoğlu said "It was a sudden thing, it can happen. It can happen to any man." (sabah.com.tr, 02.08.2017) (CN1, Parties' Attempt to Persuade the Media)*

However, since the broadcasting was banned by the decision of the court on this case in a short time, parties and their lawyers could not be visible on the media or comment on the case directly after the ban:

> *"At the request of the Chief Public Prosecutor of the Bodrum Republic, a ban was issued against news and images related to the relationship between Murat Başoğlu and his niece. It was also stated that an international travel ban was introduced." (cumhuriyet.com.tr, 30.08.2017) (CN1, Parties' Attempt to Persuade the Media)*

On the other hand, even the statements of the suspects and the indictment continued to be published in spite of the ban, and the legal proceedings were published in detail as is explained in the previous sections:

> *"According to the case file, the expert witness has also reported that the ones in the photo are Murat Başoğlu and Burcu Başoğlu." (sozcu.com.tr) (CN1, Parties' Attempt to Persuade the Media)*
>
> *"In the case that was started to be examined on November 28th, 2017, in line*

with the judge's decree, an expert witness examination has started in the bay of Yalıkavak neighborhood." (hurriyet.com.tr, 04.11.2018) (CN1, Parties' Attempt to Persuade the Media)

"Murat Başoğlu expresses in his statement that they left the beach by boat to go to the hotel with the niece Burcu Başoğlu Kabadayı, but later they entered to a bay because of the wave, and then when they understood they could not go to hotel by boat thanks to the waves, and returned back to the beach, according to his claims." (cumhuriyet.com.tr, 02.10.2017) (CN1, Parties' Attempt to Persuade the Media)

It might be the case that because the parties could not give statements to the media directly, they might have leaked the documents of the case to the media as an effort to persuade the media.

Additionally, Murat Başoğlu violated the ban three months after it was issued by the court. He made a statement to the media and tried to persuade the media by crying and asserting that the whole case was a conspiracy against him:

"Murat Başoğlu: They wanted me to die

Murat Başoğlu, whose candid photos with his niece Burcu Başoğlu appeared this summer in Bodrum, spoke to Anılcan Tanrıyar from Uçankuş after several months. Murat Başoğlu, who said that the photographs that did not belong to his niece Burcu Başaoğlu, could not hold his tears from time to time during the interview. ...Murat Başoğlu also stated, 'This is a planned attack. I am very sorry for what happened, someone is doing evil to us and they have plotted against us to accomplish this. People wanted me to die'." (birgun.net, 02.11.2017) (CN1, Parties' Attempt to Persuade the Media)

4.1.3.2. Case Number 2: Case of Nevin Yıldırım

The advocates of Nevin Yıldırım and the family members of the decedent gave statements to the media to defend their arguments through the process of the case

periodically.

The advocates of Nevin Yıldırım held press conferences before and after the trials. They explained to the public that Nevin was innocent and a victim of the rape. They also criticized the judiciary as being the "justice of the men" and "men justice" since there was not any remission for Nevin's punishment in contrast to many men defendants.

> *"The women's lawyers called on all women to participate in the appeal against Nevin Yıldırım today (14 September) at the Ankara Court of Cassation. Diren Cevahir Şen, one of the attorneys attending the meeting, said, "On 14 September we call all women to be the voice that Nevin cannot make people hear. Because Nevin was raped by force of arms for three years. For her, we request real justice, not male justice."* Also, *lawyer Songul Yıldız said, "We expect female lawyers to support her by offering her authorization license. In fact, we are waiting for the appeal to dismiss the decision by noting her right to self-defense, but no reductions were applied in any way. This show that justice is male, too" (cumhuriyet.com.tr, 13.09.2017) (CN2, Parties' Attempt to Persuade the Media)*
>
> *"Fatoş Hacıvelioğlu, one of the lawyers who followed the case, was in the press statement in front of the court after the hearing. Stating that Nevin Yildirim killed her rapist after a systematic rape and no legitimate self-defense reduction was made in the given decision, Hacıvelioğlu said "We will demand the implementation of all legal reductions in the decision to dismiss," (cumhuriyet.com.tr, 03.01.2018) (CN2, Parties' Attempt to Persuade the Media)*

The family of the decedent also gave statements to the media. His mother and wife emphasized that the decedent was not a rapist and he was in a relationship with Nevin. They criticized women organizations that they did not support them although they are also women like Nevin:

“While Nevin Yıldırım’s retrial has continued in the local court, Nurettin Gider's mother, Zeynep Gider, and his wife Kezban Gider evaluated the decision. Mother of two children Kezban Gider said, "Nevin did not kill my husband. They got him there and killed him then. Nevin's mother, father, father-in-law, and brother-in-law are all in this business " Mother Zeynep Gider pointed to the support for Nevin Yıldırım by women's organizations. and reacted as " They should empathize with me. They always support Nevin. I am also a woman, they should come and support us, too". (hurriyet.com.tr, 25.09.2017) (CN2, Parties’ Attempt to Persuade the Media)

“Nurettin Gider's mother, 62-year-old Zeynep Gider and his wife 41-year-old Kezban Expense, evaluated the decision. Zeynep Gider says she has been shedding tears every day since the day his son was killed and continued "They made my child pay for their sins. What happened, he raped her. Could a person rape another person for 3 years? Could she go next to someone who raped her for 3 years? If my child is guilty, that woman has a larger share in this guilt. Two days before the incident, they constantly made the girl call my son. Their aim was to kill. My son did not go. He said 'You come here, did I go nuts to come to that place'. Would that a man, who had not gone two days ago at 2 a.m., go there at 9 p.m. at the night of the incident? They took my son to the scene of the incident and they did what they did." ... Zeynep Gider reacting to the support of women organizations for the release of Nevin Yildirim, said: "I am a mother. My heart bleeds. They are women too, do not they have any children? If it happens to their own children, can they do it? This time, let them put themselves in my place. They always support Nevin. I am a woman too, let them come and see my state of affair, and support us." Noting that they have been living in great difficulties since the moment of the incident and that she got sick thanks to stress, Zeynep Gider said "We shed tears every day. We cannot enter our home. If I stay home one day, the next day I go out. I have three pockets of medicine. Is not it a pity to us?” (haber7.com, 25.09.2017) (CN2, Parties’ Attempt to Persuade the Media)

4.1.3.3. Case Number 3: Case of A.K.G.

In this case, the victim of the crime gave a statement to the media. She described the incident by giving emotional details and portrayed how the suspect harmed her body:

> *"The young girl said, "I go to school from this way, I always use this route. A guy came and hit. Then he continued walking. I started shouting, those around run to help. I got bruises and scratches on my nose, also my face swelled." (sozcu.com.tr, 27.01.2018) (CN3, Parties' Attempt to Persuade the Media)*

Her mother also made a statement to the media about how they feared:

> *"Mother Mehtap K., who said she got really sad, stated "We were really afraid. Catching him in the soonest time was very important for us. Because children generally use this route while going to their schools." (sozcu.com.tr, 27.01.2018) (CN3, Parties' Attempt to Persuade the Media)*

On the other hand, the suspect in this case was a homeless and mentally ill person reportedly, and he has not shown any attempt to persuade the media.

4.1.3.4. Case Number 4: Case of Cerattepe

Various applicants of the case made statements to the media periodically and explained the disadvantages of the mine for the nature and the creatures in the region:

> *"Sercan Dede, one of the important figures of the Artvin resistance, underlined that the February resistance is a historical resistance: ... we continue to keep the Cerattepe struggle alive over the dimensions of the pollution that mining has begun to create. Someone can protect the mining company in Cerattepe, but they will not be able to prevent spring from coming. 'Spring! It is hope, it is beauty. Sooner or later, victory is so close.'*

Victory is close today too. As long as we do not give up on our faith and our struggle." (birgun.net, 16.02.2018) (CN4, Parties' Attempt to Persuade the Media)

"Fikret Beyaz, who earns his livelihood by stockbreeding just below the northern gallery in Cerattepe, stated that his 11 animals got sick, and he claimed that after the mining company started to work, the water resources were polluted ...Mevlüt Altuntaş, one of the inhabitants of Hatila Village, located at the bottom of the southern gallery section of the mining activities, stated that all the streams got white and the water we used for irrigating vegetable and fruits got polluted. He said ' We have not witnessed anything like it for years.'" (birgun.net, 24.07.2017) (CN4, Parties' Attempt to Persuade the Media)

The applicant Green Artvin Association even organized a press conference in the region to show the journalists the mine area and to enable the locals who are opposed to the mine to be present in the media:

"Green Artvin Association and Istanbul Artvin's People Association organized a press tour to the mine site at Cerattepe local. A group of 30 people from Istanbul, including journalists and documentary producers, made examinations in the region. The team that showed how the region was demolished also interviewed many peasants in the region." (sozcu.com.tr, 13.08.2017)(CN4, Parties' Attempt to Persuade the Media)

On the other hand, officials of the defendant company and also the Minister of Energy and Natural Resources gave statements to the media to defend their arguments and to persuade the public that the mine project is not dangerous for the region:

"Among the dust of brawl, Unsal Arkadas, the concerned party and the General Coordinator of Etibakır, which is to undertake mining activities in Cerattepe, replied the questions of Star. Pointing at the impact of unfounded

claims on the people of Artvin, Arkadaş states "If I was not in the business and did not know the truth, I would be together with them" Here are the claims about Cerattepe and their responses." (haber7.com, 27.02.2016) (CN4, Parties' Attempt to Persuade the Media)

"Minister of Energy and Natural Resources, Taner Yildiz, argued that the attention to green and environment is paid, but despite all this sensitivity, it would not be a correct approach to say "There will be no mines" ... both mining and environmental sensitivities must be taken into account. Are not they taken into account? No, they are. We took all the relevant measures about the process. The ore extraction-related voids will be re-evaluated. Relevant to this, any visual disturbance will not occur hopefully." (haber7.com, 14.07.2015) (CN4, Parties' Attempt to Persuade the Media)

Moreover, the company officials announced that they reduced their mining area two thousand hectares and that they will plant thirty-five thousand trees in the region. The company also sent 5 thousand letters to the residents of the region where they explained their arguments:

"Eti Bakır General Coordinator Ünsal Arkadas, who answered all the claims about Cerattepe, said, "The area of our search license is 4,406 hectares. The 2 thousand hectares of this area is for water and tourism. It also includes settlement areas. "We have applied the General Directorate of Mining Affairs officially and requested that 2,000 hectares be excluded from the permit"..Arkadaş also said, "We gave up on our right to extract mine, and we will not even search the 2,000-hectare area that had been left to us for mining." In response to claims that 50 thousand trees will be cut in Cerattepe, Arkadaş said: "Only 3 thousand 500 trees will be cut, and we will plant at least ten times as much as 3 thousand 500 trees". (sabah.com.tr, 29.8.2017) (CN4, Parties' Attempt to Persuade the Media)

"Alleged claims, that were made in the perception operation of the copper mine in Artvin Cerattepe, are collapsing one by one. About the project, the

mining company prepared ten thousand letters. five thousand of these letters were sent to local people and misguiding have been hindered. In addition, all the people of the region will be invited to mine to make them see the project vividly. The people who will be invited to the mine in groups will be able to inspect the mine whenever they want ... Within the scope of the mining studies, it is stated that only 3,500 tree cuts will be made, including the cable car system area, and then the surface land on the construction site will be scrapped and stored. After the end of the activity of the mine, this land will be replaced on the ground and the area will be planted. It is stated that at least three times the number of cut trees will be planted." (sabah.com.tr, 25.8.2016) (CN4, Parties' Attempt to Persuade the Media)

4.1.3.5. Case Number 5: Case of Tarlabaşı

In this case, the mayor of the Beyoğlu Municipality made statements to the media very often. He emphasized that the urban transformation project supports the investors and increases the prices of the houses like it is advantageous for the public:

"While noting that 100 thousand people have been employed in the region in the last 10 years and this means an investment of 50 billion liras, Ahmet Misbah Demircan said, "1.1 million square meters of construction is being done now and they are worth around 10 billion liras". He also stated "Looking at the general trend, both the public and private sector are constantly investing in Beyoğlu. Every new project in this area creates employment, it is food and work for the people of the region " (haber7.com, 11.03.2015) (CN5, Parties' Attempt to Persuade the Media)

"Stating that the Tarlabaşı Urban Renewal Project has added value to property owners, the rights holders, the residents of the region, those living in the surrounding regions and even the surrounding regions and to all Istanbul, Demircan said "When we started the project, 40 percent of the buildings were derelict, and therefore the owners of these properties could not earn any income. With the Tarlabaşı Urban Renewal Project, the value

of the derelict buildings has already increased by 40 times and Tarlabaşı has become one of the most valuable districts in the region. However, this is not a project in which only the right-holders won. Thanks to its historical and cultural values, the region will be a brand-new attraction center, for which all of us will be proud, and will contribute to Istanbul in terms of tourism and therefore the economy. The Renewal Project will initiate a change for the whole region with commercial activities based on value and service sector" (haber7.com, 07.03.2014) (CN5, Parties' Attempt to Persuade the Media)

The mayor also presented the judicial decision of Council of State which dismissed the Trial Court's decision that the arrangement serves the public benefit as not against the project but a revision of it:

"Beyoglu Mayor Ahmet Misbah Demircan denied the media reports that Tarlabaşı Urban Renewal Project was stopped. President Demircan explains that the news does not reflect the truth and the project continues with full speed. Demircan also said "All the lawsuits related to the expropriations made so far have been concluded in favor of our municipality. The decision of the last Council of State carries the meaning of 'reconsideration'". ... Demircan said, "Contrary to what has been said, the project is continuing without slowing down", adding that the news that 6th Chamber of the Council of State stopped the renewal project and canceled some of the expropriations with a new decision are unfounded." (haber7.com, 02.07.2015) (CN5, Parties' Attempt to Persuade the Media)

"Expressing that the rumors are baseless, Demircan said the news that 6th Chamber of the Council of State stopped the renewal project and canceled some of the expropriations with a new decision are unfounded. T.R. The 6th Division of the Council of State has asked the administrative courts to make a more detailed examination and make a decision again." (hurriyet.com.tr, 30.06.2015) (CN5, Parties' Attempt to Persuade the Media)

On the other hand, the advocates of the residents made statements to the media and

emphasized that the houses are taken from the residents in exchange for very low prices, and by this way, the poor residents of the neighborhood are removed from the region:

> *"The lawyer of the Tarlabaşı Association Baris Kaşka said, "The urgent expropriation decision has not been implemented in Tarlabaşı, but the municipality, got powerful with the new authority, has put pressure on the citizen by saying" If you do not agree with us, we will evacuate you immediately". Kaşka says that the expropriation prices offered to the "uncompromising" houses in Tarlabaşı by the municipality are usually as much as four-in-one: "Although we have increased the charges a little bit in the Court of Cassation, we have reached half of the actual values." (sozcu.com.tr, 13.03.2013) (CN5, Parties' Attempt to Persuade the Media)*

4.1.3.6. Case Number 6: Case of Soma

The workers of the mine and the advocates of the victims gave statements to the media. The workers of the mine declared that the mining firm did not tell the truth on the security manners of the mine. They said that they were not given any education about the work and that the security measures in the mine were insufficient:

> *"Ercan Çetinyılmaz (43), who worked for 9 years in shift 1, Ömer Günay (35) and Ferhat Dağlı (29) who worked in shift 2 for 2 years, listed the differences between the facts and what has been said one by one. They say ' We have no negligence but do not know why the accident happened.' The contradiction starts here. First of all, none of us believe in what the boss says, and his explanations not only did not convince us but also demoralized us even more. " ... Does a worker know about inspection a week, 10 days ago? We knew every inspection. The inspector of the state comes has the feast and leave without visiting even the mine. The inspector needs to see the production. Inspection is carried out suddenly and in the form of raid. After everything was fixed in our mine, our inspections got started. In 2011, inspector gathered*

us and said 'we are going to protect your rights'. After a short time, a friend of ours is trapped in a dent, and one of them is trapped in a tape drum." ... "No one has been trained properly. We all learn how to get out of the mine in an accident with our own experiences. Nobody showed us a place where there is 340 life out point. We have not practiced drill once in years. In the H panel, where the fire outbroke, 1 day ago, a dent appeared and they got us out from a bridge called ventilator. The same place collapsed a month ago too. A friend of ours broke his arm... "I do not remember when a fire was detected and the place where there was a fire was closed even once. We did not see them using ash water to put out the fire. They are constantly pressuring by saying coal, coal, coal." (haber7.com, 17.05.2014) (CN6, Parties' Attempt to Persuade the Media)

The advocates of the victims also tried to persuade the media by emphasizing that Alp Gürkan was responsible for the incident and should stand trial. They also declared that the legal procedure was advancing very slowly for Alp Gürkan and therefore it was hard to add him in the ongoing legal case:

"Denizer Şanlı, a victim lawyer, claimed that "Alp Gürkan will hardly be touched. He cannot be touched one way or another, and the related legal procedures are being slowed down". (hurriyet.com.tr, 01.04.2016) (CN6, Parties' Attempt to Persuade the Media)

"Manisa Bar Association Head Zeynel Balkız applied to the public prosecutor who conducted the investigation about the mining disaster and informed them that they wanted to include Soma Holding Chairman Alp Gürkan in the criminal investigation. Balkız said "Alp Gürkan is the founder of the company in the past and a relevant person. He shared this publicly by the press. Therefore, even if there is no official contact, he is the person who actually gives instructions and manages the company. He must also be in this investigation"." (hurriyet.com.tr, 22.05.2014) (CN6, Parties' Attempt to Persuade the Media)

4.1.4. Parallel Developments in the Judicial Process

In this section, the developments in the judicial processes of the cases are observed in parallel with the dramatization and criticism of the legal cases in the media as well as the parties' attempt to persuade the media. In this sense, the relationship between the judicial processes and the media processes of the cases are examined, and the developments in the judicial processes that are parallel to the media content are observed.

4.1.4.1. Case Number 1: Case of Murat Başoğlu

After they were seen as kissing, Murat Başoğlu and Burcu Başoğlu were accused of committing the crime which is prescribed in the 5237 Turkish Criminal Code article 225, namely the crime of impudent acts. Article 225 declared that *"Any person who openly enters in sexual intercourse or exposes one's self is punished with imprisonment from six months to one year".*

As can be seen, the purpose of the article is to punish the people who openly enter in sexual intercourse or who expose themselves in public. In the present case, there was no clue that Murat and Burcu Başoğlu entered sexual intercourse or exposed themselves in public, only that they kissed and hugged. Additionally, it did not occur openly but in their private boat when they were sailing. Moreover, the journalist who took the photos also said that he understood the man was Murat Başoğlu when he zoomed the photos, which means that they were far away from the coast, and he also did not mention any sexual intercourse or exposing was happened. The published photos also show that the two were wearing swimsuits and just kissed and hugged.

It is certainly not the mission of this study to argue the legal grounds of a legal case. However, many famous people have been caught on cameras with their partners almost every week, and the content of the paparazzi shows regularly comprise of

this kind of news. They also do not differentiate from the Murat Başoğlu incident in means of activity or the place where they occur. Therefore, the question is whether an investigation would have started if the incident was not criticized by the media at this level because of its incest characteristic.

4.1.4.2. Case Number 2: Case of Nevin Yıldırım

Since Nevin Yıldırım murdered Nurettin Gider and confessed to the crime, she was arrested and then was sentenced for life. The case became popular in the media after she was sentenced for life. This case is different from the other cases of this study in this way. Many non-governmental organizations and activists protested and declared that Nevin's act of killing should have been accepted as self-defense due to her statement which asserts that he used to rape her for three years. As explained in the sections above, the traditional media did not take sides in this case and presented both theories about the case: Nevin was a victim of rape or she was in a relationship with Nurettin. The judgment of the trial court was appealed, and the Court of Appeal reversed the judgment on the grounds of insufficient examination about the alleged participants of the crime. After the re-trial, the trial court sentenced her to imprisonment for life with no good time credit once again.

It would be reasonable to expect that the court would impose punishment for intentional killing since Nevin Yıldırım confessed to the crime. It is also foreseeable that she would be jailed while her trial continued because the punishment for the crime is severe. However, it is critical that no remission was applied to her punishment in contrast to most male criminals who are perpetrators of rape. This is the matter which is protested by many organizations and people. However, despite all of the protestors and criticisms, the decision of the court did not change and no remission was applied to the punishment.

It is important to note that the criticisms for this case mostly came from Twitter accounts of both organizations and individuals. On the other hand, traditional media presented the case mostly as an entertainment content like a soap opera and did not take sides between the theories of the true nature of the incident. In that regard, the

traditional media did not really declare any preferences on whether she should benefit from a remission or not.

4.1.4.3. Case Number 3: Case of A.K.G.

After the suspect of the crime was set free, the media dramatized the story and criticized the judicial decision heavily. The victim attended this process by describing the incident and her feelings in a detailed way to the media. In the evening on the same day, the suspect was detained again and then arrested. The indictment was filed in a week which is a very short time for filing an indictment in the operation of the Turkish legal system. The suspect was accused of committing the crime of actual bodily harm with a gun, by accepting the ring in the suspect's hand as the gun. To claim that a ring is a gun is not ordinary in Turkish legal practice. Therefore, there have been debates on this interpretation as well. However, the case is still pending and the final judgment is not out yet. Therefore, although it is not certain whether the ring will be accepted as a gun or not, the claim of the prosecution is interesting in terms of showing the intent of the prosecution to claim the highest possible punishment for the suspect. In conclusion, the arrest warrant of the court and the intent of the prosecution to claim the highest possible punishment is parallel to the traditional media's position and the public opinion which was represented on Twitter.

4.1.4.4. Case Number 4: Case of Cerattepe

As explained in the sections above, the pro-government media supported the building of the mine by highly using dramatization and publishing the statements of the officials of the defendant company and the state officials. In defense of this, the oppositional media dramatized the pro-mine group as an evil partnership and mostly published the disadvantages of the mine to the region. It can be said that the oppositional media defended their side by emphasizing argumentations as the pro-government media mostly created and presented dramatization. Additionally, most of the tweets of individuals represented the pro-government media's dramatized arguments.

At the end of this process, the Administrative Court dismissed the last nullity action of Cerattepe on 3 October 2016 in contrast to the nullity decision which is made in 2009 regarding the same region. The Council of State approved the judgment on 5 July 2017. In other words, the judiciary decided that the claim of the applicants that the Environmental Impact Assessment Report is against the law is not valid and the report shall not be nullified. The justification of the final decision stated that the required authorization is obtained from the state and the mining area is not included in the forbidden area for mining which is prescribed in the legislation.

Surely, an explanation of a linear causality should be avoided. However, it is obvious that the decision is parallel to the pro-government media's position and the public opinion which was represented on Twitter. It can be said that the pro-government media's strategy to dramatize the content instead of discussing critical arguments was successful in convincing the public, and the judicial decision which was given in this atmosphere cannot be purely independent of such atmosphere.

4.1.4.5. Case Number 5: Case of Tarlabaşı

After İstanbul Renewal Area Cultural and Natural Heritage Preservation Board and the Beyoğlu Municipal Council approved the urban transformation project of Tarlabaşı, the Chamber of Architects filed an action for nullity against the approval decision and the project in 2008. The Court dismissed the case on the ground that the practice was legitimate and the arrangement serves the public benefit in 2010. This judgment appealed by The Chamber of Architects. The Chamber claimed the nullity of the project and the approval decision of the Board. The Court dismissed the case in 2010 on the ground that the practice was legitimate and the arrangement serves the public benefit. However, this judgment was appealed by The Chamber of Architects. The legal process about Tarlabaşı has been very popular in the media since then.

The oppositional media mostly dramatized the process from the perspectives of the residents by presenting stories which are about the residents' personal lives and the difficulty which they face because of the urban transformation project. Unlike the

oppositional media, pro-government media did not dramatize the process. Instead, it has focused on the alleged advantages of the planned urban transformation by asserting that it is good for the economy and the renewal is necessary for the city. The tweets were mostly parallel to the oppositional media's arguments. They emphasized the destruction of the historical and cultural aspect of the neighborhood and that the project is not in favor of the public. The Council of State dismissed the Administrative court's judgment in 2015. After the Council of State's dismissal, the Administrative Court re-heard the case and decided in 2017 that the approval decision of the Board and the renewal project are illegitimate and against the public benefit. In other words, the final decision was parallel to the oppositional media's position and the public opinion which was represented on Twitter.

4.1.4.6. Case Number 6: Case of Soma

It was determined later on that the fire in the mine was triggered by the high-level of carbon monoxide gas. However, the ministry did not give permission to hold an inquiry against the twelve inspectors who inspected the mine two months ago from the incident and reported that there was not any deficiency in the mine. Additionally, a prosecution was started against Alp Gürkan who was the largest shareholder of the company operating the mine and two other managers, namely Hayri Kebapçılar and Haluk Sevinç but then the prosecutor nol-prossed the indictment on the ground that they did not have any responsibility about the incident. The only prosecution about the incident was that against the forty-six suspects which included the chairman Can Gürkan. There was a critical reaction from the public that the managers were not included in the case. In this manner, conspiracy theories about the manager Alp Gürkan were created and broadcasted which debated the reason why the prosecution was nol-prossed even though he is the manager. The pro-government media asserted that he is related to Israel, the oppositional party CHP (Republican People's Party), and that he is also a mason. They also emphasized that he is definitely not related to the government or any pro-government association. On the other hand, the oppositional media asserted that he is pro-government and therefore he is protected from any prosecution against him.

The tweets were parallel to the content of the traditional media. They criticized that the managers, especially Alp Gürkan, were not sued and voiced the demand that they should be stand trial. There were also various tweets which accepted that Alp Gürkan was protected by some powerful group because he is a mason or related to AKP, CHP or FETO. In summary, all the media criticized that the managers were not sued even though they were responsible for the accident. A new prosecution was started against the managers after two years, in 2016, and it was merged with the ongoing case of Soma, which still continues. As is seen, the developments in the judicial process are again parallel to the traditional media's position and the public opinion which was represented on Twitter.

4.2. LATENT MEDIATIZATION OF JUDICIARY AND GENERAL REVIEW

In this study, the mediatization process of the judiciary is examined by analyzing the legal processes and the media processes of the legal cases. In this manner, legal news which is on the websites of the traditional media and the tweets about the legal cases are analyzed, and the developments in the legal processes are observed parallel to them. As a result of this analysis, the mediatization processes of the legal cases were observed to have four elements. These are 'Dramatization of Legal Cases', 'Criticism of Legal Proceedings and Parties', 'Parties' Attempt to Persuade the Media' and 'Parallel Developments in the Judicial Process.'

In summary, first, it is observed that the legal cases are storificated and presented as entertainment contents like plays or series (dramatization). Secondly, the media closely follows legal proceedings, criticizes one of the parties like an opposing party, makes decisions like a court and announces these to the public (criticism). These two elements have been reviewed by others in the literature of public opinion theory and tabloid justice studies specifically (Fox, R., Sickel, R., Steiger, 2008; Greer & McLaughlin, 2012). Additionally, Anat Peleg and Brya Bogoch accepted dramatization and criticism as characteristics of the mediatization of legal coverage (Peleg & Bogoch, 2014). On the other hand, in this thesis, they are accepted as not

only the characteristics of the mediatization of legal coverage but also of the mediatization of the judiciary in general. These two elements are also whereby the substitution process is observed (Schulz, 2004). The media substitutes legal proceedings by criticizing parties and making its own decisions by providing justification with logical argumentation (criticism) or emotional cause (dramatization). Thirdly, in this context in which the media substitutes legal proceedings, the parties accommodate to the media's role (Schulz, 2004) and try to persuade the media (parties' attempt to persuade the media). Finally, while these three elements occur on the media side, some developments that are parallel to them occur in the legal processes. For example, a court may change its earlier decision, a judgment may be reversed by a high court or a whole new case related to the news may be filed. This element is also a reflection of amalgamation since it illustrates that the media is an important part of the judicial sphere, and the media's definition of reality amalgamates the definition of reality in the judiciary (Schulz, 2004). Finally, the whole elements of the mediatization of judiciary illustrate an extension process because they show that the media extends the limits of human communication in terms of time and space by serving as a bridge between the individuals and also institutions (judiciary) (Schulz, 2004).

The developments in the judicial processes may be an attitudinal orienting or strategic choice of justices in different cases. Justices may make strategic choices to protect the institutional legitimacy, their own reputation or even their careers in different circumstances. It would be not wrong to assume that strategic choices may occur in various political-legal cases. Therefore, cases that are relatively less political or not directly political are selected in this study in order to exclude and reduce the possibilities of direct interference with the judicial decisions and to observe the mediatization of the judiciary through relatively ordinary legal cases.

It is important to note that these four elements of the mediatization of the judiciary do not occur in a linear timeline. They are together and interwoven in the meta-process of mediatization (Hepp & Krotz, 2014). Also, this study does not assert that the developments in the legal processes are direct results of the dramatization,

criticisms and persuasion attempts which occur in the media processes because the media communication is multilayer like society and culture that mediatization cannot be understood as a linear cause-effect process (Hepp & Krotz, 2014). On the other hand, this study reveals that the media, with all the other layers, has a role in the judicial process.

In addition, this role of the media is not articulated in the judicial texts. As mentioned in chapter III, there is not a single reference to the media in the decisions of the courts and the pleadings of the parties to justify the decisions or to demonstrate parties' claims in the Constitutional Courts' decisions on individual applications. In other words, there is not a direct indicator of the mediatization in Turkey's most detailed publicized judicial decision texts. On the other hand, investigating the mediatization of the judiciary by examining the legal processes of popular cases leading to such decisions reveals that mediatization actually occurs in the institution of the judiciary in Turkey. In other words, even though the judicial decisions do not directly refer to the information or the point of view of the media, the judiciary is mediatized in a latent way.

Apart from this, some critical points have been observed during the analysis of the cases. First and foremost, the media's criticism of legal proceedings and parties creates a critical situation for the rights of the suspects. The media publishes the evidence combining it with hearsay and assumptions. It usually implies its own verdict even before the courts deliver a judgment. In this context, the media punishes the wrongdoer by 'naming and shaming' mercilessly. This form of mediated punishment is characterized by 'grotesque realism' and 'relentless savagery' because it shreds reputations, destroys careers and breaks up families (Hutton, 2000, p. 30). Under these circumstances, the ground rule of criminal procedure, namely 'presumption of innocence' may turn inside out, and 'guilty until proven innocent' may become the rule in practice for some cases. In this context, suspects may find themselves in a situation that they have to prove their innocence and sometimes the absence of an alleged fact. Moreover, suspects usually cannot avoid the damage on their reputation even they can succeed to prove their

innocence.

Secondly, it is observed that Twitter usually creates parallel content to the traditional media in means of argumentation and point of view. In addition, Twitter sometimes creates a different point of view from the traditional media for a specific event and shapes the agenda which is set by the traditional media. For instance, in the cases of AKG and Murat Başoğlu, Twitter users put forward arguments about the cases, which were not really emphasized by traditional media at the beginning. Twitter users presented a reaction against the parties of the cases and enlarged it through the public.

On the other hand, in the case of Nevin Yıldırım, the traditional media did not really support the argument of the Twitter which is 'remission should be applied to Nevin Yıldırım's punishment.' Eventually, no remission was applied to her punishment. It is interesting that the case of Nevin Yıldırım is the only case in the sample in which the developments in the judicial process was in the opposite direction to that observed in Twitter's demands. It may be interpreted that Twitter may not be functional when the traditional media does not support its arguments.

Thirdly, it is interesting that the parties of the cases try to persuade the media mostly by making statements to the traditional media and not via Twitter.

Fourthly, it is observed that when there are opposing arguments about a case, the developments in the judicial processes occur in parallel to the arguments which used dramatization. The cases of Cerattepe and Tarlabaşı show this result clearly. While the pro-government media supported the construction of the mine in Cerattepe by using dramatization, oppositional media was opposed to it by presenting logical argumentation. Alike this case but reversely, the pro-government media supported the urban transformation project in Tarlabaşı by using logical argumentation, and the oppositional media was opposed to it by using dramatization. In the end, the judicial decisions favored the dramatization in both cases.

CONCLUSION

"*Call a phenomenon mediatized, if at a specific point of time you cannot understand it theoretically without taking media into consideration.*" said Friedrich Krotz (Krotz F. , 2018). The media is a transmitter between the judiciary and the public: It enables the public to engage with the legal proceedings, provide the public with the data and framework to interpret the judicial processes, and also enables the judges to learn about the public opinion on significant issues. The media is, then, at the center of the process of construction of reality between the judiciary and the public (Lundby, 2009). Therefore, the aim to understand the institution of the judiciary would be deficient if the media would not be taken into account. This point of view brings us to observe the judiciary in light of the mediatization and public opinion theories and also illustrates a legal realist starting point in terms of independence and impartiality of the judiciary.

The independence and impartiality of the judiciary is the most important element of separation of powers and thus, democracy. Independence means that no one, no institution or no organ of the state can affect and interfere in the courts or judges in performing the judicial function, and it is prescribed in the international legal documents that the independence of judiciary shall be guaranteed by the state and enshrined in the Constitution and the legislation of the country (Virginia Declaration of Rights (section 5); European Convention on Human Rights (article 6); The Universal Declaration of Human Rights (article 10); International Covenant on Civil and Political Rights (article 14)). It requires that the judges shall be free and not be under any pressure or interference while making judicial decisions. The judges shall decide on the basis of facts and in accordance with the law, without any restrictions, influences, pressures or threats directly or indirectly (Sam J. Ervin, 1970). The impartiality of the judiciary means that the courts or the judges shall not have a prejudice against or for any of the parties. It requires that the judges should give a verdict objectively and in accordance with the law without any influence including their personality, personal beliefs, ideology, and world-view (Türkbağ, 2000). This acceptance of the independence and impartiality of the judiciary had

been accepted without being questioned for several years. However, in the 20th century the legal realism approach questioned whether independence and impartiality are possible in this broad framework (Edward A. Purcell, 1969). Therefore, observing the judiciary in light of the mediatization and public opinion theories is a legal realist effort.

In an ideal democratic press, the media is expected to serve a "watchdog" duty by holding government and other powerful institutions in check. In other words, it is expected to serve as a fourth power of the government and to ensure the "check and balance" system by providing accountability of the exercise of power. However, in the contemporary world of news media, newsworthiness appears to be determined by the competition among the media corporations (Fox, R., Sickel, R., Steiger, 2008). In this context, legal news alongside other news are disengaging the "objective" importance of the story, and legal cases become useful contents for the media's effort of serving entertaining news because of their inherent conflict quality (Fox, R., Sickel, R., Steiger, 2008). This intention of turning the legal news into entertainment has created an atmosphere which is called "tabloid justice" (Fox, R., Sickel, R., Steiger, 2008; Greer & McLaughlin, 2012). Tabloid justice is an atmosphere where the media focuses on sensational, personal, and lurid details of popular trials. In such an atmosphere, legal news becomes a tool for entertainment and the media focuses on sensational details of legal cases instead of enlightening public about legal rules and processes. In other words, the educational or democratic function of the media falls behind the entertainment function.

Naturally, this atmosphere has triggered some serious outcomes: the public increasingly interacts with the legal proceedings through the presentation of the media, and individuals are exposed, judged, and even punished by the court of public opinion. This populist way of making and interfering with justice is called "trial by media." The media publishes the evidence, combining with hearsay and assumptions. It usually implies its own verdict even before the courts deliver a judgment. In this context, the media punishes the wrongdoer by 'naming and shaming' mercilessly (Greer & McLaughlin, 2012). This form of mediated

punishment is characterized by ‘grotesque realism’ and ‘relentless savagery’ because it shreds reputations, destroys careers and breaks up families (Hutton, 2000, p. 30). Under these circumstances, the ground rule of criminal procedure, namely ‘presumption of innocence’ may turn inside out and ‘guilty until proven innocent’ may become the rule in practice for some cases. Meanwhile, the media’s presentation may provide the public voice to be announced in the legal cases which are directly related to the public interest such as environmental and urban transformation cases.

Eventually, a fundamentalist positive or negative approach toward the media’s representation of the judicial processes is not the optimal attitude. However, the critical nature of the relationship between the judiciary and the media in means of separation of powers and democracy should be taken into consideration and should be examined in light of the contemporary theories and practices. Thus, the interrelation between the judiciary and the media are examined in light of the mediatization and public opinion theories.

In this framework, six popular legal cases were selected. Legal news on the websites of the traditional media and the tweets about them were analyzed on one hand, and the developments in the legal processes were analyzed on the other (Hepp, 2013). As a consequence of this analysis, the mediatization processes of the legal cases were observed to have four elements: ‘Dramatization of Legal Cases’, ‘Criticism of Legal Proceedings and Parties’, ‘Parties’ Attempt to Persuade the Media’ and ‘Parallel Developments in the Judicial Process’. To clarify, the legal cases are storificated and presented as entertainment contents like plays or series (dramatization of legal cases), the media criticizes one of the parties like an opposing party, making decisions like a court, and announces these to the public (criticism of legal proceedings and parties), the parties accommodate to the role that the media gains and try to persuade the media (parties’ attempt to persuade the media), and some developments that are parallel to the media content occur in the legal processes (parallel developments in the judicial process). ‘Dramatization of legal cases’ and ‘criticism of legal proceedings and parties’ also illustrate a

substitution process which was theorized by Schulz as one of the four processes of the mediatization of social change (Schulz, 2004). The media substitutes the judiciary by criticizing parties and making its own decisions by providing justification with logical argumentation (criticism) or emotional cause (dramatization). On the other hand, 'parties' attempt to persuade the media' illustrates an accommodation process in which parties of the cases accommodate the media's substitution of the judiciary (Schulz, 2004). Additionally, parallel developments in the judicial process illustrate an amalgamation process because as is seen in the research, the media is an important part of the judicial sphere, and the media's definition of reality amalgamates the judiciary's definition of reality (Schulz, 2004).

These four elements do not occur in a linear timeline, but they are together and interwoven in the meta-process of mediatization. Additionally, this thesis does not declare that the parallel developments in the legal processes are direct results of the other three elements, namely dramatization, criticisms, and persuasion attempts which are occurred in the media. This is because mediatization cannot be understood as a linear cause-effect process as the media communication is multilayer such as society and culture (Hepp & Krotz, 2014). The concept of mediatization is a meta-process of change like globalization, individualization, and commercialization (Hepp & Krotz, 2014), and illustrates a meta-process in which communication takes place more often, in more parts of life and in relation to more topics than merely media communication (Hepp, 2013). The mediatization research, then, is an effort to investigate the interrelation between the media and communication on one hand, and the culture and society on the other in a critical manner (Hepp, 2013) because mediatization may be observed differently in different institutional, historical, or social spheres. Therefore, it is vital not to think of mediatization as a simple cause-effect process (Lundby, 2009, p. 9). Moreover, to accept the mediatization as a meta-process is a healthy choice both in an ontological way and to investigate its acceptance in different social spheres because the media saturates the spheres which we live inside (Krotz F., 2009, p. 22). By this

means, it is not possible to declare that dramatization, criticism and parties' attempt to persuade the media causes the parallel developments in the legal process. For instance, there may be strategic choices of justices (McGuire & Stimson, 2004) in some cases due to justices' concerns such as protecting their reputation in the eyes of the public or ensuring their careers in anti-democratic states. There may also be attitudinal orienting that their preferences are shaped and revised by the social forces including public opinion which is represented by the media (Epstein, Hoekstra, Segal, & Spaeth, 1998). After all, it is not appropriate to assume a simple cause-effect relationship between the media and the judiciary. On the other hand, this study shows that the media has a role in the judicial process, and the judiciary is mediatized. Beyond that, the observation that the judiciary is mediatized in a latent way is quite significant. As explained in the thesis, an earlier research was conducted before this multiple case study. It revealed that there was not a single reference to the media in Turkey's most detailed judicial decisions that are made public (Constitutional Courts' decisions on individual applications) to justify the courts' decisions or to demonstrate the parties' claims in their pleadings. Moreover, some of the decisions in the sample belonged to the infamous cases which are widely accepted as examples of trial by media in Turkey such as Balyoz and Ergenekon cases. Considering the findings of the multiple case study together with the earlier research, it is seen that the judicial decisions do not include references to the media, but still, the judiciary is mediatized in a latent way. The concept of 'latent mediatization' illustrates the mediatization of the judiciary in Turkey in which such a role is not evident in judicial decisions.

The latent mediatization of the judiciary may only be understood empirically, by not only focusing on the final decisions of the courts but also on the legal processes leading to such final decisions as a whole. Therefore, the approach of this study was determined as a case study, and the research method was qualitative content analysis. To that end, six legal cases in Turkey that have different legal grounds and which have been popular in the media were selected and investigated in their own processes. To examine the mediatization process, the legal processes on one hand

and news and tweets covering such processes on the other were investigated. The source of evidence of the research was documentation, and the units of analysis were websites of the traditional news media and Twitter. In order to observe the mediatization of the judiciary through ordinary legal cases, relatively less political or not directly political cases are selected. For instance, terror cases were not selected even though the news stories relating to them were much more than the others in both the traditional and new media. On the other hand, a research on the mediatization of the judiciary which focuses on legal cases on terror crimes or political issues would be quite valuable in order to deepen the analysis of mediatization of the judiciary. It would also be quite significant to compare the findings of such a research with the findings of this study to understand whether the mediatization of legal cases on political issues or terror crimes follow the same pattern with ordinary or relatively less political-legal cases. In addition, the research could be done with a larger sample by selecting more than six cases. Alternatively, it could be conducted by selecting less than six but more detailed and long-continued cases for a deeper analysis. Both options would be great contributions to the field of the mediatization of the judiciary. Additionally, the legal documents could be observed at first hand. In this study, the legal documents could not be observed at first hand because the consent of the parties could not be collected. Instead, the legal proceedings and decisions were followed via the media, and only the legal documents which were published in the media could be observed. Surely, observing all legal documents would give a broader perspective. The best method here would be to select a legal case at the beginning of it and to observe all of its processes by accessing all legal documents and attending the trials. Since the written hearing records reflect too little of what was actually argued and happened in a trial, such a method would enable the researcher to observe the judicial process and its mediatization in a complete manner. Additionally, the social movements behind the cases and their mediatization could also be examined in this study, but it is chosen to be left out because of the limitations of the thesis. However, this might be the subject of another study. Moreover, the outcomes of earlier research and Oehmer's model research might be compared in light of the differences

between Turkish and Swedish legal system in order to understand the possible reasons behind the different outcomes.

Nevertheless, this study with its limitations makes a significant contribution to the literature of mediatization studies. Being one of the few studies in the world and the first study in Turkey on mediatization of the judiciary, this work has contributed to the literature which aims to understand the practice of judiciary in a real-life context in light of communication theories. It was also presented in the conference of ECREA 2018 which was held by European Communication Research and Education Association in the panel of "Mutual Relations Between Media and Legal System" with the studies on Switzerland, Germany, and Austria, and it won recognition by academics from various countries across Europe.

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