

Strategy International

SI Research Papers Series

Σειρά Κειμένων Έρευνας SI

SI Research Paper No. 3/2013

**Turkey's new Constitution: Historical
Continuity and Rupture in Political Islam**

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August 2013



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Strategy International

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www.strategyinternational.org

ISSN: 2241-2913

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Strategy International

Po Box 21638, 55236, Panorama

Thessaloniki, Greece

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Ελληνικός Τίτλος: Το Νέο Σύνταγμα της Τουρκίας: Συνέχεια και Ρήξη στο Πολιτικό Ισλάμ

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Nikos Moudouros was born in 1978, in Nicosia. He graduated from the Department of Turkish and Middle Eastern Studies of the University of Cyprus. His post-graduate studies were completed with a Masters degree from SOAS (University of London) and a Doctorate from the Department of Turkish and Middle Eastern Studies of the University of Cyprus. He has worked as a special advisor to the President of the Republic of Cyprus, Dimitris Christofias, on Turkish and Turkish-Cypriot issues. His research interests lie in contemporary Turkish and Turkish-Cypriot history. He has taught at the Department of Turkish and Middle Eastern Studies of the University of Cyprus as special scientist, offering courses on issues such as contemporary Turkish political Islam, Kemalism and the bourgeois class in Turkey. He is the author of the book «Ο μετασχηματισμός της Τουρκίας. Από την κεμαλική κυριαρχία στον ‘ισλαμικό’ νεοφιλελευθερισμό» [Turkey’s Transformation. From the Kemalist domination to ‘Islamic’ neo-liberalism], published by Alexandria. He is a member of the scientific board of Prometheus Research Centre.

Βιογραφικό Συγγραφέα:

Ο Νίκος Μούδουρος γεννήθηκε το 1978 στην Λευκωσία. Είναι πτυχιούχος του Τμήματος Τουρκικών και Μεσανατολικών Σπουδών του Πανεπιστημίου Κύπρου. Οι μεταπτυχιακές του σπουδές ολοκληρώθηκαν με έναν μεταπτυχιακό τίτλο από το SOAS του Πανεπιστημίου του Λονδίνου και με ένα διδακτορικό τίτλο από το Τμήμα Τουρκικών και Μεσανατολικών Σπουδών του Πανεπιστημίου Κύπρου. Έχει εργαστεί ως συνεργάτης του Προέδρου της Κυπριακής Δημοκρατίας, Δημήτρη Χριστόφια, για τουρκικά και τουρκοκυπριακά θέματα. Τα ερευνητικά του ενδιαφέροντα επικεντρώνονται στην σύγχρονη ιστορία της Τουρκίας, καθώς και της Τουρκοκυπριακής κοινότητας. Έχει διδάξει ως ειδικός επιστήμονας στο Τμήμα Τουρκικών και Μεσανατολικών Σπουδών του Πανεπιστημίου Κύπρου, προσφέροντας μαθήματα γύρω από θέματα όπως το σύγχρονο τουρκικό πολιτικό Ισλάμ, ο κεμαλισμός και η αστική τάξη στην Τουρκία. Είναι συγγραφέας του βιβλίου «Ο μετασχηματισμός της Τουρκίας. Από την κεμαλική κυριαρχία στον ‘ισλαμικό’ νεοφιλελευθερισμό», το οποίο κυκλοφορεί από τις εκδόσεις Αλεξάνδρεια. Είναι μέλος του επιστημονικού συμβουλίου του Ινστιτούτου Ερευνών Προμηθέας.

Abstract:

As Gezi protests in Turkey belong now to the “near past” leaving behind one of the most important focal points regarding the new opposition dynamics in the country, many other “forgotten” themes are coming again to the forefront. This paper aims to examine the current debates in Turkey on the issue of changing the Constitution, through a brief historical overview focusing on the ideological-political background of the ruling Justice and Development Party (AKP). The issue of constitutional change is not unknown to the Turkish political reality. It appears and intensifies depending on the political and economic developments as well as the international circumstances. At the same time, the AKP has never concealed its intention for changing the Constitution and adopting the Presidential system. Using these data the paper seeks to examine the AKP’s quest for a new constitution and the introduction of the Presidential system through the broader context of the party’s course toward its establishment into power, as well as through the ideological continuity it displays vis-à-vis the Islamic National Outlook Movement (Milli Görüş). Both the change of the Constitution and the strengthening of the executive power within a presidential system, seem to constitute an all-time demand of the Turkish political Islam, which is currently updated and reproduced in a new context by Erdoğan’s party. Finally the paper discusses briefly the identification of related developments in the new Constitution concerning the course of solving the Kurdish problem.

Περίληψη:

Καθώς οι διαδηλώσεις του «Γεζί» στην Τουρκία ανήκουν πλέον στο «κιοντινό παρελθόν», αφήνοντας πίσω ένα από τα σημαντικότερα κεντρικά σημεία σε σχέση με τις αντιπολιτευτικές δυναμικές της χώρας, πολλά άλλα «ξεχασμένα» θέματα έρχονται στο προσκήνιο. Το παρόν κείμενο στοχεύει στην εξέταση των τρεχόντων συζητήσεων στην Τουρκία για το θέμα της αναθεώρησης του Συντάγματος, μέσα από μια σύντομη ιστορική σύνοψη που επικεντρώνεται στο πολιτικο-ιδεολογικό υπόβαθρο του κυβερνώντος Κόμματος Δικαιοσύνης και Ανάπτυξης (AKP). Το ζήτημα της συνταγματικής αναθεώρησης δεν είναι και τόσο άγνωστο στην τουρκική πολιτική πραγματικότητα. Φανερόνεται και εντείνεται ανάλογα με τις πολιτικές και οικονομικές εξελίξεις καθώς και τις διεθνείς συνθήκες. Ταυτόχρονα, το AKP δεν έκρυψε ποτέ την πρόθεσή του για αναθεώρηση του συντάγματος και την υιοθέτηση του Προεδρικού συστήματος. Χρησιμοποιώντας αυτά τα δεδομένα το κείμενο επιζητεί να εξετάσει την αναζήτηση του AKP για νέο Σύνταγμα και την εισαγωγή του Προεδρικού συστήματος, μέσα από το ευρύτερο πλαίσιο της πορείας του κόμματος προς την εγκαθίδρυσή του στην εξουσία καθώς και μέσα από την ιδεολογική συνέχεια που παρουσιάζει σε σχέση με το Κίνημα Ισλαμικής Εθνικής Άποψης.

Turkey's new Constitution: Historical Continuity and Rupture in Political Islam

Nikos Moudouros

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A brief historical overview of controversies concerning the state system in Turkey

The current debate in Turkey concerning the new Constitution, the possibility of changing the state's political system and the dialectical relationship of this change with the wider geographical region of the country, do not constitute new developments. The specific confrontation exists historically and peaks depending on the socio-economic and political upheavals within Turkey, as well as on the international framework that affects it. Some of the main features of the historical context are first of all Turkey's relatively long constitutional experience from the Ottoman Empire, the parliamentary system, but also the short time since the adoption of the multiparty system in 1945.¹ However, it is yet a fact that any discussion about the problems that the Turkish political system has faced or is still facing cannot be limited to the contents of the Constitution. On the contrary, the confrontation for changing the Constitution and the state system is linked to the level of socio-economic development, political development and destabilization.² Furthermore, a crucial role in the above quest, play the international circumstances and the varying strategies of the Turkish elite.

It was no coincidence the fact that Turkey has had three different constitutions since its establishment, four military coups and 61 governments. Within this context, the military coups have played an important role in the imposition of specific political and economic balances; eventually there was an attempt for them to be reflected in the current constitution of the time. A characteristic example is the Constitution of 1961, which resulted from the coup of 1960, and which was characterized by the complete lack of trust by the established

¹ Recep Türk, "Feasibility of Presidential System in Turkey", *Turkish Journal of Politics*, Vol. 2, No. 1, 2011, p. 34. (pp.33-48)

² Samuel E. Finer, *The Man on the Horseback: The Role of Military in Politics*, Pall Mall Press, London 1962. Robert Pickney, *Right Wing Military Government*, Twayne Publishers, Boston 1990.

military towards the political parties, but also towards the political life in general, as well. The constitution of 1961 sought to bisect the power in such a way that it would be easier to be controlled by the bureaucratic-military apparatus and to prevent its political and democratic legalization by the public vote. Therefore the specific Constitution imposed through the fragmentation and the control of power, a “confederation of powers”³ with parallel bodies and processes. According to the supporters of a stronger executive power, the Constitution of 1961 sought to reduce these powers, having as a result – as even the leader of the junta of 1980 Kenan Evren admitted – “to reduce all the responsibilities of the power that carries around the whole burden of life.”⁴ Then the Constitution of 1971 tried to remedy the situation to no avail.

The culmination of the efforts for restructuring and centralizing the executive power came with the Constitution of 1982, which was also a product of the coup of September 1980. The efforts made through the Constitution of 1982, focused on increasing the President's executive powers within a parliamentary system in such a manner that they would ensure the continued depreciation of the political parties and procedures. In this way a “two-headed executive structure”⁵ was created, with the President acting as a “shadow” of control of the political system, being above all political parties and thus “above” any democratic and popular legitimacy. Then, it had gradually built up a complex acquisition for the head of the state that could interfere in the way that the political life functioned and to affect the program of each elected government. The most recent example of pursuing the delegitimization of the elected government's program by the President of the State was the use of the veto right by Ahmet Necdet Sezer on the bills of the ruling Justice and Development Party – AKP. Between the years of 2002 and 2007 Sezer exercised his veto power 73 times, thus surpassing even Evren, who made use of the power 26 times.⁶

³ Burhan Kuzu, “Türkiye için Başkanlık Hükümeti”, *Amme İdare Dergisi*, Vol. 29, No. 3, September 1996, p. 58 (pp.57-85).

⁴ T.C Devlet Başkanı Kenan Evren'in Yeni Anayasayı Devlet Adına Tanıtma Programı Gereğince Yaptıkları Konuşmalar, Ankara 1982, p. 87.

⁵ Recep Türk, “Feasibility of Presidential System in Turkey,” p.35.

⁶ *Ibid.*, p.36.

The situation created by the Constitution of 1982, composes even today the basis of intense ideological and political pursuits for the future of the state status in Turkey. There are many scholars who argue that any kind of debate concerning the adoption of a presidential system should take into account the fact that the Constitution of 1982 has already built up a structure very close to the presidential system. Other scholars argue that the powers granted to the President of the state by the specific Constitution are even more than the semi-presidential system of France, and therefore we cannot speak of a parliamentary system.⁷ Burhan Kuzu, professor of Constitutional Law, and a leading member of the AKP, argues that the 1982 Constitution, through the expanded executive powers that were granted to the President, turned, in a complicated way, the political system of Turkey into a “sui generis” rendering it neither presidential nor parliamentary.⁸

The already mentioned framework acquires new dimensions with the referendum of 2007, in which one of the main changes was perhaps the approval of a provision for the direct election of the President by the people. With this change in conjunction with the expanded executive powers that the President of the state has, Turkey has already taken a decisive step towards the presidential system. At least on an ideological-political level a President, with popular legitimization through a direct suffrage and constitutional executive powers, constitutes a powerful political and ideological presence⁹ regardless of the legal classifications of the state schemes.

The particular reference which is made about the Constitution of 1982 and the legacy it leaves behind, it is directly related to the course of socioeconomic and political transformation Turkey has gone through up to today. Therefore it is also linked to the more general controversies which developed over the last decade under the AKP's governance, regarding the prospect of changing the Constitution and adopting a presidential system. The imposition of neoliberalism in Turkey with the coup of 1980 had also heightened the quests

⁷ Hasan Tahsin Fendođlu, “Başkanlık Sistemi Tartışmaları”, *Stratejik Düşünce Enstitüsü Analiz*, Ankara 2010, p. 20.

⁸ Burhan Kuzu, “Türkiye için Başkanlık Sistemi”, *Liberal Düşünce Dergisi*, Vol. 1, No. 2, 1996, p. 17 (pp.13-43).

⁹ “Başkanlık sisteminde ısrarcıyız”, *Anadolu Ajansı*, 17 February 2013.

around the state's role, governmental interventions and also the very same structure of power of the Turkish state. On the one side the efforts to strengthen the executive power are being intensified, while on the other hand the discussions about decentralization, for example the strengthening of the local administration, are brought back to the surface. It should be noted that after the 1980 coup and the new socio-economic context, marginalized political movements that supported the decentralization of administration, gradually returned to the fore.

Despite the initial estimations about the prevalence of a generally and indistinctly smallest state in accordance to the neoliberal model of capitalist development, the Turkish experience (as well as the experience of other countries), has shown that the disarming of the state concerns mainly the field of social welfare through curtails, as well as the field of production, through privatization.¹⁰ The state, as such, is being reshaped within the new framework, remains strong and in many cases becomes highly authoritarian. A result of these developments was the strengthening of the quests for the reduction of the legislature's powers and at the same time the increase of those of the executive, particularly at the level of a more effective regulation for the "free market". Thus, this particular fact has led the Turkish elite to pursue the transition from the prospect of a "legislative state" to the prospect of a more effective "administrative state".¹¹

At this point, the political factors and interpreters of the neoliberal transformation of Turkey have acquired a special importance. By this, we mean the more general stream of the conservative Turkish Right-wing and political Islam, whose ideological traditions include a broader effort of strengthening the executive power, weakening the legislative power and creating the conditions for reducing the autonomy of the judiciary.¹² Consequently, it could be noted that the legacy of the 1982 Constitution in the case of concentration of executive power, is one of the principal bases on which the Turkish Right and especially political Islam had claimed and continue to claim the change of the country's state schemes.

¹⁰ Tayfun Akgüner, *Özel Girişim Özgürlüğü ve Yatırımları Teşvik Tedbirleri*, Formül Matbaası, İstanbul 1979, p. 31.

¹¹ Burhan Kuzu, "Türkiye için Başkanlık Hükümeti", p. 57.

¹² Ahmet İnel, "2B Kapanı ve Türkmenbaşılık", *Radikal İki*, 13 March 2013.

The new Constitution as a product of AKP's establishment

At least as far as it concerns the recent discussions on changing the Constitution, the framework of analysis can do nothing else but take into account the developments which were centred on Turkey's transformation during the last decade. The peak of these current procedures meets a critical juncture: the consolidation of the AKP's power through the overthrow of the traditional socio-economic balances, and their adaptation to the international neoliberal environment. At this juncture, the ruling party is more strongly claiming the adoption of a new Constitution through which the new political and economic balances that constitute the framework of building a "new Turkey" will be reflected on an institutional level. It would be useful then to make a brief reference to the processes that have led to the peak of current debates on the new Constitution, an effort which will also highlight the AKP's course of stabilization and establishment as a hegemonic power.

In 2002, the AKP comes into power in Turkey for the first time, within an environment of total collapse of the "old parties," mainly because of the political and economic crisis of the previous decade. The "post-modern" military coup of 1997 against Erbakan's government, scandals like "Susurluk", the deadlocks in the Kurdish problem and the economic collapse during the 2000–2001 crisis, "toppled" almost all political parties that had, in one way or another, been involved in the governance of the country for a long time. The then newly founded AKP managed to prevail, covering the political vacuum that was created, based on a wider alliance that went beyond political Islam. But the course of developments from 2002 until today shows that the prevalence of Erdogan's party was not just coincidental. Ever since then, the ruling party has recorded victories in each and every election that followed, rallied the rates in all general elections, while at the same time managed to prevail so far in both referendums for constitutional changes (2007 and 2010).

Throughout this period, the request to change the constitution exists, but prevails in the public domain depending on the political developments and the consolidation of the AKP's power. This fact requires a brief overview of the different periods during the 10 years of the

AKP's governance.¹³ The first period from 2002 to 2006, was mainly characterized by the intensification of the Turkish government's efforts to make progress in the accession negotiations with the EU. The pressures on the AKP from the internal environment, the disputes which even led to the planning of a coup against it, as well as the international circumstances, were factors that forced the ruling party to search for an external axis of support. This axis was the EU. Through a sustained effort for reform, aiming at the date of accession negotiations with the EU, the AKP was able to stabilize the neoliberal transformation of the country, and at the same time managed to limit the scope of the influence of the old Kemalist establishment, especially the military.

The second period from 2007 to 2010, was characterized precisely by the AKP's pursue to completely marginalize the old establishment. The army's attempt to hinder Abdullah Gül's election as president in 2007 was faced with a proclamation for early elections in the summer of the same year which resulted in a rise of the ruling party's votes to 47%. Then, in 2008, the unsuccessful attempt to close down the AKP followed, and eventually triggered the revelation of Ergenekon's para-state network, and the gradual degradation of the army's control over politics. During this period the AKP managed to expand the democratic field and remove the influence of some important Kemalist pillars, such as the military and the judicial establishment. This success became more official with the referendum of September 2010, through which the AKP managed to "institutionalize" in a great degree its previous policy against the old establishment.

The third period of the AKP's establishment to power is accompanied by an intensified search for a comprehensive constitutional change, beyond the frames of the 1982 Constitution reform. Nevertheless, the broader environment prevailing after the AKP's smashing victory in the general elections of 2011, with almost 50% of the votes, has been a part of the superstructure of the "new Turkey" envisioned by the ruling party. This particular

¹³ Different scholars of the AKP's government argue that the years from 2002 up to today could be divided into three or four major periods with corresponding political features and developments. Hatem Ete, "AK Parti iktidarını dönemselleştirme", *Sabah*, 29 September 2012.

period is mainly characterized by the efforts to establish the ideological heritage of political Islam, in the way that it is today represented by the AKP. It is characterized by the effort to turn this heritage into the main ideological reference in redefining Turkey's identity, by a total elimination of the Kemalists centres of power, as well as by the legitimization of the policy of intervention that the country follows in the region. The opening of the “mastery period,” that is, the period towards the creation of “the AKP's Turkey,” it is accompanied by the rearrangement of the ruling party's alliances and the strengthening of Islam's presence as a political value on almost all levels. Therefore, the actual content of the claim for a new constitution is heavily influenced by this particular ideological change in the country.

The presidential system and political Islam's ideology

As mentioned above, the change of the constitution and the possibility of changing the state system of Turkey, constitute a historical continuation of the AKP along with the previous parties of the Right wing and the National Outlook Movement, within a new context. Therefore, the decoding of the perceptions that the current ruling party in Turkey has on the issue, are of particular importance. According to a traditional view of the Islamic parties and of the National Outlook Movement which also continued in through the AKP, Turkey was for years under the rule of the western – and therefore foreign to the Muslim millet – secular elite. That means, in other words, that the Turkish secular state was under the occupation of “foreigners”, a situation that kept alive the hostility between the state and the Muslim nation-millet.

Within this framework, the Islamic tradition's aim was the “reunion of the state with its own nation,” the prevalence of a historic reconciliation and the embracement of the state power with the Muslim millet. That is passing the authority to the hands of the representatives of the “authentic nation-millet.” The AKP today seems to be recreating the perception of the conflict between the state and the nation, and at the same time it modernizes it along the terms of the new socio-economic framework. Numan Kurtulmuş, one of the AKP's Vice Presidents stated that: “There is no turning back. After two centuries of struggles, Turkey

has been reunited with its own roots. This nation has brought to power its own children. It came to its own power and it will not step down from power ever again.”¹⁴

As a continuation of the above historical interpretation, the problems of the political system, and especially of the Constitution, emanate from their top-down imposition, and thus from the abolition of “national will,”¹⁵ that is, the will of the “authentic” Muslim nation. Therefore, the “sacred” mission that the political Islam bares in order to solve the above problems, focuses mainly on two areas: the creation of a Constitution that will not circumvent the will of the nation-millet, as well as the commitment to a certain content of the Constitution, which will highlight all those things that would restore Turkey as a “glorious state,” inspired by the imperial legacy of the Ottomans. For example, the referendum as a political action has a strategic significance in the above ideological framework. Through the referendum democracy is ensured; this, however, would be a “restricted/limited” notion of democracy, in which the epicenter would be the concept of the inclusion of the nation-millet and the promotion of the historical reconciliation between the millet and the “alienated” state.¹⁶ During its ten years of governance, the AKP has taken the lead in fulfilling two referendums for constitutional changes.

Moreover, the Constitution itself must not only meet the needs of the socio-economic and political development in Turkey, but also the needs that this development creates in its foreign policy. The country's Constitution should facilitate the elimination of the traditional, and in many ways “false” national borders, and to open the way for a broader integration in the region. As Şaban Abak notes in *Yeni Şafak* newspaper, the creation of a new Constitution should ensure the prospects of embracement of the neighboring people, and ensure the resume of a process for integrating a common life between them and Turkey.¹⁷ So the new Constitution should acquire the role of a rupture in the scheme of establishment

¹⁴ Numan Kurtulmuş' speech in a meeting of AKP's officials in Adana on 27 April 2013. “Kurtulmuş başkanlık sistemi için ne dedi?”, <http://www.haber61.net/kurtulmus-baskanlik-sistemi-icin-ne-dedi-145231h.htm>, [entrance on April 27]

¹⁵ Burhan Kuzu, “Türkiye için Başkanlık Hükümeti”, p. 75.

¹⁶ Christos Teazis, *İkincilerin Cumhuriyeti. Adalet ve Kalkınma Partisi*, Mızrak Yayınları, İstanbul 2010, p. 60.

¹⁷ Şaban Abak, “Yeni Anayasanın Ruhu”, *Yeni Şafak*, 24 January 2013.

that was created by the end of World War I, and to present the experience of the Ottoman Empire in a new context. According to the same ideological framework the meaning of “Glorious State” (Kerim Devlet)¹⁸ enters the picture and becomes a point of reference and a source of inspiration for the neighboring people.

In a state like that and in an environment of a regenerated “greatness of Turkey” that can integrate the neighboring area in the neoliberal framework, the presidential system “fits” well. Because the presidential system, according to the approach of political Islam, it is both a characteristic and a guarantee of “great, glorious and developed states.” Erdoğan himself notes that: “The presidential system is not foreign to us. Our ancestors had lived something similar during the Ottoman Empire. This system exists in the most developed nations of the world. In the U.S. and Russia they have the presidential system. In France they have a semi-Presidential system. The same system stands for Latin America. If this system is used in these developed countries, then this must mean something.”¹⁹ These statements are of particular importance given the fact that they transform the presidential system into a synonym of economic growth and thus into the “greatness” of a state. Nevertheless, at the same time they elevate the change of the state system in Turkey to a cultural necessity that suits the country and the nation-millet.

According to Kuzu, the “multi-headed power” does not fit into the wider framework of the Turks’ values, and that is because of the established perception that everything is expected from the government – meaning the executive power.²⁰ Ali Fuat Başgil, highlighting the connection between the Islamic civilization and the presidential system ever since the 1950s, stated that: “We are a nation that wants to have one single authority in charge. We want to be able to elect this authority ourselves. So let’s acknowledge to it all the features necessary so as to be an authority. After the abolition of the Sultanate and the Caliphate, and in order for Turkey not to be caught again in the storm of a one person’s government, they wanted to create the National Assembly. That is a ruler of a hundred heads, and right next to him

¹⁸ Ibid.

¹⁹ “Gelişmiş Ülkelerin Sistemi Başkanlık”, *Sabah*, 30 April 2013.

²⁰ Burhan Kuzu, “Türkiye için Başkanlık Hükümeti”, *Amme İdare Dergisi*, p. 58.

they wanted to place a President for the state who was kept on the levels of a ceremonial clerk.”²¹

However, regardless of the success or not of meeting both of the AKP's objectives to change the Constitution and the political system in Turkey, it is a fact that the ruling party has an integrated strategy on the issue. The AKP has never concealed its intention to turn to the presidential system, ever since it was founded in 2001.²² It seems though that the political events that followed did not provide the opportunity to open a comprehensive discussion up to today. After the victorious outcome of the general elections of 2011, and the party's congress of September 2012, the intentions to turn towards the presidential system had become clearer, and were culminated when the request was officially placed in the parliamentary committee which was studying the change of the Constitution. The same considerations apply to changing the Constitution, too. In the ideological context of the ruling party, the current Constitution prevents Turkey from being established as a great power, and from developing all those features that will guarantee the greatness it claims.

There has been observed a gradual change in the AKP's tactics around these two issues, focusing on the gradual prevalence of tougher ideological axes of political Islam. For example, during the period of an attempt for constitutional reform in 2007, the AKP's proposals focused on the concept of the parliamentary system, and were the result of academic work from people that were not closely connected to the circles of political Islam.²³

On the contrary, all attempts to change the Constitution in 2013 come from the close core of the party and were focused on the introduction of a “Turkish style” presidential system,²⁴ with Erdoğan himself in the forefront as the “new shadow” of the political system.

²¹ Ali Fuat Başgil, *İlmin Işığında Günün Meseleleri*, Yağmur Yayınları, İstanbul 1960, p. 39.

²² “AK Parti başkanlık sistemini 2001’de açıklamıştı”, www.haber7.com [Entry 19 April, 2013].

²³ Taha Akyol, “Fakat...”, *Hürriyet*, 7 March 2013.

²⁴ Ahmet İnsel, “2B Kapanı ve Türkmenbaşılık”, *Radikal İki*, 13 March 2013.

Some of the characteristic features of the presidential system proposed so far by the AKP are: A Presidential term of 5 years, with the right for two consecutive terms by the same person. The executive power is in the President's hands and can appoint or dismiss the ministers. The President heads the interior and foreign policy. The President has the right to declare elections for the National Assembly, to release presidential decrees and to decide for the use of armed forces when necessary. The President appoints half of the members of the Council of Higher Education, half of the number of University Deans and half of the members of the Constitutional Court, without the National Assembly having the right to monitor these postings.²⁵ Additionally, if the President sends back to the National Assembly a bill, it needs to win the majority of 3/5 (that is, 330 votes), in order to be approved without the changes recommended by the President.²⁶ It is worth noting that the AKP has also made a proposal for constitutional changes that abolish the autonomous military judicial structures. Under the same changes the General Staff of the Military would be under the political control of the Ministry of Defense,²⁷ while new regulations are introduced so as to allow women wearing a veil to be employed in the public sector.²⁸

New Constitution, the Presidential System and the Kurdish problem: Parallel pathways?

Developments in Turkey, particularly from 2011 onwards, seem to largely link the path toward a solution for the Kurdish problem with the constitutional change and maybe even the adoption of the presidential system in Turkey. The “identification” of the two issues arises as part of the strategy that the ruling party has been following so far. In this context some dynamics are created that face the prospect of a solution on the Kurdish problem through constitutional change, adoption of the presidential system and even internal reorganization of Turkey's structure.

²⁵ Erdal Güven, “Şimdi de partili Cumhurbaşkanı mı?”, www.erdalguven.wordpress.com, [entrance 16 April, 2013].

²⁶ Ibid.

²⁷ “Dört parti uzlaştı bakanlığa bağlanıyor”, *Yeni Şafak*, 21 February 2013.

²⁸ “Başkanlık sisteminde ısrarcıyız”, *Anadolu Ajansı*, 17 February 2013.

The balance of powers within the National Assembly as well as the current conjunction of circumstances, seem to prevent a unanimous agreement on a new Constitution by the parliamentary parties. The Republican People's Party (CHP) and the Nationalist Action Party (MHP) disagree on very important issues of the constitutional changes, including the presidential system. Within this environment, it appears that different trends of the Kurdish Peace and Democracy Party (BDP) have not ruled out the prospect of cooperation with the AKP for the elaboration of the new Constitution, the content of which will open the road for solving the Kurdish problem, too. Although the party has initially decided that it would strengthen the local powers in the Kurdish areas through the modernization of the parliamentary system, there are some trends that do not preclude a compromise within the frames of a democratic presidential system.

According to records that have recently leaked to the Turkish press from Abdullah Öcalan's meetings with Members of the BDP, the Kurdish leader seems to be ready to support Erdoğan's candidacy for the presidential system, as long as the demands of the Kurds were guaranteed. The strengthening and autonomy of local powers, the strict separation of powers, ensuring the freedom of expression and of mother tongue, the radical reform of the judicial system and the recognition of the Kurds' cultural diversions, are some of his most important requests.²⁹

At the same time, however, the identification of the course to a solution for the Kurdistan problem with the future of the Turkish Constitution includes a number of "problematic" aspects that breed confrontations within the country. At one level there is the AKP's attempt to succeed in increasing the numbers of BDP members in the National Assembly in order to be able to take the new Constitution to a referendum. To do this, the Kurdish party will obviously claim some progress in the realization of its claims. On a second level, there are the ideological-political bases of the AKP's position concerning the state system, but also a

²⁹ Ezgi Başaran, "Başkanlık konusunu AKP karşıtlığına indirgemeyelim", *Radikal*, 16 March 2013.

possible change in the structure of Turkey, and even the adoption of a federal system.³⁰ Consequently, there arises the question of whether the AKP will prioritize the Presidential system and retreat in the Kurdish issue or vice versa.

Nevertheless it is a fact that the course of identifying the two issues on the Turkish agenda has released such dynamics that even the adoption of a different internal structure for the country has become a matter of debate. Even if Prime Minister Erdoğan sought to deal with the transformation of Turkey's internal structure into federal states as a matter that will be studied after 2023, his political stance was clear. In a meeting with the parliamentarians of the ruling party from the regions of Eastern Anatolia, South-eastern Anatolia and the Black Sea region, he stressed out the following: "Basically, the system of states in a powerful country does not cause any harm to them, on the contrary it benefits them. The U.S. is an example. Our goal for 2023 is to place Turkey among these powerful states."³¹

Conclusion

The current debate in Turkey on the issue of changing the Constitution and adopting the Presidential system requires years of research on the matter. The various socio-economic and political upheavals in the country, the military coups, the course of the Kurdish problem and the orientation of Turkish foreign policy, always composed the broader context within which the controversies on the new Constitution climaxed.

The legacy that the Constitution of 1982 had left behind as a product of the 1980 coup, focuses on moving Turkey towards stronger executive power. The strengthening of the executive power was not only a result of the ideological pursuits of the coup's leadership. It was a necessity resulting from the neoliberal transformation of the country, of which imposition peaked during this period. Therefore, the AKP's current claim for a total change of the Constitution is placed just within the wider context of the socio-economic

³⁰ Altan Öymen, "Başkanlık Sisteminin yol açtığı tehlike", *Radikal*, 3 April 2013.

³¹ "Başbakan Erdoğan: Sürece destek yüzde 64," www.aksam.com.tr, 27 March 2013.

transformation of the country. In a few words, this claim must be understood as a reflection of the new political and ideological needs of Turkey, as these are formed in recent years.

The AKP has never hidden its intentions to change the Constitution and the state system. But these demands would take a specific form and content and would be promoted to the public as a political program depending on the circumstances and balances. The AKP's steady strengthening in power and the foundation of its hegemonic position in the Turkish political system, particularly after 2011 elections were some significant factors which reinstated, even more specifically this time, the ruling party's claims. At the same time it should be noted that the change of the Constitution and the adoption of a presidential system are political demands consubstantial with the conservative Right and political Islam in Turkey. Therefore the AKP's position on the issues mentioned above is the result of recent developments, but it is also a matter of ideological and historical continuity of the Islamic tradition in Turkey. The AKP reinterprets and modernizes the issue of the new Constitution under the new terms and conditions that result from the predominance of neoliberalism.

At the same time, current quests coincide with developments in the Kurdish problem. It seems that the effort to create a new constitution has wider dimensions, capable to invert a large part of the stereotypes that characterize Turkish history. The dynamics that have been released from the parallelism of the effort to change the Constitution, brought back to the fore discussions even for the federalization of Turkey. Of course the establishment of a federation, as part of the solution of the Kurdish problem, as well as the issues of changing the constitution and the regime, are still open to controversies and twists. The current dominant trend confirms that the AKP will try until the end, in order to prevail in changing the constitution and in establishing a regime with stronger executive power. But it is also true that the dynamics created by the Gezi resistance managed to send a strong message concerning the future of the opposition powers toward the presidential system. If the demands of "street politics" in Turkey concentrate to a broader notion of democracy and against any kind of paternalism, then the presidential system as an "Islamic demand" will

face some new obstacles. Regardless of the final outcome, which is open to the questions of the conflicts and upheavals of history, these quests confirm that we are standing before a new phase in Turkish history. The current economic, political and ideological context is a part of “new Turkey,” which is being built up in recent years and whose development will affect the entire region.

Strategy International

www.strategyinternational.org

SI Research Paper No. 3/2013

August 2013

Κείμενο Έρευνας SI No. 3/2013

ISSN: 2241-2913

