

Music, Politics and Freedom: Barriers to Musical Expression in Turkey

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Abstract

Music is said to have a universal language crossing all the borders. Yet, do all musics have enough space to flow freely? Or, simply, are we as musicians really free? Through their songs, people can communicate, converse and pass on their values to next generations. On the other hand, what people convey through their songs may conflict with the interests of power groups, which means that they have to be silenced or stopped for the sake of people in the power mostly presented as “for public’s sake.” The bans on music might be due to different factors such as national, ethnic, gender, cultural, religious, etc. Some of these bans are executed through the state and its apparatuses while majority of them are produced and reproduced by and within the various parts of the society such as family, community, educational system and music industry. This work aims to present some examples of music censorship in Turkey and tries to develop an understanding of how the censorship mechanisms are in process and what the affects (economically, culturally, socially, musically) of banning music are.

Keywords: Music censorship, freedom of expression, law, ethnicity, identity, Turkey

1. Introduction

Music is said to have a universal language crossing all the borders. Yet, do all musics have enough space to flow freely? Or, simply, are we as musicians really free?

In the witness of songs, people can express their aspirations, dreams, sorrows, anxieties, disappointments as well as their emotions such as love and joy. Music and poetry may serve as a kind of escape or freedom for people. It may serve as a ground for the identity construction; or it may serve as a way of resistance for the oppressed cultural groups. Through their songs, people can communicate, converse and pass on their values to next generations. On the other hand, what people convey through their songs may conflict with the interests of power groups, which means that they have to be silenced or stopped for the sake of people in the power mostly presented as “for public’s sake.”

The bans on music might be due to different factors such as national, ethnic, gender, cultural, religious, etc. Some of these bans are executed through the state and its apparatuses while majority of them are produced and reproduced by and within the various parts of the society such as family, community, educational system and music industry. This work aims to present some examples of music censorship in Turkey and tries to develop an understanding of how the censorship mechanisms are in process and what the affects (economically, culturally, socially, musically) of banning music are.

2. Barriers to Musical Expression

2.1. Defining Music Censorship

I will be referring to two aspects of music censorship: The first aspect has to do with restricting the freedom of musicians to create, perform, or broadcast their works, or to impede their rights to access this music as defined by the website of Freemuse (Freedom of Musical Expression) [1]. The second aspect regards the obstruction of free access to musical works. In this sense, I accept censorship of music as a violation of the rights of individuals or collectives in terms of free expression.

Expanding this definition somewhat, I would like to add that the censorship of the cultural activity of musical expression also means hindering individuals and societies from freely participating in cultural and public life, signifying in other words, the violation of cultural rights. In this context, the censorship of music must be assessed as a product of various complex and interwoven processes since the barriers to musical expression are entwined with methodical arguments that are shaped around national, state, language, religious, ethnic, gender, ideological and cultural identity. While some of these barriers are implemented by means of laws passed by state and government authorities, a large part is produced from within the various segments of the population such as families, congregations, religion, the educational system, the music industry, etc.

In order to develop an understanding of how the censorship mechanisms are in process, we should first investigate the official control mechanisms that have a direct or indirect effect on music and musicians.

2.2. Official Ways of Censoring Music in the Case of Turkey

2.2.1. Early History

There is a long list of musicians, filmmakers, authors, poets, intellectuals and political activists who were censored, imprisoned or exiled due to many reasons such as ethnic differences, cultural diversities and their political activisms throughout the history of Turkey.

The cultural policy of the early Republican Regime itself is based on bans and assimilations towards the “others” of the Republic. It was in the early period of Turkish

Republic that the national musical tradition, which held a significant place in the construction of a Turkish national identity and culture, was “invented”. Two main routes were set forth in the invention of a national musical tradition. The first was to adopt a western approach to music to achieve a modern level of civilization. The second was to use “pure and untouched” traditional folk melodies as the construction materials for this project. The period from 1923 to 1950 in particular, was a time of radical institutionalization and activities in the area of music towards this end [2]. The members of the *Mızıka-yı Hümayun* were brought to Ankara to form *Riyaset’i Cumhuriyet Orkestrası* (Orchestra of the Prime Ministry), *Musiki Muallim Mektebi* (Music Teachers’ College) was founded, the group of musicologist-composers known as the “Turkish Five” was sent abroad for education [3]. For a period, radio broadcast of Ottoman Turkish music was prohibited because it was found out of mode and also it was necessary to cut the bonds with the Ottoman descents. The *Dar’ül-Elhan* was changed into the Istanbul Municipal Conservatory, and its Eastern Music section was closed, because it was off the agenda, and monophonic. After all, in order to sever the bond with the Ottoman Empire, it was necessary to sever the bond with the Ottoman musical tradition. On the other hand, during the ban, most people began listening to Egyptian radio channels. The popularity of Egyptian radio as well as of Egyptian films opened a new vein in the popular music arena in Turkey which paved the way for a different blend that later took the name *arabesk* and became popular during 1960s and 1970s.

In the musical arena, the road to the level of modern western society was through the western polyphonic approach. The State Conservatory was founded in Ankara, and scholars and music teachers were invited from abroad. Piano and violin became the main instruments, and folk songs began to be collected and harmonized in western patterns. The folk songs being collected were notated according to the diatonic system; microtones were discarded and local styles were ignored [4]. At the same time, songs collected were categorized under the heading of “Turkish folk songs,” and as “anonymous.” These works, which would be used for teaching purposes as well as a source of inspiration for modern composers in the works they would create, were collected and performed by the *Yurttan Sesler Korosu* (Voices from the Homeland Chorus) at the chief broadcasting institution of the period, TRT Radio. Because of the decrease in the state’s interest in folk music, these collection activities were halted in the 1950s.

There is no doubt that the process of creating a national musical tradition to accompany the establishment of a Turkish nation-state has deeply affected the way all of us think about our music and culture. The traces of this culture policy of homogenization, which began during the last years of the Ottoman Empire, passed on to the Republican regime and were continually reinvented (in different ways, though) throughout the history.

2.2.2. Laws Related to Banning Music

In today’s world, there are limited examples of musical activities being prohibited to certain groups by law, yet most of the prohibitions rely on the presence of some related laws. The situation is a little more complex in Turkey, a country that has entered into many international agreements. While various modifications are adopted in the laws to comply with the conditions of such agreements, at the same time, in practical terms, restraints have not lessened. Although a process of establishing a new Constitution in Turkey is on the agenda these days, the attempts towards the new regulations are not considered in this paper since the present Constitution is still in process.

Today, although there is no directly prohibitive legislation related to musical activity, many practices such as political lawsuits filed against musicians or forbidding, recalling or cancelling the broadcasting and publication of musical works (CD’s, cassettes, as well as concerts), have been grounded on some articles of the law of Turkish Criminal Code (*Türk*

Ceza Kanunu - TCK) such as “Coercion” (Article 106), “Defamation” (Article 125), “Inciting a crime” (Article 214), “Praising a crime or a criminal” (Article 215), “Inciting or debasing the public in order to encourage animosity and enmity” (Article 216), “Obscenity” (Article 226), and “Degrading Turkishness, the Republic, the organizations and organs of the State” (Article 301) as well as the articles such as “Propagandizing on behalf of a terrorist organization” (Article 7) in The Prevention of Terrorism Act (*Terörle Mücadele Kanunu, TMK*). [5]

Of course, the bans on music are not due to political reasons only. For example, an album by Nazan Öncel (a popular woman singer-song-writer) *Demir Leblebi* (1999) was banned on the grounds that it was against the Turkish customary rights. Indeed, it was because there was a song (with the album’s title) telling about the sexual harassment (of the singer herself) within the family –a striking example indicating the connection between censorship and moralism or conservatism as well as sexism.

Nevertheless, the examples covered in this paper are mainly related with the cases of banning/censoring music or musicians due to “political” reasons.

2.2.3. Legislation and Practices Related to the Publishing of Musical Works

The unit of government in charge of regulating permission procedures for the publication of individual musical works is the Copyrights and Cinema General Directorate (*Telif Hakları ve Sinema Genel Müdürlüğü*), connected to the Ministry of Culture. The legislation is set out in the Law on Intellectual and Artistic Works (LIAW) (*Fikir ve Sanat Eserleri Kanunu*). Passed in 1951, LIAW stipulates as follows in the section on “Scope”:

“This Law encompasses the material and moral rights of creators and owners of intellectual and artistic works or of those performing artists who perform or interpret such works, those producers who produce the first phonogram for sound recordings or producers who produce the first film record, or of radio-television organizations, with reference to said works, as well as the principles and practices set forth in connection with the rights of disposal of said rights, the procedures of legal action and the powers, duties and responsibilities of the Ministry of Culture.” Article 1/A (Supplementary Article: 03/03/2001 - 4630/Art. 2) [6]

Music producers are required to obtain permission from the Ministry of Culture for each work that is to be published. Among the documents required for this permission are the following: the work itself that is to be published (as cassette, CD, etc.), data such as the composer and the owner of the lyrics and, if the work is in a language other than Turkish, the Turkish translation is needed as well. The secretary of *Kalan Music* (a music company established in 1991 and has been releasing musics of various cultures in Anatolia in different languages such as Turkish, Kurdish, Greek, Laz, Roman, Circassian, Arabic, Armenian, etc.) gives us information about the procedure for works that are not in Turkish:

“A Turkish translation is required for all lyrics of songs in languages that are not represented by a national flag such as Kurdish, Laz, Circassia. A translation used to be required for Armenian; it is not anymore. Ever since the EU recognized the Greek Cypriot nation, a translation of Greek is no longer required either. At one time, the Reviewing Committees used to ask for all the lyrics of the songs of “objectionable” groups such as Grup Yorum, even though the songs were all in Turkish. In addition, the producer is asked to declare that he/she will assume all liability for the work.” [7]

There used to be reviewing committees formed within the Ministry of Culture to certify the content of these works until 2004. Committees were made up of a total of 7 members. The Committee President was appointed by the Ministry of Culture and the National Security Council, the Ministry of the Interior and the Ministry of National Education

all appointed one member each. The Cinema and Musical Works of Professional Associations designated two members and one member was a musician assigned by the Ministry of Culture. These reviews were carried out in accordance with Law No. 3257 on Reviewing Works of Cinema and Music.

For example, on the basis of a report of the reviewing committee, in 2002, the cancellation was demanded of the producer *Kalan*'s production certificate for the album entitled *Gününü Umuda Ayarla* (1993) of the group Özgürlük Türküsü (a protest music group in Turkey.) Ferda Ergin, the lawyer of *Kalan*, explains us the grounds for the case and explains that the original Kurdish lyrics of the song called "Koye Dersim / The Mountains of Dersim" and its Turkish translation did not match [8]. This was simply because if the producer had presented the whole translation of Kurdish lyrics, they would not have been able to take the permission. The songs with the lyrics including "the mountains" always face this problem in Turkey since the guerillas of many illegal leftist organizations have escaped to the mountains especially in the Eastern provinces of Turkey. *Kalan* had applied for the abatement of action; Hasan Saltık, the producer had taken his certificate back but the album cannot be broadcast any more.

An album by Grup Yorum (a revolutionary music group in Turkey which is active since 1985 and has faced many cases until today) called *Feda* (*Kalan*, 2001) was formerly broadcast without review. Later, upon the request of the Istanbul Governorship, it was called up for assessment. That second time, the album's operational certificate was rescinded on the grounds that it was "contrary to the public benefit" as can be followed from the minutes of the proceedings provided by the lawyer [9].

The Ministry of Culture does not have the authority to recall works but, by failing to issue tax stamps, it cuts off new production. At the end, *Kalan Music* filed a lawsuit in the Administrative Court to have this decision of the Ministry cancelled [10].

On July 21, 2004, Law No. 3257 was revoked (with Article 16 of Law No. 5224) on grounds that it contradicted the Intellectual and Artistic Works Act. The Reviewing Boards were also abolished. At this time, the procedures require no review, but full responsibility is placed on the shoulders of the producer. For example, *Kalan Music* asked to have Nizamettin Ariç's (a Kurdish singer and song-writer who has been living outside of Turkey) new album reviewed before public exposure because of the song "Azadi / Özgürlük," meaning "freedom." This request, however, was denied on the grounds that there was "no requirement for prior content review" [11].

Nevertheless, the abolishment of prior content review did not mean more freedom for musicians. As an example; Aynur Doğan's album *Keça Kurdan* (*Kalan*, 2004) was recalled by the Police Department after broadcast by order of the Diyarbakır Governorship in 2005. The lawyer of *Kalan* again explains us the grounds for the case as "inciting public rebellion." The mentioned case was due to the content of the Kurdish song "Keça Kurdan/Beautiful Girl." The lyrics contained a line such as "come on girls, our fight is just beginning." The Police was wondering whose fight was that and accused the people in charge of inciting public rebellion by these lyrics. Since the full responsibility has been placed on the shoulders of the producer, Hasan Saltık of *Kalan Music* was the person in charge. The recall decision was later cancelled upon *Kalan*'s application [12].

2.2.4. Practices Related to Permitting/Cancelling Concerts

Practices related to organizing concerts have a similar vein. The organizing companies have to take permission from the Police Department for the concerts. The police do not have the authority to cancel a concert but they may not let the concert happen on the ground that the Police cannot guarantee the security, which automatically results with the cancelling of

the concert. Concerts of many protest music groups have been cancelled on the ground that the Police cannot guarantee the security where the real purpose was obviously to intimidate and terrorize those groups and their audience. Even if they let the concerts to be held, the Police come with a list of banned songs and ask the musicians not to sing these songs. If they refuse they know that they would be imprisoned. The Police also report the dialogues of the musicians with the audience and report if they involve any content against the laws or simply against the public's sake!

2.2.5. Regulations for Musical Broadcasts on Radio-TV

First radio broadcast in Turkey was in 1925 and first TV broadcast was in 1968. The history of TRT broadcasts is full of bans on music. TRT Review Committees had been established in order to review the content. Songs could be rejected due to many reasons such as the content of the lyrics, the language, the instruments, melodic phrases, etc. For example; instruments such as bouzouki and balalaika, and musical patterns reminiscent of Greek tunes were previously banned by Committees (Yurdatapan, 2004) [13]. Similarly, the songs in *arabesk* genre had been banned on radio and TV for a very long time. The Committee due to many reasons had censored many musicians as well as the songs: A song by Sezen Aksu (the most popular singer-song-writer of Turkish pop music) "Sarışınım/My Blondie" was banned because its composer Ara Dinkjian was Armenian. A song by Zülfü Livaneli (a famous protest singer-song-writer) "Şarkıyla Türküsü/A Song from Şarkıyla" was banned because of its lyrics "Olaydım olaydım / Okur yazar olaydım / Deniz mahkemeye düşmüş / Avukatı ben olaydım" mentioning the case of Deniz Gezmiş (a political leader of an illegal leftist organization who was sentenced to death by early 1970s) [14].

There were also strange cases such as the one faced by Atilla Özdemiroğlu (composer and arranger) in 1982. Sezen Aksu featured his song "Firuze" on an album. The Supervisory Board for Pop Music under the Committee refused to allow the song to be broadcast because it did not fit the norms of light-western music (the term used for western pop music). Then the song was sent to the Supervisory Board for Art Music, and they decided that the song did not fit the norms of Art music either. It took years for the song to be broadcast. [15]

A common application in order to pass the Committee rules has become editing the lyrics or even changing the melodic patterns. For example, TRT Review Committee has banned *Alevi* songs, which included *Şah* within the lyrics because *Şah* refers to Yavuz Sultan Selim of Ottoman Empire and is used within *Alevi* songs to remind the attacks and the massacre towards *Alevi* people in his time. A famous *Alevi* song with the lyrics "Katip arzuhalim yaz Şah'a böyle" has turned to be "Katip, arzuhalim yaz yare böyle," where *Şah* was replaced with *yar* (lover) by the singer of the song or the producer.

After the beginning of private radio and TV broadcasts in 1990, the older Review Committees were replaced by a new Council which was established in 1994: Radio and Television Supreme Council (*Radyo Televizyon Üst Kurulu* which will be called as RTÜK from now on -its abbreviation in Turkish). RTÜK consists of 9 members all of which had been assigned by the National Parliament of Turkish Republic [16].

RTÜK reviews the broadcasts in either of the following three ways: official controls by the RTÜK specialists; the feedback from the audience through contact phone of RTÜK or RTÜK's official web site and through e-mails; self policing practices of the radio/TV channels [17].

Although RTÜK does not have the authority of prior content review, it may ban any radio/TV program or even the channel depending on the audience responses. Also many radio/TV channels execute self-censorship in the name of self-policing practices. They prefer

to avoid the broadcasts that might cause the intervention of the Council. The Council might give a penalty or either block out the channel.

2.2.6. Language Prohibitions

A special point must be made about the “language prohibitions” that directly affect musical expression:

With the 1982 Constitution drawn up after the military coup in Turkey in 1980, Articles 26 (“No language prohibited by law can be used to express or disseminate thoughts”) and 28 (“Broadcasting cannot be carried out in any language prohibited by law”) were reinforced by Law No. 2932 on “The Use of Languages other than Turkish,” enacted about one year later. Article 2 of this law stipulated, “The disclosure, dissemination and publication of thoughts in any language other than the primary official languages of states recognized by the Turkish State are prohibited.” At that time, Kurdish was the secondary official language in Iraq!

Law No. 2932 was repealed in 1991. Articles 26 and 28 were removed from the Constitution in October 2001. However, Article 42, which reflects the assumption that the mother tongue of all citizens is Turkish (“No other language but Turkish may be taught in the educational and teaching systems to Turkish citizens as a mother tongue”), is still effective. Other laws and regulations provide an excuse for the language prohibition. Article 222 of the Turkish Criminal Code stipulates that those who act in violation of the prohibitions or responsibilities set down by the 1925 Hat and 1928 Turkish Alphabet Law are to be imprisoned for a term of from 2 to 6 months. Article 2 of the Turkish Alphabet Law prohibits the use of any letter not included in the Turkish alphabet in any official or private communication such as X, Q and W the letters found in Kurdish language. [18]

On the other hand, language prohibitions may take place in the absence of lyrics. For example, Musa Anter (a Kurdish journalist, writer and an intellectual who was murdered in 1992) had been arrested during his youth on the grounds that he was whistling in Kurdish! As another example; a friend of mine -a *zurna* player- asserted how he had been arrested in 1990s on the grounds that he was playing a Kurdish *halay* (an instrumental dance tune).

2.3. The Role of the Music Market

As is clear from the examples up to this point, it is harder for dissident voices to be heard in mass media. The increase in the variety of radio and TV channels, the music magazines or the record companies may not automatically result with the increase in the larger possibilities of expression for musicians. Their practices might be censored via the market by different ways. I use “censorship via the market” to mean “the obstacles that musicians face in reaching an audience via the music market.” Just like the radios may not broadcast a piece of music because they think the content was dangerous or their audience won’t like it, the record companies may limit their productions with different motivations. They may limit their productions with the ones of commercial value, or a record company may refuse to release a track because of its lyrical content or may ask the musicians to change the lyrics, which leads to self-censorship. CDs may be sold in some places to a restricted audience or played at certain times. Thus censorship via the market occurs by limiting the public space for the musicians.

2.4. Other Possibilities?

Many musicians look for the alternative ways of distributing their music. Does an alternative form in distributing music and overcoming all sorts of censorship lie in the Internet? Without a doubt, internet increases the possibilities for musicians but there are other obstacles waiting ahead such as the copyright issues or the regulations about internet sales,

etc. Even in countries like Turkey, the government controls the medium of Internet; hence censorship may continue its presence.

2.5. Covert Censorship

Due to assimilationist policies on different ethnic groups in Turkey, covert censorship as well as direct censorship had become a common application. For example; many of the folk songs in languages other than Turkish (especially Kurdish songs) had been turkishified with different motives. For example, Celal Güzelses (a Kurdish singer and collector of songs) sung all his songs (recorded on 78 rpms during 1940s) in Turkish including the Kurdish ones. Musicians of the next generation such as İzzet Altınmeşe (Kurdish), İbrahim Tatlıses (Kurdish) and Bedri Ayselî (Assyrian) had continued this trend as a way of making money out of their cultural heritage.

The law on intellectual rights says that if the owner of a song is not known, then the publisher or the distributor or the first person that collected the song can benefit from the copyrights. As a result, depending on the copyright laws many musicians, producers or publishers had benefited from the right (!) to record hundreds of traditional songs (especially with Kurdish origins) with their names.

One of the most comprehensive examples of bans and censorship as a result of the assimilationist policies towards different ethnic identities in Turkey is the story of Ahmet Kaya (1957-2000). Having prisoned several times before and after the military coup in 1980, the censorship of his musical career began in 1985 on the ground that the lyrics of some of his songs were addressing socialism. The distribution of his first album as well as many of his following albums were stopped, but he continued to sing for the rights of the people and compose songs dealing with the issues such as the oppression of the working classes and the poverty as well as the war between Kurdish Movement and the Turkish Military Forces during 1990s or the sit-ins of the mothers whose children were lost in custody (Saturday Mothers). He became the most popular singer-song-writer of his time. After 17 albums and a soundtrack, the Association of Magazine Journalists honored Ahmet Kaya as the Musician of the Year in 1999. After he took his award, he made a speech and said that he was going to sing a Kurdish song in his next album and he believed that some brave producers and media owners would broadcast the song and its video clip. He was booed, had knives and forks thrown at him and was taken down from the stage. Having been proclaimed as a traitor, an almost national condemnation campaign was started against him through the mass media. His music –although not banned officially- just disappeared from TV and radio stations at one night! Having been isolated, he was forced to leave the country, where he died because of a heart attack one year later [19].

I would also like to give an example pointing the attitude of music academy circles towards ethnicity in reproducing the covert censorship. Melih Duygulu, an ethnomusicologist, tells us how the processes of creating a national musical tradition to accompany the establishment of a Turkish nation-state has deeply affected the way all of us think about our music and culture:

“The academic research about folk music and culture was limited to a certain framework. Unless you have accepted Anatolian culture as uniform and homogeneous, you are not allowed to make your research on any field by the academic authorities. You could not even suggest extending these limits and even use the term ‘ethnic’ which equally meant ‘primitive’ and ‘savage’ for them.” (Duygulu, 2008) [20]

As another example, Takuhi Tovmasyan –an Armenian lady with a wonderful voice- told me how she as a child was enthusiastic about passing the State Conservatory entrance

exams but that her dreams turned to be a nightmare when the teachers rejected to accept her just because she is an Armenian:

“As I was successfully passing each step, the teachers kept smiling at me. At last, one of them asked my name and I answered ‘My name is Takuhi Tovmasyan.’ Then she asked ‘Could you please repeat your name?’ and I repeated ‘Takuhi Tovmasyan.’ The smile on her face suddenly freeze and she began shouting ‘take that girl out immediately!’” (Tovmasyan 2007) [21]

3. Summary and Concluding Remarks

This work aimed at developing an understanding of how the censorship mechanisms are in process and what the affects (economically, culturally, socially, musically) of banning music are by way of different examples of music censorship in Turkey. Firstly, the official practices during the early Republic were summarized with a discussion of how the process of creating a national musical tradition to accompany the establishment of a Turkish nation-state has deeply affected the way all of us think about our music and culture and in which ways the traces of this culture policy of homogenization were continually reinvented throughout the history. Given the examples of “laws related to banning music,” the paper goes on presenting the other ways of official practices on music censorship such as “legislation and practices related to the publishing of musical works,” “regulations for musical broadcasts on radio-TV,” “practices related to organizing concerts,” and “language prohibitions.” Then followed a discussion of “the function of the music market within this process.” which followed a section about covert censorship as both the result and the cause of direct censorship. The paper ends with presenting examples of how the censorship mechanisms in Turkey are closely related with the assimilationist policies towards different ethnic groups in Turkey.

I hope this work serves as a step (if too small) in making every tune of our sonic world to be heart equally as much as possible!

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