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PSEUDO-TRANSFORMATION OF CIVIL-MILITARY RELATIONS IN TURKEY

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It is not uncommon to assume that the Turkish military's influence over politics has sharply decreased during the JDP governments. However, the JDP's de-militarization policy has not produced a consolidated democracy and militarism has not totally disappeared from the legal, economic and social spheres. The JDP has pursued a pragmatic policy that aims to keep the military from toppling civilian governments but avoids making democratic reforms in order to consolidate its power in domestic politics. As a result of this policy, state institutions including the Turkish Armed Forces have become non-transparent and non-accountable. In the final analysis, the military has remained a black box despite the fact that its scope and influence has narrowed down.

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Introduction

“Every Turk is born a soldier” has been the slogan of the Turkish army on national celebration days for years. Actually, this statement reflects the philosophy of militarism in Turkey. It has an ontological premise that highlights the congruence between being a soldier and being a Turk. This congruence also includes a causal connection. If a citizen adopts Turkish identity, he/she should automatically accept his/her soldier’s role in society. In other words, denial of being a soldier is synonymous for rejecting Turkish identity. Therefore, it would not be wrong to argue that unconditional commitment to the military is required for one to demonstrate his/her loyalty to Turkish identity and the Turkish state. That is to say, the Turkish military regards itself as immune from any criticisms and views such challenges as treason.

Militarism in Turkey has not only demanded social cohesion and commitment but also sought a dominant role in the political sphere. After the establishment of the Turkish Republic in 1923, the military directly intervened in politics and toppled elected governments in 1960, 1971, 1980 and 1997. In addition to its presence in social and political space, it should be noted that the Turkish military has become one of the major actors of the economy with the help of affiliated companies. In the final analysis, the military’s role in society, politics and the economy has imprinted the political history of the Turkish republic.

Nevertheless, the influence of the military has sharply declined since the Justice and Development Party (JDP) came to power in 2002. Intrinsically, after the JDP took office, it was not uncommon to presume that there would be an unavoidable clash between the JDP, which was formed by ex-political Islamist figures, and the military, which defines itself as the guardian of the secular republic. Nevertheless, the JDP was able to form a large coalition among the various sections of society which suffer from militarism in the social, political and economic realms. Thus, learning from the experiences of previous Islamist parties, the JDP managed to shift the axis of the debate from secularism versus Islamism to democracy versus militarism. As a result of this struggle, the JDP has pushed the military out of politics. However, contrary to what is believed, the de-militarization of politics has not fuelled democratic development in Turkey. The coalition around the JDP has begun to dissolve with the rise of Prime Minister Recep Tayyip Erdoğan’s authoritarian tendencies.

In line with the changing nature of civilian-military relations under the rule of the Justice and Development Party, this paper aims to answer the question of why de-militarization has not produced a consolidated democracy in Turkey. In doing so, the rise and fall of the military in Turkish politics will be examined in its historical context. Then, the

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question of how the military will position itself under the rule of the JDP, which has gradually consolidated its power, will be discussed.

Historical Background

The military's influence over civilian politics has become one of the major problems of the democratization process in Turkey. After the multi-party system was introduced in 1945, the Democratic Party was established and won the 1950 parliamentary elections against the Republican People's Party (RPP), which is the founding party of modern Turkey. However, the Democratic Party government was toppled by the 1960 military coup, Prime Minister Adnan Menderes was executed by the junta and a new constitution was introduced. The increasing authoritarianism of the Menderes government was the legitimizing basis for the military's intervention. Thus, the 1961 constitution included new "check and balance" mechanisms in order to prevent elected governments from pursuing an authoritarian agenda. Accordingly, the separation-of-powers principle was adopted, labor unions were allowed, universities and the TRT (state-owned TV channel) gained autonomy. Nevertheless, contrary to such democratic steps, the 1961 constitution also created a new institution called the "National Security Council" (NSC), which paved the way for the military's influence over the decision-making process in both the domestic and international realms¹.

The NSC is designed to be an advisory body dealing with internal and external threats. Nevertheless, the military used the NSC to intervene in politics because any issue, regardless of its scope, could be related to a security concern. Thus, the NSC as an advisory body became a platform that helped the military to dictate its agenda to civilian governments. As Cizre argues, the NSC acted like a "shadow government"². That is to say, the 1961 constitution aimed to check and balance civilian governments but inevitably made the government dysfunctional.

According to Faroz Ahmad, the Turkish military's engagement in politics also shaped its approach to the economy. He argues that the military's commitment to a free market economy under the conditions of the Cold War was crucial. Thus the OYAK (Turkish Armed Forces Assistance and Pension Fund) was founded as a corporate entity, which is subject to a private code³. According to OYAK Code 205, OYAK is exempt from

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¹ F AHMAD, *Bir Kimlik Pesinde Turkiye*, Istanbul: Istanbul Bilgi Universitesi Yayinlari, 2006, pp. 148-153.

² U CİZRE, *The Justice and Development Party and the Military*, in Umit Cizre (ed.), *Secular and Islamic Politics in Turkey: The Making of the Justice and Development Party*, New York, Routhledge, 2008, p. 138.

³ F. AHMAD, (1993), pp. 130-131.

corporate income tax and its assets, incomes and claims have the same rights and privileges that government properties have. On the other hand, OYAK enjoys wide autonomy and behaves like a free market actor under the shield of legal protection⁴.

The military consolidated its influence over politics and the economy after the 1980 military coup. With tension mounting between rightist and leftist groups and polarization increasing between political parties, the military seized power and banned all of the political parties, labor unions and almost all of civil society organizations. The autonomy of the universities was abolished and the 1982 constitution was drafted and ratified. The new era made the military the leading player in Turkish politics. Although political parties were re-instated, the NSC's influence over politics continued with the help of two security threats. First, the PKK (Kurdistan Workers Party) initiated an armed struggle against the Turkish state and Kurdish secessionism threatened the nation-state principle as well as the territorial integrity of Turkey. Second, the rise of political Islam, which was represented by Necmettin Erbakan's Welfare Party, challenged the secular character of the republic⁵.

It would not be wrong to argue that these threats produced justifications for the military to intervene in the political space. In doing so, the Turkish military pointed out its legal responsibility, which is set down in article 35 of the Turkish Armed Forces (TAF) Internal Service Code. Accordingly, "the duty of the Armed Forces is to protect and safeguard the Turkish homeland and the Turkish Republic as stipulated by the Constitution". This article implies that Turkish Armed Forces have the authority to define what the threat is and determine how to avert that threat. In line with this point of view, one can argue that the TAF became the guardian of the constitution's "national unity principle" against the PKK and of its "secularism principle" against political Islam.

The aforementioned legal justifications enabled the Turkish military to pursue its own methodology against the PKK and political Islam by bypassing the policies of civilian political actors. That is not to say that there was a huge polarization between the TAF and the civilian governments. However, the TAF expected the political actors to acknowledge its red lines. This means that the Turkish military left little room for civilian policy makers and exerted its influence over politics. As a result of this, armed struggle was seen as the only solution to defeat the PKK, and the Turkish military became the main addressee of the Kurdish

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⁴ For OYAK Code 205 See <http://www.tesev.org.tr/assets/publications/file/gsr-2-eng.pdf>, (last retrieved on 23 May 2014).

⁵ N.S. SATANA, "Transformation of the Turkish Military and the Path to Democracy" *Armed Forces & Society*, vol. 34, no. 3, 2008, pp. 357-388.

question. On the other hand, the rise of political Islam and the dividedness of the centralist parties attracted the military into politics. After the Islamist Welfare Party and the central rightist True Path Party formed a coalition government in 1996, the NSC gave an ultimatum to the government and forced Necmettin Erbakan to resign. This intervention is known as the February 28 post-modern coup. What made the coup post-modern was its methodology, because the military managed to eliminate the Welfare Party without suspending the whole political system. However, the TAF continued to intervene in politics, bureaucracy, the media, universities, civil society and economics.

The Turkish Armed Forces was the absolute kingmaker of Turkey's politics in 1999. In this year, PKK leader Abdullah Öcalan was arrested and the PKK declared a ceasefire. On the other hand, after the Welfare Party was abolished and its leader Necmettin Erbakan was banned from politics, the popularity of political Islam considerably declined and a new coalition government was formed by social democrat, nationalist and centralist parties after parliamentary elections. In the final analysis, the TAF kept and consolidated its guardianship role in the system by successfully averting secessionism and Islamism threats.

Nevertheless, the military-backed political atmosphere of Turkey produced losers as well. In the aftermath of the February 28, 1997 post-modern coup d'état the military defined secularism in an aggressive manner by banning political Islamist parties (the Welfare and Virtue parties) and excluding a conservative way of life from the public sphere. For example, students wearing headscarves were not allowed to enter universities. In addition to political Islamists and conservatives, Kurds also suffered from the military's influence over politics. Kurdish parties were banned several times in the 1990s and the Kurdish people's demand for political rights was regarded as a security issue due to the militarization of the Kurdish question. In addition to Islamists and Kurds, liberal circles became the strong opponents of the military. According to the liberal intellectuals, the military's influence over politics undermines the fundamentals of democratic principles, which are the sine qua non for the European Union admission process.

The discontent of these circles was fuelled by the failure of the coalition government to provide economic stability. In 2001 there was a dramatic economic crisis and the popularity of the coalition parties sharply decreased. The collaboration between liberals and political Islamists was the product of this atmosphere. It should be noted that the transformation of the prominent figures coming from the political Islamist tradition played a key role in the occurrence of this alignment. The orthodox ideology of political Islam represented by Necmettin Erbakan's Welfare Party was critical towards Turkey's membership in the western

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institutions, including the European Union. Moreover, the Welfare Party was in favor of command economy and a common market with the Islamic world. On the other hand, the reformist wing of the political Islamists led by Recep Tayyip Erdoğan, Abdullah Gül and Bülent Arınç defined themselves as “conservative democrats” and adopted a more inclusive stance. In addition to that, they viewed the European Union admission process as an opportunity to undermine the influence of the secular army, which could prevent a popular conservative party from coming to power. Finally, the reformist wing of political Islam endorsed liberal values such as democracy and the free market in order to gain legitimacy in the eyes of domestic and international society.

The ideological discrepancy between orthodox political Islam and its reformist wing gave birth to the Justice and Development Party (JDP) in 2001. The transformation of this younger generation and their split from the orthodox views of Erbakan produced a coalition between them and various sections of society such as liberals, moderate conservatives, business circles, pro-EU intellectuals and commentators and some prominent figures in the Kurdish national movement. In other words, the JDP became a venue for the discontented with the military-backed nation statist and secularist regime to converge on. This is to say, these circles supported the JDP’s struggle against the military’s role in the political system, its enthusiasm to fulfill the EU admission process and make constitutional amendments, despite the reactions of nationalist and secularist groups. During the heyday of this coalition, the JDP, which came to power with 34% of votes in 2002, gradually increased its popularity and won 47% in 2007 and 50% in the 2011 parliamentary elections. In ten years, the JDP eliminated the military and became the absolute authority in the political system.

Erdoğan’s Third Way: De-militarized but Non-democratic

The de-militarization of political space imprinted the years under JDP rule. On the one hand, Turkey’s admission process to the EU helped the JDP to undermine the influence of the military. In line with the harmonization packages, the role of the National Security Council was re-defined. Accordingly, the NSC code has been amended and has been subordinated to civilian political authority. The number of civilians in the council has increased and the government has become authorized to appoint the secretary of NSC. Furthermore, legal justifications for

military interventions such as the EMASYA Protocol and Article 35 of the TAF internal service code⁶ were abolished. The parliament has been authorized to delegate the Court of Accounts to audit the Turkish Armed Forces.

In addition to the legal amendments, some of the military staff, including high-ranking generals and officers, were accused of planning a coup against the JDP government. The prosecutor has called the investigations the “Ergenekon” and “Balyoz” cases and argued that there is a junta in the Turkish Armed Forces that deliberately destabilizes the country in order to gain opportunities to intervene in politics. It would not be wrong to argue that, with detainment of high-ranking generals including the Head of General Staff and force commanders, the military’s untouchable image has been heavily tarnished in the eyes of society.

However, the de-militarization process has not contributed to the democratic consolidation process. After the fall of the military’s influence over politics, the Erdoğan government has remained as the absolute winner of domestic competition for power thanks to the JDP’s election victories. The votes of the JDP have gradually increased since the 2002 elections and hit 50% in the 2011 elections. This means that the JDP gained 326 seats out of 550 in parliament. Following the 2011 elections, intellectual circles, which helped the JDP to undermine the influence of the military, started to criticize the JDP by arguing that Erdoğan had lost his energy to make democratic reforms. According to them, Erdoğan has pragmatically approached democracy, the European Union admission process and de-militarization in order to avert pressure from the military, which regards itself as the guardian of secularism and is responsible for security issues⁷.

In line with the criticisms from intellectuals, it would not be wrong to argue that defeat of the military has changed the JDP’s relations with the domestic actors as well. Erdoğan was inclined to form coalitions with the actors of civil society and the political spectrum. For example, Erdoğan asked for the support of socialists, liberals, nationalists and conservatives to make amendments in 1982 to the Constitution, which was written and approved after the 1980 coup d’état. However, after the JDP pushed the military out of the political arena and won 50% of the total votes in 2011, Erdoğan left his pluralist approach and adopted a majoritarian stance.

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⁶ Emasya Protocol (The Protocol on Security, Public Order and Assistance Units) and Internal Service Code justify the military’s intervention if public order and constitution are at stake.

⁷ A. BORSON, “Did the Turkish Liberal Intellectuals Act as the Islamists’ Useful Idiots”, <http://arianebonzon.fr/did-the-liberal-intellectuals-act-as-the-islamists-useful-idiots/> (last retrieved on 3 March 2014).

Building on this argument, questions about the position of the military in the Turkish political system acquire meaning especially after Erdoğan gained the upper hand and adopted authoritarian policies. This falsifies the causal relationship between the non-involvement of the military in politics and democratic development. Although many supporters of the JDP's de-militarization campaign had believed that the TAF's influence over politics was the main problem for the democratization process, they have observed that Erdoğan's authoritarianism began to increase after the subordination of the military to the civilian JDP government. Therefore, one may wonder what the role and function of the military is in this process if the JDP government is criticized for being authoritarian.

An examination of how the legal, social and economic conditions of militarism have changed under the JDP government helps us to understand the position of the military in the current political context. First of all, as mentioned previously, the EU admission process helped the JDP to undermine the military's legal justifications to some extent. However, the 1982 constitution, which was drafted and ratified under the rule of the National Security Council after the 1980 coup, is still in effect notwithstanding the amendments that have been made in following years. For example, the NSC is still a constitutional institution despite the fact that its structure has changed. According to Hakyemez, such structural changes are psychologically significant but do not abolish the military's shadow over politics. Therefore, a new constitution, which should allow no room for the military, should be drafted.⁸

In addition to that, it is hard to argue that the TAF and its extensions into the economy have been fully audited by the Court of Accounts. According to the Court of Accounts Code, which became legal in 2010, Turkey's Grand National Assembly is the authority that demands the auditing of public institutions, funds, foundations, associations, corporations, and companies. This means that the Court of Accounts is allowed to audit the TAF and affiliated entities such as OYAK and the Turkish Armed Forces Foundation (TAFF). However, as Kemal argues, lack of political will and governmental reluctance weaken the auditing process. For example, the JDP has amended the Court of Accounts Code and abolished its authority to make effectiveness and efficiency analyses. This means that the Court of Accounts has become responsible just for reporting rather than analyzing and investigating the expenditure process. In other words, auditing the military has turned into a mere reporting process. In addition

⁸ Y.Ş. HAKYEMEZ "Demokratik Ülkelerde Milli Güvenlik Politikalarının Belirlenmesi", *AÜHFĐ*, vol. 8, no. 3-4, 2003, p. 304.

to that, Kemal also argues that OYAK and TAFF retain their privileged positions and remain outside the auditing process⁹.

Finally, the social dimension of militarism has also managed to survive under the JDP's rule. It can be argued that the military's main tool in shaping society is military service, which is compulsory and applies to all male citizens. Aydın argues that conscription is not only the product of national security concerns but also reflects the military's inclination to consolidate its position in the domestic realm. Therefore, the military regards conscription as a strategy to indoctrinate and educate society rather than a system to increase national defense capability¹⁰. According to the Head of General Staff, Necdet Özel, there are 405,000 conscripts in the military and the total number of military personnel is 670,000. This means that the TAF is the largest public institution in regard to numbers of employees.

In addition to the conscription problem, the autonomy of the Military Administrative Court and Military Court of Appeal also weakens the military's transparency. According to constitutional amendments ratified by referendum on 12 September 2010, the military courts' authority has been confined to having jurisdiction to try military personnel for military-related issues. This means that civilian courts have been authorized when military personnel are involved in non-military cases. Furthermore, this amendment has abolished the military courts' authority to try civilians except in war times. However, it would not be wrong to argue that this amendment has not only restricted the scope of the military courts but also helped the military to consolidate its autonomy. That is to say, military courts have remained the highest judiciary body to try military personnel, including conscripts. Therefore, investigations into ill treatment and suspicious conscript suicides are carried out by military prosecutors and appealed by the Military Court of Appeal instead of the Supreme Court of Appeals. In other words, conscripts are deprived of the right of access to fair and impartial tribunals.

Conclusion

In the final analysis, it is an undeniable fact that the Turkish military's influence over politics has sharply decreased during the JDP governments. However, it is hard to argue that militarism has totally disappeared from the legal, economic and social spheres. As research shows, the military (and its affiliated entities in the economy) have not been transparent and

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⁹ L. KEMAL, *Zayıf Kalan Meclis İradesi: Yeni Sayıştay Yasası'nda Askeri Harcamaların Denetimi Sorunu*, İstanbul, TESEV, 2012.

¹⁰ N. DÜZEL, "Suavi Aydın: Askerin Tek Tıp Talebi Acizliktir", *Taraf*, 12 October 2010.

accountable. The 1982 Constitution continues to legitimize the presence of the NSC in the decision-making process since the constitution-revision process failed in 2013. Furthermore, conscription has continued and judicial bodies of the TAF have kept their autonomy. This picture shows that the military is still a black box despite the fact that its scope has narrowed down.

Therefore, it can be argued that “subordination” is not the correct term that fully defines the relationship between the military and the civilian JDP government. Instead, the term “cooperation” based on bargaining and compromise is more applicable. That is to say, the JDP has chosen a third way between militarism and democracy, which could be called “de-militarization without democracy”. This means that the JDP has used the EU admission process and public support to deter the military from toppling the civilian government and consolidating its power in the political system. However, the JDP has been reluctant to make fundamental democratic reforms and root out militarism from the legal, social and economic realm. The rationale behind this policy is the JDP’s reluctance to share the power of government with the other sections of society. It would not be wrong to argue that a new constitution based on the consensus of the main political actors, systemic auditing, transparency and accountability would not only undermine the power of the military but also limit the government’s sphere of influence. Thus, the JDP government has discovered a third way, which disempowers the military while keeping the civilian government unchecked and unbalanced. In the final analysis, the military’s shadow over the JDP government has disappeared but the democratic deficit of Turkey has become a system-wide problem.