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The Coup and the Referendum: ascent and decline  
of military influence on Turkish constitutionalism

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# THE COUP AND THE REFERENDUM:

## ASCENT AND DECLINE OF MILITARY INFLUENCE ON TURKISH CONSTITUTIONALISM

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**ABSTRACT:** *In light of both the attempted coup of the 15<sup>th</sup> of July and the announced constitutional referendum of the 16<sup>th</sup> of April, this article aims at analysing the unique intertwinement between constitutionalism and military interventionism that has so far characterized the Turkish form of government. In particular, trying to outline causes and consequences of this intertwinement, the article focuses on two interconnected issues: the role the Turkish Armed Forces have played in shaping Turkish constitutionalism and the changing roles they have consequently assumed in the Turkish constitutional system.*

### 1. OVERVIEW

Since its first hours, the coup attempt of the 15<sup>th</sup> July immediately evoked – especially among the media – the ghost of a supposed “tradition” of military meddling in politics. In fact, Turkey has undoubtedly experienced a long history of military interventions. However, this series of interferences requires some further analysis to be properly contextualized: spanning over at least half a century of Turkish history, military interventionism has often changed its ways. This changing yet continuous pattern, as we will try to outline, made Turkish interventionism an extremely peculiar, if not unique, case; setting it strikingly aside from other countries histories of military meddling into politics. Far from being just a series of casual and separated events, the story of military interventionism in Turkey is even more than just a story of military leverage: it is a long, complex phenomenon, which grew until the end of the XX century and then gradually began to revert itself. Of the many distinguishing features this political phenomenon exhibits, in this paper we will concentrate on one that can safely be placed among the main consequences of this half a century of military interferences: **the intertwinement of Turkish military interventionism with Turkish constitutionalism**; a connection which the upcoming constitutional referendum of the 16<sup>th</sup> of April once again is set to prove true.

As we will see, the mentioned intertwinement was not born with the Republic of Turkey (*Türkiye Cumhuriyeti*): instead, it firstly established itself in the 60s; contemporarily – and as a direct consequence – of the rise of military interventionism in politics. In fact, the tutelary role the Turkish Armed Forces (*Türk Silahlı Kuvvetleri*) assumed with their first coup d'état had not been bestowed upon them by the original Kemalist Constitution of 1924: to both justify their revolutionary actions and to prevent the repetition of the situation these actions had tried to end, the only solution they saw to save themselves and the Republic was a new Constitution. And by popularly approving this new Constitution, the much-needed popular legitimacy for the intervention was achieved. From here onwards, in a fragmented and troubled political scenario, the military would be one of the key players and the main force behind Constitutional reforms in the Republic of Turkey.

This is what the present paper aims at analysing: on one hand, the historical role the military had in propelling constitutionalism in Turkey and, on the other, how the military influence shaped not just the **context** but also the **content** of Turkish constitutionalism.

Analysing the context, which of course is broad, we will concentrate on the role played in it by the Armed Forces. Similarly, analysing the content, we will concentrate on specific parts of those Constitutions and constitutional reforms: those which concern the military forces. Throughout this analysis, a process will be outlined: the way the military shaped each Constitution and constitutional reform to become also the normative foundations of their power and influence.

This process of “**quasi-institutionalization**” of the political role of the military is where the connection between military interventionism and Turkish Constitutionalism reaches its apex and it is then especially precious to demonstrate the continuous nature of military influence on Turkish constitutionalism. In fact, the assumption that the Armed Forces were one of the main forces behind Constitutional reformism might be contested by observing that since the rise of AKP, the military has been more the victim than the demiurge of constitutional reformism. An exclusively historical approach would support this objection: while the 1961 and 1982 Constitutional reforms were undoubtedly fuelled by military juntas, the 2007 and 2010 reforms were instead enacted against the desires and actions of the military elites. However, through a juridical perspective it is possible to understand that the role of TSK continued well into the XXI, though its direction was reverted: it was mainly from this quasi-institutionalization that the need for Constitutional reforms - which alone could curb the political influence of the military- stemmed. Hence, at the turn of the XXI century, the military was again one of the forces behind constitutionalism and not just in the passive sense of being the hydra to be decapitated: a series of attempted coups and attacks on the Executive were in fact the final encouragement to adopt more pervasive constitutional reforms.

## 2. THE RISE OF MILITARY INFLUENCE AND THE 1961 CONSTITUTION

While studying the complex problem of *civil-military relations* in Turkey, one might be tempted to recall the role Janissaries (*Yeniçeri*) and Young Turks (*Genç Türkler*) had once played in Ottoman politics<sup>1</sup>. In reality however, such a linkage – while not completely groundless – would fail to take into consideration that radical departure from the Ottoman past which was in fact the keystone of the Kemalist revolution<sup>2</sup>. Mustafa Kemal and most of the revolutionary cadres<sup>3</sup>, having been military officers of the crumbling Empire themselves, had observed first-hand the dangers of interpenetration between military and civilian bodies<sup>4</sup>. If a past of frequent – and often troublesome – military interventions in politics had a role in the making of the new Republic of Turkey (*Türkiye Cumhuriyeti*), it was probably to prompt Atatürk and his associates to curb the political power of the military as much as possible. Consequently, while the provisional Constitution of 1921 did not mention the Armed Forces at all, the 1924 Constitution did not describe the military forces as “wardens” of the revolution nor did it proclaim their independence from the popularly elected institutions. Instead, it stated that: “*Supreme command of the Army is vested in the Grand National Assembly, which is represented by the President of the Republic. The command of the military forces in time of peace shall be entrusted, according to special law, to the Chief of Staff; and in time of war to the person designated by the President of the Republic, with the advice of the cabinet and the approval of the Grand National Assembly*” (art. 40).

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<sup>1</sup> R. Lim, *The Paradox of Turkish Civil Military Relations*, in *Journal of Applied Security Research*, 2001, Vol. 6, No. 2, pp. 255-272, pp. 256-257.

<sup>2</sup> M. Carducci and B. Bernardini d'Arnesano, *Turchia*, Il Mulino, Bologna, 2008, p. 23.

<sup>3</sup> İ. Turan, *The military in Turkish politics*, in *Mediterranean Politics*, Vol. 2, No. 2, 1997, pp. 123-135, pp. 124-126.

<sup>4</sup> M. Heper and A. Güney, *The military and democracy in the Third Turkish Republic*, in *Armed Forces & Society*, Vol. 22, No. 4, 1996, pp. 619-642, p. 620.

At the same time, one should also avoid thinking that the military influence was completely obliterated by the Kemalist revolution: it was precisely during Atatürk's and İnönü's presidencies that the rise of a "military-bureaucratic class"<sup>5</sup> can be observed. And it is precisely this new class – made of military officials, civil servants, magistrates, journalists and teachers – that for a long time would have been the bastion of Kemalism within the Turkish society.

A more complex destiny awaited instead the party – the Republican People's Party (*Cumhuriyet Halk Partisi*) – to which Atatürk had entrusted his own political vision as summed up by the "six arrows of Kemalism" which nowadays still represent the official logo of CHP<sup>6</sup>. Established in 1923, the *Cumhuriyet Halk Partisi* ruled the Republic in a one-party regime until the introduction of a multi-party system in 1946: only four years later it was forced to abandon the power in favour of the Democratic Party (*Demokrat Partisi*). As an expression of the alliance between the mercantile and the landed bourgeoisie against the bureaucratic one<sup>7</sup>, the DP managed to gather support from both Islamic movements<sup>8</sup> and farmers<sup>9</sup>, obtaining in 1950 the 53,3 % of the votes and 408 of the 487 seats in the Grand National Assembly of Turkey (*Türkiye Büyük Millet Meclisi*). This initial success was then confirmed in the 1954 elections (57.6 % of the votes and 490 seats on 535) but began to shrink, partially because of a very serious economic crisis, in the elections of 1957 (47.9% of the votes and 424 seats on 602). From these elections onwards, facing a manifest decline in popular approval, Adnan Menderes's govern began to slip into a spiral of increasing repression that – according to some authors – made Turkey one of the first cases of competitive authoritarianism<sup>10</sup>.

It is worth noting that nor the electoral victories of the DP nor the anti-secular and anti-republican policies of Menderes's executive provoked a violent reaction by the leadership of the Armed Forces, thus confirming their lack of political involvement at that time. When the TSK finally resolved to intervene, on the night of 27<sup>th</sup> May 1960, its cadres largely remained loyal to the government<sup>11</sup>: it was a core of 38 young officers - organized into a National Unity Committee (*Milli Birlik Komitesi*) - who planned and executed the coup, eventually involving general Cemal Gürsel – supreme commander of the Army (*Türk Kara Kuvvetleri*) - only at an advanced stage<sup>12</sup>. Interestingly enough, in the announcements to the population that followed, both Colonel Alparslan Türkeş - spokesman for the coup leaders - and General Cemal Gürsel - now President of the Republic - emphasized that the ultimate goal was "to restore democracy".

<sup>5</sup> İ. Turan, *The military in Turkish politics*, in *Mediterranean Politics*, Vol. 2, No. 2, 1997, pp. 123-135, p. 126.

<sup>6</sup> The "six arrows" sum up the political project of Kemalism. As indicated by Atatürk himself in his 1930 "long speech" (*Nutuk*), they are: *laicism, republicanism, nationalism, populism, statalism and reformism*. For a more detailed description of each of these principles and their political fallout: V.R. Scotti, *Il costituzionalismo in Turchia fra identità nazionale e circolazione dei modelli*, Maggioli Editore, Sant'Arcangelo di Romagna, 2014, pp. 93-187.

<sup>7</sup> H. K. Akcan and M.K. Coskun, *What Does the Middle Class Serve? the Middle-Class Discourse in Turkey*, in *Hemispheres*, Vol. 30, No. 1, 2015, pp. 6-22, pp. 12-13.

<sup>8</sup> N. Narlı, *The Rise of the Islamist Movement in Turkey*, in *Revolutionaries and reformers: contemporary Islamist movements in the Middle East*, Barry Rubin (a cura di), State University of New York Press, New York, 2003, pp. 125-140, p. 125.

<sup>9</sup> F. Tachau and M.D. Good, *The Anatomy of Political and Social Change: Turkish Parties, Parliaments, and Elections*, in *Comparative Politics*, Vol. 5, No. 4, 1973, pp. 551-573, *passim*.

<sup>10</sup> M. Alvarez, J.A. Cheibub, F. Limongi and A. Przeworski, *Classifying political regimes*, in *Studies in Comparative International Development*, Vol. 31, 1996, pp. 3-36, p. 12.

<sup>11</sup> İ. Turan, *The military in Turkish politics*, in *Mediterranean Politics*, Vol. 2, No. 2, 1997, pp. 123-135, pp. 128-130.

<sup>12</sup> C. Gunn, *The 1960 Coup in Turkey: A U.S. Intelligence Failure or a Successful Intervention?*, in *Journal of Cold War Studies*, Vol. 17, No. 2, 2015, pp. 103-139, pp. 110-111.

In truth, the coup had a more subversive character than the subsequent ones: Menderes, along with the ministers of interior and economy, was sentenced to death and hanged in 1961. At the same time, however, those officers that aimed at establishing a permanent military dictatorship were swiftly driven out and in some cases sentenced to death as well<sup>13</sup>.

It was on this occasion that the TSK affirmed for the first time their role as "guardians" of the fundamental principles of Kemalism: initially with the violent takeover we have described but then, already in 1961, through a new Constitution that - drafted by a Constituent Assembly appointed by the coup leaders - was then approved on the 9<sup>th</sup> July 1961 by popular referendum with the 61.7% of consents. The first referendum in Turkish history, pretty much like the coup that caused it, was a revolutionary act which gave the military a much-needed legitimization to both their past actions and their new role.

At the same time, the 1961 Constitution also managed to lay the legal foundations of military influence. Alongside a Constitutional Court (*Anayasa Mahkemesi*) responsible for the judicial review of the laws (art. 147) and the closure of parties (art. 57), it provided for the creation of a National Security Council (*Milli Güvenlik Kurulu*); chaired by the President of the Republic and formed by the Chief of Staff, various representatives of the Armed Forces and "those ministers designated by the law" (art. 111). The functions of the Chief of General Staff (*Türk Silahlı Kuvvetleri Genelkurmay Başkanı*) were also enhanced: if the previous Constitution had deferred to a special law the allocation of command in peacetime and remitted to the President of the Republic the power to appoint a commander of operations in wartime on the recommendation of the Council of Ministers, the new Constitution gave the Chief of General Staff command both in peacetime and in wartime; notwithstanding only his appointment "by the President of the Republic on the recommendation of the Council of Ministers". However, the liability of the Chief of Staff before the Prime Minister, not before the Minister of Defence as constitutionalists wanted nor only towards the Head of State as the military had hoped, is a good proof of the moderation of the *putschists*: while well determined to carve out a role for themselves in the new order, they remained at the same time loyal to the subordination of the Armed Forces envisioned by Atatürk<sup>14</sup>. In turn, the Council of Ministers was responsible in front of the Great Assembly "for the national security and the preparation of the armed forces to war", while the supreme command of the Armed Forces was again conferred not upon the Head of State but upon the Assembly: "The office of the Commander-in-Chief is **integrated in spirit** in the Turkish Great National Assembly and is **represented** by the President of the Republic" (art. 110).

Among the many grievances that had previously opposed the military to Menderes's government there were also the emoluments of the soldiers themselves, not updated to the galloping inflation and judged embarrassing when compared to those of the colleagues from other NATO countries<sup>15</sup>: in 1961, the coup leaders thus also took care to establish an autonomous pension fund reserved solely for military personnel (*OYAK*). Thanks to remarkable tax exemptions, this fund over the years became one of the leading holding companies in Turkey, enabling the TSK not only to be independent from the Ministry of Defence financial transfers but also to penetrate the civilian economy and to elevate its military employees into the middle class.

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<sup>13</sup> G.S. Harris, *Military Coups and Turkish Democracy, 1960-1980*, in *Turkish Studies*, Vol. 12, No. 2, 2011, pp. 203-213, p. 205.

<sup>14</sup> J. S. Szyliowicz, *The 1961 Turkish Constitution - An analysis*, in *Islamic Studies*, Vol. 2, No. 3, 1963, pp. 363-381, pp. 364-366.

<sup>15</sup> C. Gunn, *The 1960 Coup in Turkey: A U.S. Intelligence Failure or a Successful Intervention?*, in *Journal of Cold War Studies*, Vol. 17, No. 2, 2015, pp. 103-139, p. 110.

Similar holdings, formed separately at a later stage by the Air Force, the Army and the Navy were merged in 1987 into the *Foundation for the Strengthening of the Turkish Armed Forces (TSKGV)*, which then became a successful holding company as well<sup>16</sup>, contributing significantly to the domestic arms industry and creating thousands of jobs<sup>17</sup>.

If the MGK formed the institutional basis for the political role of the Armed Forces, OYAK came to be the core of their economic power; which in turn proved itself to be a particularly important component of the *soft power* the TSK exerted on the Turkish society and politics. Regarding the *Milli Güvenlik Kurulu*, it should also be noted how the purely consultative role assigned by the Constitution to this body was in fact bound to turn into a much more penetrating power: starting from these few constitutional provisions and the prestigious position acquired in the following years, the Armed Forces gained not only greater autonomy in managing their internal affairs (including the substantial appointment, only formally ratified by the civil authority, of the Chief of Staff) but also a full decision-making role in matters of national security and a strong influence in all the other fields, including education and foreign policy<sup>18</sup>. Not surprisingly, from here onwards all the successive interventions will be invariably planned at the highest levels of the TSK and executed by their top officers.

### 3. CONSOLIDATION OF MILITARY INFLUENCE AND THE 1982 CONSTITUTION

The 1960 coup did not only change the constitutional context but also the characters of the political system and of its actors. As mentioned above, until 1946 the Turkish political system was in fact a **one-party system**. Between 1946 and 1960, it evolved into a **two-party system** where the relevant<sup>19</sup> parties were İnönü's CHP and Menderes's DP, with the latter in a dominant position. From 1961 onwards, the political system split into a multitude of relevant parties. The vast area at the centre of the political spectrum - the same one that had previously secured the electoral successes of Menderes - came to be disputed by, among others, the two major heirs of the Democratic Party: the Justice Party (*Adalet Partisi*) and the New Turkey Party (*Yeni Türkiye Partisi*). These, dissolved after the 1980 *pronunciamento*, will in turn be replaced by the Motherland Party (*Anavatan Partisi*) and the True Path Party (*Doğru Yol Partisi*). In the national congress of 1964 the CHP, while maintaining firm its adherence to Kemalism, turned towards the centre-left<sup>20</sup> while on the right colonel Alparslan Türkeş transformed in 1969 the Republican Villagers Nation Party (*Cumhuriyetçi Köylü Millet Partisi*) in the Nationalist Action Party (*Milliyetçi Hareket Partisi*). Also on the right, though less careful than the MHP in dissociating themselves from radical Islamism<sup>21</sup>, were the various parties which represented the political expression of the so-called "National Vision" (*Milli Görüş*); a coalition of various movements united by the project to strengthen the political role of Islam in the Turkish republic while moderating its pervasive secularism<sup>22</sup>.

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<sup>16</sup> G. Karabelias, *Dictating the Upper Tide: Civil-Military Relations in the Post-Özal Decade, 1993-2003*, in *Turkish Studies*, Vol. 9, No. 3, 2008, pp. 457-473, pp. 465-467.

<sup>17</sup> L. Michaud-Emin, *The Restructuring of the Military High Command in the Seventh Harmonization Package and its Ramifications for Civil-Military Relations in Turkey*, *Turkish Studies*, Vol. 8, No. 1, 2007, pp. 25-42, p. 35.

<sup>18</sup> İ. Turan, *The military in Turkish politics*, in *Mediterranean Politics*, 2:2, 1997, pp. 123-135, pp. 130.

<sup>19</sup> G. Sartori, *Ingegneria Costituzionale Comparata*, Il Mulino, Bologna, 1995, pp. 44 e ss.

<sup>20</sup> H.M. Kiriş, *The CHP: From the Single Party to the Permanent Main Opposition Party*, in *Turkish Studies*, Vol. 13, No. 3, pp. 397-413, p. 400.

<sup>21</sup> G. Bacik, *The Nationalist Action Party in the 2011 Elections: The Limits of Oscillating Between State and Society*, in *Insight Turkey*, Vol. 13, No. 4, 2011, pp. 171-187, p. 176.

<sup>22</sup> F. Atacan, *Explaining Religious Politics at the Crossroad: AKP-SP*, in *Turkish Studies*, Vol. 6, nr. 2, 2005, pp. 187-199, pp. 187-188.

Under the leadership of Necmettin Erbakan, in the following decades this project manifested itself with a multitude of different acronyms: in 1970 with the National Order Party (*Milli Nizam Partisi*, dissolved in 1971), in 1972 with the National Salvation Party (*Milli Selamet Partisi*, dissolved in 1981), in 1983 with the Welfare Party (*Refah Partisi*, dissolved in 1998), in 2003 with the Felicity Party (*Saadet Partisi*). Except for the latter, all these parties were dissolved by the Constitutional Court for conflicting with the principle of laicism; pretty much as, on the opposite front, a long string of Marxist parties and an even more long string of parties Kurdish identitarian parties were as well periodically dissolved and re-established.

In the '70s Turkey therefore faced a particularly difficult period in its history<sup>23</sup>, ironically induced by the liberalism of the 1961 Constitution<sup>24</sup>. The emergence of a multi-party political system after the first free elections (1961) led to a series of coalition governments: a completely new experience for Turkey, complicated by the ideological distances between the various parties and by the rampant violence of left and right-wing extremist groups. Between January and November 1974, the government was held by an unlikely CHP-MSP coalition; between March of 1975 and June 1977 and then again between July 1977 and January 1978 by a AP-MSP-MHP coalition. Overall, between 1961 and 1980, Turkey experienced 18 different governments: 17 of them being coalition governments and one a CHP-only minority government.

The military intervention, which in March 1971 tried to end this situation is highly indicative of the institutional role, almost of political direction, achieved by the Armed Forces. This so-called "**coup by memorandum**" took place in fact without any real deployment of troops, sufficing to the General Staff the transmission to the government of a memorandum advocating for a "*strong and credible government to approve the necessary reforms to end instability and the 'fratricidal struggle'*"<sup>25</sup> to provoke the fall of Suleyman Demirel's government. Subsequently, between 1971 and 1973, a number of technical governments formed under the pervasive supervision of the TSK managed to implement the General Staff plan for the suppression of press freedom and trade unions, in the process also dissolving both the Workers Party of Turkey (*Türkiye İşçi Partisi*) and the aforementioned National Order Party. While the main purpose of this second coup – to end the chaos in the country – was not reached, the secondary objective of preventing a new *coup d'état* by the lower and more radical ranks was instead achieved through a further strengthening of the Council for National Security. In the three years in which it indirectly controlled the executive, the military was in fact able to ensure the approval of certain amendments that reshaped the *Milli Güvenlik Kurulu*. Originally conceived as a forum for "consultations" between the government and the military leadership, the Council for National Security became at this time a *de facto* body of the State, no longer issuing mere *opinions* to the government but *recommendations* which, over time, became more and more binding<sup>26</sup>. In 1972, the symbiosis of the judicial-military bloc was also refined by juxtaposing to the **Supreme Council of Judges** (*Hakimler Yüksek Kurulu*) introduced by the Constitution of 1961 a **Supreme Council of the Armed Forces** (*Yüksek Askeri Sura*): each of them was considered uniquely competent about careers and transfers in the respective fields while

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<sup>23</sup> F. Tachau and M.D. Good, *The Anatomy of Political and Social Change: Turkish Parties, Parliaments, and Elections*, in *Comparative Politics*, Vol. 5, No. 4, 1973, pp. 551-573, p. 553.

<sup>24</sup> V.R. Scotti, *Il costituzionalismo in Turchia fra identità nazionale e circolazione dei modelli*, Maggioli Editore, Sant'Arcangelo di Romagna, 2014, p. 69.

<sup>25</sup> N. Narli, *Civil-military relations in Turkey*, in *Turkish Studies*, 2000, Vol. 1, No. 1, pp. 107-127, p. 113.

<sup>26</sup> L. Michaud-Emin, *The Restructuring of the Military High Command in the Seventh Harmonization Package and its Ramifications for Civil-Military Relations in Turkey*, *Turkish Studies*, Vol. 8, No. 1, 2007, pp. 25-42, pp. 27-28.



the Executive did not hold any control on such matters. Armed Forces and Judiciary earned thus greater autonomy and power, while also maintaining close relationships with each other<sup>27</sup>.

As the political situation continued to escalate, the failure of the indirect intervention of 1971 and the simultaneous strengthening of the TSK set the stage for the **1980 pronunciamiento**. The inclination of this new coup was clear: the "liberal" model introduced by the 1960 coup had not worked and, despite having defeated Menderes's authoritarianism, it had plunged the country into a chaos that - according to the military - was putting at risk not only the safety of its citizens but of the State itself. At the same time, the "institutional" intervention of 1971 - during which there was no use of force or direct takeover of power by the military - had not had any lasting effect. Thus, in front of the increasing violence of right and left extremists and the rise of separatist and Islamist demands<sup>28</sup>, in 1979 the Chief of Staff Kenan Evren ordered to prepare a plan for the complete capture of power. This is the plan which was enacted by the Armed Forces on the 12th September 1980, leading to the immediate shutdown of all the unions, non-governmental organizations and parties<sup>29</sup> including the Kemalist CHP. Their leaders, along with thousands of members of each faction, were imprisoned and banned from political activity while a military *junta* made up of five senior officers promulgated - between 1980 and 1983 - 669 laws and a new Constitution. The latter - again submitted to a popular referendum - was approved with a 91.4% of the vote by the same plebiscite that in November 1982 also validated the ascent of Evren himself to the office of Head of State; a role that the general would then maintain, as provided by the Constitution, for the next seven years<sup>30</sup>.

This new Constitution moved decisively towards a strengthening of the Executive and, particularly, of the role of the Head of State<sup>31</sup>. While still he "**represents the Office of Commander-in-Chief of the Turkish Armed Forces on behalf of the Grand National Assembly of Turkey**", the Head of State was now given the power "*to decide on the use of the Turkish Armed Forces, to appoint the Chief of the General Staff, to call the National Security Council to meet, to preside over the National Security Council*" as well as "*to proclaim martial law or state of emergency*" (art. 104). As in the 1961 Constitution, a section titled "National Defense" dealt with the Supreme Command of the Armed Forces (art. 117) and the National Security Council (art. 118). The office of Commander in Chief of the Armed Forces remained "*inseparable from the spiritual existence of the Turkish Grand Assembly and represented by the President of the Republic*" while its effective exercise was reserved - in peace and in war - to a Chief of General Staff appointed by the President on the proposal of the Government. The chain of command was not changed, suggesting the satisfaction of the Armed Forces for the one already constitutionalised by the coup of 1961: the Chief of Staff remained responsible to the Prime Minister, whose government was in turn accountable to the Great Assembly (art. 117). The identification of the ministers who sat in the National Security Council, however, was no longer delegated to an ordinary law as in the previous Constitution: instead, ministers and other civil authorities who had the right to participate in the Security Council were listed in art. 118.

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<sup>27</sup> G. Karabelias, *Dictating the Upper Tide: Civil-Military Relations in the Post-Özal Decade, 1993-2003*, in *Turkish Studies*, Vol. 9, No. 3, pp. 457-473, pp. 464-465.

<sup>28</sup> PKK, the Kurdistan Workers' Party (*Partiya Karkerên Kurdistanê* in Kurdish language), was founded by Abdullah Öcalan in 1978.

<sup>29</sup> N. Narli, *Concordance and Discordance in Turkish Civil-Military Relations, 1980-2002*, in *Turkish Studies*, Vol. 12, No. 2, pp. 215-225, p. 217.

<sup>30</sup> G. Jenkins, *The Turkish officer corps*, in *The Adelphi Papers*, Vol. 41, No. 337, 2001, pp. 21-40, p. 39.

<sup>31</sup> E. Özbudun, *Turkey's Search for a New Constitution*, in *Insight Turkey*, Vol. 14, No. 1, 2012, pp. 39-50, p. 42.

The same article also significantly stated that the government was bound to give "priority to the decisions of the National Security Council". It was also at this stage that the previous balance between the civil and the military component was reversed, establishing a majority of military members<sup>32</sup>.

The first partially free elections took place a year later, in November 1983. The Armed Forces, while endorsing the Nationalist Democracy Party (*Milliyetçi Demokrasi Partisi*) and restricting the participation to only three parties, did not oppose the victory of the *outsider* Turgut Özal whose Motherland Party (*Anavatan Partisi*) gathered 45.2% of the vote. And even despite repeated attempts by the new Premier to curb the influence of the military<sup>33</sup>, the Army refrained from intervening even when Özal was chosen as the new President of the Republic (1989). However, as evidenced by the refusal by the Chief of Staff to draft a plan for the invasion of Iraq during the first Gulf War<sup>34</sup>, the power of the military did not diminish significantly even in the second half of the 80's and indeed seemed to expand again with Özal's death (1993). At that time, the General Staff began to look with increasing concern at the rise of Kurdish nationalism and especially of political Islamism, which the military junta had to some extent favoured in the early 80's<sup>35</sup>. In the elections of 1995 the Islamist Welfare Party received 21.38% of votes, surpassing the Motherland Party (19.65%), the True Path Party (19.18%), the Democratic Left (14.64%) and even the Republican People's Party (10.71%). Under the electoral system designed by the generals – proportional but with a 10% national threshold – only these parties qualified to seat in the Grand National Assembly. Consequently, after a short phase of coalition between the True Path Party and the Motherland Party, the Islamist leader Necmettin Erbakan became Prime Minister in a coalition government with the DYP (1996). Only at this point, a year after Erbakan's ascent to the premiership, did the so-called **post-modernist coup of 28<sup>th</sup> February 1997** took place. On that date, during a meeting of the Council of National Security, the TSK demanded the government to approve a series of restrictions on religious education<sup>36</sup>. Erbakan, caught between the demands of the military and those of his own party, was forced to resign in June of 1997. The following year, the Constitutional Court – generating the only appeal of an Islamist party to the European Court of Human Rights<sup>37</sup> – dissolved the *Refah Partisi* while Necmettin Erbakan was consequently banned from political activity for five years. An interesting feature of this intervention was the effort launched by the Armed Forces – already supported by the social groups (the judiciary, the media, academia<sup>38</sup>) we mentioned before – to win the public opinion to their case by engaging in the so-called "**February 28<sup>th</sup> process**" with which they – according to some – began acting "like a political party"<sup>39</sup>. Alternatively, in the light of increasing pressure to reduce the political role of the TSK, this process might have instead been aimed at self-preservation.

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<sup>32</sup> L. Michaud-Emin, *The Restructuring of the Military High Command in the Seventh Harmonization Package and its Ramifications for Civil-Military Relations in Turkey*, Turkish Studies, Vol. 8, No. 1, 2007, pp. 25-42, pp. 27-28.

<sup>33</sup> G. Karabelias, *Dictating the Upper Tide: Civil-Military Relations in the Post-Özal Decade, 1993–2003*, in Turkish Studies, Vol. 9, No. 3, pp. 457-473, pp. 458-460.

<sup>34</sup> G. Jenkins, *The Turkish officer corps*, in The Adelphi Papers, Vol. 41, No. 337, 2001, pp. 21-40, p. 39.

<sup>35</sup> A.A. Çelenk, *Institutionalization of power politics: the case of political Islam in Turkey*, in Journal of Power, Vol. 2, No. 3, 2009, pp. 369-381, pp. 373-374.

<sup>36</sup> N. Narlı, *Civil-military relations in Turkey*, in Turkish Studies, 2000, Vol. 1, No. 1, pp. 107-127, pp. 115-116.

<sup>37</sup> V.R. Scotti, *Il costituzionalismo in Turchia fra identità nazionale e circolazione dei modelli*, Maggioli Editore, Sant'Arcangelo di Romagna, 2014, p. 143.

<sup>38</sup> A. Kuru, *The Rise and Fall of Military Tutelage in Turkey: Fears of Islamism, Kurdism, and Communism*, in Insight Turkey, Vol. 14, No. 2, 2012, pp. 37-57, p. 37.

<sup>39</sup> M. Çınar, *The militarization of secular opposition in Turkey*, in Insight Turkey, 2010, Vol. 12, No. 2, pp. 109-123, p. 112.

In the 1999 elections, the new Islamist party - the Virtue Party (*Fazilet Partisi*) – won 15.40% of the votes, while the Democratic Left Party (*Demokratik Sol Partisi*) achieved 22.18%, the MHP an exceptional 17.97%, the ANAP and DYP 13.2% and 12.01% respectively. In 2001, the FP was itself dissolved for violation of the principle of secularism: persisting the ban on Erbakan, however, this dissolution came to catalyse an already visible fracture within the so-called "National Vision". While one faction formed the Felicity Party (*Saadet Partisi*), a classic creature of the *Milli Görüş*, some cadres of the defunct *Fazilet Partisi* decided to sponsor a new political formation that - despite being rooted in the *Milli Görüş* tradition – appeared at the time to be not too far from the European Christian-Democratic model<sup>40</sup>. This was, of course, the Justice and Development Party (*Adalet ve Kalkınma Partisi*) which, under the leadership of Recep Tayyip Erdoğan, initially indicated among its priorities the admission of Turkey in the European Union and the democratization of political life<sup>41</sup>.

#### 4. THE AKP AND THE DIFFICULT COEXISTENCE WITH THE ARMED FORCES

The original Kemalist design, it has been said, did not provide the Armed Forces with a "protective role" towards the secular and republican system and postulated instead - in line with the modernizing effort of Mustafa Kemal - the subordination of the military to civilian rule. The power that the Turkish Armed Forces had enjoyed until recently, as we have seen, was rather the result of a first coup - not surprisingly, promoted by officers of lower rank - and of the long work of consolidation that followed. This "self-institutionalization" of the role of the TSK is well observable, even more than in those *pronunciamentos* which represented an occasional restatement, both on a normative plan and on a substantial one: on the one hand, with those constitutional provisions that have recognized the role of the TSK and the legitimacy of their interference in the political sphere and on the other, with the advent of a climate in which, to quote Linz, "*the political intervention of the armed forces as a poder moderador can come to be - in certain political cultures - considered as a useful counterweight to governments too presumptuous*"<sup>42</sup>.

This second, substantive, aspect of the power of the Armed Forces in turn depended not only on the capacity of the Armed Forces *to influence society* but also, and not to a minor extent, on their ability *to isolate themselves* from society. Indeed, in the context that is relevant here, the ability to influence society necessarily presupposed an equal ability to self-segregate from it. Had the TSK not been able - after 1960 - to build within themselves a "safe environment" out of sync with the external upheavals, they would have inevitably ended up intervening in support of one faction or, more likely, to be torn in their own ranks by the same currents that had already fractured the Turkish society. Not surprisingly, the economic role that the Armed Forces had carved for themselves with the establishment of OYAK in 1961, resulted in the management by the same TSK of shopping centres, recreational facilities and residences reserved exclusively for military personnel<sup>43</sup>. Equally, the establishment of YAŞ in 1972, allowed the expulsion of any individual suspected of too radical political or religious sympathies<sup>44</sup> while the possibility of admission in the officer

<sup>40</sup> For example in: M. Carducci and B. Bernardini d'Arnesano, *Turchia, Il Mulino*, Bologna, 2008, p. 40. Considering the most recent developments, a more appropriate comparison might be the one with the Law and Justice (*Prawo i Sprawiedliwość*) party in Poland; as suggested in: A. Szymański, *Religion Oriented Conservative Parties and Democracy: The Case of the Turkish Justice and Development Party and the Polish Law and Justice Party*, in *Hemispheres*, Vol. 30, No. 1, 2015, pp. 55-70.

<sup>41</sup> W. Hale and E. Ozbudun, *Islamism, democracy, and liberalism in Turkey: the case of the AKP*, Routledge, New York, 2010, pp. 20 e ss.

<sup>42</sup> J.J. Linz, *The Perils of Presidentialism*, in *Journal of Democracy*, Vol. 1, No. 1, 1990, pp. 51-69, p. 54.

<sup>43</sup> T. Demirel, *Soldiers and civilians: the dilemma of Turkish democracy*, *Middle Eastern Studies*, Vol. 40, No. 1, pp. 2004, 127-150, p. 130.

<sup>44</sup> G. Jenkins, *The Turkish officer corps*, in *The Adelphi Papers*, Vol. 41, No. 337, 2001, pp. 21-40, p. 26.

corps depended not only on a candidate's capabilities but on checks on the familiar background as well<sup>45</sup>. As we have seen, the 1960 coup was itself followed by an internal purge of those officers who had been either too lukewarm or too bold. This ability of the TSK to self-segregate themselves around a continuity of vision that each generation of soldiers passed on to the next, is probably the main reason for which every military coup invariably returned power to civilians. At the same time, it is on this internal unity and on the continued insistence of their apolitical role that much of the influence of the Armed Forces on society has rested<sup>46</sup>; the rest of which may well be attributed to the prestige built up with military successes achieved from the war of independence to the effective, though partial, occupation of Cyprus in 1974.

It is therefore undoubtedly to be shared the opinion of those who maintain that the power of the Turkish military was more substantive than formal in its nature<sup>47</sup> and that, without the support of at least some sectors of civil society, no coup would have been conceivable<sup>48</sup>. Over time, the influence of the TSK has certainly shown itself to be much more extensive and penetrating than the legal provisions which constitutionalised (and, thus, limited) such influence. And yet, because of the historical paths that have been described above, we must likewise admit that the institutions - and first of all, the Constitutions which were approved by the coup leaders themselves in 1961 and 1982 - have had their specific importance. If much of the Turkish military influence had stemmed from its concrete political power, the exercise of this influence would never have been fully possible without an appropriate institutional framework; that is the rule that legitimized the existence of the MGK, the YAS, the OYAK and so on. It seems thus natural, and confirms the institutional importance of the Turkish Armed Forces, that any attempt to revise the status quo would have necessarily begun by appropriate interventions on legal regulations.

Already during Bülent Ecevit's government (1999-2002), backed by an unprecedented DSP-MHP-ANAP coalition, a slow process of compression of the military influence had begun; at least partially motivated or legitimated by the start of the EU accession talks at the Helsinki summit of 1999<sup>49</sup>. The constitutional reform of 2001 partially modified article 118 on the National Security Council, replacing the term "*decisions*" with the more precise term "*advisory decisions*" and eliminating the "*priority*" consideration to which the Government had been obliged, until then, to submit these decisions<sup>50</sup>. The number of civilians in the Council was also increased from five to nine, while the military members remained five<sup>51</sup>. The TSK however - having always considered itself as the main modernizing force in Turkey - supported this first stage of reform and showed sincere support for the possible accession

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<sup>45</sup> G. Jenkins, *The Turkish officer corps*, in *The Adelphi Papers*, Vol. 41, No. 337, 2001, pp. 21-40, p. 23.

<sup>46</sup> Ş. Toktaş and Ü. Kurt, *The Turkish Military's Autonomy, JDP Rule and the EU Reform Process in the 2000s: An Assessment of the Turkish Version of Democratic Control of Armed Forces (DECAF)*, in *Turkish Studies*, 2010, Vol. 11, No. 3, pp. 387-403, p. 388.

<sup>47</sup> L. Michaud-Emin, *The Restructuring of the Military High Command in the Seventh Harmonization Package and its Ramifications for Civil-Military Relations in Turkey*, *Turkish Studies*, Vol. 8, No. 1, 2007, pp. 25-42, *passim*.

<sup>48</sup> A. Kuru, *The Rise and Fall of Military Tutelage in Turkey: Fears of Islamism, Kurdism, and Communism*, in *Insight Turkey*, Vol. 14, No. 2, 2012, pp. 37-57; p. 47.

<sup>49</sup> Ş. Toktaş and Ü. Kurt, *The Turkish Military's Autonomy, JDP Rule and the EU Reform Process in the 2000s: An Assessment of the Turkish Version of Democratic Control of Armed Forces*, in *Turkish Studies*, 2010, Vol. 11, No. 3, pp. 387-403, p. 390.

<sup>50</sup> L. Gonenç, *The 2001 Amendments to the 1982 Constitution of Turkey*, in *Ankara Law Review*, Vol. 1, No. 1, 2004, pp. 89-109, p. 107.

<sup>51</sup> Ş. Toktaş e Ü. Kurt, *The Turkish Military's Autonomy, JDP Rule and the EU Reform Process in the 2000s: An Assessment of the Turkish Version of Democratic Control of Armed Forces*, in *Turkish Studies*, 2010, Vol. 11, No. 3, pp. 387-403, p. 391.

to the EU<sup>52</sup>. In this sense, in the early years of the XXI century, a growing scepticism towards the "political" role of the TSK<sup>53</sup> can be observed in the statements of the different heads of the General Staff. After 2002, the military had to face not only the power of attraction exerted by the European Union but also the compression of that social bloc that had until then greatly boosted its influence on the civil society<sup>54</sup>. This compression was clearly proved by the 2002 elections, which were won by the *Adalet ve Kalkınma Partisi* with 34.28% of votes.

This party, implementing the project of "Europeanization" it had previously campaigned on already in January 2003, modified the Law 2945 of 1985 in the part where it disposed of the organization and powers of the National Security Council. Among the amended provisions, there was the one that, making it mandatory for "the ministries, public institutions, organizations and private legal persons" to "forward regularly or when required confidential and non-confidential information marked to the Secretary General of the Security Council" (art. 19), had for a long time offered TSK with the normative basis for its constant interference in civilian bureaucracy. Through this provision, the Armed Forces had been able to influence school curriculums, to defer the terms of military service at will, to modify the hours of television broadcasting, to shut down televisions, to lift parliamentary immunities of Kurdish deputies and to appoint specific employees to the Ministry of Public Works in the South-East of the country (where martial law was in force). The frequency of the meetings of *Milli Güvenlik Kurulu* (art. 5) was also modified: no longer was the Council to meet once a month but instead, only once every two months. To be struck down was also the provision that allowed the Secretary General of the MGK to "follow the implementation of the recommendations of the Council", while the position of General Secretary of the Council was for the first time granted to a civilian in 2004. Subsequently, with specific changes in the statutes of their organs, the Armed Forces lost the right to have a representative on the councils for Higher Education (YÖK) and for Telecommunications (RTÜK). Following specific recommendations by the EU, the budget of the army was placed under the control of Parliament in 2003<sup>55</sup>, and in 2004 an amendment to the Constitution removed the secrecy that the Armed Forces had hitherto been able to oppose to the Grand National Assembly. In 2010, rules governing the *internal auditing* and management of military property were also adopted<sup>56</sup> while already in 2004, the new Turkish Criminal Code had banned the controversial State Security Courts (*Devlet Güvenlik Mahkemeleri*)<sup>57</sup>.

Yet, according to a report published by the EU for the 2005-2007 period, the political power of the Armed Forces remained "maximum" while the civilian bodies operated with "limited

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<sup>52</sup> A.L. Karaosmanoğlu, *Transformation of Turkey's Civil-Military Relations Culture and International Environment*, in *Turkish Studies*, Vol. 12, No. 2, 2011, pp. 253-264, p. 257.

<sup>53</sup> M. Heper, *Civil-Military Relations in Turkey: Toward a Liberal Model?*, in *Turkish Studies*, Vol. 12, No. 2, 2011, pp. 241-252, *passim*.

<sup>54</sup> A. Kuru, *The Rise and Fall of Military Tutelage in Turkey: Fears of Islamism, Kurdism, and Communism*, in *Insight Turkey*, Vol. 14, No. 2, 2012, pp. 37-57; p. 39.

<sup>55</sup> Ş. Toktaş e Ü. Kurt, *The Turkish Military's Autonomy, JDP Rule and the EU Reform Process in the 2000s: An Assessment of the Turkish Version of Democratic Control of Armed Forces*, in *Turkish Studies*, 2010, Vol. 11, No. 3, pp. 387-403, p. 390-391.

<sup>56</sup> M. Söyler, *Informal institutions, forms of state and democracy: the Turkish deep state*, in *Democratization*, Vol. 20, No. 2, 2013, pp. 310-334, p. 323.

<sup>57</sup> Introduced by the 1982 Constitution to thwart the Kurdish guerrilla in the South-East, these Courts were – with authority on all crimes committed by any individual "against the State security" – were chaired by three judges: two civilians and one military.

"powers" despite assuming on themselves "the entire responsibility"<sup>58</sup>. This resilience of military power, clearly, did not depend on the specific legal provisions which specifically concerned the TSK, but rather on the informal influence the military enjoyed towards society<sup>59</sup>.

##### 5. THE CLASH WITH THE ARMED FORCES

Until 2007, relations between the ruling party and the Armed Forces appeared fairly decent<sup>60</sup>. In that year, however, when President Ahmet Sezer's mandate came to an end, the AKP decided to exploit its parliamentary majority to elect their own candidate to the office. Consequently, on the initiative of some CHP representatives, the still Kemalist-dominated Constitutional Court proceeded to invalidate the election of Abdullah Gül to the presidency alleging procedural irregularities in the parliamentary vote. The Kemalist offensive then seemed to gain momentum on the night of 27th April, when the military cadres produced the so-called **e-memorandum**: a statement - published on the Armed Forces website - in which the Chief of General Staff denounced the alleged risk of Islamization of the Turkish society<sup>61</sup>. The civil-military bloc seemed to regroup, as a million citizens in Istanbul and 370,000 in Ankara<sup>62</sup> gathered to protest against the government with the support of the TSK<sup>63</sup>. This time, however, the Government's response was firmer than in the past: emitting in turn a statement, the Executive stressed the point that the Chief of Staff was responsible towards the Prime Minister and that the military subordination to civilian administration was constitutionally sanctioned. The 2007 memorandum is actually the moment in which the "28 September process" started to show its limits: much of the civil society, the media and the business community appeared to take sides in favour of the Executive while even among those who demonstrated against the AKP the slogan "*neither Islamic government nor military coup*" was frequently heard<sup>64</sup>. The European Union itself sided in that occasion with the Turkish government, with the Commissioner for Enlargement Olli Rehn declaring that "*it is important that the armed forces respect the democratic game and the role that is proper to them in that game*"<sup>65</sup>.

Following this confrontation, early elections were convened: focusing its campaign against the intervention of the military in political life and in favour of democracy and accession to the EU, the AKP increased by 12% its consensus and collected 46.6% of the votes cast. Behind this victory was not only the misguided military intervention but also, more importantly, the rise - backed by a considerable economic growth which was another reason

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<sup>58</sup> G. Karabelias, *Dictating the Upper Tide: Civil-Military Relations in the Post-Özal Decade, 1993-2003*, Turkish Studies, Vol. 9, No. 3, 2008, 457-473, p. 461.

<sup>59</sup> L. Michaud-Emin, *The Restructuring of the Military High Command in the Seventh Harmonization Package and its Ramifications for Civil-Military Relations in Turkey*, Turkish Studies, Vol. 8, No. 1, 2007, pp. 25-42, *passim*.

<sup>60</sup> M. Heper, *The Justice and Development Party Government and the Military in Turkey*, in Turkish Studies, Vol. 6, No. 2, 2005, pp. 215-231, *passim*.

<sup>61</sup> A.L. Karaosmanoğlu, *Transformation of Turkey's Civil-Military Relations Culture and International Environment*, in Turkish Studies, Vol. 12, No. 2, 2011, pp. 253-264, p. 253.

<sup>62</sup> Y. Gürsoy, *The changing role of the military in Turkish politics: democratization through coup plots?*, in Democratization, Vol. 19, No. 4, 2012, pp. 735-760, p. 747.

<sup>63</sup> M. Çinar, *The militarization of secular opposition in Turkey*, in Insight Turkey, 2010, Vol. 12, No. 2, pp. 109-123, p. 112.

<sup>64</sup> Ş. Toktaş e Ü. Kurt, *The Turkish Military's Autonomy, JDP Rule and the EU Reform Process in the 2000s: An Assessment of the Turkish Version of Democratic Control of Armed Forces*, in Turkish Studies, 2010, Vol. 11, No. 3, pp. 387-403, p. 395.

<sup>65</sup> BBC News of 28/4/07, "EU warns Turkish Army over vote". Found on 20/7/16 on [news.bbc.co.uk/2/hi/europe/6602661.stm](http://news.bbc.co.uk/2/hi/europe/6602661.stm).

for the popularity of the PM Erdoğan<sup>66</sup> - of a social bloc, mainly located in Anatolia, which convincingly supported the AKP. The rise of this Anatolian middle class, which also provided financial support to the ruling party, consequently allowed the diffusion of new media and the foundation of new universities subtracted to the Kemalist influence<sup>67</sup>. The following election, in August 2007, of the previous candidate Abdullah Gül by the new AKP majority marked then a further defeat of the Armed Forces, to which the loss of consents suffered by its traditional supporters of the CHP must be added<sup>68</sup>. At the same time, in the period between the e-memorandum and the early elections, the investigation on the alleged subversive group called "*Ergenekon*" took its first steps.

The accusation the military élite has most frequently directed at the AKP is that of having a **hidden agenda**, which is to say that Erdoğan's party has merely exploited the prospect of EU membership to weaken the secular forces in the country and to promote a reform of the state in a confessional direction<sup>69</sup>. By contrast, the most common charges brought by the Government against the Armed Forces, the Judiciary and in general against that bureaucratic-military complex frequently identified as the bastion of the Kemalism thought, is to have secretly formed and maintained a **deep state**, a State within the State. If the first accusation is obviously rooted in the past membership of many AKP cadres in the movements of *Milli Görüş*, the second is classically attributed to the *Susurluk incident*: an ordinary car accident (1996), following which, however, it was found out that in that same car, the former head of the Istanbul police, a Grey Wolves hitman and a DYP representative were travelling. The case, which seemed to suggest shady arrangements between the state apparatus and the paramilitary groups active both in the riots of the 70's and in the counter-guerrilla against PKK that started in the 80's, while not causing serious judicial consequences, deeply affected the public opinion<sup>70</sup>. So, at the time of their explosion, the parallel cases *Ergenekon*<sup>71</sup> and *Balyoz*<sup>72</sup> reached an audience to which the hypothesis of military involvement in secret and shameful activities no longer seemed inconceivable.

In the *Ergenekon* case, which began in 2007 shortly after the e-memorandum and ended in August 2013, the defendants were not only men of the TSK but also journalists, academics, businessmen and representatives of civil society organizations. Starting with the discovery of grenades in the house of a military officer, the investigation supposedly brought to light plans for a series of false flag operations specifically intended to undermine consensus and governing capacity of the AKP. The *Balyoz* case, opened in 2010, regarded the most prominent of these operations, which allegedly contemplated attacks against mosques and museums, political assassinations and even the opening of a conflict with neighbouring

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<sup>66</sup> M. Aknur, *Civil-Military Relations During the AK Party Era: Major Developments and Challenges*, in *Turkish Insight*, Vol. 15, No. 4, 2013, pp. 131-150, p. 140.

<sup>67</sup> M. Bardakçi, *Coup Plots and the Transformation of Civil-Military Relations in Turkey under AKP Rule*, in *Turkish Studies*, 2013, Vol. 14, No. 3, pp. 411-428, p. 415.

<sup>68</sup> M. Bardakçi, *Coup Plots and the Transformation of Civil-Military Relations in Turkey under AKP Rule*, in *Turkish Studies*, 2013, Vol. 14, No. 3, pp. 411-428, p. 414.

<sup>69</sup> M. Heper, *The Justice and Development Party Government and the Military in Turkey*, in *Turkish Studies*, Vol. 6, No. 2, 2005, pp. 215-231, p. 216.

<sup>70</sup> S. Kaya, *The Rise and Decline of the Turkish "Deep State": The Ergenekon Case*, in *Insight Turkey*, Vol. 11, No. 4, 2009 pp. 99-113, p. 99.

<sup>71</sup> *Ergenekon* is the name given to a legendary valley in Central Asia, where a she-wolf would have saved the Turkish nation.

<sup>72</sup> *Balyoz*, in Turkish, means mace or hammer.

Greece<sup>73</sup>. These "accidents" – according to the logics of the strategy of tension<sup>74</sup> – would have then motivated a new intervention by the military with the ultimate goal of permanently removing the AKP from power. Differently from what occurred after Susurluk, in this case the judicial and political consequences of the cases were significant: firstly, the loss of credibility by the Armed Forces – partly as a result of the allegations themselves and partly because of the shocking images of senior officers arrested as common fugitives – was considerable<sup>75</sup>; especially when in 2013 the Chief of General Staff was arrested<sup>76</sup>. In addition, this same sequence of arrests allowed Erdoğan's party in 2012 to intervene in the complex system of military promotions, with the President refusing to ratify promotions of investigated officers and proceeding for the first time with autonomous appointments<sup>77</sup>. But above all, the *Balyoz* and *Ergenekon* cases demonstrate the progressive subtraction of key positions within the civil and military bureaucracy to the Kemalist bloc.

Further evidence of this trend, in the year of the opening of the *Ergenekon* case, was offered by the attempted closure case against the AKP: following an attempt by the parliamentary majority to abolish the ban on the wearing of the *turban* on college campuses, the Chief Public Prosecutor submitted an application to the Constitutional Court to ban the AKP as a "centre of anti-secular activities"<sup>78</sup> and its cadres, among whom, Premier Erdoğan and President Gül. The court case that followed, however, confirmed the growing influence of the ruling party even in those areas, as the Judiciary, that had been traditional Kemalist strongholds. In the consequent ruling the AKP survived – albeit by just one vote – the instance of dissolution, while also confirmed by this affair was the support the *Adalet ve Kalkınma Partisi* enjoyed within the European Union, which promptly warned that "*the dissolution of AKP could cause problems for Turkey in accession talks*"<sup>79</sup>.

2007 was not only important for the June elections and for the opening of the *Ergenekon* case: after those events, in October 2007, a very important **constitutional referendum** took place in Turkey as a direct result of the approval by the AKP of some constitutional amendments that deeply modified the institutional shape of the Turkish government. The outgoing President Sezer initially chose to return the text of these reforms to the Parliament and then, facing the re-approval of those same reforms by the Grand National Assembly, made use of its powers and subjected them to a popular referendum. The proposed changes being approved by 68.95% of the electorate, the parliamentary election of the Head of State was definitely replaced by a direct popular election, thus changing the parliamentary form of government into a semi-presidential one<sup>80</sup>. Simultaneously, the presidential term was

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<sup>73</sup> M. Aknur, *Civil-Military Relations During the AK Party Era: Major Developments and Challenges*, in *Turkish Insight*, Vol. 15, No. 4, 2013, pp. 131-150, p. 140.

<sup>74</sup> Turkish scholars have detected interesting similarities with our country, comparing the *Ergenekon* case to the *Gladio* case and the investigation that followed *Ergenekon* to the season of *Mani Pulite*. For example: S. Kaya, *The Rise and Decline of the Turkish "Deep State": The Ergenekon Case*, in *Insight Turkey*, Vol. 11, No. 4, 2009 pp. 99-113, p. 105.

<sup>75</sup> M. Heper, *Civil-Military Relations in Turkey: Toward a Liberal Model?*, in *Turkish Studies*, Vol. 12, No. 2, 2011, pp. 241-252, *passim*.

<sup>76</sup> M. Bardakçi, *Coup Plots and the Transformation of Civil-Military Relations in Turkey under AKP Rule*, in *Turkish Studies*, Vol. 14, No. 3, 2013, pp. 411-428, p. 418.

<sup>77</sup> M. Aknur, *Civil-Military Relations During the AK Party Era: Major Developments and Challenges*, in *Turkish Insight*, Vol. 15, No. 4, 2013, pp. 131-150, p. 140.

<sup>78</sup> Y.Ş. Hakyemez, *Containing the Political Space: Party Closures and the Constitutional Court in Turkey*, in *Insight Turkey*, Vol. 10, No. 2, 2008, pp. 135-144, p. 137.

<sup>79</sup> Ş. Toktaş e Ü. Kurt, *The Turkish Military's Autonomy, JDP Rule and the EU Reform Process in the 2000s: An Assessment of the Turkish Version of Democratic Control of Armed Forces (DECAF)*, in *Turkish Studies*, 2010, Vol. 11, No. 3, pp. 387-403, p. 397.

<sup>80</sup> We use here the definition proposed by R. Elgie in 1999, which suggests to identify a semi-presidential regime every time "a President popularly elected for a fixed amount of time coexists with a Prime Minister" (R. Elgie (ed.),



reduced from seven to five years and the MEPs terms from five to four years. Furthermore, the ban for the President to accept a second term was repealed.

A **second constitutional referendum**, apparently aimed at bringing Turkey closer to the Copenhagen criteria, was then held in September 2010 on a long series of changes to the Constitution. In this case, a reform project that had achieved only 60% of parliamentary votes and not the required two-thirds, was proposed to the electorate and consequently approved by the 57.88% of voters. If the 2007 referendum was crucial to strengthen the position of the ruling party, the second referendum concerned much more directly the Armed Forces. As we have mentioned, a significant part of the political influence the TSK had been able to exercise, depended on its ability to maintain a rigid adherence to the Kemalist principles within its own ranks<sup>81</sup>. One of the main instruments used to this end was the expulsion of officers suspected of political or religious radicalism, operated by YAS without granting suspects neither the right to learn about the beginning of a disciplinary proceeding nor to present their own defence. With the referendum of 2010, the arbitrariness of the process was greatly tempered by recognizing to the military personnel the right of appeal against the decision. A similar provision with the same referendum was also extended to judges, including those who were removed by the Supreme Council of Judges and Prosecutors (*HSYK*). In addition, while the pre-existing system invariably submitted, whatever their crimes, the military personnel to military justice, it was now established that soldiers - specifically in the cases of the "attacks against the State" (typically coups and coup attempts) - were to be judged by civil courts, while military courts remained competent only for crimes of military nature. Finally, with the 2010 referendum, the 15<sup>th</sup> provisional article of the Constitution, which had hitherto assured full immunity for actions connected with previous *pronunciamientos* to all those involved, was also abolished<sup>82</sup>. Those responsible for past interventions thus became liable and appeared, as the military involved in the *Ergenekon* and *Balyoz* cases, in front of the courts of civil justice. The same legal system did not escape the reform of the Constitution, which changed the composition of the Constitutional Court and the procedures of appointment of its members. Further, subsequent interventions concerned the abolition of the "national security" courses in secondary schools and especially an amendment to Article 35 of the TSK Internal Code of Service, which sanctioned the "protective role" of the military apparatus and its right-duty to intervene in politics. Where previously it was said that "*the duty of the TSK is to protect and watch over the Turkish motherland and the Turkish republic as defined by the Constitution*", the new Article 35 redefined this duty as that to "*defend the Turkish soil against external dangers and threats*"<sup>83</sup>.

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*Semipresidentialism in Europe*, Oxford, Oxford University Press, 1999, p. 13). Moreover, even alternative classifications - like those who stress the importance of the President's powers - appear to legitimate the semi-presidential nature of the Turkish form of government. M. Duverger, for example, introducing the concept of semi-presidentialism was careful to point out that one should take into consideration not only the powers which are formally vested in the Head of State but also those powers which are substantially exerted by the President. This second type of powers, according to Duverger, are maximum when the Head of State is at the same time - just like in Turkey - also leader of the dominant party (M. Duverger, *A New Political System Model: Semi-Presidential Government*, in *European Journal of Political Research*, 8, 1980, p. 165-187, p. 166).

<sup>81</sup> T. Demirel, *Soldiers and civilians: the dilemma of Turkish democracy*, *Middle Eastern Studies*, Vol. 40, No. 1, pp. 2004, 127-150, p. 130.

<sup>82</sup> S. Yazıcı, *Turkey's Constitutional Amendments: Between the status quo and Limited Democratic Reforms*, in *Insight Turkey*, Vol. 12, No. 2, 2010, pp. 1-10, p. 3.

<sup>83</sup> M. Bardakçı, *Coup Plots and the Transformation of Civil-Military Relations in Turkey under AKP Rule*, in *Turkish Studies*, Vol. 14, No. 3, 411-428, p. 421.

Once it is understood that the election of the AKP not only marks the defeat of the old Kemalist elite but also the emergence of a new "*counter- elite of liberals and pro-Islamics*"<sup>84</sup>, it is then possible to grasp the importance of the elections that followed the season of reforms. In 2011 AKP achieved 49.8 % of the votes. In the two elections of 2015 it fell to 40.87% in June only to rise again to 49.50% in November. But it was especially the presidential election of 2014 – the first in the history of Turkey – that appeared crucial for Turkish democracy. This election did not only mark the ascent of Erdoğan to the highest political office but also, at the same time, the greatest electoral success of the AKP (51.79%) against the main opposing parties: the coalition between CHP and MHP in support of Ekmeleddin İhsanoğlu was halted at 38.44 %, while Kurdish candidate Selahattin Demirtaş stopped at 9.76 % of consents.

## 6. THE JULY COUP AND THE APRIL REFERENDUM

The attempted coup of the 15<sup>th</sup> of July was apparently the action of a limited number of officials, started outside the chain of command or even *against* that chain of command. From the press releases issued by the coup leaders during the attempt, many parallels with the events of 1960 emerge: the creation of a transition committee, the promise of a new Constitution, a stand "*in defence of democracy and human rights*". In short, it is the return of those features which we have said constituted the main difference between - to use the categories envisaged by Luttwak<sup>85</sup> – the *coup d'état* of 1960 and the *pronunciamientos* of the years 1971, 1980, 1997 and 2007. In truth, the repetition in 2016 of the original 1960 pattern originates from specific reasons: the two coup d'états we have mentioned do not resemble each other because of a mere coincidence but, we believe, because they respectively represent the beginning and the end of that process we have called the "quasi-institutionalization" of the political role of the Armed Forces.

In fact, the different outcomes of the two coups can be justified in the light of the important changes that have taken place in the meantime. This difference is especially important, once again, as a further confirmation of a wider process taking place within Turkish institutions: the end of that particular model of civil-military relation that has characterized the Turkish experience after 1960. Those conditions, being firstly the popular support<sup>86</sup>, that half a century ago allowed the 1960 coup to succeed, have now changed to the point of condemning a similar attempt apparently not inferior for means or organization. The election results of the last thirteen years confirm what was observed in the hours of the failed military intervention: the AKP has enjoyed and still enjoys large support in the country. Plus, as it is detectable by the election results themselves, the failure of the 2007 Memorandum and the 2008 closure proceedings against the AKP, the social bloc which had been the bulwark of Kemalism is now disintegrated or at least greatly diminished in its power while the apical positions it once occupied within society and in the Armed Forces have been gradually filled by personalities of different sensibilities. In general, as the opposition to the coup by all the main parties shows, we are probably at the end of the role of the Armed Forces as a "counterweight" to too authoritarian or too fragmented governments. Equally, the non-mobilization of the whole TSK alongside the insurgents and the apparent kidnapping of the Chief of Staff at the hands of those insurgents testifies of a voluntary, even if not enthusiastic, subordination of the military forces to civilian authority.

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<sup>84</sup> M. Aknur, *Civil-Military Relations During the AK Party Era: Major Developments and Challenges*, in *Turkish Insight*, Vol. 15, No. 4, 2013, pp. 131-150, p. 141.

<sup>85</sup> E. Luttwak, *Coup d'État: a practical handbook*, Penguin Press, London, 1968 pp. 9-10.

<sup>86</sup> T. Demirel, *Soldiers and civilians: the dilemma of Turkish democracy*, *Middle Eastern Studies*, Vol. 40, No. 1, 2004, pp. 127-150, *passim*.

This transition to a non-political TSK undoubtedly complies with Western standards in civil-military relations. However, it remains problematic; especially because the legal framework in which it has so far happened is still the one the military junta itself had designated in the 80's, envisaging a Constitution which had firstly greatly strengthened the Executive and then elevated the Army – not the Parliament - to the constitutional role of check on political power. The referendum announced for the 16<sup>th</sup> of April is now set to erase one of the last vestiges of this system, changing the core of the Constitution which of this intertwinement had for long been the maximum expression.

If it will succeed in establishing a purely presidential form of government and a real separation of powers, the upcoming constitutional reform may not just put an end to the political role of the military but also give back to Parliament its traditional role of “check” on the Executive. Even if, as many fear, the reformed Constitution should turn out to simply be a transcription of an already presidential scenario; a new constitutional framework may indeed contribute to re-legitimize every institution in its more natural role. For now, what is certain is that the TSK are still the second army of NATO and one of the largest in the world: a force of over 700,000 men<sup>87</sup> for whom the sunset of Kemalism might mark the end of military interventionism but also the beginning of a new age of instability<sup>88</sup>, in which this enormous armada might no longer feel bound to Atatürk's moderation in civil-military relationships<sup>89</sup>.

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<sup>87</sup> M. Söyler, *Informal institutions, forms of state and democracy: the Turkish deep state*, in *Democratization*, Vol. 20, No. 2, 2013, 310-334, p. 326.

<sup>88</sup> R. Fisk, “*Turkey's coup may have failed – but history shows it won't be long before another one succeeds*”, in *The Independent* of 16/7/16, retrieved on 27/7/16 from <http://www.independent.co.uk>

<sup>89</sup> T. Demirel, *Soldiers and civilians: the dilemma of Turkish democracy*, *Middle Eastern Studies*, Vol. 40, No. 1, 2004, pp. 127-150, p. 132.

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