



TURKEY'S SEARCH  
FOR A NEW

01

POLITICAL  
SYSTEM

MAY '22, ANKARA

TURKEY'S  
EXPERIENCE WITH  
PARLIAMENTARISM

ERGUN ÖZBUDUN



## CONTENTS

PREFACE	03
THE CONSTITUTION OF 1876	05
CONSTITUTIONAL AMENDMENTS OF 1909	06
THE CONSTITUTION OF 1921	07
THE PROCLAMATION OF THE REPUBLIC	09
THE CONSTITUTION OF 1924	10
THE CONSTITUTION OF 1961	12
THE CONSTITUTION OF 1982	14
GENERAL EVALUATION	16
SELECTED BIBLIOGRAPHY	18



## PREFACE

The system debate is arguably the most pressing and consequential subject of Turkish politics. Turkey has been having a governmental system discussion for a period of time, and the next few years will appear to be in intense debate and search. The 150-year (1876-2017) Turkish parliamentary system experience often dealt with interruptions. As a result, it has not only failed to produce general satisfaction in politics and society but also has been unsuccessful in yielding economic stability. Similarly, the outcome of the last five years of the Presidential Government System (or the Presidential System with its widespread use) could not generate stability.

The parliamentary system has had a hostile place in public memory. Because it is usually associated with military coups, the weakness of civil politics, military and civil bureaucracy tutelage over elected bodies, fragile and inconsistent coalition governments. Usually, instead of dealing with the structural shortcomings of Turkish democracy, bashing the parliamentary system was a safe debate tool under the military tutelage years. The shortcut savior happened to be the presidential system. It was supposed to protect Turkish democracy from military tutelage, political instability or coalition governments. During the 1980s and 90s, strong political leaders, such as Demirel and Özal, voiced that the parliamentary system was malfunctioning, and that Turkey should move into the presidential system. However, despite such occasional political and academic disclosures, the system change did not become a serious part of the public agenda until 2014.

The most significant break in system change occurred in the Presidential elections in 2007. As the reactions to Abdullah Gül's Presidential candidacy turned into a severe political crisis over the April 27, 2007 memorandum and the decision of the Constitutional Court to block his candidacy; the AK Party has turned to change the presidential electoral system.

The constitutional amendment electing the President by the people instead of the parliament in a referendum also gave solid political capital to the President. This new election system gave the President legitimacy of representing at least 50% of the voters. Moreover, it empowered him to push the boundaries of the classical parliamentary system with the 1982 constitution and symbolic role of the President.

Erdoğan as the first president elected directly by the people, has adopted a persistent policy of switching to the presidential system. For years, the presidents elected through parliament experienced a severe political clash with the elected governments due to their constitutional powers. The new system empowered the President with two additional power dynamics: being elected by the people (Erdoğan received 52 percent) and having a ruling party in the parliament. Ironically it was not only a new power surge but also paved the roads to new clashes and rifts between elected bodies.

Between 2014-2017, the anomaly caused many political crises. After the July 15 coup attempt, the deadlock was attempted to be resolved in line with the presidential system through the initiative and support of MHP leader State Bahçeli with the motto "de facto situation should be de jure." Without much public debate, the constitutional amendment, drafted in line with the preferences of the AK Party and MHP, was adopted with 51 percent support on April 17, 2017, referendum while the July 15 coup trauma was still in effect.

The presidential system, which took effect in the June 24, 2018 elections, has also produced a high dissatisfaction over its political and administrative performance since 2018. It has been criticized for the unification of powers, weakening the checks-and-balances mechanisms, eroding the political party identities, pushing them to establish alliances, and deepening polarization. In addition, the ruling bloc, which favors the presidential system, has avoided revisions that will make the current system more operational, and further deepened the system's discomfort.

Public opinion studies show that support for the presidential system has fallen to 35 percent, and a possible referendum on the return to the parliamentary system will gather powerful support. Opposition political parties had a window of political opportunity created by dissatisfaction with the system. It helped opposition parties to develop a political strategy and rhetoric through the return to the parliamentary system. It allows many political parties with different political priorities to act together on the same goal while camouflaging the motivation to defeat Erdoğan in elections. They are currently asking to return to the parliamentary governmental system creating a political rhetoric on the axis of authoritarianism-democracy. In this framework, the system debate and the goal of restarting the parliamentary system have become the essential issue of the political struggle between the ruling and the opposition blocs.

Starting from 2021, the opposition political parties have prepared and publicly disclosed their parliamentary system proposals. This year they formed a joint working group and agreed on the basic principles, and finally presented the public "Strengthened Parliamentary System" proposal. Now six opposition parties decided to gather at the leadership level monthly—their main agenda focusing on governmental system change. It is a game-changing step in a fractured and highly polarized Turkish political atmosphere. Will the goal of returning to the parliamentary system be good enough to keep opposition parties united in the face of the ruling alliance, is questionable. However, it would be fair to argue that the parliamentary system proposal may ripen into the political alliance of opposition.

The search and discussion of the governmental system appear to be the most critical topic of politics for the next few years. Regardless of the outcome of the June 2023 elections, the system debate will be the most crucial topic of politics in the short term. If the current ruling alliance wins, they need to reform the system. If the opposition wins, they need to keep their election promise to change the system. In any scenario, Turkey is heading towards either imposing alterations or structural reform. Therefore, the system debate will settle itself as one of the top political issues in Turkey in the coming years.

Meeting this demand and preparing enhanced research on the governmental system will play an essential role in the quest for a possible change. Comprehensive research should present a comparative, global, political, and constitutional base for the debates and assist decision makers in political parties and the public in finding an enriched discussion floor. Within the framework of this program, Ankara Institute and CATS plan to publish ten academic analyzes that will contribute to the search for systems over the next year in order to meet this end.

The research plans to conduct two workshops with the participation of stakeholders that we predict will contribute to the system discussion and hold a detailed public opinion survey.

This program aims to contribute to the search for a system that walks through almost only the power-opposition dynamics through a rather harsh contrast, with academic knowledge, common sense recommendations, and detailed data.

Turkey has a 150 years long experience with parliamentarism that started with the promulgation of the first Constitution in 1876 and ended with the adoption of the constitutional amendment of 2017. Of course this period was interrupted by various kinds of authoritarian rule: Hamidian despotism (1878-1908); authoritarianism of the Young Turks (Union and Progress / 1912-1918); single-party rule of the CHP (Republican People's Party / 1925-1946); military rule of the MBK (National Unity Committee / 1960-1961); military rule of the MGK (National Security Council / 1980-1983). Interestingly, however, at the end of each authoritarian period, the country returned to some version of parliamentarism.

The most radical deviation from parliamentarism took place with the radical constitutional amendment (Law no. 6771) adopted 2017 and came into force in 2018. Unlike the earlier interruptions, this one amounts to a total rejection of parliamentarism. Parliamentary system of government was presented as the main cause of all problems and was replaced with a strange and unique regime called the “president of the Republic system of government.” The new system is a typical “one-person” government as all powers are concentrated in a popularly elected President of the Republic with no checks and balances. Its operation in the last four years conformed these fears. Consequently, debates on the system of government reached its peak in the entire history of the Ottoman-Turkish state. The most recent point in this debate is the agreement of six opposition parties on return to a “strengthened parliamentary system” on February 28, 2022.

This Constitution has a special significance since it was the first constitution in the entire Islamic world and created a system in which the Sultan's power was shared by a Parliament at least partially elected by the people.

## I. THE CONSTITUTION OF 1876

The first Constitution of the Ottoman Empire was promulgated in 1876 by Sultan Abdulhamid II, acting under the pressure of a small group of reformist bureaucrats. This Constitution has a special significance since it was the first constitution in the entire Islamic world and created a system in which the Sultan's power was shared by a Parliament at least partially elected by the people. However, this Constitution was far from creating a true constitutional monarchy similar to those in Western Europe. Despite the Constitution, the Sultan retained vast powers (Art. 7) and remained as the principle decision-maker. The political responsibility of ministers before parliament, the most fundamental characteristic of a parliamentary regime,

was not explicitly stated. Under Article 35 of the Constitution, in case of a persistent conflict between ministers and the Chamber of Deputies, it was within the discretion of the Sultan either to dismiss the minister or to dissolve the Chamber of Deputies. Clearly, this was not a true vote of non-confidence, the final word rested with the Sultan.

The Sultan was also given wide powers in the field of legislation. The Parliament (General Assembly) was composed of two chambers, Chamber of Deputies and the Senate. All members of the Senate were appointed for life by the Sultan (Arts. 60, 62). Senators and deputies could present a law proposal only with the permission of the Sultan, and the text of the proposal was to be prepared by the Council of State (Art. 53). Finally, the Sultan had an absolute veto power over laws adopted by the two Chambers (Art. 55).

Even this limited experience with constitutional government proved too much for Abdulhamid who prorogued the Chamber of Deputies indefinitely in 1878 and returned to absolutist rule for 30 years. The growing constitutionalist opposition led mostly by Westernized bureaucrats and soldiers forced him to restore the Constitution in 1908. During this 30 years of absolutist rule, the Constitution was never legally abolished, but in practice the Sultan exercised absolute power.

## II. CONSTITUTIONAL AMENDMENTS OF 1909

The constitutionalist opposition, organized under the name of Union and Progress Party won a comfortable majority in the Chamber of Deputies elections. This was followed by an Islamic / reactionary uprising (the so-called 31 March incident according to the Ottoman calendar) its suppression, and the dethronement of Abdulhamid II. The new regime realized a comprehensive constitutional amendment in 1909. The main direction of the amendments was to limit the powers of the Sultan and to increase those of the Chamber of Deputies. Thus, a regime was established similar to the constitutional monarchies of Western Europe.

The most important novelty of the amendments was the stipulation of the political accountability of ministers (collectively for the general policy of the government, and individually for affairs within their jurisdiction) to the Chamber of Deputies (Art. 30, 35). Similarly, the Sultan's absolute veto power over laws adopted by Parliament was transformed to a relative veto power that could be overridden by a two-thirds majority (Art. 54).

The most important novelty of the amendments in 1909 was the stipulation of the political accountability of ministers (collectively for the general policy of the government, and individually for affairs within their jurisdiction) to the Chamber of Deputies.



For Sultan's decrees, the principle of counter-signature was adopted. Thus, all major features of a parliamentary regime were realized. The Sultan's power to dissolve the Chamber of Deputies was made subject to the approval of the Senate. Furthermore, some new public liberties, such as the prohibition of censure in the press, freedom of association, and secrecy of private communication were added to the Constitution. Thus, a constitutional system came into being, more or less similar to the contemporary parliamentary monarchies of Western Europe.

Indeed, with the revolution of 1908, one of the freest period in the Ottoman Turkish political life started; freedom of the press and of association were strengthened, many political parties and associations started to operate freely. This liberal era, however, did not last long, and the Union and Progress quickly drifted toward authoritarianism. The so-called "big stick elections" of 1912 in which very few opposition deputies were elected marked the end of the liberal era and a de facto single-party authoritarian rule was established.

### III. THE CONSTITUTION OF 1921

The Grand National Assembly, opened on 23 April 1920, operated as the principal actor of the "national liberation" period, and made a new constitution in February 1921. This short text, composed of 23 articles and one additional article, was not a full constitution; it did not contain any provisions concerning the judiciary and public liberties. It was assumed that in these areas, the Constitution of 1876 was still in force. The Constitution of 1921 limited itself to answer the urgent needs of the period, thus regulating mainly the structure and functions of the Grand National Assembly and local governments. On the other hand, it contains very interesting, even unique features. Here, we will concentrate only on the system of government it created.

Classical constitutional theory classifies systems of government according to the relations between legislative and executive branches. Thus, systems where both powers are concentrated in an elected assembly are called assembly government system. Systems where the two powers are separated in a mild and balanced way are called parliamentary government. Thus, classical theory considers these two systems as entirely different systems of government. This view can be considered valid for the early periods of democratization when legislative and executive powers were based on entirely different principles of legitimacy: Parliament elected by the people was based on democratic legitimacy, while the executive dominated by the king was based on the principle of monarchical legitimacy. Balance between these

With the revolution of 1908, one of the freest period in the Ottoman Turkish political life started. This liberal era, however, did not last long, and the Union and Progress quickly drifted toward authoritarianism.

two powers was maintained by two reciprocal weapons, vote of no-confidence for parliament, and power of dissolution for the king.

At present, however, this picture has changed considerably. The number of monarchies decreased radically, and in the remaining ones the role of the monarch was restricted to solely symbolic matters. Thus, it does not make sense any more to talk about a balance between two rival powers. Therefore, some modern authors, such as Mirkine-Guetzewitch argue that there is no longer a meaningful difference between assembly government and parliamentary regimes. In the final analysis, they both are “government of the majority”, since in both cases there has to be a political identity between parliamentary majority and the government. Furthermore, in assembly government too, there has to be an executive committee, since it is practically impossible for an assembly of several hundred members to perform all executive acts. Interestingly, in countries that practiced the assembly government system, it was always the executive committee that wielded real political power, such as the French Convention (1792-1795) and the Turkish Grand National Assembly (1920-1923) (Özbudun, 2021a: 57-82).

Turkish authors who analyzed the governmental system of the Constitution of 1921 all agree that it was a typical assembly government. Their arguments can be summarized as below:

- a. The Constitution declared the Grand National Assembly as the “only and true representative” of the nation, and stated that legislative and executive powers are concentrated in it (Art. 2).
- b. There is no presidency of the State. Republic was not proclaimed, since a large number of deputies were in favor of a constitutional monarchy. However, the Speaker of the Assembly had the power to ratify the decisions of the Council of Ministers. He was also the “natural” chairman of the Council (Art. 9).
- c. The Assembly had the power to elect and dismiss the ministers and to instruct them in executive matters, while the Council of Ministers had no power to dissolve the Assembly (Art. 8).
- d. According to the Law No. 3 on the election of ministers, ministers are elected by the Assembly individually and by absolute majority. This rule was changed by Law No. 47, and it was stipulated that the Assembly will elect them from among candidates proposed by the Speaker of the Assembly. The Law No. 244 dated 8 July 1922, however, returned to the original system.

The Constitution of 1921 limited itself to answer the urgent needs of the period, thus regulating mainly the structure and functions of the Grand National Assembly and local governments. There is a consensus that this was a typical assembly government.

---

- e. As a result of the election of ministers individually by the Assembly, it is impossible to speak about cabinet solidarity and the collective accountability of ministers, one of the principal characteristic of a parliamentary regime. Also, according to Law on the Election of Deputies (Art. 4) in case of a conflict between ministers, the Assembly shall solve the conflict, another rule incompatible with the logic of parliamentarism.
- f. The Assembly meets and works continuously (without interruption) until the realization of its goal. This is also a characteristic of an assembly government system, since a body also charged with executive duties cannot obviously interrupt its activities.

Clearly, all these characteristics are those of an assembly government system. However, there is no fundamental difference between assembly government and parliamentary government as alluded to above. Furthermore, certain deviations from the text of the Constitution took place in practice and the Council of Ministers chaired by Mustafa Kemal exercised considerable influence over the Assembly (Özbudun, 2021a: 70-79).

#### IV. THE PROCLAMATION OF THE REPUBLIC

Following the victorious end of the War of National Independence, the Grand National Assembly declared the end of the Ottoman Empire and the abolition of monarchy by its resolutions numbered 307 and 308, dated October 30 and November 1-2. A republic was not simultaneously declared, however, and the form of the state was termed “government of the Grand National Assembly.”

Republic was proclaimed about a year later by the constitutional amendment of October 29, 1923. The most important provision of the amendment was the proclamation of the republic as form of the state (Art. 1). Parallel to this, a Presidency of the Republic was created. Under Article 10, “the President of the Republic of Turkey shall be elected by the plenary of the Grand National Assembly of Turkey from among its own members for one legislative term. Reelection is possible.” “The President of the Republic is the Head of the State. In this capacity he presides over the Assembly and the Council of Ministers whenever he sees necessary” (Art. 11).

Regarding the formation of the Council of Ministers, the adopted procedure is in line with parliamentary government. Thus, the Prime Minister is elected by the President of the Republic from among members of the Assembly. Other ministers

There is no fundamental difference between assembly government and parliamentary government as both refers to “majority government”.

are elected by the Prime Minister also from among members of the Assembly, and they will all be submitted to the approval of the Assembly by the President of the Republic. If the Assembly is not in session, the approval is postponed to its first meeting (Art. 12).

Clearly with these changes the system of government has become a parliamentary one.

## V. THE CONSTITUTION OF 1924

Despite the proclamation of the Republic, the new Turkish state still needed a constitution, since the Constitution of 1921 was an incomplete one as mentioned above. Furthermore, it was assumed that the Constitution of 1876 was still in force in matters not regulated by that of 1921, creating another source of confusion.

The Constitution of 1924 was made by the second legislative term of the Grand National Assembly elected in June 1923. In this election the People's Party founded by Mustafa Kemal won almost all the seats. Thus, the Assembly became essentially a single-party assembly. Interestingly, however, debates on the new constitution took place in a surprisingly free atmosphere, and certain proposals designed to strengthen the position of the President of the Republic (Mustafa Kemal) were rejected by strong majorities (Özbudun: 2012: 37-45).

Most constitutional law experts who analyzed the Constitution describe it as a hybrid system between assembly government and parliamentary regime, or a system of "unity of powers and separation of functions." This view depends on Article 5 of the Constitution which stipulates that "legislative power and executive power are concentrated in the Grand National Assembly." Also, the Assembly was declared "the only and true representative of the nation" and it was stated that it exercises the right of sovereignty in the name of the nation (Art. 4). On the other hand, it is stated in the following articles that the Assembly exercises legislative power itself (Art. 6) while it exercises executive power "through the President of the Republic it elects and the Council of Ministers he appoints" (Art. 7). Thus, the Assembly, even though theoretically the possessor of the executive power, cannot itself exercise it.

The Constitution clearly stated the principal feature of a parliamentary regime, i.e., the political accountability of ministers to the Assembly: "The Assembly can always supervise and dismiss the Government" (Art. 7), while the Government has no power to dissolve the Assembly. However, the power of dissolution is no longer

The Constitution of 1924 is described as a hybrid system between assembly government and parliamentary regime, or a system of "unity of powers and separation of functions."

considered an essential element of parliamentary government. Therefore, the system of government established by the Constitution of 1924 should be considered a parliamentary government rather than a hybrid regime.

Another feature of a parliamentary government is a head of state, constitutional monarch or elected President of the Republic, with only a symbolic and representative function. The Constitution of 1924 conforms also to this requirement. Under Article 41, “The President of the Republic is responsible to the Grand National Assembly only in case of high treason. Responsibility for all those decisions signed by the President of the Republic belong to the Prime Minister and the Minister concerned who signed the decision in line with Article 39.” Thus, another feature of a parliamentary regime, i.e. the political unaccountability of the head of the state and the requirement of counter-signature are clearly stated. Furthermore, political accountability of ministers is adopted both at collective and individual levels: “The Council of Ministers is collectively accountable for the general policy of the Government. Each minister is individually accountable for affairs within his jurisdiction and of the action of those under his authority” (Art. 46).

In the Assembly debates on the Constitution, certain proposals by the Constitutional Committee designed to strengthen the position of the President of the Republic were heatedly discussed. These were, giving the President the power of dissolving the Assembly, election of the President for a 7 year term as opposed to 4 years for the Assembly, a partial veto power over legislation that could be overridden only by a two-thirds majority, and describing him as the Commander-in-Chief. In the plenary debates, however, all of them were rejected by strong majorities. This is a very interesting event for a single-party assembly when the President Mustafa Kemal was at the height of his popularity as the savior of the country (Özbudun, 2012: 38-48).

In conclusion, the Constitution of 1924 established a democratic parliamentary system of government. It contained no provision suggesting the approaching single-party authoritarian regime. However, about a year after the adoption of the constitution, such a regime was established with the closing down of the opposition party, the Progressive Republican Party. The single-party regime lasted until 1946 when opposition parties were permitted on the initiative of President of the Republic Ismet İnönü (Tunçay, 1981): This authoritarian interlude was the result of political dynamics of the period, not of any specific deficiency of the Constitution (Özbudun, 2000).

Another feature of a parliamentary government is a head of state, constitutional monarch or elected President of the Republic, with only a symbolic and representative function.

Although the Constitution of 1924 was democratic in spirit, this was a majoritarian rather than a pluralistic notion of democracy. All power was concentrated in the Assembly with no mechanism for balancing its power. During the single-party years, such power was exercised by the Presidents of the Republic, Mustafa Kemal Atatürk and Ismet İnönü, who at the same time were the leaders of the single-party.

## VI. THE CONSTITUTION OF 1961

Even after the transition to a multi-party system, the majoritarian character of the Constitution with a concentration of all power in the Assembly, did not permit the functioning of a stable democracy. Both the Republican People's Party (CHP) and the Democrat Party (DP) that came to power with the free election of 1950 were both highly disciplined and leader oriented parties. Therefore, the supremacy of the Assembly remained in theory. The absence of mechanisms of checks and balances made it easier for the DP government to pursue authoritarian policies especially during its third term in power (1957-1960). This led to increasing polarization in the party system. This period ended with the military coup May 27, 1960, and the deposition of the DP government.

The military committee that took power and named itself the National Unity Committee (MBK) was composed mostly of middle ranked officers. Starting from its first days the MBK promised to make a new democratic constitution and then to return power to the freely elected civilian cadres. In line with this promise, it decided to establish a Constituent Assembly by Laws No. 157 and 158 on December 13, 1960. The Assembly was to be a bicameral one composed of the MBK itself and a civilian House of Representatives. The House was not based on free general election. It was composed mostly of representatives of the two opposition parties of the time (CHP and CKMP), members elected by a system of highly limited suffrage, and representatives of several institutions.

Thus, the Constituent Assembly cannot be considered a true representative of the national will. Interestingly, however, the Constitution of 1961 made by it and ratified by a popular referendum was the most liberal constitution in Turkish political history. This Constitution was based on a liberal and pluralistic notion of democracy, unlike the purely majoritarian notion of its predecessor. Thus, the absolute power of the Assembly was checked and limited by the establishment of a Constitutional Court and a fully independent judiciary. Civil and political rights were given much stronger guarantees. Social state was considered as one of the fundamental char-

Although the Constitution of 1924 was democratic in spirit, this was a majoritarian rather than a pluralistic notion of democracy.

acteristics of the Republic. Together with these positive features, however, certain guarantees and immunities were given to the military as the price of their peaceful withdrawal from power (exit guarantees as called in international literature). The military's influence within the political system was further strengthened by the Constitutional amendments of 1971 and 1973 (Özbudun, 2011: 9-15).

The system of government established by the Constitution of 1961 is clearly parliamentary. It endorsed the principle of separation of powers as opposed to the unity of powers concept of its predecessor. Thus, "legislative power belongs to the Grand National Assembly of Turkey. This power cannot be delegated" (Art. 5). "Executive function shall be performed by the President of the Republic and the Council of Ministers within the framework of laws" (Art. 6). Prime Minister and the ministers are accountable to the Chamber of the Nation individually and collectively both at the start of their duty and during it (Arts. 103-105). The procedure followed in the formation of the Council of Ministers is also in line with parliamentary government. Thus, the Prime Minister is appointed by the President of the Republic from among members of the Grand National Assembly. Ministers are chosen by the Prime Minister and appointed by the President of the Republic (Art. 102). The Constitution created a bicameral parliament composed of Chamber of the Nation and the Senate of the Republic. Since the Senate includes non-elected members, the accountability of ministers is only to the Chamber of the Nation who alone has the power of interpellation (Art. 89).

The position of the President of the Republic is also in line with the requirements of parliamentary government. The President of the Republic is chosen by the Grand National Assembly (in joint session) from among its own members for a period of 7 years with a two-thirds majority. If such majority cannot be obtained in two rounds of voting, absolute majority will suffice. No one can be elected for two consecutive terms. President-elect has to sever his membership in a political party and his membership in the Grand National Assembly comes to an end (Art. 95). The President of the Republic is the head of the state. In this capacity he represents the Republic of Turkey and the unity of the nation (Art. 47). As in all parliamentary regimes, the rule of counter-signature and the unaccountability of the President were clearly stated: "The President of the Republic is not accountable for acts connected with his duty. All decisions of the President of the Republic shall be signed by the Prime Minister and the ministers concerned. The Prime Minister and the minister concerned are accountable for these decisions" (Art. 98). "The President of the Republic shall be indicted only in case of high treason with at least two-thirds majority of the full

The system of government established by the Constitution of 1961 is clearly parliamentary. The system of government established by the Constitution of 1961 is clearly parliamentary.

---

membership of the Grand National Assembly (Art. 99). He can dissolve the Chamber of the Nation only in certain exceptional situations (Art. 108).

Thus, while the Constitution of 1961 met the requirements of a democratic parliamentary government, its performance in practice was full of problems. The main reason for this was the fact that the military retained its dominant position even after it returned power to the civilian authorities elected in the fall of 1961. Thus, two unsuccessful coup attempts took place in 1962 and 1963. On March 12, 1973, the memorandum of the high command forced the Justice Party (AP) government headed by Süleyman Demirel to resign, and it was replaced by a technocratic government under the premiership of Nihat Erim, a former RPP deputy. This period that lasted about two years was in fact a disguised military rule. Even though the Assembly and political parties were not dissolved, real political power was exercised by the high command of the military. The major constitutional amendments of 1971 and 1973 were adopted under the pressure of the military. These amendments brought about certain restrictions to civil and political rights, and increased the autonomy of the military vis-à-vis civilian authorities. It is no accident that the three Presidents of the Republic who came to office during the short life time of the Constitution (Cemal Gürsel, Cevdet Sunay, Fahri Korutürk) were all high level military commanders.

Although power was returned to civilians with the elections of fall 1983, the following period was also far from a stable democracy. The political causes of this situation will be analyzed in the last section. Polarization and deadlock in the political system increased. Violent actions by the radical left and right groups amounted to an almost complete breakdown of law and order. The crises ended with a new military coup of September 12, 1980.

## VII. THE CONSTITUTION OF 1982

The coup was carried out by five highest ranking generals who called themselves the “National Security Council” (MGK). “The Law on the Constitutional Order” adopted by the Council on October 27, 1980 provided that powers that belonged to the Grand National Assembly under the Constitution of 1961 shall henceforth be exercised by MGK and those belonging to the President of the Republic by the Chairman of the MGK who at the same time was called the “Head of the State” (Art. 2). While the Constitution of 1961 was not totally abrogated, it was stated that the Council’s decisions incompatible with this Constitution would be considered as valid constitutional amendments (Art. 6).

While the Constitution of 1961 met the requirements of a democratic parliamentary government, its performance in practice was full of problems. The main reason for this was the fact that the military retained its dominant position even after it left the power.



The Council adopted a Law on June 28, 1981 concerning the establishment of a Constituent Assembly. Under this Law the Constituent Assembly was composed of two chambers, i.e. the MGK itself and a civilian wing called the Consultative Chamber. The envisaged process of constitution-making was very far from democratic standards, even compared to the making of the Constitution of 1961. The Consultative Chamber had no elected member, all members were directly or indirectly appointed by the MGK, and they could not be members of a political party. Another difference with the 1961 experience was that the powers of the two chambers were not equal; the last word belonged to the MGK; the Consultative Chamber was just a body for consultation as its name indicates. Furthermore, the referendum where the text was adopted was more like a plebiscite under authoritarian and totalitarian regimes. Propaganda for a no vote as well as any criticism against the speeches made by General Evren, the Head of the State, in his pro-Constitution campaign was banned. Finally, the referendum was combined with the popular election of the President of the Republic where Evren was the sole candidate.

As to the substance of the Constitution, it gave priority to strengthening the authority of the state at the expense of individual liberties in contrast to its predecessor. It also reinforced the autonomy and the tutelary powers of the armed forces. This authoritarian spirit can be found in many articles of the Constitution (Özbudun, 2021b: 57-67; Yazıcı, 1997).

With regard to the system of government, the Constitution adopted an essentially parliamentary system where ministers are collectively and individually accountable to the Grand National Assembly. However, the President of the Republic was given large powers not normally found in a classical parliamentary system. In certain areas, the President was authorized to act without the counter-signature of the Prime Minister and the minister concerned, and such acts are not subject to the review of the Constitutional Court (Art. 105). Such regimes are termed in comparative literature as “weakened parliamentarism” (*parlementarism atténué*) (Özbudun, 2021b: 331-335; Uluşahin, 2007).

With the constitutional amendment of 2007, the popular election of the President of the Republic was adopted instead of election by parliament. This may be considered a step toward a semi-presidential system. Popular election certainly strengthens his democratic legitimacy and increases his political weight. On the other hand, the amendment made no change in his powers. Therefore, it is not possible to talk about a transition to a real semi-presidential system.

The Constitution of 1982 adopted an essentially parliamentary system where ministers are collectively and individually accountable to the Assembly. However, the President of the Republic was given large powers compared to a classical parliamentary system. In comparative literature such regimes are termed as “weakened parliamentarism” (*parlementarism atténué*).

## VIII. GENERAL EVALUATION

The first critical comments against parliamentary government were expressed in the 1990's by Presidents Turgut Özal and Süleyman Demirel. The former advocated an American style presidentialism, and the latter a French style semi-presidentialism (Yazıcı, 2002). Both initiatives, however, failed to receive much support and fell out of the political agenda.

Debates on parliamentarism started again after the 2011 electoral victory of the AKP. Since then the AKP has become the ardent supporter of the so-called "Turkish style presidentialism." This led to the failure of the constitution-making initiative that started after the 2011 elections since no other party represented in the Assembly agreed with it. The AKP's main argument against parliamentarism was that it produced weak, unstable, short-lived coalition governments incapable of taking swift and effective decision. It is further argued that such frequent government crises were likely to lead to military coups.

These arguments are not convincing either in general or specifically in the Turkish case. Although the Turkish Republic's experience with parliamentarism was interrupted twice by full military coups (1960 and 1980) and twice by partial coups (1971 and 1997), none of these interventions can be attributed to the deficiencies of parliamentarism. In the final analysis, they were due to the deep dividing lines that dominated Turkish politics. The interventions of 1960, 1971 and 1980 can be explained by the deep conflict between secular and pro-modernization armed forces and the conservative right-wing elected governments. The argument that parliamentary regimes are prone to military coups also is not confirmed by the facts. Comparative studies show that presidential regimes are more prone to military interventions than parliamentary regimes. One such study carried out by Alfred Stepan and Cindy Skach on 53 countries that are not members of the OECD and lived under a democratic system at least for a year between 1973 and 1979 demonstrated that 61 percent of countries governed by parliamentary regime maintained democratic rule for at least 10 years continuously; this proportion is only 20 percent for those governed by a presidential system. Similarly, while 18 percent of parliamentary countries had a military coup, this proportion is 40 percent for presidential countries (Stepan and Skach, 1994: 124-125).

The argument that parliamentarism always produces weak and unstable governments is not supported either by facts. Of course, such examples exist. On the other hand, however, there are many examples of single-party parliamentary govern-

The AKP's main argument against parliamentarism was that it produced weak, unstable, short-lived coalition governments incapable of taking swift and effective decision. It is further argued that such frequent government crises were likely to lead to military coups. These arguments are not convincing either in general or specifically in the Turkish case.

ments and of stable and well-functioning coalition governments. Turkey belongs to this category. Out of a total of 76 years of multi-party period (1946-2022), 48 years were under single-party governments: CHP 1946-1950, DP 1950-1960, AP 1965-1971, ANAP 1982-1991, AKP 2002-2022. If we add 7 years of military rule (1960-1961, 1971-1973, 1980-1983) only 21 years were rule by coalition governments. Furthermore, not all coalition governments can be considered unsuccessful. During the DYP-SHP (1991-1995) and DSP-MHP-ANAP (1999-2002) coalition governments, comprehensive constitutional amendments were made in the democratic direction.

The main reason for the unstable coalition governments of the 1970's and 1980's was the excessively polarized and fractionalized Turkish party system. Since the two major parties (CHP and AP/DYP) refused to collaborate under any conditions, small radical parties obtained the position of king-makers.

The unfortunate constitutional amendment of 2017 put an end to Turkey's 150 years long experience with parliamentarism. At present, however, six opposition parties are in complete agreement about return to a "strengthened and improved" parliamentary system. If the approaching elections make it possible, this will be a very interesting repetition of history.

## SELECTED BIBLIOGRAPHY

Abadan, Yavuz and Bahri Savcı. **Türkiye’de Anayasa Gelişmelerine Bir Bakış** (Ankara, 1959).

Akaş, Cem (ed.). **Kritik Kavşak: Parlamenter Sistem - Başkanlık Sistemi** (İstanbul: Koç Üniversitesi Yayınları, 2015).

Armağan: **Kanun-i Esasî’nin 100. Yılı** (Ankara: A.Ü.S.B.F. Yayını, 1978).

Arsel, İlhan. **Türk Anayasa Hukuku** (Ankara: Mars Matbaası, 1959).

Arsel, İlhan. **Türk Anayasa Hukukunun Umumi Esasları** (Ankara: Mars Matbaası, 1965).

Balta, Tahsin Bekir. “Türkiye’de Yasama – Yürütme Münasebeti,” **İncelemeler** (Ankara: A.Ü.S.B.F. Yayını, 1960), s. 1-55.

Balta, Tahsin Bekir. **Türkiye’de Yürütme Kudreti** (Ankara: AÜSBF Yayınları, 1960).

Bastid, Paul. **Le Gouvernement d’Assemblée** (Paris, 1956).

Başgil, Ali Fuat. **Esas Teşkilât Hukuku**, C. I (İstanbul: Baha Matbaası, 1960).

Devereux, Robert. **The First Ottoman Constitutional Period: A Study of the Midhat Constitution and Parliament** (Baltimore: The Johns Hopkins Press, 1963).

Doğru, Osman. **27 Mayıs Rejimi: Bir Darbenin Hukukî Anatomisi** (Ankara: İmge Kitabevi, 1998).

Erdogan, Mustafa. “Başbakanlık Hükümeti mi?” **A.Ü.S.B.F.D.**, Cilt 44, Sayı 3-4 (Temmuz-Aralık 1989), s. 229-247.

Gözübüyük, A. Şeref and Suna Kili. **Türk Anayasa Metinleri, 1839-1980** (Ankara: A.Ü.S.B.F. Yayını, 1982).

Guetzvitch-Mirkine, Boris. **Hukuku Esasiyede Yeni Temayüller** (Ankara: Hapishane Matbaası, 1938).

Güneş, Turan. **Parlemanter Rejimin Bugünkü Mânası ve İşleyişi** (İstanbul: İ.Ü.H.F. Yayını, 1956).

Kubalı, Hüseyin Nail. **Esas Teşkilât Hukuku Dersleri** (İstanbul, 1959).

Lewis, Bernard. **The Emergence of Modern Turkey** (London: Oxford University Press, 1968).

Okandan, Recai G. “Pozitif Amme Hukukumuzun Gelişmesi Bakımından Millî Mücadele Devri ve Onu Takip Eyleyen Merhale”, **Muammer Raşit Seviğ’e Armağan** (İstanbul, 1956).

Özbudun, Ergun. “Başkanlık Sisteminin Olası Tehlikeleri” Cem Akaş (der.) **Kritik Kavşak: Parlamenter Sistem – Başkanlık Sistemi**, (Koç Üniversitesi Yayınları, 2015: 61-76).

Özbudun, Ergun. **1921 Anayasası** (Ankara: Atatürk Araştırma Merkezi Yayınları, Üçüncü Baskı, 2021a).

Özbudun, Ergun. **1924 Anayasası** (İstanbul: İstanbul Bilgi Üniversitesi Yayınları, 2012).

Özbudun, Ergun. **Türk Anayasa Hukuku**, 21. Baskı (Ankara: Yetkin Yayınları, 2021b).

Özbudun, Ergun. **The Constitutional System of Turkey: 1876 to the Present** (New York: Palgrave Macmillan, 2011).

Özbudun, Ergun. **Contemporary Turkish Politics: Challenges to Democratic Consolidation** (Boulder and London: Lynne Rienner Publishers, 2000).

Özbudun, Ergun. **Otoriter Rejimler, Seçimsel Demokrasiler ve Türkiye** (Ankara: Yetkin Yayınları: 2021c).

Özsoy Boyunsuz, Şule. **Başkanlı Parlamenter Sistem** (İstanbul: XII Levha Yayıncılık, 2014).

Parla, Taha. **Türkiye'de Siyasal Kültürün Resmî Kaynakları**, Cilt 3: Kemalist Tek-Parti İdeolojisi ve CHP'nin Altı Ok'u (İstanbul: İletişim, 1992).

Soysal, Mümtaz. **Dinamik Anayasa Anlayışı: Anayasa Dialektiği Üzerine Bir Deneme** (Ankara: A.Ü.S.B.F. Yayını, 1969).

Soysal, Mümtaz. **100 Soruda Anayasanın Anlamı** (İstanbul: Gerçek Yayınevi, 1986), s.126-64.

Stepan, Alfred and Cindy Skach. "Presidentialism and Parliamentarism in Comparative Perspective", Linz and Valenzuela, (eds.) **The Failure of Presidential Democracy** (Baltimore ve London: Johns Hopkins University Press, 1994.)

Tanör, Bülent. **İki Anayasa, 1961 – 1982** (İstanbul: Beta, 1986).

Tanör, Bülent. **Osmanlı – Türk Anayasal Gelişmeleri** (İstanbul: Yapı Kredi Yayınları, 1999).

Tunaya, Tarık Zafer. **Siyasal Kurumlar ve Anayasa Hukuku** (İstanbul: İ.Ü.H.F. Yayını, 1980).

Tunçay, Mete. **Türkiye Cumhuriyeti'nde Tek-Parti Yönetiminin Kurulması (1923-1931)** (Ankara: Yurt Yayınları, 1981).

Turhan, Mehmet. **Hükümet Sistemleri** (Ankara: Gündoğan Yayınları, 1995).

**Türk Parlâmentoculuğunun ilk Yüzyılı, 1876-1976** (Ankara: Siyasî İlimler Türk Derneği Yayını, tarihsiz).

Uluşahin, Nur. **Saf Hükümet Sistemleri Karşısında İki Başlı Yürütme Yapılanması** (Ankara: Yetkin Yayınları, 2007).

Yazıcı, Serap. **Türkiye'de Askerî Müdahalelerin Anayasal Etkileri** (Ankara: Yetkin Yayınları, 1997).

Yazıcı, Serap. **Başkanlık ve Yarı-Başkanlık Sistemleri: Türkiye İçin Bir Değerlendirme** (İstanbul: İstanbul Bilgi Üniversitesi Yayınları, 2002).

## Ankara Institute

The Ankara Institute is an independent and non-partisan research institution that focuses on political, economic, and geopolitical studies in Turkey and worldwide. The Institute, which performs regularly-based research on democratization, political pluralism, participation, accountability, and transparency, especially topics concerning Turkey's political and social life, has been the source of independent analysis and pluralistic dialogue. We offer solutions and draw roadmaps to Turkey's challenges.

Ankara Institute conducts monthly public opinion, content analysis, and data-driven social study. Besides, the Institute manages Perspektif.online site as a pluralist discussion platform to contribute to intellectual media life in Turkey.

[www.ankarainstitute.org](http://www.ankarainstitute.org)  
[www.perspektif.online](http://www.perspektif.online)  
[www.panoramatr.com](http://www.panoramatr.com)

---

## Centre for Applied Turkey Studies (CATS)

The Centre for Applied Turkey Studies (CATS) at the German Institute for International and Security Affairs (SWP) in Berlin is funded by Stiftung Mercator and the Federal Foreign Office. CATS is the curator of CATS Network, an international network of think tanks and research institutions working on Turkey. This publication was produced as part of the project "Turkey's Search for a New Political System" which is a project of CATS Network.

<https://www.cats-network.eu/>

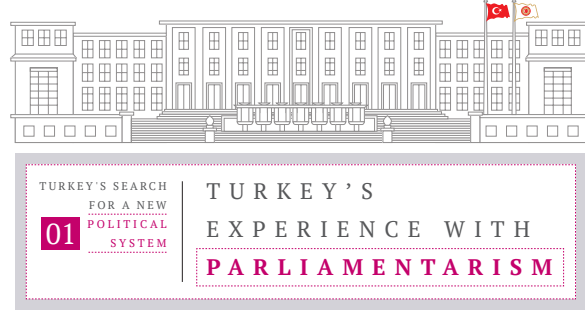
## ERGUN ÖZBUDUN

Ergun Özbudun received his PhD from Ankara University Faculty of Law in 1962. He became an associate professor in 1967 and a full professor in 1975. He taught at Ankara, Bilkent and Şehir Universities, and as a visiting professor at Columbia, Princeton and Paris (Sorbonne) Universities. He served as a member of the Venice Commission of the Council of Europe (1990-2014). He has written extensively on constitutional law, Turkish politics and comparative politics in Turkish and English.



Federal Foreign Office





The system debate is arguably the most pressing and consequential subject of Turkish politics. Turkey has been having a governmental system discussion for a period of time, and the next few years will appear to be in intense debate and search.

The 150-year (1876-2017) Turkish parliamentary system experience often dealt with interruptions. As a result, it has not only failed to produce general satisfaction in politics and society but also has been unsuccessful in yielding economic stability. Similarly, the outcome of the last five years of the Presidential Government System (or the Presidential System with its widespread use) could not generate stability.

The search and discussion of the governmental system appear to be the most critical topic of politics for the next few years. Meeting this demand and preparing enhanced research on the governmental system will play an essential role in the quest for a possible change.

Within the framework of this program, Ankara Institute and CATS plan to publish ten academic analyzes that will contribute to the search for systems over the next year in order to meet this end. The research plans to conduct two workshops with the participation of stakeholders that we predict will contribute to the system discussion and hold a detailed public opinion survey.

This program aims to contribute to the search for a system that walks through almost only the power-opposition dynamics through a rather harsh contrast, with academic knowledge, common sense recommendations, and detailed data.

Turkey's Experience with Parliamentarism (Ergun Özbudun) is the first report on governmental system series.