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**NAVAL
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MONTEREY, CALIFORNIA

THESIS

**TURKEY IN THE TRIANGLE OF THE 1950–1960 ERA,
THE 1960 MILITARY COUP, AND THE 1961
CONSTITUTION**

by

Omer Eryilmaz

March 2014

Thesis Advisor:

Co-Advisor:

Victoria Clement

Cristiana Matei

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**TURKEY IN THE TRIANGLE OF THE 1950–1960 ERA, THE 1960 MILITARY
COUP, AND THE 1961 CONSTITUTION**

Omer Eryilmaz
First Lieutenant, Turkish Army
B.S., Turkish Military Academy, 2005

Submitted in partial fulfillment of the
requirements for the degree of

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March 2014**

Author: Omer Eryilmaz

Approved by: Victoria Clement
Thesis Advisor

Cristiana Matei
Co-Advisor

Mohammed M. Hafez, Ph.D.
Chair, Department of National Security Affairs

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ABSTRACT

Turkey experienced military coups in 1960, 1971, and 1980. On the surface they appeared similar to coups in other countries. However, Turkey's experience differed from others in that contrary to other cases, in which coups were carried out to bring an end to democracy, Turkish military interventions claimed to be "saving democracy." Moreover, while in some countries military governments ruled for long periods and in some others successive military interventions occurred, Turkey achieved its transition to democracy in a short period of time. This thesis examines three major events—the years between 1950 and 1960, the 1960 military coup, and the 1961 Constitution—in the history of the Turkish Republic in order to define their effects on the civil-military relations in Turkey. The thesis argues that a non-democratic action, the military coup, brought about creation of Turkey's most democratic constitution: the 1961 Constitution. Once involved in politics, however, the armed forces could not extricate themselves from politics until the beginning of the twenty-first century.

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TABLE OF CONTENTS

I.	INTRODUCTION.....	1
A.	BACKGROUND (1950–1960): ROAD TO THE MILITARY COUP.....	1
1.	1950–1954 Era: Bitter Inter-party Fights and Measures Taken by DP.....	2
a.	<i>The DP and Kemalism</i>	2
b.	<i>The DP and the Economy</i>	4
c.	<i>The Democrats and the Republicans</i>	6
2.	1954–1957: The Suppression.....	7
a.	<i>The Dark Cloud over Any Opposition</i>	8
3.	The Election of 1957 and the Military Intervention in 1960.....	10
4.	Conclusion.....	12
B.	OBJECTIVE OF THE STUDY.....	13
C.	IMPORTANCE OF THE STUDY.....	13
II.	THE JUNTA AND THE CODIFICATION PROCESS OF THE 1961 CONSTITUTION.....	15
A.	INTRODUCTION.....	15
B.	THE NATIONAL UNITY COMMITTEE (NUC).....	15
C.	ELIMINATION OF FOURTEEN MEMBERS OF THE NUC.....	17
D.	THE ARMED FORCES UNION (AFU).....	18
E.	THE CONSTITUENT ASSEMBLY.....	19
F.	PROCESS OF CODIFICATION.....	21
G.	REFERENDUM.....	23
III.	THE 1961 CONSTITUTION AND THE TAF’S AUTHORITY.....	25
A.	MAIN FEATURES OF THE 1961 CONSTITUTION.....	25
1.	Fundamental Rights and Liberties.....	27
2.	Parliament.....	28
3.	The Executive.....	30
4.	Local Governments.....	33
5.	The Judiciary.....	36
B.	NEW PRIVILEGES OF THE MILITARY AUTHORITY.....	43
1.	Legislative Privileges.....	43
2.	Executive Privileges.....	45
3.	The Chief of General Staff’s Status in the 1961 Constitutional System.....	46
4.	Status of the National Security Council (NSC).....	47
IV.	CIVIL-MILITARY RELATIONS IN TURKEY, 1950–1971.....	49
A.	CIVIL-MILITARY RELATIONS DURING MENDERES ERA (MAY 15, 1950–MAY 27, 1960).....	51
B.	CIVIL-MILITARY RELATIONS AFTER THE MILITARY COUP OF MAY 27 (1961–1971).....	56
1.	Summary of Events between 1961 and 1971.....	56

2.	Civil-Military Relations after the 1960 Military Coup.....	60
a.	<i>Attempt To Nullify the 1961 Election.....</i>	<i>62</i>
b.	<i>Abortive Coups of 1962.....</i>	<i>63</i>
c.	<i>Abortive Coup of 1963</i>	<i>66</i>
d.	<i>The Justice Party and the Military.....</i>	<i>68</i>
V.	CONCLUSION: ANATOMY OF THE TURKISH ARMED FORCES AND EFFECTS OF THE 1960 MILITARY COUP ON DEMOCRACY AND CIVIL-MILITARY RELATIONS IN TURKEY.....	73
A.	ANATOMY OF THE TURKISH ARMED FORCES.....	73
1.	Turkish Army until the Establishment of Turkish Republic	73
2.	The Army from 1923 to 1950	74
B.	EFFECTS OF THE 1960 MILITARY COUP ON DEMOCRACY AND CIVIL-MILITARY RELATIONS IN TURKEY	76
	LIST OF REFERENCES	83
	INITIAL DISTRIBUTION LIST	87

LIST OF ACRONYMS AND ABBREVIATIONS

AFU	Armed Forces Union
DP	Democrat Party
GNAT	Grand National Assembly of Turkey
JP	Justice Party
NATO	North Atlantic Treaty Organization
NSC	National Security Council
NP	Nation Party
NTP	New Turkey Party
NUC	National Unity Council
OYAK	Army Mutual Assistance Association
RP	Reliance Party
RPP	Republican People's Party
TAF	Turkish Armed Forces
TLP	Turkish Labor Party

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I. INTRODUCTION

A. BACKGROUND (1950–1960): ROAD TO THE MILITARY COUP

On May 14, 1950, the Democrats succeeded in emerging as the ruling party at the Turkish polls in Turkey. The election was a total victory for the Democrat Party (DP). The results gave the DP 415 assembly seats out of 487. The Republic was transforming into a multiparty system, and the transfer of power was carried out smoothly. The supporters of the DP consisted of Turkey's conservative peasants, a few businessmen, and intellectuals who believed in the necessity of a multiparty system.¹ The DP had promised enough to attract each group's attention. The promises of higher agricultural prices and restoration of some Islamic traditions constituted the basis of rural votes. Large and small businesses' backing was for the easy credits while middle-class voters supported the DP for the promise of personal freedom. Therefore, it was a landslide victory for the DP.² The municipal elections of September 3, 1950, were another triumph for the Democrats. The party held 560 municipalities out of 600.³

The new assembly and the new government were substantially different from the old ones. After the 1950 general elections, a new elite was in power. The DP representatives' social characteristics were significantly different from those of the Republicans. Democrats were on average younger than Republicans and more conservative, less likely to have a university degree, and more likely to have a background in commerce or in law.⁴

¹Walter F. Weiker, *The Turkish Revolution 1960–1961* (Washington, DC: The Brookings Institute, 1963), 7.

²Kenneth Fidel, "Military Organization and Conspiracy in Turkey," *Studies in Comparative International Development* 6, no. 2 (February 1971), 19.

³Feroz Ahmad, *The Turkish Experiment in Democracy 1950–1975* (Colorado: Westview, 1977), 39.

⁴Erik J. Zürcher, *Turkey A Modern History* (London: I.B. Tauris, 2004), 221.

In its first years, the DP struggled against the actions taken by the Republican People's Party (RPP) until 1950. Civil liberties had been restricted during the single-party period—especially during and after World War II. Also, the corruption in government—during the single-party period—was another problem to deal with.⁵

The Democrats felt insecure as long as Ismet Inonu was leader of the RPP. Inonu also brought out a sense of inferiority in a way the Democrats could not explain. The real reason behind this insecurity was that, although the Democrats held the political power, they were uncertain about their hold over the state (the armed forces, bureaucracy, universities, judiciary, and press). All these institutions primarily remained loyal to Inonu and the RPP. Therefore, the DPP emphasized its dependence on the national will (*milli irade*).

Under these circumstances, Adnan Menderes started his rule as Prime Minister. The ten-year reign of the DP can be summarized as consistently polarizing the country and creating bitter inter-party quarrels. The DP, which was initially believed to be the advocate of liberties and a new hope for the low-income people, became more and more oppressive over time. On the other hand, Ismet Inonu was a shrewd politician; he skillfully harassed and provoked the Democrats, causing them to take suppressive measures. It was as if the Democrats were the new Republicans.

1. 1950–1954 Era: Bitter Inter-party Fights and Measures Taken by DP

a. The DP and Kemalism

The first disappointment caused by the government was Prime Minister Menderes's government program, which he addressed to the National Assembly on May 20, 1950. In his speech, Menderes never uttered the name of Mustafa Kemal Ataturk—the founder of the Turkish Republic.⁶ In addition to the disappointment, this speech was a cause of concern for the officers in the Turkish Arm Forces (TAF), who considered themselves as the guardians of the state. Moreover, Menderes was giving an opportunity

⁵Weiker, *The Turkish Revolution 1960–1961*, 7.

⁶Sevket Sureyya Aydemir, *Ihtilalin mantigi ve 27 Mayıs ihtilali* [The logic behind the coup and the coup of 27 May] (Istanbul: Remzi, 1976), 179–180.

to the RPP to manipulate this situation. Shortly after the establishment of the new government, rumors of a military coup started to rumble in Ankara. Undoubtedly, the DP was anxious about a possible military coup that could be planned by the RPP to take power into its hands again by its dominance in the military and bureaucracy. A colonel whose name was withheld by the government divulged the so-called military coup; a major change occurred in the high positions of the (TAF), and some high-ranking officers retired to eliminate dissenting ideas from the Armed Forces.⁷

Even today, the name of that colonel is still unknown. It is, however, obvious that the DP had no intention of allowing any contradictory voices during its reign. Forced retirement and suspension of some officers—without giving them any right to defend themselves—signaled the DP's determination to take any severe measure to strengthen its authority.

The DP's attacks on basic principles, which were considered unchangeable by the RPP in Turkey, emerged as vandalism of Ataturk's busts and demands for the restoration of Islamic practice. "At the Democrat Party provincial congress in Konya, for example, some delegates demanded that the right to wear the fez and the veil, and to use the Arabic script, all three abolished by the Kemalist reforms of the 1920s, be restored."⁸ Although the proposals were rejected by the DP, the RPP counterattacked by accusing the Democrats of anti-Kemalism. As a result of the Republicans' pressure, the Ministry of the Interior issued a communiqué to all provinces to prevent and investigate events. The Republicans also managed to make the Democrats feel embarrassed and caused them to step back. The opposition, however, had continued its accusations relentlessly. The accusations were generally about the lack of political tranquility and security in the country, and the government's suppressive measures on the society.

At the very beginning of the DP reign, events showed that the party was in favor of a more religious governance of the republic and intended to change the previous reforms of Ataturk. It was part of their conservative character. This move might have

⁷Davut Dursun, *27 Mayıs 1960 darbesi: Hatıralar, gözlemler, düşünceler* [The coup of 27 May 1960: Memories, observations, and ideas] (Istanbul: Sehir, 2001), 23.

⁸Vatan, March 12, 1951, quoted in Ahmad, *The Turkish Experiment in Democracy*, 41, 42.

been an attempt to win the appreciation of its religious support base, but the Republicans, who always considered themselves as the guardians of the republic and Ataturk's reforms, were determined to be a tough opposition. As a result of the RPP's campaign of vilification, the government felt itself obligated to pass the Ataturk Law, which is still in effect, on July 25, 1951. The aim of the law was to protect Ataturk's statues and his reputation. According to the law, those who insult Ataturk would be sentenced from one to three years of imprisonment, and those who assault Ataturk's statues or busts would be sentenced for up to five years of imprisonment.⁹ This law was undoubtedly designed by the DP to ingratiate itself with the opposition.

b. The DP and the Economy

According to the DP, Ataturk had aimed to establish a Westernized country within a capitalist system based on free enterprise. Adnan Menderes's reforms were also based on the same principles. The domestic and the world situation had prevented Ataturk from pursuing this economic policy after 1930. Encouraged by the Soviet example and Soviet aid, the Kemalist regime decided to intervene actively in the economy. But even then, the aim was to create a class of private entrepreneurs capable of taking over. When this class was sufficiently developed, the state enterprises would be transferred to it and a free market economy established. The Democrats sought to carry out the same transformation.

During its first years in power, the DP delivered the services and improvements, which had been pledged before the 1950 election by the party. The new government took steps to liberalize the economy, mechanize agriculture, and subsidize the peasants. While subsidizing the peasants with money borrowed from foreign governments, especially the United States, the DP directed money toward new investments, industry, and construction of roads across the country. Private and foreign investments were encouraged simultaneously; however, a majority of the investments were carried out by the state. Nevertheless, these liberalizing expansions gained the people's support.

⁹Ahmad, *The Turkish Experiment in Democracy*, 41–43.

The economic and social developments were an important factor in the political arena. Especially the villagers, who were connected to the cities by newly constructed roads, were able to sell their harvest in the cities. The surplus of labor, which was the outcome of mechanization in agriculture, started migration to the cities. The economic growth during early 1950s gained people's support to the party. In addition, it helped the government to hold power for a long time and obstructed the opposition's criticism. On the other hand, this positive atmosphere began to wane after 1955, and the economic recession started to be felt in the country.¹⁰

The unions and labor movements constituted some portion of the DP's votes. According to the Democrats, the right to strike was an indispensable part of democracies. Menderes, however, procrastinated legalizing the right to strike. He believed that unions would never strike and economic growth was more important than unions' right to strike.¹¹

Feroz Ahmad cleverly clarifies the situation: "Later in the month [September 1951] the government sent to various ministries for examination the draft of a bill which would give unionized labor the right to strike. This bill became the carrot dangled before the working class, but it was never passed by the Democrats during their ten years in office."¹² Even though the DP achieved economic growth and modernized the country, it was obvious that the party, especially Menderes, had no intention of legalizing the right to strike. Menderes considered it as a way which could be used against his authority. The RPP unexpectedly acted in parallel with the government instead of responding to gain the votes of the working class or criticizing the government. The Republicans, like the Democrats, believed that the right to strike is not an essential part of democracy. So, the DP easily postponed the law, which would give unions the right to strike during its governance.

¹⁰Dursun, *27 Mayıs darbesi* [The coup of 27 May], 24–25; Zürcher, *Turkey*, 224–226.

¹¹Brian Mello, "Political Process and the Development of Labor Insurgency in Turkey, 1945–80," *Social Movement Studies* 6, no. 3 (December 2007): 215, doi:10.1080/14742830701666905.

¹²Ahmad, *The Turkish Experiment in Democracy*, 43–44.

c. The Democrats and the Republicans

The decade between 1950 and 1960 can be defined as the decade of inter-party strife and the polarization of society. During 1950–1954, the Democrats had the initiative in Parliament. The reasons behind this were the percentage of the votes (53.44)¹³ they received in the election of 1950 and the economic growth during the same period, which left no room for the opposition to criticize. The DP's over reliance on its power in the National Assembly prompted the party to suppress any contradictory voice from the opposition, the press, universities, and the TAF.

The attitude of the Democrats to opposition was different from that of the Republicans. As the ruling party, the Republicans suffered from a sense of guilt since they had never come to power through free and honest elections. The Democrats, however, were confident that their first duty was to remove the RPP from power since the RPP under Ismet Inonu had become the principal obstacle to progress.

The DP's intolerance emerged in different ways. Republicans were attacked by DP supporters on October 7, 1952, when Inonu was on a campaign tour. The next day, the governor of Balikesir did not permit Inonu to enter the city. In 1953, both parties were preparing for the upcoming election (1954). Encouraged by its power, the DP started to increase political suppression in the country. On July 23, 1953, the amendments of the Universities Law and the Law to Protect the Freedom of Conscience and Assembly were passed by the National Assembly. The Universities Law banned university professors from participating in political activities. The aim of the Republicans was to protect the current political situation, which was in favor of the DP. One of the most concrete indications of the DP's intolerance and attempt to immobilize the opposition was the law about confiscation of the RPP's property and devolvement of the property to the treasury. On December 9, 1953, the National Assembly voted to confiscate the majority of Republican Party's property. The DP damaged government-opposition relations by using the party's majority in the Assembly to suppress the opposition. Some lawyers of the Ankara Bar and nearly 1,000 students of Istanbul University released a declaration asking

¹³ It is the second highest percentage that a party received in general elections during the multi-party system. The highest percentage (58.42) was also achieved by the DP in the election of 1954.

President Celal Bayar not to sign the law and to support the RPP. This event was evidence of the RPP's power among the students and the intelligentsia. The DP's intolerance was not limited to the RPP. On July 8, 1953, the government closed down the Nation Party, which was founded by politicians who had quit the DP and was more conservative than the DP. The NP was accused of exploiting Islam for political ends. The decision, which was taken by a party that supported a multiparty system and democracy, was unacceptable. The RPP unexpectedly started to criticize the government for its decision. Actually, the Republicans were believed to support the government, because the NP was seeking to undo Ataturk's reforms. The RPP, however, considered it as a restriction of liberties, and used it as a weapon against the government.¹⁴

Undoubtedly, the government-opposition relationship was the most problematic field during the ten years between 1950 and 1960. Even today, it is hard to understand the tough, unconstitutional measures taken by a party which had the majority of the seats in the Assembly. To understand the reasons behind it, the terms "pluralist democracy" and "absolute democracy" must be examined. In a short definition, a pluralist democracy does not deny the fact that the society must be governed by the majority's will, and accepts minority's rights. On the other hand, the notion of an absolute democracy argues that society must be governed by the majority's will, and the majority's decision is above all.¹⁵ The DP obviously believed in the notion of absolute democracy. Actually, the concept of democracy was not well established in the minds of people in Turkey until much later. The polarization of the country during 1950s and the violence before the 1980 military coup displayed the society's lack of respect for the opposition's ideas. The DP's intolerance to opposition and its tightened grip on the freedoms of society were evidence of this.

2. 1954–1957: The Suppression

In spite of the restrictions in political life, the majority of the population was content with their daily life due to the economic prosperity achieved by the government

¹⁴Ahmad, *The Turkish Experiment in Democracy*, 47–49; Dursun, *27 Mayıs Darbesi*, 26–27.

¹⁵Kemal Gozler, *Anayasa hukukuna giris* [Introduction to constitutional law] (Bursa: Ekin, 2010), 105.

between 1950 and 1954. The conservative citizens were especially pleased to see the spread of Islamic institutions all over the country. In addition, good harvests due to mechanized agriculture, investments, and construction projects were appreciated by the public. The RPP's propaganda arguing the government's autonomy and lack of security in the country was fruitless. Under these circumstances, the DP's easy victory in the polls (May 2, 1954) increased its percentage of votes from 53.9 to 58.42 percent and their representation in the Assembly from 415 (1950) to 503. On the other hand, the RPP's representation was reduced from 69 to 31 seats in the Assembly.¹⁶

After 1950, the involvement of the DP in Turkish politics ended the single-party system; however, the multiparty system existed only on paper. In reality, the DP had enough seats in the Assembly to pass any law—since there was no institution to act as a check on the Democrats' decisions—or to change the constitution itself. So, the system was actually a single-party system. In this context, the DP's repressive government can be attributed to an over reliance on the party's power. The Democrats' strong belief in the notion of absolute democracy is brilliantly expressed in Feroz Ahmad's words: "The view that the majority party received its mandate from the people whom it served led the Democrats to conclude that they had the right to monopolize and use for their own purposes all the institutions of the state."¹⁷ Also, a lack of respect for minority rights caused Menderes to take more severe measures every time the opposition criticized his party.

a. The Dark Cloud over Any Opposition

After the 1954 general election, the opposition became weaker than ever before. Menderes, by contrast, consolidated his position in the party and the country. In early 1954, the economic problems in the country started to surface. Additionally, in the summer of 1954, the harvest was not enough to meet the domestic demand and the government had to import wheat from the United States. As the result of four years of economic planning, which proved to have been incorrect, rising prices and a spiraling

¹⁶Ahmad, *The Turkish Experiment in Democracy*, 39–49.

¹⁸*Ibid.*, 44.

inflation emerged. The timing of economic troubles was crucial for the RPP which was demoralized after the election results. The RPP had little hope for the future, but the party had an issue to criticize the government. On the other hand, Menderes was denying the existence of an economic recession and accusing the opposition of portraying the situation as a catastrophe. The opposition had to be silenced. Actually, the DP already had started to silence the opposition even before the 1954 general election by tightening the Press Law. On June 30, 1954, the Electoral Law was amended by the Assembly, and some restrictions were applied on the opposition parties. One of the most important results of the Electoral Law was the prohibition of opposition parties from using the state radio. In addition to the Electoral law, the Assembly, on July 5, 1954, passed a new law which went against the very soul of the constitution. This law entitled the government to suspend and retire officials, including professors and judges. The law was designed to eliminate any opposition idea among the employees of the state and to shape the bureaucracy in the hands of government. The law was criticized severely by the intellectuals in the country.¹⁸

The intersection of the deteriorating economic situation, the government's repressive measures, and the opposition's criticism constituted the general framework of political life in Turkey after 1954. The downturn of the economy aggravated the opposition's criticism, and the more the government was criticized the more suppressive it became. Cornered by the economic problems and the opposition's constant criticism, the government believed in the idea that repressing any contradictory voice would be a solution to the problem. However, societies are like balloons, if they are squeezed from one side, they swell out on the other side. The DP's attempts to intimidate any opposition in the country created a stronger opposition than before. So, repression was—and still is—not a solution. The public, especially the intelligentsia, became more responsive to the opposition's criticism due to measures taken by the DP as well as the economic troubles.

¹⁸Nuran Yildiz, "Demokrat Parti iktidarı (1950–1960) ve basın," [The Democrat Party rule (1950–1960) and the press], *Ankara Üniversitesi SBF dergisi* [Journal of Ankara University Social Sciences Faculty] 51, no. 1–4 (1996): 492, <http://acikarsiv.ankara.edu.tr/browse/2701/3498.pdf?show> ; Ahmad, *The Turkish Experiment in Democracy*, 49–51.

A law passed on June 27, 1956, banned the opposition parties from arranging public meetings. Smothered by the government, the opposition parties had the right only to speak in the Assembly. The opposition thereupon protested at the Assembly sessions. The representative of Kirsehir, Osman Bolukbasi, was arrested and convicted under the disguise of insulting the Assembly in one of his speeches. In addition to the opposition, delegates in the DP were also responsive to the measures taken by the party. The Minister of the Exterior, and one of the founders of the party, Fuat Koprulu, first resigned from the ministry, and then he resigned from the party.¹⁹

3. The Election of 1957 and the Military Intervention in 1960

At the beginning of 1957, it was believed that the political turmoil could only be resolved by an early election. The pressure from the public and the existence of economic problems were forcing the government to hold an election. Finally, on September 4, 1957, the Democrats announced that the general election would be held on October 27, 1957.

In spite of all the problems in the political and public life of Turkey, the DP still had a lot of advantages. First of all, by paying a higher price for produce and establishing a moratorium on the debts of peasants, the government pleased the rural voters who consisted of a majority of the public. Second, the government used the state radio for its own propaganda, and was able to reach the whole country. On the other side, the opposition was only criticizing and had no solution to the problems of the country. Moreover, the RPP had the intelligentsia's support again, and the opposition parties were also not well organized against the government.

Even though the DP won a majority of the seats in the Assembly, election results were the sign of decreasing power of the government. In the new Assembly, the Republicans were going to have 424 seats; the RPP held 178 seats; the Republicans Nation Party—the successor to the Nation Party after it was closed in January 1954—and the Freedom Party had 4 seats for each. Of the popular vote, 47.9 percent was for the

¹⁹Dursun, *27 Mayıs darbesi*, [The coup of 27 May], 27.

DP. The percentage was more than 50 percent in 1950 and 1954. The increasing numbers of the opposition in the country gave confidence to the Republicans.²⁰

Encouraged by the increase of its votes, the RPP started an abrasive and cruel opposition campaign. Some opportunities to normalize the government-opposition relations were not utilized. For example, Menderes's survival of a crash at Gatwick on February 17, 1959 created a new atmosphere in the relations between the government and the opposition. Ismet Inonu greeted Adnan Menderes at the station when Menderes returned to Turkey. Menderes's survival of the crash was attributed to his pious character by the people, especially those in the rural areas. Not content with the political atmosphere, which was in favor of the DP due to the rumors, the RPP worried about its popularity. Therefore, the RPP decided to sharpen its tone as the opposition, and started to use military terms in its campaign against the Democrats. Ismet Inonu's tours were referred to as "assaults" or "landings." The RPP named Inonu's west Anatolia tour "The Great Offensive" (Buyuk Taarruz), and decided to start the tour from Usak, where the Greek Chief of General Staff Trikopis was captured in the Independence War. An enthusiastic crowd met Inonu in Usak, but his arrival also provoked a counter-demonstration. Leaving Usak for Izmir, Inonu's group was attacked by a large unruly mob. These incidents strained the relations between the DP and the RPP to breaking point.²¹

The year 1959 was one of turmoil for democracy in Turkey. It was a year of trial and tribulation for the press, which was considered the conscience and guardian of a democratic regime. More newspapers were closed down and journalists imprisoned than in any other year. The government, however, could do little to check the opposition's activities, except to threaten more repressive measures. But this created the danger of escalation, bringing with it the threat of political turmoil and military intervention.

²⁰Ahmad, *The Turkish Experiment in Democracy*, 56–57.

²¹Dursun, *27 Mayıs darbesi* [The coup of 27 May], 29–30.

4. Conclusion

The decade from the election on May 14, 1950 to the military intervention on May 27, 1960 can be summarized as a constantly growing polarization between the Republicans and Democrats. In addition to economic policy, the role of religion in daily life and the maintenance of political freedoms were main issues for Turkey during this ten-year period.

The DP made a good start to its ten-year rule with economic developments. Road building and other infrastructure projects went forward at a rapid rate, and more attention was paid to agriculture. The economic activities, however, were overextended in relation to available resources and resulted in inflation. The salaried class suffered most acutely from Menderes's inflationary economic policy, and therefore slowly withdrew its support from the government. The economic situation of the country—especially after 1954—was one of the main issues which the opposition used against the government.

The Democrats had been expected to be conservative, and a large part of its votes came from conservative rural areas. Although a majority of people were content with the acts of the DP for the relaxation of anticlerical pressures, such as the abolishment of the 1928 law prohibiting the use of the Arabic form of the call to prayer, the RPP began to worry about the intention of these acts and the future of secularism in Turkey. Prime Minister Adnan Menderes's government program, which he addressed to the National Assembly on May 20, 1950 but never uttered Ataturk's name, was the beginning of these worries. At the Democrat Party provincial congress in Konya, some delegates' demands to restore the right to wear the fez and the veil and to use the Arabic script aggravated the tensions between the opposition and government.

The second main issue was that of political freedom. Although the DP had the majority of seats in the National Assembly between 1950 and 1960, the Democrats began to show a marked sensitivity to criticism. From 1953 on, the government placed severe restrictions on the press, the universities, and the opposition by passing a series of laws. The culmination of the DP's measures was the Investigation Committee, which was entitled to investigate and prosecute the civil bureaucracy, the judiciary, the armed forces,

the police, and the universities. The DP, unfortunately, failed to constitute the balance between the majority and minority. The DP believed that society must be governed by the majority's will, and the majority's decision is above all. The DP's intolerance to opposition and its tightened grip on the freedoms of society were evidence of this. It is clear that Adnan Menderes was blinded by the party's power, which prevented him from seeing the end of the road.

B. OBJECTIVE OF THE STUDY

Turkey experienced military coups in 1960, 1971, and 1980. On the surface they appeared similar to coups in other countries. However, Turkey's experience differed from that of others. In contrast to other cases, in which coups were carried out to bring an end to democracy, Turkish military interventions claimed to be "saving democracy." Moreover, while in some countries military governments ruled for long periods—such as in Egypt, Libya, and Cuba—and in some others successive military interventions occurred, Turkey achieved its transition to democracy in a short period of time. However, neither the 1961 Constitution nor the efforts of the Turkish Armed Forces were enough to secure stability in the country. Thus, the military could not extricate itself from politics, and the resulting instability led to the memorandum of March 12, 1971, which was known as coup by memorandum. In this context, to completely understand civil-military relations and politics in Turkey after the 1960 military coup, the decade under the DP's rule (1950–1960), the 1960 military coup itself, and the 1961 Constitution have to be examined as a whole.

Taking these circumstances into consideration, this study will analyze the period between 1950 and 1971 and answer a major question: How did the 1950–1960 era, the 1960 military coup, and the 1961 Constitution affect democracy and civil-military relations in Turkey?

C. IMPORTANCE OF THE STUDY

There are three reasons why this study is relevant. First, it will provide an example of how the coup plotters searched for justification and argued the legality of the 1960 military coup. The case of Turkey casts a light on how military authorities justify

their intervention to democracy and is a good example for developing and underdeveloped countries, in particular. The 1960 military coup affected Turkey's political life profoundly, changing the constitutional system that Mustafa Kemal Atatürk founded in 1924 and unseating the democratically elected government. Nevertheless, its aim had been to save the state. As George S. Harris claims, "The 1960 coup in Turkey grew out of tensions engendered by a widespread belief that the Democrat Party government of Adnan Menderes and Celal Bayar was about to return to one-party rule by abolishing Atatürk's party led by former President Ismet Inonu. The military move in 1960 thus represented, in the minds of most of its initiators, a move to save the state."²² This began the Republican history of the Turkish Army as the guardian of the state.

Second, the thesis will provide lessons learned and explore the possible consequences of a military coup. It will explain the philosophy of military authorities during the process of forming a new constitution. In Turkey's case, the military power chose to codify a democratic constitution that granted rights of individual for the first time in Turkish Republic's history. While Turkey has its unique features, its history sheds light on coups more generally making this study relevant to other countries.

Third, this research can assist policy makers in emerging democracies to understand the importance of civil liberties and freedoms for the continuation of democracy. Further, the study would benefit those who are interested in learning about the challenges that lie with democratic consolidation and civil-military relations—especially in developing or underdeveloped countries.

²²George S. Harris, "Military Coups and Turkish Democracy, 1960–1980," *Turkish Studies* 12, no. 2 (2011): 203, doi:10.1080/14683849.2011.573181.

II. THE JUNTA AND THE CODIFICATION PROCESS OF THE 1961 CONSTITUTION

A. INTRODUCTION

On the morning of May 27, 1960, the intervention was declared to Turkish citizens by the 7 a.m. broadcast over Ankara Radio. The coup was planned and carried out by a group of officers, among which the highest-ranked was colonel. These officers assigned Full General Cemal Gursel as the leader of this intervention. Cemal Gursel, who was in Izmir then, was brought to Ankara by plane. Early in the of morning of May 27, the President Celal Bayar, the Secretary General of the Grand National Assembly of Turkey (GNAT) Refik Koraltan, Minister of the Interior Namik Gedik, and some other deputies from the DP were detained in the Turkish Military Academy. The Prime Minister, Adnan Menderes, spent the night of May 26 in Eskisehir. Menderes was informed about the intervention on his way to Kutahya in the morning of May 27. Menderes was also brought to Ankara by plane.²³

B. THE NATIONAL UNITY COMMITTEE (NUC)

The first communiqué, announced on May 27 over the state radio, stated:

Honorable fellow countrymen! Owing to the crisis into which our democracy has fallen, in view of the recent sad incidents, and in order to avert fratricide, the Turkish Armed Forces have taken over the administration of the country. Our armed forces have taken this initiative for the purpose of extricating the parties from the irreconcilable situation into which they have fallen ... (and will hold) just and free elections as soon as possible under the supervision and arbitration of an above-party administration.”²⁴

Over the first days of the coup, the road map that the junta would follow was not clearly determined. While some these officers intended to hand over the government to Ismet Inonu, some of them believed that the government should be chosen by free elections after eliminating politicians who had been involved in bribery and corruption.

²³ Ahmad, *The Turkish Experiment in Democracy*, 159–162.

²⁴ Feroz Ahmad, *The Making of Modern Turkey* (New York: Routledge, 1993), 126.

Meanwhile a third group among these officers was not in favor of handing over the government to civilians until constitutional changes were made. Since the highest ranking officers were in the third group, the junta agreed on the need for constitutional changes first.²⁵

Forming the NUC was another challenge for the junta. An eight-man team unanimously agreed on the members who would form the NUC. Retired Full General Cemal Gursel was chosen as the chairman of the committee which was composed of 38 members. Interestingly, he was also the President, the Prime Minister, Chief of the General Staff, and Minister of Defense.²⁶ Even Mustafa Kemal Atatürk (founder of the Turkish Republic) had not been invested with so much power when he was the president. The reason behind investing all these powers in Cemal Gursel can be explained as the junta's intention to control critical positions and shape future of democracy in Turkey. Only 5 of the 38 members—Cemal Gürsel, Fahri Özdilek, Cemal Madanoğlu, İrfan Başbuğ, and Sıtkı Ulay—were generals in the committee. The other 33 members were in the ranks of army captain, major, lieutenant colonel, and colonel.²⁷

One day after the coup, on May 28, 1960, an interim government was appointed with the NUC's communiqué 27. Turkish Republic's twenty-fourth government, which consisted of non-political members, remained in the office until January 5, 1961.²⁸

The powers of the NUC were made public on June 12, 1960. Until the GNAT (Grand National Assembly of Turkey) started functioning and the new constitution took effect, the NUC would exercise the right of sovereignty and the legislative power. The legislative power directly belonged to the NUC; however, the committee would exercise the executive power through the Cabinet, which was appointed by the Head of the State and approved by the NUC. Ministers would be dismissed by the NUC, but only the Head of the State had the right to appoint them. Although the judiciary was kept independent, the NUC had the right to approve or veto death sentences. According to the verdicts of

²⁵ Ibid., 126–128.

²⁶ Fidel, "Military Organization and Conspiracy in Turkey," 19.

²⁷ William M. Hale, *Turkish Politics and the Military* (New York: Routledge, 1994), 122–123.

²⁸ Ahmad, *The Turkish Experiment in Democracy*, 165–166.

the Yassiada trials,²⁹ which were announced on September 15, 1961, 15 people were sentenced to death. However, the NUC approved only three death sentences: those of Adnan Menderes, Fatih Rustu Zorlu, and Hasan Polatkan.³⁰

C. ELIMINATION OF FOURTEEN MEMBERS OF THE NUC

Beginning from the junta's seizure of power, a major disagreement occurred among the NUC's members about which path the council would follow and for how long it would remain in the country's administration. While a moderate group, consisting of high-ranking officers in the NUC, advocated handing the administration of the country over to civilians as soon as the council amended the constitution, a radical group, consisting of lower ranking officers, believed that the council must remain in power at least four years until it completed the reforms which had been started by Ataturk.³¹ An additional argument was over to whom the council would hand the government. The moderates were apt to hand the government directly to the Republican People's Party while the radicals favored free elections.³²

The disagreement between the moderates and the radicals deepened gradually. Officers and 147 professors who were retired by a decree of the NUC were central in the dispute between two groups. However, the culminating point of the dispute was the enactment of a law that would enable the foundation of a constituent assembly, which was going to codify a new constitution. The radicals were against such a law since they were in favor of remaining in the administration until the committee should fully implement Ataturk's reforms. Four-fifths of the committee members' affirmative vote was needed to pass the law. Without the radicals' votes, it was impossible for the moderates to form such a majority. On November 13, 1960, the membership of fourteen members in the NUC, including Alparslan Turkes, was ended, and a new committee of

²⁹ In the aftermath of the military intervention, 592 government officials were tried on Yassiada Island in the Sea of Marmara.

³⁰ *Ibid.*, 164, 169.

³¹ Mustafa Kemal Ataturk implemented social, economic, educational, and democratic reforms to elevate the national life to the highest level of civilization and prosperity.

³² Fidel, "Military Organization and Conspiracy in Turkey," 19.

23 members was founded by a decree of Cemal Gursel. All fourteen members were assigned as ambassadors and attaches to separate countries. Consequently, the committee had the opportunity to pass the law.³³

The purge of the fourteen committee members (known as the Fourteen) enabled the NUC to found the Constituent Assembly while seriously affecting the armed forces. First of all, actions of the NUC were met with dissatisfaction by revolutionist officers in the armed forces. Although they were abroad, the Fourteen kept their linkages tight with other officers in Turkey. The coup attempts on February 22, 1962 and May 21, 1963 were the results of the Fourteen's removal. Second, many scholars and officers—especially junior officers—considered the move as an internal coup. Third, and most importantly, ousting of the Fourteen caused cliques in the armed forces and intensely politicized it.

D. THE ARMED FORCES UNION (AFU)

Needless to say, the stance of the Fourteen threatened the Turkish elites' (the bureaucracy, the press, and the university professors) interests and expectations of returning to democracy in a short time. So, the elites greeted their removal with relief. However, the military did not respond well to their removal. Especially among junior officers, the Fourteen represented "a radicalism created by a lack of faith in the ability of the politicians and the established institutions to solve the country's problems.... One consequence of their dismissal was the re-establishment of conspiratorial groups within the armed forces."³⁴

Considering these groups a threat, senior officers formed the Armed Forces Union (AFU) in 1961. The union consisted of officers from all ranks. The purpose was to monitor junior officers' activities and avert any would-be coup attempts. General Cemal Tural, the Commander of the First Army and Istanbul's Martial Law Commander, naturally became the head of the union. In the course of time, the AFU and the NUC shared the same belief that power must be restored to civilians as soon as possible.

³³ Ahmad, *The Turkish Experiment in Democracy*, 165–167.

³⁴ *Ibid.*, 168.

Considering its support of the NUC, the number of its members, and the power it held over Turkey, suddenly made the AFU the real guarantor of the restoration of democracy.

However, “the final realization that power had shifted from the NUC to the military command came only when the Tansel Incident broke over the Committee’s head.”³⁵ Two organizations—the NCU and the AFU—with such powers were gradually getting closer to a confrontation and that confrontation happened in June 1961. The President, Cemal Gursel, appointed Lieutenant-General Irfan Tansel, Commander of the Air Force, to Washington as head of the Military Mission. In other words, he was being taken from an active post and sent to a more passive post away from Turkey. More importantly, Tansel was one of the leaders of the AFU. His appointment heralded what would possibly happen to other leaders of the union. As a result, the AFU presented an ultimatum and demanded Tansel’s reinstatement. Gursel had to step back and accept the ultimatum.³⁶ To what degree the AFU affected the NUC’s decisions while the committee remained on the political stage is still unknown and will probably never be answered.

E. THE CONSTITUENT ASSEMBLY

The process of forming the Constituent Assembly started with the appointment of Professor Turhan Feyzioglu to this duty by President Cemal Gursel. Feyzioglu was a Professor at Middle East Technical University then. The law, which identified the Constituent Assembly’s structure, responsibilities, and duties, were adopted by the NUC on December 13, 1960.³⁷ After the removal of the Fourteen, the foundation of the Constituent Assembly in a short time proves the NUC’s endeavor to transition to a democratic system as soon as possible.

³⁵ Ibid., 169.

³⁶ Ibid., 168–170 and Ahmad, *The Making of Modern Turkey*, 128–129.

³⁷ Ergun Ozbudun, *The Constitutional System of Turkey: 1876 to the Present* (New York: Palgrave Macmillan, 2011), 9.

A bicameral Constituent Assembly was established according to first article of the law (No. 157). One chamber of the constituent assembly was the NUC itself. Under laws No. 157 and No. 158, the second chamber was the House of Representatives, and “was composed of the following members: (i) 10 members selected by the Head of the State and of the NUC (General Cemal Gursel); (ii) 18 members elected by the NUC; (iii) members of the Council of Ministers; (iv) 75 members indirectly elected from provinces in which only delegates from each village, neighborhood headmen, and primary school headmasters in sub province centers, members of the executive committees of professional organizations, and members of the executive committees of political parties had the right to vote; (v) representatives of the two existing political parties, the Republican People’s Party and the Republican Peasant’s Nation Party; the former was given 49, and the latter 25 seats; (vi) 79 members chosen by professional organizations and certain associations...”³⁸

None of the members in these categories were the DP supporters. “To make this even more certain, Article 2 of Law No. 157 had excluded from membership in the House of Representatives all those who had supported ‘the unconstitutional and anti-human rights policies by their activities, publications, and behavior until the Revolution of 27 May.’”³⁹

The House of Representatives was composed of 296 members. The majority of the members were either the RPP members or its sympathizers. Therefore, the structure of the House of Representatives strengthened two beliefs. First, the House of Representatives did not have a democratic character. Second, uneven representation was regarded as a sign that the NUC would devolve the administration to the RPP once the new constitution was codified.⁴⁰

³⁸ Ibid., 10.

³⁹ Ibid.

⁴⁰ Bulent Tanor, *Osmanlı-Türk anayasal gelişmeleri: 1789–1980* [Ottoman-Turkish constitutional progress: 1789–1980] (Istanbul: Yapı Kredi Yayinlari, 2002), 370.

F. PROCESS OF CODIFICATION

A few days after the intervention, the NUC charged a commission, consisting of seven law professors of Istanbul University Faculty of Law, with the preparation of a constitutional draft in three months. The chairman of the commission, also known as the Constitution Commission, was Professor Siddik Sami Onar. The commission completed its draft in four and a half months and submitted it to the NUC on October 18, 1960.⁴¹

Composed of a preamble and 191 articles, the draft from Istanbul University was long and detailed. Distrust of the general principle of universal suffrage and political parties, extension of the powers of the President, and restriction of the powers of the executive with oversight by the legislative and the judiciary were the main features of this constitutional draft. The draft was criticized, for it was proposing to weaken the executive and political parties.⁴²

Meanwhile, another commission within Ankara University's Faculty of Political Science produced a second constitutional draft. Composed of 109 articles, the draft from Ankara University stressed the necessity of oversight of the executive branch through the medium of administrative and constitutional judicial branches. In the draft, there were also articles proposing independence of the judiciary from the executive and the legislative branches. In contrast to the Istanbul University view, Ankara University promoted the general principles of universal suffrage, and powers of the executive branch and political parties.⁴³

The laws No. 157 and No. 158, which established a bicameral Constituent Assembly (mentioned earlier), were the results of criticisms for the drafts and belief that the new constitution must be prepared by a larger group, which had the ability to represent whole society.⁴⁴

⁴¹ Gozler, *Turk anayasa hukukuna giris* [Introduction to constitutional law], 44–46.

⁴² Tanor, *Osmanlı-Türk anayasal gelişmeleri* [Ottoman-Turkish constitutional progress], 370–371.

⁴³ *Ibid.*, 372.

⁴⁴ Ergun Ozbudun and Ömer Faruk Gençkaya, *Democratization and the Politics of Constitution-Making in Turkey*, (Budapest: Central European University Press, 2009), 15, <http://site.ebrary.com/id/10314021>.

The Constituent Assembly started to work on January 6, 1961. Correspondingly, the House of Representatives established a 20-member constitution commission—also known as the Constitution Commission of the Lower House. Members of this commission were elected among and by deputies in the House of Representatives. The Constitution Commission of the Lower House adopted Istanbul University’s draft as the main document and Ankara University’s draft as a secondary document.⁴⁵

Between 1950 and 1960, the DP governments’ policies showed an illiberal majoritarian character, and the RPP experienced the troubles of that decade in the opposition. Therefore, the RPP supported a pluralistic democracy during the preparation of the new constitutional draft in the Constituent Assembly. In addition, the RPP demanded independence of the judiciary, establishment of a constitutional court, and other measures that could balance the power of the executive branch and prevent autocracy.

Since the RPP constituted the majority in the House of Representatives, translating these demands into the constitutional draft was not difficult. “Provisions concerning the Constitutional Court, a second chamber (Senate of the Republic), independence of the judiciary, and more effective guarantees for the fundamental rights and liberties were adopted without much debate.”⁴⁶

The Constitution Commission of the Lower House completed the draft of a new constitution and submitted it to the House of Representatives on March 9, 1961. Deliberations in the House of Representatives were contentious. However, the House of Representatives was able to reach a final decision, and deliberations in the Constituent Assembly began between the two chambers (the NUC and the House of Representatives). The Constituent Assembly adopted the draft of the new constitution on the anniversary of the coup (May 27, 1961) and decided the draft should be voted on in a constitutional referendum on July 9, 1961.⁴⁷

⁴⁵ Gozler, *Türk anayasası hukukuna giriş*, [Introduction to constitutional law], 45.

⁴⁶ Özbudun, *The Constitutional System of Turkey*, 11.

⁴⁷ Tanor, *Osmanlı-Türk anayasal gelişmeleri*, [Ottoman-Turkish constitutional progress], 375.

G. REFERENDUM

The referendum on July 9, 1961 was the first referendum in the history of the Turkish Republic. During the propaganda period, from May 27, 1961 to July 9, 1961, the RPP and the RPNP worked for the ratification of the new constitution. Since the DP had been closed and banned from political life, the Justice Party (JP)—successor to the DP—could make propaganda against the new constitution. On the day of the referendum, of 12,735,009 registered voters, 10,322,169 attended voting. The 1961 constitution was ratified by the votes of 6,348,191 (61.7 percent) registered voters. The percentage by which the 1961 Constitution was ratified can be interpreted as lukewarm support for the new constitution. There were two reasons why almost 40 percent voted against it. First, the society was still suspicious of the military regime. Second, people considered the new constitution as a means of returning to single-party system due to the RPP's majority in the House of Representatives during the preparation of the new constitution.⁴⁸

⁴⁸ Sina Aksin, *Turkey from Empire to Revolutionary Republic: The Emergence of the Turkish Nation From 1789 to the Present* (New York: New York University Press, 2007), 265.

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III. THE 1961 CONSTITUTION AND THE TAF'S AUTHORITY

A. MAIN FEATURES OF THE 1961 CONSTITUTION

To understand the events that had led to the 1960 military coup, basic features of the 1924 Constitution must be examined. The 1924 Constitution had defined the state as a *Republic* for the first time. It had adopted the majoritarian concept of democracy. In this concept, sovereignty is defined as the general will of the nation. Under the 1924 Constitution, powers of the executive, legislative, and judicial branches were invested in the GNAT. So, the GNAT had the power to implement all necessary measures to fulfill the constitutional order. This was an unprecedented amount of power for a parliament. This system had effectively worked and carried out necessary reforms during Ataturk's presidency.

The 1961 Constitution had been prepared in an effort to respond to regime problems in Turkey before May 27, 1960. Like every other constitution, the 1961 Constitution had been prepared through conciliation between dominant powers of its time. With a simplistic approach, every problem of the multiparty system—especially between 1950 and 1960—had been seen as a constitutional problem. Therefore, resolution of every political problem had been tried to be solved through the constitution; thus, the 1961 Constitution is larger in volume and more detailed than the 1924 Constitution.⁴⁹

Needless to say, the power which the GNAT had possessed under the 1924 Constitution had provided advantages for the ruling parties. These advantages had reached unconstitutional arrangements between 1950 and 1960. This power and the structure of the state had been started to be questioned during the DP rule of 1950s. Disputes between the DP and the RPP had been generally about fundamental terms of the constitution. However, there had been no legal obstacles to stop the ruling party from passing unconstitutional or repressive laws. This was the rationale behind why a governmental system full of checks and balances was created with the 1961 Constitution.

⁴⁹ Gozler, *Turk anayasa hukukuna giris*, [Introduction to constitutional law], 47–50.

Some of these checks and balances were the Constitutional Court, bicameral legislation, presidential veto, and the autonomy of universities, Turkish Television and Radio, and the judiciary.⁵⁰

In terms of philosophy and purpose, the 1961 Constitution put individuals at the center and consolidated society's and individuals' rights and freedoms, and supported the development of individuals' rights and freedoms. In other words, the 1961 Constitution institutionalized freedoms and democracy, instead of strengthening the authority of the state.

Until the 1961 Constitution was ratified in the constitutional referendum on July 9, 1961, the 1924 Constitution had been in effect. The very first characteristic of the 1961 Constitution was that it was completely different from its predecessor. The 1961 Constitution reorganized government, established the division of powers with checks and balances, and introduced new concepts and institutions—such as the Constitutional Court, the social state, the pluralist approach, etc.—to Turkish political life. In addition, the social rights and freedoms of citizens were being stated and granted in a constitution for the first time in the history of the Turkish Republic. On the other hand, the constitution had been prepared in an atmosphere in which distrust of politicians was common. So, the 1961 Constitution created an effective system of checks and balances to prevent autocracy.⁵¹

Institutions such as the Constitutional Court, The Supreme Judicial Council, Turkish Radio and Television, and the State Planning Organization were intended to ensure impartiality and autonomy of some state organs. The principal function of the Constitutional Court was to review the constitutionality of legislation. Independence of the judiciary was ensured by the Supreme Judicial Council. The constitution provided Turkish Radio and Television autonomy to prevent it being used a means of propaganda

⁵⁰ Walter F. Weiker, *The Modernization of Turkey: From Ataturk to the Present Day* (New York: Holmes & Meier Publishers, 1981), 221–222.

⁵¹ Aksin, *Turkey from Empire to Revolutionary Republic*, 268–269.

for the government's own ends. Finally, the State Planning Organization brought about a systematic approach to investments and economic planning.⁵²

1. Fundamental Rights and Liberties

The 1961 Constitution placed a special emphasis on human rights issues. Violation of human rights and measures taken by the DP administration to suppress opposition necessitated such a legal arrangement. Thus, the 1961 Constitution did not merely enumerate basic rights and freedoms, but also detailed their components.⁵³ As an example, Article 25 stated: "Printing shops, including their presses and other furniture and fixtures shall not be seized, confiscated, or prevented from operation; even though the underlying charge may be that they are an accessory to a criminal act."⁵⁴

The 1961 Constitution also protected human rights and freedoms from arbitrary violations by stating their essence. The second part of the constitution was entitled *Fundamental Rights and Duties*. Article 11 in this part stated: "The fundamental rights and freedoms shall be restricted by law only in conformity with the letter and spirit of the constitution. The law shall not infringe upon the essence of any right or liberty not even when it is applied for the purpose of upholding public interest, morals and order, social justice as well as national security."⁵⁵ Article 11 put fundamental rights and freedoms in a protective triangle. There are four conclusions that can be drawn from Article 11. First of all, the article was outlawing the limitation of a fundamental right or freedom by an administrative regulation. Namely, the executive was no longer able to arrange administrative regulations for the purpose of limiting freedoms or suppressing opposing ideas. Second, the restriction had to conform to the letter and spirit of the constitution. The principle function of the Constitutional Court was to review the constitutionality of laws, and thereby enforce the conformity mentioned in this article. Third, Article 11 refers to the "essence" of a right or liberty. The essence of a right or liberty is its

⁵² Özbudun, *The Constitutional System of Turkey*, 11.

⁵³ *Ibid.*, 41.

⁵⁴ Sadik Balkan, Ahmet E. Uysal, and Kemal H. Karpat, "The Constitution of the Turkish Republic," *Middle East Journal* 16, no. 2 (Spring 1962), 216.

⁵⁵ *Ibid.*

untouchable and irreducible part. Without its essence, a right or liberty has no meaning, or it is unusable.

Finally, the 1961 Constitution adopted the natural rights doctrine. Under Article 10, natural rights were granted as: “Every individual is entitled, by virtue of his existence as a human being, to fundamental rights and freedoms, which cannot be usurped, transferred or relinquished.”⁵⁶

Experienced from the decade between 1950 and 1960, the Constituent Assembly was determined to leave no loopholes to the executive. As a result, the 1961 Constitution was the largest constitution in volume thus far.⁵⁷

2. Parliament

The 1961 Constitution changed only the structure of the GNAT. The principle of the supremacy of Parliament was kept as it had been in the 1921 and 1924 Constitutions. According to the 1921 and 1924 Constitutions, the GNAT was the supreme power of state and had executive powers in addition to legislative powers. The 1961 Constitution did not endow Parliament with both legislative and executive powers, but balanced the powers of the legislative and the executive. Under the 1921 and 1924 Constitutions, the GNAT had a unicameral structure. By contrast, the 1961 Constitution divided the GNAT into two parts: the National Assembly and the Senate of the Republic.

The Senate of the Republic, which was a balancing mechanism to review and check the activities of the National Assembly, was established by the 1961 Constitution. Between 1950 and 1960, the 1924 Constitution was in effect, and the DP, which had the majority of the seats in Parliament, held the authority to enact any law on its own account and for its own ends. The Senate of the Republic had consisted of three different groups. The first group was composed of 150 members, who were elected by popular vote like all the members of the National Assembly. Fifteen members, selected by the President of the

⁵⁶ Balkan, Uysal, and Karpat, “The Constitution of the Turkish Republic,” 216.

⁵⁷ Gozler, *Türk anayasa hukukuna giris*, [Introduction to constitutional law], 47–48.

Republic, constituted the second group. The third group consisted of the former members of the NUC and the former Presidents of the Republic.⁵⁸

One of the reasons behind the establishment of a bicameral parliament was to reflect the will of nation in a more realistic way through both the House of Representatives and the Senate of the State, which were composed of different aspects of the population. The other reason was to prevent the government from misusing its executive and legislative powers on the basis of the majority it had in the Parliament. However, the powers of two chambers were not equal. While the National Assembly had the power to remove a government through a vote of censure, the Senate did not. Secondly, the final word was the National Assembly's in the making of laws. The two chambers had equal rights only in constitutional amendments. On the other hand, the Senate was slowing down the law making process, and sometimes it was impossible to take simple decisions in the GNAT. Therefore, the Senate was removed from Turkish political life with the 1982 Constitution.⁵⁹

The 1961 Constitution adopted legislative immunities (Article 79) for the deputies. In Article 79, it was stated, "Members of the Turkish Grand National Assembly may not be held liable for their votes and statements, for the ideas and opinions which they express in the Assembly nor for repeating and disclosing these outside the Assembly. No member of the legislative body, who is alleged to have committed an offense before or after his election to office may be taken into custody, questioned, held in custody nor brought to trial without the decision of the legislative body to which he belongs."⁶⁰

The legislative body's independence can be evaluated according to its compliance to certain standards. First, the legislature's power can be measured by "the distribution of party strength."⁶¹ Party discipline has always been strong in Turkey. Consequently, the GNAT's methods of supervision and amendments to proposed bills have generally

⁵⁸ Özbudun, *The Constitutional System of Turkey*, 59–60.

⁵⁹ Aksin, *Turkey from Empire to Revolutionary Republic*, 269.

⁶⁰ Balkan, Uysal, and Karpat, "The Constitution of the Turkish Republic," 223.

⁶¹ Weiker, *The Modernization of Turkey*, 223.

resulted from biased considerations. Nevertheless, the strong opposition and the inquisitive posture of the GNAT have always put governments in a position in which they have had to account for their actions. So, it is fair to say that these methods have forced governments to explain the legality and credibility of their actions. Second, the independence can be evaluated by the legislature's ability to conduct inquiries, researches, and investigations. Beginning with the 1961 Constitution, the capability of the legislature was constitutionalized under Articles 88 and 89, and also put into a systematic form. Third, introduction of private bills is another way to measure the independence of the legislature. In democracies, proposing bills and passing laws are not responsibilities that belong to governments. In other words, parliaments' duties do not only consist of accepting or rejecting governments' bills. On the contrary, legislative bodies or even deputies must also prepare and propose bills on behalf of the citizens they represent to enhance their countries in different aspects. From 1961 to 1975, 12 to 20 percent of the laws, which had passed in the Assembly, had been proposed by deputies of parties other than the ruling government. The percentage is high compared to other democratic countries.⁶²

3. The Executive

Hierarchical control, administrative tutelage, and judicial control are three ways to supervise the activities of administrative bodies. Among these ways, judicial control is the most powerful and effective one, and the effectiveness of the judicial control depends on the *rule of law*. Under Article 2 of the 1961 Constitution, the Turkish Republic was defined as a “state governed by rule of law.”⁶³ Needless to say, this was a positive move for democratization of the country. Moreover, the constitution proved and strengthened its dedication for the rule of law by Article 114, which stated that “no act or procedure of the administration shall be immune from the review of law enforcing courts.”⁶⁴ Undoubtedly, the Constituent Assembly had intended to provide legal assurance

⁶² Ergun Ozbudun, “Parliament in the Turkish Political System,” *Journal of South Asian and Middle Eastern Studies* II, no. 1 (1978), 63–68.

⁶³ Balkan, Uysal, and Karpat, “The Constitution of the Turkish Republic,” 215.

⁶⁴ *Ibid.*, 228.

(constitutional guarantee) for the citizens and to prevent governments from violation of citizens' rights and freedoms. Even today, the rule of law is an indispensable term in the democracy in Turkey and the lives of Turkish people. Although the term was brought by a military regime, it was one of the most important and progressive factors in the democratization of the Turkish Republic.

Traditionally, the executive branch of Turkey consisted of the President of the Republic and the Council of Ministers. While the President of the Republic possessed substantive powers and was conceived as a symbolic office in the 1924 and 1961 Constitutions, the 1982 Constitution established a more powerful presidency that had legislative, executive, and judiciary prerogatives.

One of the crucial results that the 1961 Constitution brought about was the separation of the Presidency from party politics. According to the Constitution (Article 95), the President would be elected for seven years from among the members of the National Assembly, and his presidency was limited to one term. Moreover, the president had to dissociate himself from his party and the president's membership of the GNAT had to be terminated.⁶⁵ General Cemal Gursel, former head of the NUC, and General Cevdet Sunay were the first two presidents under the provisions of the 1961 Constitution. General Cevdet Sunay had been chief of the General Staff before his presidency.⁶⁶ The Presidency, according to the 1961 Constitution, was an office with symbolic powers. The Cabinet (composed of the Prime Minister and the Council of Ministers) was the real actor in the executive branch and the one that was responsible for the administration and foreign policy. Although the Cabinet constituted the main power in the executive branch and was responsible for the administration of the country, sometimes—especially during the terms of weak governments—the Presidents could come out with their strong character or political base and play an active role in politics; Ataturk, Suleyman Demirel, and Turgut Ozal did this.

⁶⁵ Ibid., 226.

⁶⁶ Weiker, *The Modernization of Turkey*, 225.

According to the 1961 Constitution, the administration of the country was not an *authority*; it was a *duty*. As it can be understood from the meanings of these words, the 1961 Constitution tried to clarify what the power of the executive branch meant. According to the 1961 Constitution, the Turkish Republic was a state governed by the rule of law and the executive branch did not have limitless powers no matter what percentage of the seats it had in the Parliament. Under the constitutional system of the 1924 Constitution, the lines between the executive and legislative bodies were blurry, and the DP manipulated this for its political ends. So there was not a strong division of powers. Thus, the division of powers was consolidated under the 1961 Constitution to prevent the executive branch from intervening in the legislature or the judiciary. However, the division of power under the 1961 Constitution did not mean equality of these powers; rather, the legislature and the judiciary held a slightly superior power over the executive branch.⁶⁷

Although there were many methods of supervision that the GNAT had over the executive branch, the Prime Minister and the Council of Ministers had few options for overseeing the legislature. These methods were questions, general debates, parliamentary investigations, parliamentary inquiries, and interpellation. Among these methods, interpellation is the most effective and powerful one. Under Article 89, the legislature had a chance to vote a government or a minister out of office by interpellation.⁶⁸ Conversely, only two governments (those of Ismet Inonu in 1965 and Suleyman Demirel in 1969) faced a vote of no-confidence while the 1961 Constitution was in effect. Two reasons were behind it. One was the single-party majority in Parliament, and the other was strong party discipline which made it almost impossible for individual deputies to act on their own. The adoption of the budget and the vote of confidence at the time of induction were other ways for the legislature to oversee the executive branch. However, the executive branch had very few ways to renew elections for the GNAT. According to Article 108, the Prime Minister could only request the President of the Republic to renew elections for

⁶⁷ Tanor, *Osmanli-Turk anayasal gelismeleri* [Ottoman-Turkish constitutional progress], 401–402.

⁶⁸ Balkan, Uysal, and Karpat, “The Constitution of the Turkish Republic,” 224.

the National Assembly if the government received a vote of no confidence for the third time.⁶⁹

Consequently, two major problems emerged from the state's structure founded by the 1961 Constitution. First, it caused a high degree of politicization among members of Turkish governments—especially in coalition governments—and most branches of the administration. Since the ministers were mostly and proportionally nominated and appointed from among members of the GNAT, they worked to appease their party's supporters by using ministerial powers and authorizing projects for the continuation of political status. The second problem was excessive “formalism and legalism.”⁷⁰ As a result of the politicization, the ministers tended to delegate little authority to subordinate positions. Consequently, high-level civil servants had little space to take independent decisions, and the ministers had to handle problems at a tactical level (not at a strategic level) and details.⁷¹

4. Local Governments

In the Ottoman Empire, the provinces had been under the jurisdiction of governors. These governors had been directly responsible to the central government in Istanbul. The governors had been appointed and their salaries had been sanctioned by the central government. The governors' duty had been to provide stability and maximize the income of their provinces. So, there was little decentralization. During Ataturk's presidency, the centralized character of the state had been kept to implement reforms that had allowed the development and foundation of modern Turkey. The 1961 Constitution attempted to decentralize the local divisions while keeping them within the limits of law, which would be proposed, amended, or passed by the central administration. Two Articles of the 1961 Constitution displayed both centralizing and decentralizing characteristics. Firstly, Article 112 stated: “The organization and functions of the

⁶⁹ Ahmad, *The Turkish Experiment in Democracy*, 172, and Ozbudun, *The Constitutional System of Turkey*, 66–68.

⁷⁰ Weiker, *The Modernization of Turkey*, 227.

⁷¹ Clement H. Dodd, *Politics and Government in Turkey* (Berkeley: University of California Press, 1969), 225.

administration are based both on the principles of centralization and decentralization.”⁷² Secondly, Article 116 stated: “Jurisdiction concerning the acquisition or loss of the status of an administrative organ shall be exercised only by courts. The organization and incorporation of local administrative into unions, their functions, powers, financial and disciplinary matters and their mutual ties and relationships with the central administration shall be regulated by law.”⁷³ Article 116 was a guarantee for the local divisions against the central administration’s arbitrary acts.

Experiences during the DP rule between 1950 and 1960 had showed that the country had been caught in the middle of a bitter political dispute. Turkish citizens were almost divided into two groups (those supporters of the RPP and supporters of the DP). Events that took place on October 7, 1952 (RPP buildings were stoned by the DP supporters), October 29, 1957 (an anti-government demonstration in Gaziantep was dispersed by troops), and April 30, 1959 (an RPP convoy was attacked by a mob and Inonu was struck on the head) reflected this polarization. More importantly, the polarization was apparent among government officials (officers in the Armed Forces, the police, professors, clerks in public services, etc.). So, a government official’s membership in political parties was prohibited under Article 119.⁷⁴ Although the article aimed to end political polarization in government offices, especially at lower echelons of the administration, it was far from being successful. Events that later caused the 1980 military coup were proof of this failure.

In addition to territorial decentralization, functional decentralization was another problem that the Constituent Assembly had to address and resolve. Two important institutions that had to be rearranged according to democratic norms and principles of impartiality were universities and the state radio. The 1961 Constitution classified universities and the broadcasting and television administration under the title of *Autonomous Establishments*.⁷⁵

⁷² Balkan, Uysal, and Karpat, “The Constitution of the Turkish Republic,” 228.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Ibid., 228–229.

The DP's first action that met with suspicion among academics was a law (No. 6185) which the Parliament passed on July 21, 1953. Under the law, joining political parties and disseminating political publications and declarations by university professors were identified as a reason for expulsion. Approximately one year later, on July 5, 1954, the government adopted another law (No. 6435) which entitled the Minister of Education to remove academics from office. Although measures taken by the DP during its governance were fiercely criticized by some of intellectuals (including professors), the first severe confrontation took place on February 1, 1958, when Huseyin Naili Kubali, Professor of Constitutional Law at Istanbul University, was suspended due to his denouncement of the amendments of December 27, 1957. Kubali defended the unconstitutionality of the amendments, which made it almost impossible for the opposition to do its job even in the Parliament, before his suspension. It was important that his suspension was announced by the Senate of Istanbul University, the day after Tevfik Ileri, Minister of Education, denounced Kubali's explanations.⁷⁶

Events explained in the previous paragraph disclosed the necessity for universities to have autonomy from the executive power. Under Article 120 of the 1961 Constitution, the academic and administrative autonomy of universities was recognized. In the same article, it was also stated that "the organs, members of the teaching staff and their assistants may not for any reason whatsoever, be removed from their office by authorities other than the universities. Members of the teaching staff of universities and their assistants may freely engage in research and publication activities...Prohibition to join political parties shall not be applicable to the members of the teaching staff of universities and their assistants. However, such members of the teaching staff of universities and their assistants may not assume executive functions outside the central organizations of political parties."⁷⁷ The article provided academics and universities immunity against political threats from the executive branch, and enabled freedom of thought in universities which was crucial for academic development.

⁷⁶ Suha Goney, "Universite tarihinde ellili yillar ve 27 Mayıs ihtilalinin etkileri," ["The 1950s in the history of universities and the effects of the 27 May coup"], *Sosyoloji Dergisi* [Sociology Digest] 3, no. 23, (2011), 263.

⁷⁷ Balkan, Uysal, and Karpat, "The Constitution of the Turkish Republic," 229.

The other establishment to which the 1961 Constitution gave autonomy was the broadcasting and television administration. As explained in the first chapter, the DP had considered all state institutions at the service of the government and violated the principle of neutrality which these institutions should have followed. The state radio station had been manipulated and used as a mean of propaganda by the DP. The broadcasting and television administration was founded and given autonomy by law to check impartiality of all radio and television broadcasts according to Article 121.⁷⁸ Undoubtedly, the aim of Article 121 was to prevent attempts to politicize the citizens by means of radio or television. However, taking all radio and television broadcasts (including private ones) under government control to ensure their impartiality was not a democratic solution.

Lastly, both territorial and functional decentralization of government are indispensable in democracy. The territorial decentralization increases citizens' involvement in the administration of a particular region. Functional decentralization is crucial, especially in specialized public services, to provide these services with necessary professionalism. However, the possibility of politicization, corruption, and manipulation has always inhibited the extent of decentralization in Turkey. As a result, Turkey has become a highly centralized country. "Most of the functions of province, city, and village governments, and the priorities to be given to each function are mandated. Almost all their activities," writes Walter F. Weiker, "are subject to close monitoring and approval by the central government." Weiker adds, "Although local government functions are shared in a formal sense by centrally appointed and locally elected officials, primacy is generally in the hands of the former."⁷⁹

5. The Judiciary

Judicial independence is the most fundamental aspect of a democratic system. It is fair to say that Turkey has a long history of judicial independence to date. Under the 1876 Constitution, guarantees that had ensured the independence of courts and court proceedings had been adopted. In addition to the guarantees, the Constitution of 1924 had

⁷⁸ Ibid.

⁷⁹ Weiker, *The Modernization of Turkey*, 228.

included provisions that had enabled freedom of the judges. However, neither the Constitution of 1876 nor 1924 had provided sufficient tenure guarantees for the judges. As a result, the judges occasionally found themselves dismissed or retired by political decisions of the executive authorities. The judicial system designed by the 1961 Constitution broadened and strengthened constitutional guarantees of judicial independence in Turkey.⁸⁰

To begin with, to implement the rule of law above all and to prevent any interference from the executive or the legislative branches, the 1961 Constitution (Article 132) prohibited questions, debates, or statements “in legislative bodies in connection with the discharge of judicial power concerning a case on trial. The Legislature bodies, executive organs, and administration are under obligation to comply with rulings of the courts. Such organs and the administration shall in no manner whatsoever alter court rulings or delay their execution.”⁸¹ Another aim of the article was to keep the courts isolated from the political atmosphere in the country.

Secondly, the tenure of judges was guaranteed under Article 133. According to the article, the dismissal and forced retirement of judges were prohibited. The retirement age for judges was decided as 65 according to Article 134. Moreover, the judges must have had no business relations with private or public sectors to presume their impartiality against all. So, judges were prohibited from undertaking “private or public duties other than those prescribed by law.”⁸² A new provision was brought about court proceedings, and these proceedings became open to public. The constitution stipulated that only in cases of public morality or public security required so, could the court conduct of the proceedings in secret.⁸³

In Turkey, there are three major judicial bodies to solve civil matters. These bodies are the Council of State (*Danistay*), the Court of Cassation (*Yargitay*), and the Constitutional Court. The foundation of the Council of State (*Danistay*) and the Court of

⁸⁰ Özbudun, *The Constitutional System of Turkey*, 97–98.

⁸¹ Balkan, Uysal, and Karpat, “The Constitution of the Turkish Republic,” 230.

⁸² *Ibid.*, 230–231.

⁸³ *Ibid.*, 231.

Cassation goes back to Ottoman times. The Constitutional Court was created by the 1961 Constitution.⁸⁴

The Council of State (*Danistay*), which resolves administrative disputes in Turkey, was established in 1868. The main function of the Council of State (*Danistay*) is to review administrative decisions brought before the council by the citizens, politicians, prosecutors etc. This judicial system, in which administrative disputes are resolved by an administrative court (not by general courts), has been maintained by all three constitutions (1924, 1961, and 1982) of the Turkish Republic. Yet the 1961 Constitution's emphasize on the liberties, rights, and freedoms of individuals and society increased the number of cases referred to the council. Also, the 1961 Constitution rendered the council an effective check on would-be administrative arbitrariness.⁸⁵

The Court of Cassation was also founded in 1868. However, the roots of the court go back to 1837. The court is the last instance to review the decisions and the verdicts rendered by courts of law. It is fair to say that the 1961 Constitution did not much change the structure or the content of the Court of Cassation (*Yargitay*).

The Turkish Constitutional Court was established by the 1961 Constitution to review the constitutionality of laws. Undoubtedly, the court was considered as an effective check over the arbitrary power of parliamentary majorities. Absence of effective checks and balances was the main weakness of the 1924 Constitution. This was a major problem in Turkish democracy between 1946 and 1960.⁸⁶ On September 3, 1950, the DP won 408 seats in the Parliament while the RPP, the largest opposition party, had only 69 seats. Moreover, after the general elections in 1954, the DP increased its representation in the Assembly from 408 to 503; representation of the RPP was reduced to 31 seats. The RPP could only increase its representation to 178 after the elections of 1957.⁸⁷ As a result, the RPP complained many times about unconstitutional measures taken by the DP

⁸⁴ Weiker, *The Modernization of Turkey*, 226–227.

⁸⁵ *Ibid.*

⁸⁶ Özbudun, *The Constitutional System of Turkey*, 111.

⁸⁷ Ahmad, *The Making of Modern Turkey*, 111–112.

governments and the absence of a system to review and prevent arbitrariness of the majority.

Instead of giving the task of reviewing constitutionality of laws to general courts, the 1961 Constitution chose to establish a centralized review system, and this system was maintained by the Constitution of 1982. However, the general courts had the privilege to refer a plea of unconstitutionality of a particular law on a pending trial according to Article 151 of the 1961 Constitution, and the Constitutional Court was obliged to render its decision within three months beginning from the receipt of the contention. Mainly, the authorities that can initiate annulment suits of unconstitutionality were: (i) The president of the Republic, (ii) the political parties which have obtained at least 10 percent of the total valid ballots cast in the last elections, of the political parties represented in the GNAT or their parliamentary groups, (iii) one-sixth of all the members of one legislative body, (iv) the Supreme Council of Judges, (v) the Court of Cassation, (vi) the Council of State, (vii) the Military Court of Cassation, and (viii) universities.⁸⁸ As is understood from the text of the constitution, the Constituent Assembly had intended to involve every possible official and public authority in the fight against unconstitutionality. Also, the text proves the severity of the experiences endured in the decade between 1950 and 1960. When compared with the 1982 Constitution—which empowered only the President of the Republic, parliamentary groups of the government party and main opposition party, or one-fifth of the full members of the GNAT to initiate annulment suits of unconstitutionality⁸⁹—the 1961 Constitution had been more cautious than its successor.

Selection of the judges for the Constitutional Court was also an important issue in the attempt to provide impartiality of the court. According to Article 145 of the 1961 Constitution, the Constitutional Court used to consist of 15 regular and five alternate members. The bodies that formerly chose members and the number of members chosen by these bodies were:

⁸⁸ Balkan, Uysal, and Karpat, “The Constitution of the Turkish Republic,” 233.

⁸⁹ Constitution, The Grand National Assembly of Turkey, Last modified January 9, 2014, http://global.tbmm.gov.tr/docs/constitution_en.pdf.

The Court of Cassation (<i>Yargitay</i>):	4 regular and 2 alternate members
Council of the State (<i>Danistay</i>):	3 regular members and 1 alternate member
The Court of Accounts (<i>Sayistay</i>):	1 regular member
The National Assembly:	3 regular members and 1 alternate member
Senate of the Republic:	2 regular members and 1 alternate member
The President of the Republic:	2 regular members. ⁹⁰

Obviously, the Parliament was given a major role in the selection of the members. Contrary to the 1982 Constitution, which entitles the President of the Republic to choose 14 members of the Constitutional Court out of 17 and the GNAT elects only 3 members, the 1961 Constitution constituted a mixed body from all branches of government.

As mentioned before, the main reason for the establishment of the 1961 Constitution was to prevent problems stemming from the extreme majoritarianism experienced between 1946 and 1960. Actually, the concept of this pluralist democracy started to prevail in Western Europe after the Second World War as a response to despotic regimes. The idea of protecting minorities' rights and freedoms by an impartial constitutional court is one of the best ways to free a constitutional judiciary from the pressures of majorities.⁹¹ Ran Hirschl's theory of "hegemonic preservation" presents an alternative reasoning for the existence of a constitutional review system. According to Hirschl, the review of constitutionality is a way by which political elites protect their status. Forming one of the minority groups in a society, political elites do not want to give up their interests in a possible future to governance by the majority. Thus, these

⁹⁰ Balkan, Uysal, and Karpat, "The Constitution of the Turkish Republic," 233.

⁹¹ Alec Stone Sweet and Inc. ebrary, *Governing with Judges: Constitutional Politics in Europe* (New York: Oxford University Press, 2000), 151.

interests are first constitutionalized, and then protected by both a constitutional court and the constitution itself.⁹²

Hirschl's theory fits the Turkish case to some extent; however, the underlying cause for the foundation of the Constitutional Court was to eliminate problems associated with a majoritarian democracy. In 1950, the change in political power was actually the change of régime in Turkey. After the elections of May 14, 1950, a new elite was in power. The DP representatives' social characteristics were significantly different from those of the Republicans. Democrats were on average younger and more conservative than Republicans, less likely to have a university degree, and more likely to have a background in commerce or in law.⁹³ Domination of military and bureaucratic elites, which had been the case since the late nineteenth century, was over. Therefore, the period of the DP (1950–1960) was literally a loss of power and status for the military and bureaucratic elites. On the other hand, despite the DP's success in liberalizing social and economic spheres between 1950 and 1952, the measures taken by the DP to suppress the opposition, media, and universities—especially after the election of 1954—caused the ten-year reign of the DP to end with a military intervention on May 27, 1960. It was the date when the once dominant military and bureaucratic elites were restored to their supremacy.

The NUC established the Constituent Assembly which consisted of two chambers. One chamber was the NUC itself, and the second chamber was the House of Representatives dominated by the RPP due to the law (issued by the NUC and numbered 157). The Constituent Assembly decided on a pluralist democracy with enough checks and balances. Undoubtedly, the most important one of these checks and balances was the Constitutional Court. However, the elites secured their position by appointing the former Presidents of the Republic, 15 senators elected by the President, and the NUC members (ex officio senators for life) in the Senate and by the temporary provisions under the fifth part of the 1961 Constitution. Temporary Article 4 stated:

⁹² Ran Hirschl, *Towards Juristocracy: The Origins and Consequences of the New Constitutionalism* (Cambridge: Harvard University Press, 2004), 50–59.

⁹³ Zurcher, *Turkey A Modern History*, 221.

No penal, financial, or legal responsibility claim may be set forth before any judicial authority with respect to the decisions and the acts of the National Unity Council and the revolutionary government which have exercised legislative and executive power on behalf of the Turkish nation from 27 May 1960 until the day of convention of the Constituent Assembly on 6 January 1961, nor against the administration, or authorized organs, which took decisions acted upon and enforced them accordingly... no claim of annulment may be set forth before the Constitutional Court regarding these laws (the laws enacted between 27 May 1960 and 6 January 1961) on the grounds of unconstitutionality be raised as a legal objection before courts.⁹⁴

According to Hirschl, in the countries he studied (South Africa, Israel, Canada, and New Zealand) constitutional courts' decisions were in parallel with the norms and expectations of elites who founded them.⁹⁵ The same behavior can be observed in Turkey—both under the 1961 and 1982 Constitutions. In Turkey, state elites have always had a strong belief in Ataturk's system of thought and followed his path by which Ataturk had managed to modernize the country. What makes Turkey's case different from the countries Hirschl studied is that the majority of the population in Turkey has shared and embraced Ataturk's philosophy at heart. Thus, the elites did not hesitate to safeguard important assets of Ataturk's ideology (secularism, Ataturk's modernizing reforms, and the national and territorial integrity of the state) both under the 1961 and 1982 Constitutions. The Constitutional Court has strongly protected the principles of Ataturk beginning from its establishment. Two reasons have been foundational to this behavior. First, the Constitutional Court was under the influence of elites. Second, these principles were under the guarantee of both the 1961 and 1982 Constitutions, and reviewing constitutional amendments is also a task of the Constitutional Court. As Ergun Ozbudun argues, "The Constitutional Court has consistently closed down Islamist and ethnic Kurdish political parties through a rigid interpretation of the Constitution and the Law on Political Parties. Thus, it has given absolute priority to protecting the national and unitary state and the principle of secularism, the two basic pillars of the Kemalist

⁹⁴ Balkan, Uysal, and Karpat, "The Constitution of the Turkish Republic," 234.

⁹⁵ Hirschl, *Towards Juristocracy*, 50–59.

ideology.”⁹⁶ Zuhtu Arslan, in parallel with Ozbudun, defines the predisposition of the Constitutional Court as an “ideology-based” paradigm in contrast to a “rights-based” paradigm.⁹⁷

Finally, the 1961 Constitution started to be criticized by ruling governments especially after the general elections of 1969. Among the critiques, the availability of improper exploitation of the fundamental rights and freedom, as they were arranged in the Constitution, was most commonly expressed. Second, the bicameral structure of the Parliament (composed of the National Assembly and the Senate of the Republic), complicated the method of enactment (explained under Article 92), the quorum required for the opening of the sessions, and the decisional quorum were obstructing the process of enactment. Third, it was stressed that the judiciary’s (the Constitutional Court, the Court of Cassation, and Council of the State) power and methods of supervision over the executive branch made it almost impossible for governments to act. Fourth, by exploiting their autonomous status, universities considered themselves totally independent from the state. These critiques brought about new amendments in the Constitution, and the Constitution was amended seven times (the first being in 1969 and the last being in 1974). The most fundamental amendments were added between 1971 and 1973.⁹⁸

B. NEW PRIVILEGES OF THE MILITARY AUTHORITY

1. Legislative Privileges

The inter-party strife between 1950 and 1960 and the experiences gained from the same period directed the Constituent Assembly in a way to create a constitution that limited the power of the executive branch and guaranteed the fundamental rights and freedoms of individuals. In that sense, the parliamentary regime was endowed in parallel with the separation of powers; the efficiency of judicial supervision over administrative activities was increased as a result of the principle of the rule of law; a bicameral

⁹⁶ Ozbudun, *The Constitutional System of Turkey*, 124.

⁹⁷ Zuhtu Arslan, “Conflicting Paradigms: Political Rights in the Turkish Constitutional Court,” *Critique: Critical Middle Eastern Studies* 11, no. 1 (2002), 9–25.

⁹⁸ Gozler, *Turk anayasa hukukuna giris* [Introduction to constitutional law], 50–52.

parliament was constituted; and fundamental rights and freedoms were safeguarded by the Constitution.

The Senate of the State, which had not existed under the legislative system of the 1924 Constitution, was established by the 1961 Constitution. The status of *ex officio* members of the Senate of the Republic must be analyzed firstly to better understand the legislative privileges of the armed forces under the 1961 constitution. The status of *ex officio* members was drawn up in Article 70 of the 1961 Constitution. The *ex officio* members consisted of the chairman (Cemal Gursel) and members of the NUC—their names were listed under law (No. 157) dated December 13, 1960—and the former presidents of the Republic. Each of these two groups' status as senators was granted regardless of age. They were not bounded by election or re-election, in other words, for life. The only way for *ex officio* members to lose their status was if an *ex officio* member would decide to join a political party.⁹⁹ Compared to other members of both the Senate of the Republic and the House of Representatives, *ex officio* members, who had the right to continue their term of office for life, were obviously held privileged by the Constitution vis-à-vis civilians in the Parliament.

Another legislative privilege was the life-long legislative immunity that came with their status as senator. This was a major guarantee for military-rooted *ex officio* members (former NUC members) in exchange for the cession of power to civilians. In addition, the government did not have the authority to unseat the Senate of the Republic from its office under the Constitution.

The third privilege was the election of 15 members of the Senate by the President of the Republic.¹⁰⁰ Although the article did not, directly or openly, stipulate a military history for the members, it entitled Cemal Gursel (former chairman of the NUC) to appoint and give priority to military personnel over civilians. Cevdet Sunay (the fifth President of the Republic from 1966 to 1973 and the Chief of General Staff between 1960 and 1966) and Fahri Koruturk (sixth President of the Republic from 1973 to 1980

⁹⁹ Balkan, Uysal, and Karpat, "The Constitution of the Turkish Republic," 221–222.

¹⁰⁰ Ibid.

and Commander of the Turkish Navy between 1957 and 1960) had the opportunity to be elected President after they were appointed as *ex officio* senators by Cemal Gursel.¹⁰¹

2. Executive Privileges

According to the 1961 Constitution, the President of the Republic shall be elected by the GNAT for a term of seven years from among members of the GNAT. The president had to be at least 40 years old and have a higher education. Also, the President was not eligible for re-election.¹⁰² Although the Constitution stipulated no obligation for the President to have a military career, all three presidents during 19 years that the Constitution was effective were either former Chiefs of General Staff or a Commander of the Navy.

On October 24, 1961, the Cankaya Protocol was signed in a meeting attended by the Chief of General Staff, commanders of the Army, Navy, and Air Force, the General Commander of Gendarmerie, commanders of the First, Second and Third Army, and leaders of the political parties in Turkey. They agreed to support Cemal Gursel as the elected President of the Republic, not to pass laws—after the general elections—reinstating officers retired by the NUC, and not to seek amnesty for the Democrats sentenced in Yassiada. As agreed, Cemal Gursel was duly elected President by the Parliament on October 26, 1961.¹⁰³ Although there was no stipulation for election of the chairman of the NUC as President in the Constitution, the election of Cemal Gursel as the President meant that the TAF had the intention of overseeing the transition to democracy and implementing the system it had established by the 1961 Constitution. Also, the election created a kind of *de facto* situation, and this tradition continued for the next two Presidential elections (Cevdet Sunay in 1966 and Fahri Koruturk in 1973). However, it must be emphasized that each of the three Presidential elections (those of Cemal Gursel, Cevdet Sunay, Fahri Koruturk) was in compliance with the text of the Constitution.

¹⁰¹ Nursen Mazici, *Turkiye’de askeri darbeler* [The military coups in Turkey] (Istanbul: Gur, 1989), 106–111.

¹⁰² Balkan, Uysal, and Karpaz, “The Constitution of the Turkish Republic,” 226.

¹⁰³ Ahmad, *The Turkish Experiment in Democracy*, 179.

3. The Chief of General Staff's Status in the 1961 Constitutional System

The Ministry of General Staff was founded by law (No. 3) dated May 2, 1920. Four years later, the Ministry of General Staff was abolished by law (No. 429) dated March 3, 1924, and the General Staff was founded. During his 23-year term in the office, Field Marshal Fezvi Cakmak had been legally responsible to the Parliament and to some extent the President. After his retirement in 1944, the General Staff was put under the authority of the office of Prime Minister. Five years later, in 1949, the General Staff was taken under the responsibility of the Ministry of Defense.¹⁰⁴

According to the 1961 Constitution, the Chief of General Staff became responsible to the Prime Minister. The Chief of General Staff would be nominated by the Council of Ministers and appointed by the President of the Republic. The Chief of the General Staff was designated as the Commander of the Armed Forces.¹⁰⁵

By appointing the Chief of the General Staff directly responsible to the Prime Minister, the 1961 Constitution emphasized and promoted the status of Chief of General Staff. Thereby, the Chief of General Staff started to hold an office equal to ministers in Turkey. However, the Chief of Staff's responsibility to the Prime Minister maintained the principle of the military's accountability to civil authority.

During Turkey's Independence War (1919–1922) and under the 1924 Constitution, the GNAT had the authority to take strategic decisions on behalf of the armed forces, and the President was the Commander of the Armed Forces. Also, in times of war, the Chief of General Staff had been leading the armed forces. However, the 1961 Constitution defined the Chief of Staff as Commander of the Armed Forces under all circumstances.¹⁰⁶

¹⁰⁴ Osman Metin Ozturk, *Ordu ve politika* [The army and politics] (Ankara: Gündoğan Yayınları, 1993), 136–137.

¹⁰⁵ Balkan, Uysal, and Karpaz, "The Constitution of the Turkish Republic," 227.

¹⁰⁶ Mehmet Ali Birand, *Emret komutanım* [Shirts of steel: An anatomy of the Turkish Armed Forces] (Istanbul: Milliyet Yayınları, 1986), 443.

4. Status of the National Security Council (NSC)

After the Second World War, gathering competent parties of civil and military power under a council to solve defense issues became crucial and necessary. Since management of civil institutions and military units in times of war is a complicated process, councils were established in several countries to coordinate and integrate national defense services. In Turkey, for the establishment of such a council, studies were started by a draft of the Chief of General Staff in 1944. As a result of these studies and by the National Defense Supreme Council law (No. 5399), the National Defense Supreme Council was established in 1949.

After the 1960 coup d'état, the National Security Council was established under the 1961 Constitution. Thereby, the National Security Council became a constitutional institution. According to the 1961 Constitution, the Council consisted of the President, the Prime Minister and the ministers as provided by law, the Chief of General Staff, and the representatives of the armed forces. The NSC was presided over by the President and in case of his absence by the Prime Minister.¹⁰⁷ Needless to say, promoting the status of the NSC from an institution established by law to an institution under the guarantee of the Constitution proved the dedication of the armed forces to oversee Turkey's political progress and to protect Kemalist values against ideological and political threats. However, the constitutional position of the NSC cannot be considered legally as a direct intervention in the democracy, since the military regime defined the NSC's decisions as "recommendations" under Article 111. In addition, Article 111 enabled the TAF to report its observations about problems concerning Turkey and Turkey's defense policy to the highest political power in Turkey.¹⁰⁸

In conclusion, the 1961 Constitution had been prepared by the Constituent Assembly to solve regime problems that Turkey had experienced until the 1960 coup d'état. The notion that every regime problem could be ended by constitution resulted in Turkey's second largest constitution in volume (the first being the 1982 Constitution).

¹⁰⁷ Balkan, Uysal, and Karpaz, "The Constitution of the Turkish Republic," 227–228.

¹⁰⁸ Ibid.

Since there had been no legal obstacles to stop the ruling party from enacting unconstitutional laws under the 1924 Constitution, the 1961 Constitution created a governmental system full of checks and balances. In addition, instead of the integrity of the state, the 1961 Constitution put fundamental rights and freedoms first and protected individuals and institutions from arbitrary violations of the executive branch. The 1961 Constitution introduced the Senate of the Republic for the first time in the Turkish Republic's history. The main principle underlying the foundation of the Senate was to review and check the activities of the National Assembly. While limiting the executive's authority for the reasons mentioned previously, the Constitution equipped the legislature with powers and immunities to position it above the executive branch. The most important of these limitations was the principle of *the rule of law* which was stated in almost every article of the Constitution. The article that reflected the supremacy of this principle was Article 114 which stated that "no act or procedure of the administration shall be immune from the review of law enforcing courts."¹⁰⁹

Military power in Turkey continued to hold some privileges under the 1961 Constitution. The life-long status of 15 members elected by the President and the former NUC members as senator was one these privileges. Also these *ex officio* members of the Senate benefited from legislative immunities that came with their status as senator. For the period that the 1961 Constitution was in effect, two of the Presidents were former Chiefs of the General Staff, and the third one was a former Commander of the Navy. Instead of being a subdivision of the Ministry of Defense, as in most other democratic countries, the office of the Chief of the General Staff became directly responsible to the Prime Minister. Originally founded in 1949 under the name of the National Defense Supreme Council, the NSC became a constitutional institution. Thereby, the TAF had the opportunity to oversee the democratic and political system in Turkey and to convey its ideas directly to the President and the Cabinet. Finally, ironically, both the most democratic terms and the military power could find themselves a place in the 1961 Constitution.

¹⁰⁹ Balkan, Uysal, and Karpat, "The Constitution of the Turkish Republic," 228.

IV. CIVIL-MILITARY RELATIONS IN TURKEY, 1950–1971

In many societies, civil-military relations can be exemplified as social cleavage. This comparison does not seem to fit civil-military relations in Turkey, since the Turkish Armed Forces established the Republic with civil bureaucrats and helped the modernization of the country. Thus, the tide of events especially toward the final years of the Ottoman Empire prepared the conditions for the TAF to emerge and to be seen as the guardian of the motherland and the Republic.¹¹⁰ Alfred Stepan argues that in Brazil military officers—who are generally from the middle class—have always perceived themselves as above politics and interest groups, and have not historically belonged to any class.¹¹¹ Similar to Brazilian officers, the TAF has tried to stand an equal distance from all divisions of society and to promote only the national interest.

Professionalism of the Ottoman army was severely damaged when it was politicized by the Young Turks. As a result of the politicization, the Balkan Wars turned into a tragedy. Being a smart leader, Atatürk easily comprehended what political factions in an army could cause, and removed TAF personnel from politics and “direct responsibility to government.”¹¹² The TAF adopted Kemalism, Mustafa Kemal Atatürk’s positivist and progressive ideas, as its only ideology for many reasons. He was the commander of the Turkish Army during the War of Independence (1919–1922) and the founder of the Turkish Republic (1923). He has been a hero in the hearts of the Turkish nation, and especially Turkish officers have carried the responsibility of being “guardians of the flame of Kemalism”¹¹³ to date. According to Samuel Huntington, the TAF reflects the republican and secular state. In his terms, this is a good example of “subjective

¹¹⁰ Ümit Cizre Sakallıoğlu, “The Anatomy of the Turkish Military’s Political Autonomy,” *Comparative Politics* 29, no. 2 (January 1997), 151–166.

¹¹¹ Alfred Stepan, *The Military in Politics: The Changing Patterns in Brazil* (Princeton: Princeton University Press, 1971), 270.

¹¹² Hale, *Turkish Politics and the Military*, 88.

¹¹³ James Brown, “The Military and Society: The Turkish Case,” *Middle Eastern Studies* 25 (July 1989), 399.

control of the military” which is the opposite of “objective control” that exists between a professional military and a democratically elected government completely separated from each other.¹¹⁴ Even so, Ataturk had prevented politicization of the TAF to a large extent.

During the single-party period (1923–1946) Kemalism had been the only ideology within the state, since the RPP’s program adopted Ataturk’s principles as its only roadmap. Transition to a multiparty system brought about a big dilemma for the TAF. As a reaction to extremist ideologies of the Second World War, nations conceived of democracy as an indispensable part of modernization. In parallel, the TAF supported transition to a multiparty system. However, democracy means diversity of ideas, and the emergence of new parties brought interests different from those of Kemalism. Moreover, although religion became one of the key factors sometimes used for parties’ political ends, secularism is one of the pillars of Kemalism. “The officers, confronted with this challenge,” Ali Karaosmanoglu argues, “adopted an ambivalent position toward democracy. Although they tended to share the view that democratization had become an integral element of modernization, they believed that political parties must not divide the nation into conflicting groups and must act in conformity with Ataturk’s secular principles.”¹¹⁵ In other words, while the military desired to promote democracy in Turkey, they avoided being subordinate to civilians to protect secularism and other principles of Ataturk. On one hand, the armed forces wanted to stay out of politics. On the other hand, they did not hesitate to intervene in politics when it was necessary for the sake of the Republic.¹¹⁶

¹¹⁴ Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-military Relations* (Cambridge: Belknap Press of Harvard University Press, 1957), 83–85.

¹¹⁵ Ali L. Karaosmanoglu, “Civil-Military Relations,” eds. Metin Heper and Sabri Sayari, *The Routledge Handbook of Modern Turkey* (New York: Routledge, 2012), 153.

¹¹⁶ Metin Heper, *Ismet Inonu: The Making of a Turkish Statesman* (Leiden: Brill, 1998), 228–229.

A. CIVIL-MILITARY RELATIONS DURING MENDERES ERA (MAY 15, 1950—MAY 27, 1960)

By 1950, the DP of Adnan Menderes swept the general elections and assumed power while holding the majority in the Parliament. As mentioned in the Chapter I, the TAF's first disappointment with the DP was the Prime Minister Menderes's speech, in which he explained his government program to the National Assembly on May 20, 1950 and never uttered the name of Mustafa Kemal Atatürk—founder of the Turkish Republic.¹¹⁷ The Democrats followed a shrewd policy in relation with the military. While they promised to promote the TAF's position and esteem at the highest level as in the past, in private they defended the view that the military had been the biggest handicap to Turkey's development and democratization. The reason behind this was that unlike the cadre of the RPP during the War of Independence and later on, the DP had not shouldered the burdens of those days or worked in accordance with the military to establish and protect the Republic.¹¹⁸

Until the election of 1954, at which the DP received 57.61 percent of the total vote (even more than in the election of 1950), the Democrats maintained their cautious and impartial posture on the military. However, the DP's landslide victory in 1954 strengthened the Democrats' self-confidence, and they started to believe that the party's widespread popularity and economic developments were enough to discourage the military from taking any action against the government. Meanwhile, the aid received from the United States of America under the Truman Doctrine and Turkey's membership in NATO in 1952 modernized the TAF in every possible way. Especially the officers in technical branches of the military started to be trained in the United States and Germany to get required skills. Contact with the West gave these officers an opportunity to specialize in their work, observe western democracies, and buy consumer goods that were not available in Turkey then, and, for example, save enough money to buy a car. However, these opportunities could only impact a limited number of these officers.¹¹⁹

¹¹⁷ Aydemir, *Ihtilalin mantigi* [The logic behind the coup], 179–180.

¹¹⁸ *Ibid.*, 181.

¹¹⁹ Kemal H. Karpat, "The Military and Politics in Turkey, 1960–64: A Socio-Cultural Analysis of a Revolution," *The American Historical Review* 75, no. 6 (October 1970), 1662.

The program instituted by the Democrats at the very beginning of their governance was in several ways different from the Kemalist program. Instead of an Etatist approach, the DP's program depended on boosting the private sector and loosening import and credit restrictions. Also, the Menderes government borrowed a considerable amount of money from the United States of America for the investments in Turkey.¹²⁰

Between 1950 and 1954, Turkish society was led by “conservative landlords and *ulema* families”¹²¹ (learned religious men). However, widespread usage of communication (radio and newspapers) and ease of transportation by newly built roads increased social mobility and changed the social structure of the country. A new bourgeoisie composed of entrepreneurs, professionals, and businessmen rose to affluence and went up in their social positions. The social and economic changes in the country caused resentment among the old elites of the state. Although these changes did not undermine their social prestige, the old elites' (especially the salaried) economic situation started to deteriorate when compared to the new bourgeoisie. The deterioration accelerated especially after the inflation of 1953. By 1960, the cost of living in Turkey had multiplied to eleven times that of 1950–1953.

Naturally, the military personnel were as affected by economic inflation as the other salaried governmental officials. On the other hand, prospering groups—entrepreneurs, landlords, and politicians—continued to amass their capital and hold materialist values in contrast to the military's ascetic idealism. From his interviews with officers, Karpat quotes on as saying that “...in the 1950s, some landlords would not even bother to show them houses for rent, for ‘they could not afford it’; some store owners looked annoyed at the prospect of showing expensive items to this impoverished group; waiters with an eye on tips preferred to serve richer customers; and even mothers, who had once been highly honored to have officers as sons-in-law, often advised their

¹²⁰ Fidel, “Military Organization and Conspiracy in Turkey, 22.

¹²¹ Karpat, “The Military and Politics in Turkey,” 1660.

daughters not to marry men with 'shiny uniforms but empty pockets.' Some officers, hard-pressed to support big families, took up such menial jobs as bus driving."¹²²

The situation which the officers were in during the 1950s was a result of general materialist trends promoted by the DP policies. Downgraded by government policies, the military personnel's morale was very low. Obviously, the DP could not understand the TAF's importance for the state and ignored the fact that the military was an integral part of the society. The status of military personnel was undermined in the society. The police, on whom the Democrats mostly relied, started to act disrespectfully toward the military officers. Regardless of these circumstances, the degraded status of the military officers was not the cause that led to the military coup of 1960.

Kemal Karpat claims that the first secret military organization was established after the DP's landslide victory in the general elections of 1954. Army Captain Dunder Seyhan and Orhan Kabibay, Major Sadik Guventurk, and Sadi Kocas were among the founders of the organization in November 1954. Majors Talat Aydemir, Sezai Okan, Orhan Erkanli, Osman Koksall, and Adnan Belikbas joined the organization in 1956. Finally, Sami Kucuk and Alparslan Turkes joined in the years of 1958 and 1959. Among these officers, Orhan Kabibay, Sezai Okan, Orhan Erkanli, and Osman Koksall were members of the NUC; Orhan Kabibay, Alparslan Turkes, and Orhan Erkanli were among the 14 members who were expelled from the NUC on November 13, 1960. This organization was founded in Turkish War Academy (Istanbul), and a second organization was founded in Ankara. Later on, these two organizations started to act in unison. One of the founders of the first organization wanted to name it *Iade-i Itibar Cemiyeti* (Society for Restoration of Respect). When Karpat asked about the motives behind the establishment of the organization, this officer answered:

The prestige of the army was declining. Money seemed to have become everything. An officer no longer had status in society. It hurt me to see officers forced to take jobs of all kinds and wear civilian clothes and feel proud in them.... I was on leave in Izmir with a friend at a restaurant filled with well-heeled politicians and businessmen who received adulation and respect while we were ignored. I looked at my friend and told him that

¹²² Ibid., 1663.

things could not go on like this. Corruption and materialism seemed to dominate everything. It was not that we needed money, for officers had always been ill-paid. But we had had honor and respect in the past. Now these were gone.¹²³

The events that led to the establishment of the military organizations were not sufficient to spark and necessitate a military coup. However, the political situation in Turkey from 1958 to 1960 had seriously deteriorated.

The establishment of the Fatherland Front (*Vatan Cephesi*), an organization founded by the DP to counteract the accession of the Freedom Party to the RPP, marked the year of 1958. Founded by Adnan Menderes, the Fatherland Front aimed at uniting all DP organizations in Turkey. To do so and to intimidate the opposition, the names of the DP supporters had been announced constantly by the state radio. The practice was one of the events that led to the 1960 military coup. In the mid-1950s, an opposition movement started in Turkey. Inonu, who wanted to use this for his party's ends, started to stage mass meetings throughout Anatolia. In addition to massive opposition, the coup d'état that took place in Iraq in 1958 discomfited the Democrats. Another clandestine purpose of the Fatherland Front was to prevent the Democrats from using the army against the government.¹²⁴

The year 1959 became infamous with high levels of inflation, prohibition of the opposition from holding public meetings, imprisonment of opponent journalists, and closure of newspapers. The straw that broke the camel's back was the Kayseri event and the events that followed in April 1960. The train taking Ismet Inonu to Kayseri was stopped by government officials, and he was asked to return to Ankara. After a three-hour delay, he was permitted to go. Even so, the government started to accuse the opposition of instigating the military for a military coup, and Menderes asserted that he had documents to prove his claim. The event caused great indignation among the military officers, academics, and intelligentsia. On the other hand, the DP decided to set up an

¹²³ Ibid., 1665.

¹²⁴ Hasan Pehlivan, "Ismet Pasa darbeyi istemedi," *Radikal*, August 12, 2010, http://www.radikal.com.tr/dizi/ismet_pasa_darbeyi_istemedi-999776.

Assembly Committee of Investigation to research the facts behind the activities of the opposition.¹²⁵

The debate in the Parliament regarding the establishment of the committee was tense, but short. Due to the DP's majority in the Parliament an Assembly Committee of Investigation was set up on April 18, 1960, and for the same reason, it was dominated by the DP representatives. Moreover, the Committee was given unprecedented powers. In the history of Turkey, none of the Parliaments or the courts had been entitled to hold such powers. The very first thing that the Committee decided on was to suspend all political activities and broadcasting of all debates in the Parliament about the investigation until the Committee completed its work. Undoubtedly, both the establishment of such a committee and the decisions it took were unconstitutional. Moreover, the power of the Committee expanded by a law dated April 27, 1960.¹²⁶ Under the law, the Committee was entitled to "censor the press, to suppress newspapers, to issue subpoenas, and to impose sentences of up to three years' imprisonment on anyone who resisted or hampered its work."¹²⁷

Ismet Inonu was suspended for twelve parliamentary sessions on the grounds of using words inciting people to revolt during discussions about the law of April 27. The Republican youth organizations' demonstrations (student movements) in Istanbul and Ankara followed this decision. Martial law was declared in Istanbul and Ankara. Some of the universities were closed down. The government forbade the press to report the events. However, the demonstrations did not last long, and Menderes was confident that those responsible would be held accountable in front of the courts. By May 3, 1960, the demonstrations essentially came to an end, and the situation turned to normal again.

¹²⁵ Aksin, *Turkey from Empire to Revolutionary Republic*, 262–263.

¹²⁶ Ibid.

¹²⁷ Ahmad, *The Turkish Experiment in Democracy*, 64.

The Democrats many times attempted to use the military forces to stop Inonu from entering cities or towns, and prevent him from addressing the citizens. However, these attempts always backfired. Due to their respect for the old commander, officers and soldiers put their weapons down and did not stand on his way. During the demonstrations after the enactment of the law dated April 27, 1960, the police treated university students brutally. In contrast to the police, the army showed reluctance in arresting students or firing on them. The growing rupture between the government and the military, intelligentsia, and the press caused the emergence of the coalition known as the Active Forces (*Zinde Kuvvetler*).

On May 21, 1960, the War College cadets started a demonstration. The demonstration was more important than the demonstrations arranged by university students, since the cadets were future officers of the Army. Confronting a heavy blow to its prestige, the government introduced martial law in Ankara. However, the precautions taken by the government alarmed the conspirators of the demonstration and spurred them to act before their identities were disclosed. Eventually, the TAF seized power in Turkey on May 27, 1960.¹²⁸

B. CIVIL-MILITARY RELATIONS AFTER THE MILITARY COUP OF MAY 27 (1961–1971)

1. Summary of Events between 1961 and 1971

The military rule after the 1960 coup d'état lasted only eighteen months, and the NUC kept its promise to return the country to a democratic administration as quickly as possible. The main reason for this was Ataturk's efforts and emphasis (during his life) on keeping the military and politics separate. In 1924, to carry out their duties unconditionally and loyal only to the high values of military service, Ataturk demanded the commanders who were also deputies in the Parliament to resign from deputyship.¹²⁹ The second reason for the short-lived coup was a lack of accord within the TAF. As mentioned in the Chapter II, the disagreement between senior and junior officers of the

¹²⁸ Weiker, *The Turkish Revolution*, 13–15.

¹²⁹ Mustafa Kemal Atatürk, *Nutuk 1919–1927* [The Speech 1919–1927], ed. Zeynep Korkmaz, (Istanbul: Ataturk Investigation Center, 2005), 356.

NUC resulted in the removal of the Fourteens. As mentioned before, while high-ranking officers in the NUC advocated handing the administration of the country over to civilians as soon as the council prepared the new constitution, low-ranking officers insisted on holding power at least four years to complete the reforms which had been started by Ataturk. The difference of opinion reflected the situation in the TAF on a small scale. Thirdly, the administration was handed over to civilians in a short amount of time because the NUC promised to do so in its communiqué on May 27, 1960, and the goals declared in the communiqué were limited—codifying a new constitution, restructuring important institutions, rewriting election laws for proportional representation in the Parliament, and eliminating the Democrats who had been charged with crimes against the Republic from politics.¹³⁰

During the NUC period (May 27, 1960–October 15, 1961), Turkey took some steps to become a more democratized country. These steps included the 1961 Constitution, the principle of the rule of law, fundamental rights and freedoms, the Constitutional Court, and freedom of the press, etc. Others still loomed large in the debates concerning the military rule. One of the most important of these was the treatment of former ministers, deputies, military officers, and officials who had supported the alleged crimes committed by the DP. The trial of 592 officials began in October 1960 on the island of Yassiada. At the end of the sessions, which took eleven months, 402 were convicted, and 133 acquitted. Most importantly, three high-level officials—Adnan Menderes, Fatih Rustu Zorlu, and Hasan Polatkan—were sentenced to death and executed later.¹³¹

The results of both the constitutional referendum in July 1961 and the general election on October 15, 1961 proved the ongoing popularity of the DP in Turkey. In the referendum, 38 percent of the population voted against the Constitution. The election results reflected the political diversification in the country. The 1961 election resulted in a victory for Ismet Inonu. The RPP received 36.7 percent of the votes, which meant 173

¹³⁰ Frank Tachau and Metin Heper, “The State, Politics, and the Military in Turkey,” *Comparative Politics* 16, no. 1 (October 1983), 17–33.

¹³¹ Harris, “Military Coups and Turkish Democracy,” 203–213.

seats in the Assembly. The parties that aspired to be the successor to the DP split and shared votes of the Democrats. However, the combined votes of these parties showed that the public's support for the Democrats did not last. Percentages and number of seats in the Assembly for these parties were: (i) The Justice Party – 34.8 percent of votes, 158 seats, (ii) the Republican Peasants' Nationalist Party – 14 percent of votes, 54 seats, and (iii) the New Turkey Party – 13.7 percent of votes, 65 seats.¹³²

From 1961 to 1965, Turkey was governed by three coalitions. All three of these coalitions were under the Prime Ministership of Ismet Inonu. Under the NSC, the top commanders continued to watch the implementation of the Constitution and transition to democracy, commented on public affairs, and refrained from directly interfering governmental issues. Moreover, the TAF quelled two coup attempts in 1962 and 1963. Putting down two attempts, the TAF proved its dedication to adherence to democratic values. Also, the move encouraged the supporters of the DP succession.¹³³

According to the 1961 Constitution, elections to the National Assembly were required to be held every four years under normal circumstances. After the October 15, 1961 elections, the first general elections were held on October 10, 1965. One of the developments in the 1965 election was the Justice Party's (JP) consolidation of the former DP votes. This also meant a severe defeat for the RPP. While the JP received 52.9 percent of the votes, the RPP could only get 28.7 percent. The second development was the emergence of the Turkish Labor Party (TLP) on the political stage. Turkey's first socialist party received approximately 3 percent of the total votes and 14 seats in the Assembly.¹³⁴ In all fairness, the introduction of democratic terms—such as freedom of expression and thought—by the NUC largely made the existence of a radical leftist party possible.

¹³² Weiker, *The Turkish Revolution 1960–1961*, 9.

¹³³ Dodd, *Politics and Government in Turkey*, 55.

¹³⁴ Ahmad, *The Turkish Experiment in Democracy*, 191–192.

Major economic and social changes took place during the 1960s. Most important among these changes was the rapid pace of urbanization which caused the extension of slums and increased the unemployment rate, especially in urban areas. Only the migration of Turkish workers to Western Europe could diminish the unemployment rate. With the expansion of education, an increasing number of the population started to integrate into national and international life. The influx of the younger generation into universities and the cities made these places hot points of discussion and politics. The leaders of political parties had a new type of society to which they needed to appeal.

The economy was also an issue. During the 1950s, inflation was the biggest problem in the economy. However, private entrepreneurs resumed their activity after the 1961 election. During the 1960s under the guidance of five-year development plans, Turkey's economic growth rate exceeded that of the 1950s. Nevertheless, inflation continued to exist, and the balance-of-payment deficits started to become larger.¹³⁵

The freedoms and liberties guaranteed by the 1961 Constitution created opportunities for new political parties with radical ideas to be established and for the splintering of political parties. The TLP was one of them, as explained before. Prior to the 1965 election, the RPP also began to adopt a more leftist approach, and its position was labeled as "left of center." The originator of this move was Bulent Ecevit, although he was not the leader of the RPP. Undoubtedly, the JP, which received 52.9 percent of the total votes, benefited from this move tremendously. Also the leftist approach caused conservatives in the party to defect, and led to the foundation of the Reliance Party (RP) under the leadership of Turan Feyzioglu in 1967. The foundation of the RP weakened the opposition. Another defection took place in the JP. The moderate stance of Suleyman Demirel (the leader of the JP) on the right-of-center alienated some groups in the party, and new parties farther to the right emerged prior to and after the 1969 election. These parties were the National Action Party of Alparslan Turkes (a retired colonel and former NUC member) in 1969 and the National Order Party of Necmettin Erbakan in 1970. Nevertheless, the JP managed to receive 46.53 percent of the total votes, and became the

¹³⁵ Ibid., 125–140.

ruling party once more after the 1965 election, while the RPP of Ismet Inonu received 27.36 percent, and constituted the main opposition in Turkey.

At the beginning of the 1970s, the Turkish Republic was approaching its fiftieth anniversary. The situation in Turkey at the very beginning of 1970 heralded future problems of the decade. At the beginning of the decade, Turkey confronted severe inflation, a high level of unemployment, a big deficit in the balance of payments, and escalating urban violence between leftist and rightist student groups. As a result, the armed forces intervened in Turkish politics via a memorandum—instead of a military coup.¹³⁶

2. Civil-Military Relations after the 1960 Military Coup

When the military seized the power on May 27, 1960, it brought the values of military service along with it. In addition, it also carried the concept which brought out the dominance of the elite. The first communiqué by the NUC stated that the coup was not “directed against any special group.”¹³⁷ Although the NUC gradually amended its views to respond to the needs of all interest groups, the Council’s steps to reestablish democracy proved that the coup was actually directed against those who benefited socially and economically under the DP rule. That is why a large number of Democrats and their beneficiaries were arrested shortly after the coup. Approximately 240 land owners in Eastern Anatolia were arrested and interned in Sivas, and inquiry committees were established to investigate how these landlords had amassed their fortunes. However, the resentment that the military felt during those years were replaced with the feeling of nationalism and these measures were rescinded.¹³⁸

As a reaction to the accumulation of capital in the hands of certain groups and materialist trends during the 1950s, the elite started to consider socialism’s profitable sides. As a result of these social considerations, the State Planning Organization was founded, land reform was implemented, and the trade unions were recognized and

¹³⁶ Weiker, *The Modernization of Turkey*, 10–17.

¹³⁷ Ahmad, *The Making of Modern Turkey*, 126.

¹³⁸ Karpat, “The Military and Politics in Turkey,” 1673–1674.

liberated. It is fair to assert that the military was ready to carry out any reform which was proposed by certain intellectual groups, since it did not have enough of a professional or long-term economic plan.

From the very beginning, the NUC tried to portray itself as representative of all the branches of the TAF. However, the Council could not succeed at it. Besides, the Armed Forces Union, which was founded by low-ranking officers, to express these officers' views, emerged as a pressure group on the NUC. On the other hand, the AFU desired to prevent the NUC from directing the military for its own purposes. By this time, however, the Union grew in size and started to include generals. Even the Chief of General Staff became one of the Union's members and possessed its control. Bringing the Union under control, the Chief of General Staff had the opportunity to prevent officers' political activities and demands.¹³⁹

Meanwhile, the military was experiencing problems with the number of officers in certain ranks, especially generals. The excessive number of generals, who had been promoted to their ranks during and after the Turkish War of Independence, set inferior officers' promotions back. Consequently, the TAF decided to rejuvenate the army, and nearly 7,000 lower-ranking officers and 235 generals were retired. In addition to the military, the mandatory retirement of these officers affected civilian life. First of all, it enabled and led the officers and the generals to join political parties. Second, the retired personnel established the organization known as the Retired Revolutionary Officers (Emekli Inkilap Subaylari), and the organization began to be an influential body over the military. Having close friends or relatives in the military, the retired officers utilized it to spread their political views in the TAF. Third, the NUC was needed to soothe the mandatorily retired personnel's anger. To put the military personnel's finances on a healthy footing, the salaries of both active and retired officers were raised, which drew loud criticism from sympathizers of the banned DP. Also, feeling the necessity to employ those personnel to the advantage of the military, the NUC placed many of them in government positions. This was also a way to represent the virtues of the TAF in the

¹³⁹ Asli Daldal, "The New Middle Class as a Progressive Urban Coalition: the 1960 Coup d'Etat in Turkey," *Turkish Studies* 5, no. 3 (2004), 75–102.

public sector. The NUC justified this action in the newspaper *Ulus* on August 12, 1960, by announcing:

The salvation of Turkey and the onward surge of the Turkish state depend upon liberating the state administration and public institutions from partisan, immoral, lazy hands. We have decided to strengthen these institutions by appointing retired generals and officers who have spent a lifetime in honor and dignity. A new spirit, a new credo, will come into the state organizations and thus the purposes of the May 27 action will shortly be materialized.¹⁴⁰

a. Attempt To Nullify the 1961 Election

The votes of the ousted DP were shared by its successors and the RPP, who were favored by the military, received 36.7 percent of the total votes in the election of 1961. Even so, a group of officers in the AFU decided to intervene in democracy on behalf of the TAF. Other aims of the intervention were to dismiss the NUC, ban political parties, and hand the control of the government to the real representatives of the nation. Also, the election results were going to be nullified. The main reason behind this decision was that the Democrats, who had devastated the democratic system under their rule, possessed 158 seats in the Assembly and 77 seats in Senate, compared to the RPP's 173 seats in the Assembly and 44 seats in the Senate. Thereby, the RPP remained in the minority when the votes of the sympathizers of the ousted DP were combined.¹⁴¹

Clearly, the most important side of this decision was its unconstitutionality. It was an attempt against the public's verdict. Also, it was clear that there was no justification for any intervention since the elections took place according to the new constitution, which had been codified under the military's authority before the election. So, the Chief of General Staff, Cevdet Sunay, opposed the decision and averted any action against the elections. He argued that any interference with the results of the general elections would mean rejection of the measures taken by the NUC even among the military personnel. He also argued that the Chairman of the NUC, Cemal Gursel, would be the President of the State, and a new government would be established under the Prime Minister Ismet Inonu.

¹⁴⁰ *Ulus*, August 12, 1960, quoted in Karpat, "The Military and Politics in Turkey," 1683.

¹⁴¹ Can Kaya Isen, *Geliyorum diyen ihtilal 22 Subat-21 Mayıs* [The approaching coup 22 February–21 May] (Istanbul: Tan, 1964), 10–12.

Moreover, by signing the Cankaya Protocol on October 24, 1961, civilians and the military agreed to support Cemal Gursel to be elected the President of the Republic, and the military was going to restore parliamentary democracy.¹⁴² Cevdet Sunay managed to prevent these groups from engaging in action, but he did not intimidate young officers from forming secret organizations. However, these organizations were easily exposed, and their leaders were retired.¹⁴³

b. Abortive Coups of 1962

Between 1961 and 1965, Turkey experienced many coalition governments, and the first government after the election of 1961 was established by the RPP and the JP coalition. After the 1961 election, the question of amnesty for banned Democrats centered on civil-military relations in Turkey. Although the leaders of the political parties agreed not to seek amnesty for the Democrats sentenced at Yassiada, the JP and the New Turkey Party (NTP) started to demand amnesty for the sentenced Democrats and to criticize the coup. It was a provocative move for the interventionist factions in the TAF. From the very first day of the 1960 military coup, these factions had been carrying the thought that the intervention must not have been just a simple coup d'état, which would only topple a government and shortly hand the power back to civilians, but it must have had a revolutionary character.

The rumors circulating in the newspapers and statements of politicians created instability and caused certain groups in the armed forces to consider a second coup. Two sides of the conflict, the revolutionist factions and the JP, were in pursuit of taking some kind of revenge. However, Ismet Inonu was the Prime Minister, and he was one of the most respected heroes of the War of Independence. So, an intervention would mean disrespect to the old soldier and the core values of Turkish military service.

¹⁴² Ahmad, *The Turkish Experiment in Democracy*, 179.

¹⁴³ Harris, "Military Coups and Turkish Democracy," 203–213.

Members of the AFU met in Istanbul to discuss how to respond to the existing instability which the country was experiencing. The meeting took place approximately five months after the election, on February 9, 1962. The members signed a protocol declaring that they had decided to carry out an intervention on February 28. The initiative before the 1960 military coup had been in the hands of colonels in Ankara, but now it was in the hands of generals in Istanbul. However, the Chief of General Staff, Cevdet Sunay, and the Air Force refused to support the protocol. Cornered by the threats from Istanbul and Ankara, Ismet Inonu also took sides with the Chief of General Staff and the Air Force, and the members who signed the protocol were assigned to posts where they would not pose a threat.

On February 22, 1962, the appointments of Colonels Talat Aydemir (Commandant of the War College), Ihsan Erkan (Commander of 229th Infantry Regiment), Emin Arat, Dundar Seyhan, and Sukru Ilkin started a coup attempt against the government. Deployed in the Ankara garrison, the troops, including the War College cadets, under the command of these officers and led by Talat Aydemir revolted against the government. However, the Chief of General Staff and Ismet Inonu easily suppressed this half-hearted attempt with the help of the Air Force and the letter of guarantee given by Ismet Inonu to Talat Aydemir for his surrender.¹⁴⁴

Events following the abortive coup were important for Turkey in terms of civil-military relations. Among these events, the most important one was the enactment of the bill which increased the powers of the NSC and entitled it to give consultation on the deliberations of the Cabinet and participate in the preparatory discussions. Thereby, the military's involvement in policy making under the NSC, which had been established by Article 111 of the 1961 Constitution, became more noticeable. The second event was the amnesty bill for the abortive coup plotters. Such an amnesty bill could not be passed without the sanction of the JP (the Democrats). However, the JP opposed amnesty for Aydemir and his colleagues, since the JP's demands for the former Democrats were repeatedly rejected by the RPP and the military. Therefore, Cevdet Sunay, the Chief of

¹⁴⁴ Taner Demirel, "Lessons of Military Regimes and Democracy: The Turkish Case in a Comparative Perspective," *Armed Forces & Society* 31, no. 2 (Winter 2005), 245–271.

General Staff, helped Inonu by declaring his support for an amnesty bill for Aydemir and his colleges. Consequently, the JP and the NTP agreed to vote for the amnesty, and those who were ill amongst the sentenced Democrats were pardoned correspondingly. Talat Aydemir and the personnel who carried out the coup attempt were retired.¹⁴⁵

After the February 22 abortive coup and the events that followed, the RPP-JP coalition came nearly to an impasse. It was impossible for the Cabinet to work and solve the problems of the country, since extremists in the JP were still holding a grudge against the Republicans for the execution of Adnan Menderes, the rejection of amnesty for convicted Democrats, and the granting of amnesty for Talat Aydemir. Consequently, Inonu decided to resign and reestablish a new government leaving the JP outside. He once again resorted to the High Command and demanded its support to stimulate political parties for a coalition. With the support of the military, the Second Coalition was founded under the leadership of the Prime Minister, Ismet Inonu. This time, on June 24, 1962, the NTP, the Republican Peasant's Nation Party, and the Independents were partners of the RPP.

“Certain situations make the civil power abnormally dependent on the military authorities. Others enhance the military’s popularity,” argues Samuel E. Finer, “while correspondingly depressing that of civil authorities. Militaries’ opportunities to intervene are maximized if both situations coincide.”¹⁴⁶ Then, Finer classifies those certain situations into two categories: “(a) Increased civilian dependence on the military” and “(b) The effect of the domestic circumstances.”¹⁴⁷ In all fairness, Turkey possessed both circumstances which increased the opportunity for the military to be effective in the politics after the 1960 military coup. The civilians, especially the Republicans as the ruling party, were dependent on the military for two things. The first thing was the nearly even distribution of the votes in the 1961 elections. Therefore, no party possessed the majority in the Parliament, which forced the parties to form coalitions to establish a

¹⁴⁵ *Milliyet*, April 24, 1962, <http://gazetearsivi.milliyet.com.tr/Arsiv/1962/04/24>.

¹⁴⁶ Samuel E. Finer, *The Man on Horseback: The Role of the Military in Politics* (Boulder: Westview Press, 1988), 72.

¹⁴⁷ *Ibid.*, 72–75.

government. Coalition means compromise; however, it was nearly impossible to convince both the Republicans and the Democrats—parties with long-standing conflicts—to follow mainstream policies. Secondly, the enactment of laws, which the government needs for dealing with the country’s problems, was too slow and nearly impossible without the opposition’s assenting votes in the parliamentary system of the 1961 Constitution. As in the case of Talat Aydemir’s amnesty bill, the government had to ask for the military’s support.

c. Abortive Coup of 1963

For the one and a half years that had elapsed since the 1961 election, Turkey was stuck in a deadlock. None of the problems that plagued the country had been solved, and the amnesty issue for the former Democrats was still the overwhelming problem.

Meanwhile, the relentless political aspirations of Talat Aydemir and his friends and the instability in the country were preparing them to attempt another coup d’état. There were two problems waiting for them. The first one was about their political status once they seized power in Turkey. The second was how they were going to help their friends, who had been purged from the military without retirement rights. At this juncture, one of the Fourteens, Orhan Kabibay, was preparing to found a Kemalist party, and he asked Aydemir and some of his friends to attend a gathering in Istanbul. At the gathering, however, Aydemir and his friends discussed the plans for a second coup attempt, and the duties were assigned. Thus, they started to organize in a way to seize control over the troops in Ankara.

Talat Aydemir’s intention was to justify the coup (once it was successful) on the grounds that it was a Kemalist movement. According to Aydemir, there was dominance of some privileged individuals and groups in Turkey, and Kemalism was absolutely against it. Also, the unity and integrity of the country was in danger. He argued that his group was acting apart from the public, but in accordance with the will of the public. Thus, they were in favor of a temporary democracy of intelligentsia.

In March 1963, former President of the Republic and a convicted Democrat in Kayseri, Celal Bayar, was conditionally released. His release caused demonstrations against the 1960 military coup, and his journey from Kayseri to Ankara was to become a journey of triumph. In the same month, Aydemir's group agreed to carry out the coup on a day between March 20 and April 20, 1963. However, the decision was leaked, and the police learned the plans. The group abandoned its plan. By this time an unfortunate event befell the group. Uninformed by the group, lieutenants at the Turkish Naval Academy in Heybeliada started to carry out the revolution on the night of March 31–April 1. They were easily apprehended, and their move was quelled. This event largely affected the group's activities and decisions.¹⁴⁸

Suspicious about the activities of the retired officers from the beginning, Ismet Inonu was more cautious after this event. On May 14, he suddenly made a deciphered speech in his Assembly Group:

The situation is most urgent. I repeat: it is most dangerous and critical. Anything may happen. Take great care. Keep calm. I am struggling very hard and making every effort. At the moment, I am not going to tell you anything more. Under the existing conditions, I am trying to do what I can.¹⁴⁹

Events and Ismet Inonu's speech revealed the extent of the interventionist culture in the armed forces. As a result of revolutionist groups' political aspirations, the country lived in an atmosphere of impending coup for three years. Moreover, even Ismet Inonu, one of the most respected figures in the armed forces and once the commander of the Army, had been threatened by the danger of would-be coups.

On the night of May 20–21, 1963, Talat Aydemir attempted to carry out a military coup for the second time. He started with the capture of the Ankara radio station. His first move was successful, but he started to lose his initiative at first light the next day. Jets from Murted (Ankara) Air Force Base strafed roads around the Army War College with gun fire. Lacking enough support, the rebellion collapsed by dawn. Aydemir went into

¹⁴⁸ Isen, *Geliyorum diyen ihtilal* [The approaching coup], 77.

¹⁴⁹ *Milliyet*, May 15, 1963, <http://gazetearsivi.milliyet.com.tr/Arsiv/1963/05/15>.

hiding, but was captured—as were other perpetrators—about noon. On July 5, 1964, he was executed.¹⁵⁰

Consequently, parliamentary democracy was restored shortly after the 1960 military coup, but the military was unable to extricate itself from politics. Moreover, the military found itself in an ironic position of having to intervene in democracy in order to save it. They had to protect the values brought about by the May 27 coup and the multiparty democracy and to make civilians work for these two things. So, the armed forces had two duties. First, they had to create a consensus among civilians to embrace what the 1960 coup brought about and to enforce it, if those conditions were violated. Second, they had to provide the political parties with freedoms, although this might have brought out conflict within the system created after the 1960 coup. This contradiction continued throughout the 1960s and 1970s and bedeviled politics in Turkey. However, suppressing two coup attempts, Ismet Inonu and the military showed their intention to perpetuate the democratic system that had been founded by the 1961 Constitution.

d. The Justice Party and the Military

On October 10, 1965, consolidating the former DP votes, the JP headed by Suleyman Demirel received 52.9 percent of the votes (for 240 seats in the Assembly), while the RPP could only get 28.7 percent (the lowest since 1950). However, the system of proportional representation enabled the RPP to have 134 representatives in the Assembly. Turkey's first socialist party, the Turkish Labor Party received approximately 3 percent of the total votes and 14 seats in the Assembly. The years between 1960 and 1965 (the period of coalitions) had decreased the Turkish voters' willingness to participate in democracy, and this showed itself in the percentage of voters participating in the 1965 election. Approximately, 28.7 percent of the registered voters refused to vote (the lowest since 1950).¹⁵¹

¹⁵⁰ Isen, *Geliyorum diyen ihtilal*, [The approaching coup], 78–79.

¹⁵¹ Frank Tachau, *Turkey, the Politics of Authority, Democracy, and Development* (New York: Praeger, 1984), 69–70.

The period of unstable coalitions between 1961 and 1965 ended with the JP victory, and it was a relief for the country. Also, the military assented to the victory. The AFU did not arrange any meeting about the subject or sign any protocol. One of the reasons behind this was the existence of retired officers in the Assembly. Among 36 former officers who were elected, “16 belonged to the JP, 8 to the RPNP, 7 to the RPP, and 5 to the NTP.”¹⁵²

After the election, the amnesty issue continued to occupy the Democrats’ agenda. This time, they were not intimidated by any military coup. Clearly, 52.9 percent of the total votes was a stronghold base for their brevity. The National Unity group (a member of the NUC) in the Senate described amnesty for the former Democrats and participants of Aydermir’s abortive coups as being against their principles, which had been laid down in the preamble of the 1961 Constitution, and accused the Democrats of exhausting the legality the JP had acquired at the 1965 election. The response of the JP was very strong: “Go on, carry out another coup.”¹⁵³ Besides the abortive coups of 1962 and 1963, this event marked a change in civil-military relations from that of between 1960 and 1965 in Turkey. It marked the era of cooperation between the Democrats and the military until 1971.

On March 28, 1966, Cevdet Sunay resigned as the Chief of General Staff, and on March 14, he was elected the President of the State. In 1961, the JP opposed the presidential candidacy of Cemal Gursel (predecessor of Cevdet Sunay as Chief of the General Staff). In 1965, however, the party supported Sunay’s election to the office of President of the Republic, and this caused rumors about the relations between Cevdet Sunay and Suleyman Demirel, the leader of the JP and the then Prime Minister. The opposition parties were especially spreading rumors. Although both the JP and Cevdet Sunay rejected the rumors, the opposition continued to believe that Demirel took the Army in hand, or the Army had become his tool. So, a new conflict started between the majority party and the opposition parties about how they were using the military against

¹⁵² J. C. Hurewitz and Council on Foreign Relations, *Middle East Politics: The Military Dimension* (New York: Published for the Council on Foreign Relations by F.A. Praeger, 1969), 505.

¹⁵³ *Milliyet*, June 17 and 18, 1966, <http://gazetearsivi.milliyet.com.tr/Arsiv/1966/06/17>.

each other. For the period from 1965 to 1971, this conflict and its consequences constituted the core of civil-military relations, and the military found itself engaged in politics again.

One of the sides of this conflict, the military only desired to carry out its duties as the guardian of the Republic and democracy under the 1961 Constitution, leaving the political arena to civilians and keeping stability in the country. Meanwhile, the economic and social status of military personnel improved, and they—especially junior ones—were no longer taunted by landlords or waiters. Moreover, some officers were recruited into high-level bureaucratic positions and public enterprises. Also, some generals were sent abroad as ambassadors. The Army Mutual Assistance Association—known as OYAK—was founded in 1961 and introduced the military to the business world. Shortly, OYAK became one of the biggest conglomerates in the country. Also, OYAK was another reason for the military to keep the regime in Turkey stable during the 1960s.

Turkey confronted ideological polarization during the 1960s. Activities of the Worker's Party of Turkey were being followed carefully by High Command from its foundation on February 13, 1961. Another leftist organization, this time with a militant approach, was the Confederation of Revolutionary Worker's Unions. Ideological polarization also spread in universities. Guarding the regime in Turkey, the military became vigilant about extreme leftist ideologies and started to prevent such ideologies from spreading among the military personnel. According to the press, however, these ideologies found their way into the armed forces, and leaflets were clandestinely circulated by the Committee of Free Officers and National Liberation Committee in 1966.¹⁵⁴ Considering that these events were designed to disturb the unity of the Turkish Republic, the Chief of General Staff issued a circular called *Methods of Combating Communism*.¹⁵⁵

¹⁵⁴ *Milliyet*, March 6, 1966, <http://gazetearsivi.milliyet.com.tr/Arsiv/1966/03/06>.

¹⁵⁵ *Milliyet*, April 29, 1966, <http://gazetearsivi.milliyet.com.tr/Arsiv/1966/04/29>.

Civil-military relations from 1965 to 1971 can be summarized as the government's offensive against the left and the military's efforts to maintain stability in the country. By May 1966, the struggle between the right and the left became grave for the Republic. Under articles 141 and 142 of the penal code, writers, artists, professors, and students were persecuted for disseminating communist propaganda. In November 1966, according to news in the gazette, *Milliyet's*, the Chief of General Staff, Cemal Tural, ordered the armed forces to be ready for the struggle against activities of separatist groups. The order, entitled *Struggle against Subversive Movements*, was supposed to be read to the personnel the first Friday of every month.¹⁵⁶ When it was made public, the order drew great criticism from the left. However, repressive policies only caused the students and workers to spill out into the streets and increased the instability in the country. Thus, rumors about a military intervention started to circulate in society.

The social movements of 1968 made the ideological polarization even worse and coupled with the economic crisis, Turkey came to a point where many governmental institutions were paralyzed—especially universities by students and factories by workers. Meanwhile, the TAF tried not to be affected by ideological offensives and to fulfill its legal duties to avert the anarchy in the streets. Nevertheless, the chaos in the political and social spheres led the military to issue the memorandum of March 12, 1971, or coup by memorandum, which forced the government to resign and take necessary radical steps to restore stability again.¹⁵⁷

¹⁵⁶ *Milliyet*, January 23, 1967, <http://gazetearsivi.milliyet.com.tr/Arsiv/1967/01/23>.

¹⁵⁷ Tachau, *Turkey, Politics of Authority, Democracy, and Development*, 71–73.

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V. CONCLUSION: ANATOMY OF THE TURKISH ARMED FORCES AND EFFECTS OF THE 1960 MILITARY COUP ON DEMOCRACY AND CIVIL-MILITARY RELATIONS IN TURKEY

A. ANATOMY OF THE TURKISH ARMED FORCES

1. Turkish Army until the Establishment of Turkish Republic

Having migrated from the Central Asia, ancestors of today's Turkish people had had a combatant character. For centuries, Turks in Central Asia had fought against external and internal foes. When they adopted Islam in approximately 751 at the Battle of Talas, they were introduced to Islamic culture and this changed the role of the military in the society. First of all, Islam had been disseminated through the Middle East, Asia, Africa, and even Spain by the conquests. Secondly, it has been declared in the Koran that those who died or were martyred in defense of the religion would become *şehid* and be blessed with eternal paradise. That is why the Turkish people have fought willingly and diligently in the armed forces to become *şehid* through history and military service. It is for this reason soldiers are willing to leave behind all the comforts of earthly life and have gained a prominent place in the hearts of the society. It is important to note that commanders in Turkic states constituted one of the highest-level intellectual groups throughout history and possessed high-level bureaucratic positions—especially during the past two centuries.

The Turkish War of Independence promoted the society's respect for its armed forces. World War I was a total catastrophe for Turkey and the Ottoman Empire was about to be territorially dismembered. At this juncture, Mustafa Kemal Atatürk, who was a general then, decided to shoulder the responsibility of organizing the society for a war of independence and taking the necessary steps for establishing the modern Turkish Republic. Thus, the military played a key role in the establishment of Turkish Republic, as it had been in the case of Ottoman Empire. Naturally, Mustafa Kemal became a military and political leader. His charisma and his success in the War of Independence

emphasized the importance of the army for the society and consolidated the bureaucratic positions of high-ranking officers, especially of the generals.¹⁵⁸

On the other hand, Turkish generals' involvement in politics reached a very high level when the war was over. Many deputies in the GNAT and ministers were high-ranking soldiers. As mentioned before, law No. 385 was passed in December 1923 to extricate the soldiers from politics. The law decreed that military personnel were obliged to resign to be elected as deputies. In 1924, the deputies were prohibited from holding any other governmental post, including a position in the armed forces, for the duration of their deputyship. However, many commanders chose politics and the Turkish military's involvement in politics continued. Consolidating the efforts to keep military personnel out of politics, the Military Penal Code, which was enacted in 1930, banned any political activity of members of the armed forces and provided for imprisonment of those found guilty for up to five years.¹⁵⁹

2. The Army from 1923 to 1950

Clearly, any kind of military intervention was out of question during the single-party period. There were two main reasons behind this. First, any coup attempt against the RPP would actually be considered as an attempt to topple Mustafa Kemal Atatürk, since he was the founder of the RPP and determined the party's principles. Second was the Chief of General Staff, Fevzi Cakmak, himself. He served as the Chief of General Staff for 22 years from 1921 to 1944, which is extraordinary or abnormal in a democratic country. He was extremely loyal to Mustafa Kemal Atatürk, so the armed forces were no threat to the regime.

The armed forces played an important role in modernization of the country. The armed forces helped in many ways. First, the military barracks were used as a school. All male citizens were required to perform military service, and in addition to military training, they were taught punctuality, neatness, modern methods of agriculture, reading

¹⁵⁸ Tachau and Heper, "State, Politics, and the Military in Turkey," 17–33.

¹⁵⁹ William Hale, "The Turkish Republic and Its Army, 1923–1960," *Turkish Studies* 12, no. 2 (2011), 194–195.

and writing, citizenship, etc., when the soldiers finished their military service, they took their knowledge and education to the villages from which they had come. Second, military colleges offered free education for young men from all walks of life. Especially for those coming from low-income families, these colleges provided modern education, prestige, and social mobility. Educated by prominent scholars of the day, the officers helped modernization efforts by visiting villages and passing what they had learned on to the people. Thus, the officer corps became guardians not just of territorial boundaries, but also of Kemalism, secularism, and nationalism. Also, the Armed Forces Internal Service Law of 1935 entitled the armed forces legally to the Turkish homeland and the Republic of Turkey, which had a broad meaning and by which perpetrators of the 1961 military coup justified their action.

During World War II, Turkey confronted many problems. In addition to famine and economic burdens, the country was in danger of being invaded either by Germany or the Union of Soviet Socialist Republics (USSR). For the first time since the War of Independence, the armed forces' primary duty was to defend the homeland against a possible attack. Had President Ismet Inonu's policy not been successful, Turkey would have been one of the sides of a full-scope conventional war. Meanwhile, Turkey realized its weaknesses from a military perspective. After the establishment of the Turkish Republic, Turkey gave its priority to education, modernization, agriculture, economic growth, and promotion of the welfare of its citizens. Thus, expenditure for defense issues had dropped. The result was a shortage of modern tanks, anti-aircraft systems, artillery, and motorized units in comparison to some other European countries, such as Germany, the USSR, Italy, France, England, etc. Also, the number of warplanes was much lower than in the threatening countries. In the light of such an experience, two things happened. First, Turkey increased the share of defense expenditures in its budget. Second, it was once more understood that a strong armed forces had to be maintained to live peacefully at this geostrategic place.¹⁶⁰

¹⁶⁰ Ibid., 195–197.

In conclusion, military service and the military have become increasingly important through history. Moreover, soldiery and barracks gained a sacred status in the hearts of the Anatolian people after the adoption of Islam. In parallel, the Turkish military became more and more involved in politics—especially during the late period of the Ottoman Empire and early years after the establishment of the Republic of Turkey.

B. EFFECTS OF THE 1960 MILITARY COUP ON DEMOCRACY AND CIVIL-MILITARY RELATIONS IN TURKEY

To begin with, Turkey experienced military interventions in 1960, 1971 (the coup by memorandum), and 1980. One of the reasons that makes the 1960 military coup more important than others is its being the first truly military rule that the country experienced. For the first time in its history, the Republic of Turkey was governed by a military committee (the NUC) for about eighteen months. Another reason is its effects on the 1961 Constitution, democracy, and civil-military relations. Taking place as reaction to the DP's authoritarian practices, the coup brought about the codification of Turkey's most democratic constitution. On the other hand, the junta secured itself against possible litigations in the future, enabled the military to convey its thoughts and comments on defense issues to the government—anything that threatens the Republic according to the TAF—and provide itself executive and legislative privileges under the 1961 Constitution. The third reason is the way the coup put the military in an inextricable position from politics. Although the NUC introduced democratic terms, it could not stabilize the country; the army's attempts to intervene in politics continued, and military coups took place in 1971 and 1980.

It has been mentioned that both the 1960 military coup and the 1961 Constitution were reactions to the DP's repressive policies. The word reaction is important in this sense because it exactly reflects the true nature of these developments. As it can be understood from the meaning of the word reaction, these three events were triggered one after the other when considered chronologically. Thus, this thesis argues that these three events have to be analyzed as a whole to better understand civil-military relations in Turkey—especially from 1960 to 1980.

The 1961 intervention is known as colonel's coup. It was not plotted or directed by the Chief of General Staff or any other high-level military positions, nor was it carried out according to chain of command. It was a coup by some middle-ranking officers with political aspirations. Since few of them had a detailed idea of what to do once they seized the power, there appeared disagreement among these officers (members of the NUC). Two main groups emerged in this disagreement. While the moderate group, which consisted of senior officers, believed in returning the governance of the country to civilians after installing institutional amendments, the radical groups, which consisted of junior officers, argued to hold power until necessary reform was made—at least four or five years. In the end, the first group prevailed and the disagreement ended with the removal of the Fourteen from the NUC.

It can be fairly asserted that the 1960–1961 military rule was not a repressive military dictatorship. Although the former prime minister and two former ministers were executed in 1961, no violence took place against civilians during the eighteen months of military rule. Also, the Democrats showed nearly no resistance to the military rule. In addition, the TAF showed its resolution and faith in democracy by installing a democratic constitution and keeping its promise to hand the power back to civilians as soon as possible.

The 1961 Constitution had two sides. On the first side, there were safeguarded fundamental rights and freedoms, the rule of law, judicial independence, the freedom of the judges, the supremacy of the constitution to all other legal arrangements, the executive body's responsibility for all of its actions, and effective checks and balances. The ousting of the Fourteen and the 1961 Constitution showed that the military had no intention to take the country toward a military dictatorship and desired to reinstall democracy in Turkey. Although it does not justify the military coup, whether a democratic constitution could be achieved in a different way cannot be known. On the other side of the coin, there were executive and legislative privileges of the military. The second side proved that the military desired to overlook the implementation of the constitution it had arranged and continued to guard the Republic and Kemalist values against undemocratic or extremist governments. These privileges, such as the life-long

legislative immunities of the NUC members which came with their status as senators, were major guarantees for military-rooted *ex officio* members (formerly NUC members) in exchange for the cession of power to civilians.

The notion that the military is the most able institution to protect the state from internal and external foes is a result of centuries-long events. Having had combatant roots and lived in a geostrategic hotspot, Turks have to feed a large army to survive. Also, conquests to spread Islam to other parts of the world and a desire to protect the East from European invasions forced the Ottoman Empire to be always militarily strong. While increasing the importance of the military for the continuity of the state, these factors created the notion that the military is the only and most effective institution to protect the state from internal and external foes.

Two problems emerged after the election of 1961. The first problem was some groups' desire to intervene in politics again. As promised in the communiqué on the morning of May 27, 1960, democracy was reestablished in the country in a short period of time. However, once intervening in politics, some groups in the military could not extricate themselves from politics and this affected civil-military relations deeply. These groups attempted to intervene in politics at other times—in 1961 and 1962. However, the policy followed by Prime Minister Ismet Inonu and the Chief of General Staff averted the success of these attempts. These two events clearly displayed the TAF's sensitivity to pursuing and consolidating democracy in Turkey. The second problem was the continuing instability in the country. Although the coup was carried out to end instability and unconstitutionality of the government in Turkey, the instability continued due to the system founded by the 1961 Constitution. Liberties and freedoms guaranteed by the 1961 Constitution and the proportional representation in the Assembly enabled new parties, such as the TLP, to emerge and created ineffective coalition governments. As a result of this, ideological conflicts started, and the students and workers spilled into the streets to demonstrate for a leftist ideology. Coming from republican roots, the RPP, the JP, and the TAF would not let the leftist ideology threaten the Republic and Kemalist values of the state. Together with the economic crisis, these events led Turkey to the coup by memorandum of 1971 and the military coup of 1980.

The decade from 1950 to 1960 under the DP's rule started a chain reaction. Against the unconstitutional and repressive measures used by the Democrats, the TAF felt its responsibility as the guardian of the state and seized power in Turkey. A non-democratic action, the military coup, brought about the creation of the most democratic constitution in the history of Turkish Republic: the 1961 Constitution. Also, instead of building a repressive military dictatorship, the TAF chose to hand the power back to civilians and implement a transition back to democracy in a short period of time. Once involved in politics, however, the TAF could not extricate itself from politics, and this phenomenon continued until the beginning of the twenty-first century.

In his book *The soldier and the State*, Samuel P. Huntington considers professionalism of the armed forces as the decisive factor that keeps the soldier out of politics. He argues that professionalism consists of three parts: "expertise, responsibility, corporateness."¹⁶¹ For him, the professional character of the armies has emerged recently and must be promoted to separate the military from politics. "Only if they are motivated by military ideals will the armed forces be the obedient servants of the state and will civilian control be assured."¹⁶² However, in countries such as Germany, Japan, Italy, Turkey, and Argentina, highly professional officer corps intervened in politics. In all fairness, Turkey's level of political culture was immature during the 1950s and 1960s. So, the absence of a military intervention in a particular country is a result of level of democracy more than the level professionalism of the military. That is why, countries such as the North American and some Western European countries have never experienced military interventions, although they have possessed professional armies. It is important to mention that although German and Japan fit into full democracies, this was not the case before and during the Second World War.

"Motivated by military ideals,"¹⁶³ Turkey's case fits well into Samuel E. Finer's argument that professionalism "in fact often thrusts the military into collision with the

¹⁶¹ Huntington, *Soldier and State*, 8–10.

¹⁶² *Ibid.*, 74.

¹⁶³ *Ibid.*

civil authorities.”¹⁶⁴ The reason behind this was the TAF’s loyalty to the state, not to the government. Through history, the Turkish army has always been considered as the guardian of the state, this reached its peak during the Turkish War of Independence. In all the military interventions in Turkey, the TAF “contrasted the national community as a continuing corporation with the temporary incumbents of office.”¹⁶⁵

To better understand the disposition of the TAF to intervene in politics during the 1960s, the motives that dispose the military to intervene must be analyzed. Similar to the communique announced on May 27, the 1937 speech of António de Oliveira Salazar (the prime minister of Portugal from 1932 to 1968) constitutes a good example in understanding one of the reasons of the military’s disposition to intervene in politics in many countries:

It will not offend anyone to recognize that the material and moral disasters of the last decades brought the decay of the Portuguese nation to its final term. In politics, in administration, in the public and the private sectors of the economy, the same spectacle of permanent disorder was displayed, with its natural consequence in the collapse of the prestige of the state at home and overseas...

In such circumstances, with all the forces of society disorganized and in peril of dissolution, the chief problem was to find the fulcrum for the reaction of redemption...

The army, neglected in the intemperate climate of recent years—wars, revolutions, and reforms—is not, despite all, what we would like to be; by the very nature of its peculiar constitution, it lives apart from politics, subjected to a hierarchy and discipline, serene and firm as a guarantee of public order and national security. This very superiority and discipline, existing in a body organized in the name of honor and the destiny of the country was the sole factor capable of surmounting, with the minimum of dislocation and danger, the obstacles created by the empty rigmaroles then in being; and to support the New Authority, pledged to work for the salvation and resurgence of the country.¹⁶⁶

¹⁶⁴ Finer, *Man on Horseback*, 25.

¹⁶⁵ Ibid.

¹⁶⁶ Quoted in Finer, *Man on Horseback*, 32–33.

Salazar's words display the reasoning behind the 1961 military coup, the abortive coups of 1962 and 1963, the coup by memorandum of 1971, and the 1980 military coup. The notion of superiority over civilians (or politicians) was always somewhere in the minds of perpetrators of the coups or the coup attempts. This notion, which affected civil-military relations in Turkey until the beginning of the twenty first century, can be best summarized as: "The military knows the better."

In conclusion, the TAF's professionalism and the notion of superiority brought about the military intervention and constituted the justification for these interventions. However, neither the intervention nor the things done during the military regimes created stability in the country. The stability could flourish under consolidated democracies, as in the case of North American and some Western European countries.

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