'EUROPEANIZATION' OF THE TURKISH POLITICAL SYSTEM AND THE EVOLUTION OF CIVIL-MILITARY RELATIONS IN THE POST-HELSINKI ERA

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To my family

ABSTRACT

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M.A. in European Studies Program, Thesis, 2008

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After the Helsinki Summit in 1999, Turkey has undergone a process of reform in order to satisfy the Copenhagen criteria which were the precondition for launching 'accession negotiations' with the European Union. Thanks to various constitutional amendments and 'harmonization packages', Turkey managed to adjust its domestic political structure in line with the European standards on the basis of Copenhagen criteria. Superior position of the Turkish military in civil-military relations was one of the most serious problems that needed to be targeted in the post-Helsinki era. As the 'guardian' of Turkish Republic, military has always had a privileged place in the Turkish polity. However, this thesis proposes that, as a result of series of institutional reforms, especially the ones concerning National Security Council, authority of the military over civil agencies has been weakened. In other words, civilianization and democratization process of the Turkish political system in the context of 'Europeanization' has given birth to re-arrangement of civil-military relations in favor of the former. This thesis explains the reformation process through harmonization packages and analyzes the underlying reasons how and why the Turkish military, a very powerful actor in the Turkish political arena, has accepted its loss of power vis-à-vis the civilians.

ÖZET

TÜRK SİYASİ SİSTEMİNİN 'AVRUPALILAŞMASI' VE HELSİNKİ SONRASI DÖNEMDE SİVİL-ASKER İLİŞKİLERİN EVRİMİ

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Anahtar Kelimeler: Türkiye'nin Avrupa Birliği Üyeliği, AB koşulları, Avrupalılaşma, uyum paketleri, Milli Güvenlik Kurulu, sivil-asker ilişkileri, demokratikleşme

1999 Helsinki Zirvesi sonrası Türkiye, katılım müzakerelerine başlanabilmesi için yerine getirilmesi zorunlu olan Kopenhag kriterlerine ulaşmak adına yoğun bir reform süreci içine girmiştir. Adı geçen zirve sonrası gerçekleştirilen pek çok anayasa değişikliği ve uyum paketleri sayesinde, Türkiye kendi iç siyasi yapısını Kopenhag kriterlerine uyumlu hale getirmeyi başarmıştır. Askerin sivil-asker ilşkilerindeki üstünlüğü Helsinki Zirvesi sonrasında Avrupa ile uyumlulaştırılması gereken en önemli konulardan biri olarak ön plana çıkmıştır. Türkiye Cumhuriyetinin savunucusu olarak asker, Türk siyasi sistemi içiresinde her zaman ayrıcalıklı bir yere sahip olmuştur. Ancak, bu tezde de ileri sürüldüğü üzere, özellikle Milli Güvenlik Kurulu'nu hedef alan reformlar sonrasında askerin sivil kurum ve kuruluşlar üzerindeki otoritesi kısıtlanmıştır. Bir diğer deyişle, 'Avrupalılaşma' üst başlığı kapsamında, sivilleşme ve demokratikleşme süreçleri ile birlikte, sivil-asker ilişkilerindeki güç dengesi sivillerin leyhine olacak biçimde bozulmuştur. Bu tez Avrupa Birliği'ne uyum paketlerini inceleyerek Türkiye'nin içinden geçtiği reform sürecini açıklamakta ve askerin siviller karşısında kendi gücünü kısıtlayan reformları kabul etmesinin altında yatan nedenleri analiz etmektedir.

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INTRODUCTION

> *"[This] reform package has rendered the MGK [Milli Güvenlik Kurulu] functionless. Political Islam and ethnic separatism remain to be serious threats. The appointment of a civilian secretary general to that body politicizes it. One should not have weakened the MGK for the sake of democracy and the EU [European Union]."[1]*

When the accession negotiations between the European Union (EU) and Turkey began on October 3, 2005, it had been nearly half a century since Turkey first applied for associate membership in 1959. Turkey's pending expectations began to come into existence in 1999 when the EU, in its Helsinki European Council meeting, accepted Turkey as a candidate state for membership to the European Union. This development has focused European attention on the country's domestic policies which, immediately, needed to be redesigned in order to comply with the Copenhagen Criteria for EU membership. One of the most serious domestic issues that needed to be targeted was the position of the Turkish military in civil –military relations and its prominent role in Turkish political system. In this sense, this thesis proposes that, with the various constitutional amendments passed after the 1999 Helsinki Summit, civil-military relations in Turkey has been reshaped in favor of the former and the role of the military in domestic politics has been curbed.

Since Turkey was deemed not yet ready to be a part of the European Economic Community (EEC) in 1959, she was offered an "association" instead of "accession". Subsequently, the Ankara Agreement of 1963, which still constitutes the legal basis of the association between Turkey and the EU, was signed in Brussels. Ankara Agreement secured financial assistance to Turkey and envisaged free circulation of goods, persons, capital and services between the EEC and Turkey. Hence, the Association Agreement was understood as a prelude to membership and the Turkish-EEC integration was

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[1] *Milliyet*, August 25, 2003

thought to be making progress rapidly in the post agreement era.[2] However, due to Turkey's chaotic domestic situation in the 1960s and 1970s and because of various military interventions throughout this period, Turkey's route from "association" towards "accession" has been fairly slow. Military rule, which was established after the 1980 coup d'etat, ended in 1983 when civilian power was restored under the leadership of Turgut Özal, who was still the Prime Minister of the Turkish Republic when Turkey applied for full membership in 1987. In response to Turkey's application, the European Commission declared its Opinion on December 18, 1989. Owing to serious economic and political problems, the European Commission recommended against Turkey's application. In spite of its negative opinion in regard to the Turkey's full membership, the European Commission implied its willingness to make Turkey remain in the path by embracing a comprehensive program for the integration of Turkey into the Customs Union. Therefore, the Customs Union Agreement was signed on March 6, 1995 and came into force on January 1, 1996. Yet, this relatively warm relations between the Union and Turkey transformed into tumultuous relations when Turkey was once again left out of the list of candidates for EU membership in the European Council's Luxembourg Summit in 1997. It was not until the Helsinki Summit in 1999 that the candidacy of Turkey for EU membership was recognized by the European Council. The candidacy has created a wind of optimism in Turkey which enabled a process of dramatic change in the fields of domestic and foreign policy domains throughout the post Helsinki era. Eventually, these reforms has satisfied the political aspects of Copenhagen Criteria, a precondition for the opening of accession negotiations, and paved the way to the opening of the accession negotiations. However, unlike previous accession processes, Turkey inaugurated negotiations without resolving highly sensitive political issues related with internal and external dynamics.[3]

This thesis acknowledges the multiple issues and obstacles that lie in front of Turkey ranging from Cyprus issue in the foreign policy domain to various democratization problems in the domestic realm. These internal and external issues are

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[2] L. A. Glyptis, (2005) *"The Cost of Rapprochement: Turkey's Erratic EU Dream as a Clash of Systemic Values"* Turkish Studies Vol. 6 No.3 pp.401-420

[3] These external and internal issues would include Cyprus question, Aegean dispute with Greece, the Armenian issue, restructuring of northern Iraq; Kurdish minority rights, human rights and democracy, Islamic fundamentalism, and lastly the autonomy of the Turkish armed forces within the state and society.

likely to cross Turkey's path to full membership on particular occasions. These being said, this thesis isolates one main variable and focuses on that specific variable; namely, civil-military relations in Turkey. This does not mean other issues are unimportant, but only that they are beyond the scope of this thesis. Autonomy of the Turkish armed forces within the state and society has been one of the main concerns of the European Union. Turkish military has intervened in politics by curbing the power and authority of civilian governments many times. Military has had the capability to shape domestic and foreign policies on the basis of its understanding of 'national security' not only by directly ruling the country, but also influencing civilian governments through various ways. This predominant position of the military in civil- military relations has been challenged by various constitutional amendments and harmonization packages in the post Helsinki period. This thesis deals with the re-positioning of the military in domestic politics and the evolution of the civil-military relations in Turkey as a consequence of Turkey's bid to become a full member of the EU.

Despite the fact that the EU is not the only factor that has induced the reform process in Turkey, it is irrefutable that without the adaptational pressure of the Union such a dramatic transformation would be unthinkable.[4] The reform process began in 1999 and speeded up in 2002 in line with the EU standards. More specifically, throughout the post-Helsinki era Turkey has undergone a process of progressive and democratic change both in domestic and foreign policy areas. As long as the domestic issues are concerned, the preceding government under the rule of Bülent Ecevit approved 34 constitutional amendments most of which were related with the areas of human rights. These constitutional amendments were followed by nine harmonization packages between 2001 and 2006.[5] The first two packages brought amendments in the freedoms of expression and association. The third harmonization package abolished highly contentious death penalty application and lifted the prohibition on broadcasting and education in other languages like Kurdish. The laws on political parties, penalties for torture crimes were amended with the fourth and fifth harmonization packages. Two packages passed in 2003 amended the law of the National Security Council (NSC),

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[4] M. Müftüler-Baç, (2005) "*Turkey's Political Reforms and the Impact of the European Union*" South European Society and Politics vol.10 no.01 pp.17-31

[5] To access the Harmonization Packages in Turkish, see the Office of the Prime Minister, Directorate General of Press and information, http://www.byegm.gov.tr

which used to be dominated by the military. The number of participants from the Turkish armed forces was reduced while the number of civilians was increased. This amendment is also known as the 'civilianization of the NSC (analyzed further in Chapter 3). Besides the NSC, sixth and seventh packages also extended freedom of speech and association; as well as cultural, religious and linguistic rights. The second phase of constitutional amendments that changed ten articles of the constitution was passed in 2004. These amendments civilianized the Higher Education Board (YÖK) and abolished State Security Courts (SSC). Both institutions were the products of 1982 Constitution promulgated after the coup d'etat on September 12, 1980. Furthermore, constitutional amendments in 2004 also strengthened gender equality and the authority of the president was curtailed. This second set of constitutional amendments was followed by the eighth harmonization package which implemented these amendments. Lastly, the ninth harmonization package, which included a series of bills on foundations, a new ombudsman mechanism and the Supreme Court of Public Accounts, was accepted in 2006. Internal reforms are not the only such reforms; it is also possible to observe a similar process in the foreign policy areas as well.

These changes in Turkey would be analyzed within the larger framework of "Europeanization". In this thesis, "Europeanization" refers to the impact of European Union institutions and practices over domestic political structures and policies.[6] In other words, Europeanization is used as changes in legal areas, aspects and policy making.[7] Therefore, as Olsen (2002) puts it, it would be plausible to envisage Europeanization as a "set of ordinary processes of change".[8] Throughout the post-Helsinki era Turkey has undergone a dramatic reform process in order to meet the Copenhagen criteria. Repercussions of this 'Europeanization' process can be observed both in domestic and foreign policy areas. Despite the fact that Turkey has made significant progress to start accession negotiations with the European Union, current slowness of the process in comparison to the other candidate country, Croatia, implies that aforementioned reforms and amendments needs to be applied and implemented properly. Otherwise,

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[6] C. Knill and D. Lehmkuhl, (2002) "*The national impact of European Union regulatory policy: Three Europeanization mechanisms*" European Journal of Political Research Vol. 41 pp. 255-280

[7] Varying understandings of 'Europeanization' will be provided in Chapter 1

[8] J. P. Olsen, (2002) "*The Many Faces of Europeanization*" Journal of Common Market Studies Vol. 40 No. 5 pp. 921-952

incompetency in applying and implementing reforms would result in unprecedented pauses in Turkey's trip to Europe. Liberalization and democratization of the political regime, as prescribed by the EU, needs to be maintained by means of passing and implementing reforms in line with the Acquis. In this sense, role of the military in Turkish political system attracts great importance. One of the most controversial issues that would give birth to dissension between Turkey and the European Union is the special place that the Turkish armed forces occupy within the political system. Because, as Schimmelfennig et al. (2003) point out, Turkish military's power considerations would give rise to violation of 'democratic conditionalities', that the European Union expects Turkey to satisfy, to acquire the full membership to the Union.[9] From the Turkish Armed Forces' perspective, the EU demands in regard to civilianization, democratization are designed to undermine the foundations of military's power which, in turn, puts the internal security of Turkey under threat.[10] Military elite fears that further democratization would give Kurdish minority an opportunity to gain their autonomy and pave way to the disintegration of the state.[11] Besides Kurdish minority problem, another concern is the rise of political Islam. Turkish military legitimizes its intervention into politics by arguing that military is the most reliable actor to fight against disintegration of the state and political Islam.[12] However, political preconditions that must be fulfilled by Turkey to gain successful integration into the Union contradicts with the military's expanded influence over Turkey's political development and its autonomy from civilian actors. The European Commission's stance on this issue was explicitly expressed in the Progress Report 2001:

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[9] F. Schimmelfennig, F. Engert & H. Knobel, (2003) "*Costs, Commitment and Compliance: the impact of EU democratic conditionality on Latvia, Slovakia, and Turkey*" Journal of Common Market Studies Vol. 41 No. 3 p. 507

[10] *ibid.*

[11] A. Güney and P. Karatekelioğlu, (2005) "*Turkey's EU Candidacy and Civil-Military Relations: Challenges and Prospects*" Armed Forces & Society Vol. 31 No. 3 p.455

[12] As the Chief of Turkish Staff Gen. Yasar Buyukanit states: "Turkish Armed Forces is the guarantee of the immortality of the nation" Hürriyet, 18 March 2007

> "The basic features of a democratic system exist in Turkey, but a number of fundamental issues, such as civilian control over the military, remain to be effectively addressed."[13]

Furthermore, the Copenhagen Criteria, which encapsulated complete freedom of expression, the entrenchment of human rights, respect and protection for minority rights, require extended democratic control over the military structure. Thus, after the Helsinki Summit, one of the most important agendas for Turkey was to execute structural changes in the organization of civil military relations in order to enhance civilian control and to bring the institutional structure in line with the EU standards. Thanks to a good number of amendments to existing constitution, several changes in regard to the role of military and democratic control over its performance have been realized. Especially, the seventh harmonization package in 2003 brought democratic changes in the National Security Council Law of 1983 by restructuring the composition and role of the NSC and Secretariat General. According to the European Union Commission, as a result of these reforms:

> "…the government has increasingly asserted its control over the military. [Moreover,] the reforms over the last year concerning the functioning of the NSC have further shifted the balance civil-military relations towards the civilians and encouraged public debate in this area."[14]

On the other hand, some scholars would argue that the constitutional reforms are not likely to affect civil-military relations in favor of the former, because there are many socio-political variables which ensure the privileged position of the Turkish military in the political life.[15] According to this perspective reduction in the role of the military is not possible by merely adopting institutional changes; there is a need for an overall

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[13] European Union Commission Progress Report, 2001. To access Progress Reports in Turkish and English, see http://www.abgs.gov.tr

[14] European Union Commission Progress Report, 2004

[15] Ü.C. Sakallıoglu, 2004 "*Problems of democratic governance of civil-military relations in Turkey and the European Union enlargement zone*" European Journal of Political Research vol.43

evolutionary process of cultural change which would dissolve the legitimizing factors of the autonomy and superiority of the military.

Since the aim of this thesis is to analyze the Europeanization of Turkey by putting lens specifically over the Turkish armed forces, in the lights of different institutional change theories, this dramatic transformation of the military through the Europeanization process will be assesed. In the first chapter, theoretical framework of the thesis will be presented. Various definitions of 'Europeanization' and competing models of 'change' embraced by different theoretical approaches will be mentioned. Chapter two provides the background information about the dynamics of civil-military relations in Turkey. In this chapter, role of the military in the Turkish political system will be analyzed by touching upon cornerstone events (military interventions in 1960, 1971, 1980 and the soft interventions of 1997, 2007) in the Turkish history. In chapter three, Turkey' transformation, especially in the field of civil-military relations, will be examined by tracing constitutional amendments, harmonization packages and commission reports. Lastly, concluding remarks will be provided in chapter four.

CHAPTER ONE

THEORIZING THE ENLARGED EUROPEAN UNION

1.1 Nature of the European Integration and Theorizing Europeanization

As the EU continuous to enlarge its borders by integrating new member states and expand authority and competence of its supranationational institutions over the national governments, discussions about the nature and future of the Union deepens. Widening and deepening of the EU also brings about the question of adaptation to the European laws, regulations, norms and values. This process of adaptation of the member states and candidate states to the European standards is known as 'Europeanization'. This chapter provides a discussion about the nature of the EU and presents different theoretical approaches to 'Europeanization'.

1.1.1   Understanding the Nature of Enlarged Union

Integration of the East-European countries into the European Union as a result of the last enlargement waves has exacerbated two main discussions within the European Union literature. Firstly, from the very beginning of the European project in the 1930s, the main idea in the minds of pioneers of the project was to create a "United States of Europe"[16], similar to the United States of America. Some thinkers, like the former foreign minister of Germany, Joschka Fischer, who describe the nature of the Union from a state-centric paradigm, believe that today's enlarged Europe is the footstep of a kind of Westphalian federation with a central government. According to those, the European integration process is the continuation of state-building process that followed the 1648 Peace of Westphalia. From this point of view, enlargement and further integration imply that the European Union is, step by step, possessing the main characteristics of a Westphalian state which has a central government, clearly defined

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[16] Having been inspired by Winston Churchill's popular speech at Zurich University in 1946, many federalists started to raise their voices for the propagation of "United States of Europe".

external borders, common currency, constitution, citizenship, and legitimate means of coercion.[17]

On the other hand, some other scholars like Zielonka (2006) and Bartolini (2005) are not only opposed to the above mentioned state-centric approach, but also they argue that employing statist terms and analogies in theorizing European integration is quite misleading, because the European Union is anything but a state.[18] Zielonka, who challenges state-centric approach by presenting an alternative paradigm called: "Neo-Medieval paradigm", points out that the European Union does not have an unanimously accepted center of authority with the legitimate means of coercion. Furthermore, as Zielonka emphasizes, new members coming from eastern Europe with communist roots have enormous dissimilarities with west European member states in terms of culture, political structures, social behaviors; and these differences are at odds with the state centric approaches.[19]

"...the Union is a very different kind of international actor than any of the states we know from history. The last wave of enlargement has not made the Union look more like a state. On the contrary, enlargement has resulted in more layers of authority, more cultural, legal, and political pluralism, more diversified and cross-cutting institutional arrangements"[20]

As Bartolini mentions, Westphalian states have relatively fixed and hard borders.[21] Moreover, the physical geographical border of the state coincides with functional boundaries such as economic, cultural, politico-administrative and force coercion boundaries. This overlapping boundaries minimize exit opportunities for groups and individuals with the help of activities and initiatives of a "central political

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[17] J. Zielonka, (2006) "*Europe as Empire*" Oxford University Press. p. 3

[18] *ibid.*

[19] *ibid.*

[20] *ibid*. p:3

[21] S. Bartolini, (2005) "*Restructuring Europe*" Oxford University Press pp. 12-13

hierarchy". However, in the European Union there is neither a clearly defined external border of the polity, nor can we speak of coincidence of functional boundaries and external border like the one in states.[22] In addition to this, soft borders which make the exit option for groups and individuals more attainable, combined with weak commonalities to establish a European identity that would be embraced by all Europeans give birth to weaknesses in system building and political structuring under the roof of the Union. This, in turn, according the Bartolini and Zielonka, makes the Union different from a superstate envisaged by federalists.

Therefore, as the European integration deepens, both in terms of vertical and horizontal dimensions, the nature of the Union tends to blur and it becomes more difficult to reach a consensus. Some politicians like Joschka Fisher, with the idea of united Europe in their minds tend to perceive continuing integration process as the harbinger of a federal Europe under which member states pool their sovereignties accepting the authority of a supranational organization. On the other side, there are some scholars (like Zielonka and Bartolini) who challenge the ontology of the above mentioned state-centric paradigm by arguing that the European Union has many dissimilarities from nation states and today's enlarging Europe cannot be understood from modern state perspective. Hence, it is even not easy to find a straightforward, commonly agreed description of the enlarged Union. As the Union integrated new countries into its structure, the process of adaptation of several countries - with different traditions and backgrounds- to the EU standards began to attract greater attention. Candidates and already member states continuously readjust their domestic systems through constitutional and legal changes in order to comply with the EU's demand. The framework to analyze the process of change in the political structures of the member states and those who aspire for membership is known as "Europeanization".

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[22] For a deeper understanding of 'boundary-exit mechanism' and their application to territorial units in Europe see S. Rokkan, (1999) "*State Formation, Nation Building, and Mass Politics in Europe*" in The Theory of Stein Rokkan edited by Peter Flora, Stein Kuhle, and Derek Urwin Oxford University Press, 1999

1.1.2   Theorizing Europeanization

The main tool to analyze the impact of the EU on candidate states is the theory of Europeanization. "Europeanization" has become a widespread political phenomenon since the European integration process in Central and Eastern European countries began in the 1990s. Although there is an increasing academic interest on "Europeanization", most of the theoreticians argue that the concept has not been clearly defined and the meaning is ambiguous.[23] For instance, Knill and Lehmkuhl (1999, 2002) argue that "notwithstanding a growing number of studies explicitly concerned with the Europeanization of domestic institutions, we still lack consistent and systematic concepts to account for the varying patterns of institutional adjustment across countries and policy sectors".[24] Furthermore, Olsen (2003) points out that "Europeanization" is a newly born area of study and current research about this field do not constitute a convincing theoretical framework of institutional change[25] (analyzed further below).

Since there is no universally accepted definition to Europeanization, confusion in the literature becomes unavoidable and different scholars assign different meanings to the concept. This situation gives way to misinformation, conceptual stretching, and degreeism. As the term is stretched by attaching different meanings to it, the value of the term is declined.[26] Hence, to avoid stretching, the concept needs to be defined clearly by drawing its boundaries and showing what is inside and what falls outside.

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[23] K. Featherstone, (2003) "*Introduction: In the Name of Europe*" in The Politics of Europeanization edited by K. Featherstone and Claudio Radaelli Oxford University Press

[24] C. Knill and D. Lehmkuhl, (1999) "*How Europe Matters. Different Mechanisms of Europeanization*" in European Integration Online Papers vol.3 no.7 p:01

[25] J.P. Olsen, (2003) "*Europeanization*" in European Union Politics edited by M. Cini pp:333-349 Oxford University Press.

[26] G. Sartori, (1970) "*Concept Misinformation in Comparative Politics*" in American Political Science Review 64(4)

1.1.2.1 Definition(s) of 'Europeanization' as a Concept

There are competing definitions of Europeanization offered by different theoreticians. One of the frequently quoted definitions of the Europeanization comes from Caporaso, Green-Cowles and Risse:

> "We define Europeanization as the emergence and the development at the European level of distinct structures of governance, that is, of political, legal, and social institutions associated with political problem-solving that formalizes interactions among the actors, and of policy networks specializing in the creation of authoritative rules"[27]

Here, Caporaso et al. see Europeanization as an independent variable which directly affects domestic processes, policies and institutions. According to Checkel, Caporaso et al.'s definition includes 'both the strengthening of an organizational capacity for collective action and the development of common ideas, such as new norms, and collective understandings regarding citizenship and membership'.[28] In other words, Europeanization, according to their point of view, is political institutionalization which involves the formation of formal and informal rules, procedures, norms and practices governing politics at the European, national and sub-national levels.[29] The main point which differentiates this definition from traditional definitions of Europeanization is the recognition of the interactions among various domains of governance (national, sub-national, supra-national).[30] Early on, Europeanization was used synonymous with "institution-building at the European level".[31] Subsequently, scholars like Olsen (1995) began to analyze Europeanization from the point of domestic

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[27] T. Risse, M.G. Cowles, J.A. Caporaso, (2001) "*Europeanization and Domestic Change: Introduction*" in Transforming Europe: Europeanization and Domestic Political Change edited by Risse et al. Cornell University Press p:03

[28] J.T. Checkel, (2001) in J.P. Olsen, (2003) "*The Many Faces of Europeanization*" Journal of Common Market Studies vol.40 No.5 p.929

[29] *ibid*.

[30] *ibid.*

[31] *ibid.* p:03

changes triggered by the activities undertaken in Brussels.[32] Andersen and Eliassen (1993) preferred the term 'Europeification', rather than Europeanization, in explaining the impact of the change at the European level to the national political institutions and policymaking styles of member states.[33] It was not until Kohler-Koch (1997) that the term Europeanization was used in order to refer sub-national levels as well as national and supra-national levels. Kohler-Koch and Eising examined the domestic implementation of European rules and regulations from the perspective of the regional governments, policies and outcomes.[34] Nevertheless, as Risse et al. argue, their definition is the most systematic and comprehensive explanation of Europeanization, which analyzes "why, how, and under what conditions Europeanization shapes a variety of domestic structures (including supra-national, national, and sub-national levels) in a number of countries".[35] Being strongly affected from historical institutionalism, the rationale behind their definition is that, institutions are always in a process of change, and this evolution is experienced sometimes slowly and piecemeal, sometimes rapidly and comprehensively. Furthermore, this change in institutional structure of the European Union is very likely to have effects over the existing domestic institutions. Although the possibility of intersection between the institutional change at the European level and existing domestic structures is eminent, institutional adaptation and the evolution of the domestic institutional structures in line with the European desires are path dependent.[36] Because, adaptational pressure exerted by Europeanization does not necessarily result in domestic change, since mediating factors - like national and subnational actors - may simply avoid taking certain actions for different reasons.

Radaelli (2000, 2003) finds Risse et al.'s definition as an extremely broad version of Europeanization.[37] He argues that the Europeanization has to have a more

[32] J.P. Olsen, (1995) "*European Challenges to the Nation State*" Working Paper no.9, March. Oslo; ARENA

[33] S.S. Andersen and K.A. Eliassen, (1993) "*Making Policy in Europe: The Europeification of National Policy-making*" Thousand Oaks, Calif. Sage.

[34] B. Kohler-Koch and R. Eising, (1999) "*The Transformation of Governance in the European Union*" London: Routledge.

[35] T. Risse, M.G. Cowles, J.A. Caporaso, (2001) p: 3

[36] *ibid.*

[37] C. Radaelli, (2000) "*Whither Europeanization? Concept Stretching and Substantive Change*" European Integration Online Papers vol.4 no.8

precise and selective meaning rather than employing concepts like policy networks, EU policy formation and EU integration, which are used with wide latitude.[38]

An alternative definition to Europeanization is developed by Ladrech in the early 1990s. Ladrech (1994) uses Europeanization as the "process" and mechanisms by which European institution building may cause change at the domestic level. According to Ladrech, Europeanization means an:

> "…incremental process re-orienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy making"[39]

Ladrech's definition of Europeanization puts the main emphasis on reorientation of the organizational logic of national politics and policy making.[40] By the 'changes in the organizational logic of politics and policymaking' he means the adaptive processes of organizations (including governmental and non-governmental organizations) to a modified environment. Therefore, according to his description, if we equate the EU with an international regime, and generalize member and/or candidate states' political parties, organized interest groups, and certain administrative agencies and governmental units as organizational actors; Ladrech, then assumes that, organizations respond to changes in the perceptions of interest and value that occur in the principles, norms, and institutional design of the regime in which they are embedded.[41] Hence, while re-orienting their national politics, as a response to the European Union, states internalize new EU generated inputs through adaptation, learning, and policy change.

C. Radaelli, (2003) *The Europeanization of Public Policy*" in The Politics of Europeanization edited by K. Featherstone and C. Radaelli Oxford University Press

[38] *ibid*.

[39] R. Ladrech, (1994) *Europeanization of Domestic Politics and Institutions: The Case of France*" in Journal of Common Market Studies 32(1) p:69

[40] *ibid.*

[41] *ibid.*

It is plausible to argue that, Ladrech's definition challenges the traditional monopoly of intergovernmentalists and institutionalists in the literature by moving his analysis away from both approaches:

"The difference between the approach employed in this article and neo-functionalism and federalism on the one hand, neo-realism (*intergovernmentalism*) on the other is a recognition of the continuing validity of national politics, yet of a transformed nature. Neo-functionalism and federalism tend to privilege the supranational level of decision making, whether as part of an incremental process redirecting activities and allegiances on in a qualitative leap to the "EC as federal state". *Europeanization preserves the legitimacy and authority of national government, but suggest that it will become permeated by environmental inputs which become, over time internalized in politics and policy-making*. This is at odds with neo-realism in that national or state interests are traditionally defined to the exclusion of other dimensions of political activity external to the national state. Rather the implications of Europeanization would suggest inclusion of multiple actors, external as well as internal" (emphasis added)[42]

Claudio Radaelli agrees with Ladrech in many aspects, however, he finds the latter's definition problematic in the sense that it pays too much emphasis on organizations which would in turn clouds the role of individuals and policy entrepreneurs.[43] Moreover, he mentions that, in Ladrech's definition the object of Europeanization is limited to "national politics and policy-making" by neglecting identities and the cognitive component of politics.[44] Borrowing Ladrech's definition, he defines the term Europeanization as following:

"Process of (a) construction, (b) diffusion, and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and

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[42] *ibid.* p:70

[43] C. Radaelli, (2003)

[44] *ibid.*

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norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures, and public policies"[45]

This definition stresses the importance of change in the logic of political behavior. Europeanization involves the domestic assimilation of EU policy and politics, hence the definition refers to processes of institutitonalization.[46] Unlike Ladrech's definition Radaelli does not touch on organizations. Instead of merely highlighting organizations, his definition accommodates both organizations and individuals. In addition to this, he prefers to use "EU public policy" rather than EU laws or decisions because the former covers "modes of governance that are not targeted towards law making, such as the open method of coordination"[47]

To be more specific about the term Europeanization, it is beneficial to draw its boundaries by analyzing not only what falls inside the frame, but also what falls outside it. In other words, after discussing about the inputs that needs to be included when defining Europeanization, it is now crucial to isolate the term from other concepts which, most of the time, are employed synonymous with Europeanization.

Above all, Europeanization is not same with convergence.[48] If Europeanization is simply understood as the penetration of EU policy into the domestic political systems it becomes difficult to detach the term Europeanization from other contiguous concepts like convergence. Since Europeanization is a process of learning, adaptation and institutionalization; convergence can be the consequence of this process. Having said that, it is essential to note here, Europeanization 'process' does not necessarily lead up to 'convergence'. It can also produce 'divergence'.[49] Although Europeanization has resulted in convergence in the areas of environmental policy, media ownership policy;

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[45] *ibid.* p:30

[46] *ibid.*

[47] *ibid.*

[48] K. Featherstone, (2003)

[49] C. Knill, D. Lehmkuhl, (2002) "*The National Impact of European Union Regulatory Policy: Three Europeanization mechanisms*" in European Journal of Political Research vol.41 pp.255-280

the Europeanization of transport policy led to striking differences between France, Germany, Italy and the UK.[50]

> "In contrast to the British and the Italian case, France and Germany
> were characterized by a relatively more even distribution of
> power... As a result of the differences in the domestic
> constellations, however, the outcomes in each country were
> different... As our case studies have shown, however, to identify a
> particular mechanisms of Europeanization is not to describe its
> actual effect. Rather the range of policy outcomes stretches from
> hard core de-regulation in Britain to social re-regulation in
> France"[51]

Europeanization should not be confused with harmonization either. Europeanization does not necessarily homogenize states. As Motpetit (2000) concludes, although it is common for all states that Europeanization encourages them to undertake domestic policy change, not all member states prefer the same types of change.[52] Thus, it is safe to argue that, the nature of Europeanization would be to harmonize states; however, Europeanization does not necessarily result in harmonization for states that are exposed to this process. Furthermore, Europeanization is not same with political integration. Political integration is related with the process of transfer of sovereignty from member states to a supranational entity. Political integration belongs to the ontological stage of research. It focuses on if or not the European integration strengthens the state. On the other hand, Europeanization is a post-ontological stage of research which deals with more specific questions like the role of domestic institutions in the process of adaptation to Europe.[53]

Thus, in the light of the various definitions mentioned above, one would conclude that Europeanization has different domains. Claudio Radaelli analyzes Europeanization in three domains: i) domestic structures, ii) public policy, iii) cognitive

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[50] *ibid.*

[51] *Ibid.* p: 270-271

[52] E. Motpetit, (2000) "*Europeanization and Domestic Politics: Europe an d the Development of a French Environmental Policy for the Agricultural Sector*" in Journal of European Public Policy 7(4)

[53]C.M. Radaelli, (2003) p:33

and normative dimensions.[54] Europeanization affects domestic structures of the countries. In this sense, Europeanization is the impact of the EU oriented policies and actions over the domestic structures including the political and legal structures of a country (e.g. institutions, political parties, intergovernmental relations...etc.). Moreover, Europeanization has effect over the public policy domain as well. Here, Europeanization means adaptation of the states to the European standards with the transformation of different elements of the public policy, such as, actors, resources, and policy instruments. In addition to these, Europeanization also means emergence of formal-legal institutions of governance at the European level. In this context, Europeanization implies formation of formal and informal rules, procedures and practices at the European, national and sub-national levels. Therefore, 'there is the simple observation that not only can Europe affect formal political structures, it can also influence the values, norms, and discourses in member states'.[55] However, in this thesis Europeanization covers the first two domains of the concept. Therefore, Europeanization refers to changes and transformations within the domestic structure and public policy instruments of Turkey as a response to the policies of the European Union.

Domains of Europeanization

Domestic Structures	Public Policy	Cognitive and normative structures
1.Political Structures	a) Actors	a) Discourse
a) Institutions	b) Policy problems	b) Policy Problems
b) Public administration	c) Style	c) Political legitimacy
c) Intergovernmental relations	d) Instruments	d) Identities
d) Legal structure	e) Resources	e) State traditions-understanding of governance
2.Structures of representation and cleavages		f) Policy paradigms, frames and narratives
a) Political parties		
b) Pressure groups		
c) Societal-cleavage structures		

Source: C.M. Radaelli, (2003) p. 35

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[54] *ibid.*

[55] *ibid.* p.36

1.1.2.2. How does Europeanization Result in Change?

As it is mentioned above, initially Europeanization and European integration processes have been mainly studied on the basis of "bottom-up" perspective. In other words, debate between rival theories like neo-functionalism, intergovernmentalism, and multi-level governance have centered around the question of how to construe the emerging European polity above the member states. Development of a European literature which analyzes the impact of European integration and Europeanization from the perspective of domestic political and social processes of the member states is a newly born approach. Therefore, one could argue that Europeanization literature has shifted from "bottom-up" perspective to "top-down" perspective.[56] As Börzel and Risse (2000) concludes, studying Europeanization according to "top-down" perspective is necessary to fully capture how Europe and the EU enforce domestic change within the legal and political structures of the member and candidate states. It would be beneficial to note here, in this thesis, Europeanization is understood as a "top-down" process which refers to domestic impacts of European policies, activities and institutions.

It has been mentioned above that the process of Europeanization gives birth to drastic changes in the domestic political structures and policies. Therefore, the key word in understanding Europeanization is: "change". As Olsen concludes, it is plausible to frame Europeanization as a 'set of ordinary processes of change'.[57] In this sense, in order to fully capture the meaning of Europeanization it is crucial to understand the dynamics and mechanisms of institutional change in the domestic realm.[58] For the sake of clarity, it would be useful to give the definition of 'institutional change'. Generally, 'institution' is deemed 'as a relatively stable collection of practices and rules defining appropriate behavior for specific groups of actors in specific situations'.[59] In this manner, political institutions are based and built on rules, principles, values and

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[56] T.A. Börzel and T. Risse, (2000) *"When Europe Hits Home: Europeanization and Domestic Change"* European Integration Online Papers (EIop) vol.4 no.15

[57] J. P. Olsen, (2002) *"The Many Faces of Europeanization"* Journal of Common Market Studies, vol. 40 no. 5 pp. 921-952

[58] *ibid.*

[59] J. G. March and J. P. Olsen, (1998) *"The Institutional Dynamics of International Political Orders"* International Organisation vol. 52 no. 4 p.948

collective identities. Since these rules, principles, collective identities, and values are the main pillars of the structure of an institution, any kind of alteration in one of these main pillars would lead to dramatic transformations in the nature of an institution. As Sarıgil concludes, 'a gradual or dramatic shift in the norms, principles, values, and collective identity of an institution qualify as an institutional change since the defining element of an institution takes different forms'.[60] Thus, this thesis analyzes the reform process from an institutional perspective by studying the adaptation of the Turkish military to the European standards through various constitutional amendments and harmonization laws (in Chapter 3).

Hence, domestic change is the essence of Europeanization. But, what are the conditions for domestic change, when and how does institutional change take place? There are two stages of change. At first, the process of change is inflamed by an internal or external factor. Secondly, institutional actors begin to negotiate about new establishments in exchange for the status-quo.[61] As Börzel and Risse continue, 'change' becomes a necessity when there is an inconvenience or some degree of 'misfit' between domestic applications, processes, and institutions, on the one hand, and European-level processes, policies and institutions on the other.[62] Similarly, the degree of incompatibility or 'misfit' determines the intensity of 'adaptational pressure' posed by the EU. Thus, the process of change is triggered by the enforcement of the EU which aims to adjust existing domestic political structures in line with European standards. However, the presence of 'misfit' between domestic political structures and European level institutions does not necessarily result in change. For change to be realized, there must be some 'facilitating factors', such as political actors and/or institutions, which not only respond to adaptational pressures coming from the EU but also do not hesitate to compete and negotiate for an alternative formation.[63]

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[60] Z. Sarıgil, (2007) "*Europeanization as Institutional Change: The Case of the Turkish Military*" Mediterranean Politics, vol. 12 no. 1 p. 42

[61] T. A. Börzel and T. Risse, (2000)

[62] *ibid.*

[63] In this manner, this two step approach enables us to appreciate where domestic change is likely or not according to the level of compatibility with the European standards. However, potential for change is not only bound to the 'goodness of fit', also the opportunity structures and institutional actors need to be analysed and taken into consideration. C. Knill and D. Lehmkuhl, (2002) "*The national impact of*

"...institutional actors who desire more favorable distributional outcome would consider shifts in power structures as an opportunity to alter existing institutional arrangements. Thus, shifts in power structures emerge as one significant factor that initiates the process of change. However, this factor does not determine the outcome of change process since the initiation of change leads to bargaining in the second stage, during which different dynamics and factors play a role."[64]

1.2. Review of Theoretical Approaches to Institutional Change

Institutions affect policy outcomes and the policy making powers held by institutional actors. These actors have preferences over institutions and they compete and bargain with each other in order to bring about their preferred versions of institutions. In that sense, institutional change refers to either the creation of new rules or making changes in the existing rules. Therefore, institutional change paves way to the reallocation of power by challenging the existing power structure and rendering each actors more or less able to achieve its own policy preferences. The 'Logic of consequentialism' and the 'Logic of appropriateness' are the two competing approaches which attempt to theorize the decision making process of the actors in the times of institutional change.

1.2.1 Rationalist Institutionalism and the "Logic of Consequences"

Theoretically speaking, once existing power structure has been challenged by adaptational pressure, institutional actors which interact within this power structure begin to compete in order to be a major part of the new order.[65] There are two models of

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European Union regulatory policy: Three Europeanization mechanisms" European Journal of Political Research vol. 41 pp. 255-280

[64] Z. Sarıgil, (2007) p.42

[65] G. Doron and I. Sened, (2001) "*Political Bargaining: Theory, Practice and Process*" London: Thousand Oaks, California: SAGE

approach to domestic adaptational processes as far as the priorities of institutional actors are taken into account. These are the *'Logic of Consequentialism'* and the *'Logic of Appropriateness'* (March and Olsen, 1998; Featherstone and Kazamias, 2001; Hall and Taylor, 1996; Börzel and Risse, 2000; Knill and Lehmkuhl, 2002). According to the 'logic of consequentialism' (LoC), which is central to 'rationalist institutionalist perspective'[66] (rational choice approach), incompatibility between European and domestic institutions, policies and processes leads to the enforcement of adaptational pressure by the former which in turn result in emergence of opportunity structures for domestic political actors so as to satisfy their interests. In short, according to this model, facilitating actors bargain with each other in order to have an upper hand in the distribution of material utilities.[67] Therefore, 'the logic of rationalist institutionalism suggests that Europeanization leads to domestic change through a differential empowerment of actors resulting from a redistribution of resources at the domestic level'[68] According to rationalist institutionalism actors have fixed preferences and their main aim is to satisfy their self-interests. Under this perspective, the process of change gives actors an opportunity to maximize their self interests on the basis of their preferences and perceptions.

> "From this perspective, Europeanization is largely conceived as an emerging political opportunity structure which offers some actors additional resources to exert influence, while severely constraining the ability of others to pursue their goals. Liberal intergovernmentalists suggest that European opportunities and constraints strengthen the action capacities of national executives enhancing their autonomy vis-a-vis other domestic actors (Moravcsik, 1994)."[69]

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[66] A. Moravcsik, (1994) "*Why the European Community Strengthens the State: Domestic Politics and International Cooperation*" Working Paper, 52 Cambridge, Mass: Harvard University

[67] J. G. March and J. P. Olsen, (1998) "*The Institutional Dynamics of International Political Orders*" International Organisation Vol. 52 No. 4 pp. 943-969

[68] T. A. Börzel and T. Risse, (2000) p. 2

[69] *ibid.* p. 6

1.2.2 Sociological Institutionalism and the "Logic of Appropriateness"

The 'logic of appropriateness'[70] (LoA), on the other hand, challenges the underlying assumption of the 'logic of consequentialism' by arguing that, actors' behaviors are not dependent upon their material interests; rather, their behaviors mainly reflect rules, norms, and identities of the group in which they are socialized.[71] 'Sociological institutionalism' perceives institutions as independent variables on which actors' interests, behaviors, and identities are dependent.[72] In this sense, institutions reflect common understandings of what actors perceive as legitimate, efficient, or modern.[73] Yet, there is more than one way in which agents may follow a 'logic of appropriateness'.[74] Actors may behave appropriately by learning a role irrespective of whether they like the role agree with it. Following a LoA 'means simply that conscious instrumental calculation has been replaced by conscious role playing.' This way of following LoA is called as Type I internalization. On the other hand, following LoA 'may go beyond role playing and imply that agents accept community or organizational norms as the right thing to do.' Here, actors adopt interests and possibly the identity of the community of which they are a part. This is called Type II internalization.[75] Both types of LoA represents a shift away from the LoC, however, both capture different aspects of socialization.

> "Appropriateness need not attend consequences, but it involves cognitive and ethical dimensions, targets, and aspirations. As a cognitive matter , appropriate action is action that is essential to a

[70] Developed by March and Olsen, for further information see: J. G. March and J. P. Olsen, (1984) "*The new institutionalism: organisational factors in political life*" American Political Science Review Vol. 78 No. 3 pp. 734-749 and J. G. March and J. P. Olsen, (1989) "*Rediscovering institutions*" New York Free Press

[71] J. T. Checkel, (1999) "*Norms, Institutions, and National identity in Contemporary Europe*" International Studies Quarterly Vol. 43 No. 1 pp. 83-114

[72] J. Stacey and B. Rittberger, (2003) "*Dynamics of formal and informal institutional change in the EU*" Journal of European Public Policy Vol. 10 No. 6 pp. 858-883

[73] *ibid.* p. 866

[74] J. T. Checkel, (2005) "*International Institutions and Socialization in Europe*" International Organization Vol. 59 pp. 801-826

[75] *ibid.* p. 804

particular conception of self. As an ethical matter, appropriate action

is action that is virtuous."[76]

Therefore, according to the 'logic of appropriateness' actors are mainly motivated by their ideational interests (legitimacy, reputation, self-affirmation) rather than material interests. By behaving in line with rules and norms that are shared collectively, actors manage to gain a certain degree of legitimacy in the eyes of others. Actors find themselves obliged to follow commonly shared rules and norms because failing to do so would result in legitimacy problem which, at the end of the day, would lead to certain 'social costs'.[77] As Finnemore and Sikkink (1998) conclude, rules and norms shape actors strategies by defining standards of legitimacy.[78]

To put it in a nutshell, contrary to the 'logic of consequentialism', according to which actors' behaviors mainly reflect preferences and expectations in terms of material utilities, for the 'logic of appropriateness', the fundamental factor is the concept of necessity driven by norms that define appropriate behavior.[79] However, one could argue that although these two models seem in opposition to each other, they are not mutually exclusive. Political actors are guided by the elements of each model when they make a decision. They both evaluate their expected consequences and the rules shared commonly in their political institutions.[80] The 'logic of consequentialism' assumes that actors shape their behaviors as a result of cost-benefit calculations in regard to their material gains. Yet, if actors' interests and norms are in contradiction, actors tend to behave according to their ideational interests in order to persuade opponents and proponents that the action is appropriate as far as the collective normative understandings are taken into account. These competing logics would be beneficial in analyzing the reformation process that the Turkish military has gone through as a result of Europeanization process and the evolution of civil-military relations in Turkey in the

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[76] J. G. March and J. P. Olsen, (1998) p. 951

[77] A. S. Yee, (1997) "*Thick rationality and the missing 'brute fact': the limits of rationalist incorporations of norms and ideas*" The Journal of Politics Vol. 59 No. 4 pp. 1001-1039

[78] M. Finnemore and K. Sikkink, (1998) "*International norm dynamics and political change*" International Organization Vol. 52 No. 4 in Z. Sarıgil, (2007) "*Europeanization as Institutional Change: The Case of the Turkish Military*" Mediterranean Politics Vol. 12 No. 1 pp. 39-57

[79] Z. Sarıgil, (2007) p. 43

[80] J. G. March and J. P. Olsen, (1998)

post-Helsinki era. 'logic of consequentialism' and 'logic of appropriateness' will be applied while analyzing how and why the Turkish military, a very strong political actor and veto player[81] in the Turkish political system, has accepted its loss of power rather than preventing changing balance of power between the civilians and the military at the expense of latter as a consequence of Europeanization in Turkey. The LoC holds that, utility concern has motivated political reforms. In this respect, the AKP's tenacious attitude towards the process of reform would be tied to the possible utilities that AKP would enjoy when the promoted reforms has implemented and the military, one of the most serious opponents of the government, has been pushed away from the political arena as a result of the political reform process (Chapter 4). On the other hand, LoA Type I holds that institutional actors would act in line with common rules and norms in order to gain legitimacy although acting in this way contradicts with their material interests. In this sense, it would be plausible to argue that, although the Turkish military's power has been seriously challenged with the reform process, Turkish armed forces refrained from blocking this process in order not to lose its legitimacy in the eyes of Turkish people, majority of which support Turkey's struggle for the EU membership (Chapter 4).

1.3. Concluding Remarks

As a result of the last waves of expansion, the European Union has undergone a process of dramatic changes during the last decade. Most of the new member states that integrated into the Union are coming from fairly different backgrounds. Especially the eastern European countries, ruled according to the communist ideology for many years, were dissimilar to western European states in terms of political, economic and socio-cultural dynamics. This gap between the existing states and newcomers has brought the issue of adaptation into the limelight. Thus, 'Europeanization', as adjustment of the domestic structures in line with European standards, has become more popular within the academic circles.

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[81] Turkish military has managed to disqualified actions of the civilian governments due to national security concerns through the NSC. It has acted as a 'veto player' when the civilian governments' policies challenged the power and authority of the armed forces.

In the post-Helsinki era Turkey has pushed hard to be eligible for full membership. As a result of various constitutional amendments Turkey has taken important steps to restructure its political and legal systems in line with the European Union institutions, rules and policies. In this sense, Turkish transformation can be analyzed under the larger framework of Europeanization.

Civil-military relations in Turkey and the privileged position that the Turkish military has occupied in the domestic political system are the two main issues that the European Union had wanted Turkey to modify as part of an Europeanization process. Amendments in regard to armed forces will be studied further in chapter 3.

CHAPTER TWO

HISTORICAL BACKGROUND OF THE CIVIL-MILITARY RELATIONS IN TURKEY

"The Atatürkist legacy is an ambiguous one. On the one hand, it forbids serving army officers to play any part in the legislature; on the other, it encourages them to think of themselves as the ultimate guardians of the Atatürk revolution."[82]

2.1. Status of the Turkish Military

Within the Turkish political system the military has enjoyed both 'institutional autonomy' and 'political autonomy'. According to Pion-Berlin, 'institutional autonomy' is the "military's professional independence and exclusivity."[83] It is a kind of defensive action so as to guard the military's core professional functions against undesired interventions by external factors. This level of autonomy is a natural one because armed forces would like to make its own internal decisions about promotion, appointment, punishment, military education and modernization without the limits created by government and/or other factors.[84] On the other hand, the 'political autonomy' refers to "the military's aversion towards or even defiance of civilian control".[85] In the history of Turkish Republic military has gone above and beyond the constitutional authority of democratically elected governments, not only through direct interventions but also by the means of indirect influences on the government. In addition, it has not hesitated to benefit from legal/constitutional and structural reasons, and mechanisms to strengthen its predominant position in issuing demands, policy suggestions, and warnings on political matters.[86] Thus, 'political autonomy' implies political prerogatives that the military enjoys in order to actualize its demands by putting the government under direct

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[82] W. Hale, (1988) *"Transition to Civilian Governments in Turkey: The Military Perspective"* in M. Heper and A. Evin (eds) 'State, Democracy and the Military: Turkey in the 1980s' New York, 1988

[83] D. Pion-Berlin, (1992) *"Military Autonomy and Emerging Democracies in South America"* Comparative Politics Vol. 25 No. 1 p. 84

[84] *ibid.*

[85] *ibid.* p. 85

[86] Ü. Cizre, (1997) p. 153

or indirect influences. In modern democracies 'political autonomy' of the armed forces is limited and brought under direct control of the civilian governments by distinguishing military from political arena and limiting its maneuver area. Today, the prevailing civil-military relations theory embraced by the Western agencies like the EU holds that in order to render militaries politically inactive civilian governments should be superior to the former and should control the armed forces closely.

2.1.1 Role of the Turkish Military in Politics

The armed forces in Turkey have historically played an important role and occupied a privileged place with a strong degree of autonomy (Lerner & Robinson, 1960; Cizre, 1997; Rouleau, 2000; Jenkins, 2001; Hale, 2003; Duman & Tsarouhas, 2006). It is plausible to argue that the predominance of the military in Turkish public life is a legacy from the Ottoman Empire.[87] According to Inalcık (1973), Ottoman Empire, the predecessor of the modern Turkish Republic, was a 'warrior state'[88] and this situation enabled military to acquire a decisive role in social, economic and political domains of the polity. As Lybyer defines, "the Ottoman government had been an army before it was anything else...in fact, Army and Government were one. War was the external purpose, of one institution, composed of one body of men."[89] This strong tradition of military predominance in public life has survived in modern Turkey, and become one of the most serious problems in Turkey's accession for the EU. In fact, one could argue that, the Ottoman tradition of close military-state ties was enhanced in the Republican era when the military came to be known not only as the defenders of the Republic, but also as the 'guardian' of Kemalist regime and six principles (nationalism,

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[87] M. Heper, (2005a) "*The European Union, the Turkish Military and Democracy*" South European Society and Politics Vol. 10 No. 1 pp. 33-44

[88] H. Inalcık, (1973) "*The Ottoman Empire: The Classical Age, 1300-1600*" London: Weidenfeld and Nicolson in O. Duman and D. Tsarouhas, (2006) ""*Civilianization in Greece versus "Demilitarization" in Turkey*" Armed Forces & Society Vol. 32 No. 3 pp. 405-423

[89] A. H. Lybyer, (1913) "*The Government of the Ottoman Empire in the Time of Suleiman the Magnificent*" Cambridge, Mass pp. 90-91 in D. Lerner and R. D. Robinson, (1960) "*Swords and Ploughshares: The Turkish Army as Modernising Force*" World Politics Vol. 13 No. 1 pp. 19-44

secularism, republicanism, populism, etatism, and reformism) of Kemalism.[90] The military, which was the 'object' of Ottoman modernization in the late 19th century, turned out to be the 'subject' of modernization/Westernization with the establishment of the Turkish Republic.[91] On the basis of Atatürk's principles and his understanding of Westernization, the military begin to play a prominent role in Turkey's political modernization. As the 'guardian' of Turkish Republic the major position that the military assigned itself was to preserve republic, secularism and national unity in the face of Islamist, separatist, and sectarian challenges. However, the position that the military placed itself to protect democracy and other principles of Kemalism was in contradiction with democracy as such. Because, as Cizre points out, the inability of the civilian politicians to control the military created two parallel state structures, one civilian and the other military, which in turn undermined the authority and the democratic accountability of elected civilian governments.[92]

> "As a result of its 'rationalist' understanding of democracy[93], according to which the military has continuously tried to ensure that the regime functions according to the Kemalist principles and to the best interest of the society, there have been four military interventions (1960, 1971, 1980, and 1997). Although these interventions are seen as examples of guardian regimes, where the military 'sorts out the mess' in a limited time and returns power to civilians to avoid future 'malpractices and deficiencies,' the military's political activism hinders the consolidation of democracy."[94]

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[90] N. Narli, (2000) "*Civil-Military Relation in Turkey*" Turkish Studies Vol. 1 No. 1 pp. 107-127

[91] M.Heper, (2005a) p. 34

[92] Ü. Cizre, (1997) "*The Anatomy of the Turkish Military's Political Autonomy*" Comparative Politics Vol. 29 No. 2 pp. 151-166

[93] Turkish military's understanding of democracy can be likened to Giovanni Sartori's 'rational democracy', which accepts democracy as an intelligent debate among the educated for the purpose of deciding upon the best policy option, for more information see, A. Güney and P. Karatekelioğlu, (2005) "*Turkey's EU Candidacy and Civil-Military Relations: Challenges and Prospects*" Armed Forces & Society Vol. 31 No. 3 pp. 439-462

[94] O. Duman and D. Tsarouhas, (2006) ""*Civilianization" in Greece versus "Demilitarization" in Turkey*" Armed Forces & Turkey Vol. 32 No.3 p. 410

In this chapter, background information about the civil military relations in Turkey will be given by putting light on cornerstone developments in Turkish history.

2.2. The Dynamics of Civil-Military Relations in Turkey

Although it is ironic, one could argue that the role of the military in the Turkish politics was enhanced rather than diminished when Turks established parliamentary democracy after the collapse of Ottoman Empire.[95] Although the process of civilianization, initiated by Atatürk, flourished with the introduction of multi-party system after 1945, ineffectiveness of the government to provide prosperity, and political stability resulted in return of the military into the political arena in the 1950s. Subsequently, by achieving popular support, the Turkish military gradually attained "an interventionist role in the political process as the guarantor of last resort of stability and public order."[96] Due to its series of direct and indirect interventions (1960, 1971, 1980, 1997) the Turkish military has been perceived as one of the 'political armies' of the world.[97] On several occasions in the Turkish history, due to political infighting civil governments have failed to provide peace and stability within the country which created an opportunity for the military to play a prominent role in the political arena by removing civil governments and superseding them.

2.2.1. The Military Takeover of 27 May 1960 and the Establishment of National Security Council

Although the Turkish Republic was established under the leadership of a military cadre, once a new regime was installed Atatürk decided to assign civilians, not the soldiers, as the rulers of the new regime. Atatürk believed that active participation

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[95] G. Jenkins, (2001) "*Context and Circumstance: The Turkish Military and Politics*" Oxford University Press Inc., New York

[96] *ibid.* p. 9

[97] A. Güney and P. Karatekelioğlu, (2005)

of military members in politics would result in legitimacy problems and corruption.[98] Hence, after the proclamation of the republic in 1923, he made it compulsory for officers to resign from military services if they wanted to retain a seat in the parliamentary.[99] Atatürk wanted all of his chief military commanders to give up their assembly positions. When he spoke to parliament, he underlined that, "I have come to the conclusion that, for the maintenance of army discipline in required measure for the exercise of command, it is incompatible that commanders should at the same time be deputies."[100] One of the most significant examples of the 'demilitarization' of the administration was the Article 40 of the 1924 Constitution which gave charge of the army to the Grand National Assembly and, as its representative, to the president.[101] Furthermore, the civilian control over the military consolidated when the chief of the general staff became answerable to the cabinet and prime minister rather than the president of the republic.[102] Later, a Supreme Council of National Defense, composed of several cabinet ministers, was created in order to balance the power and authority of the general staff.[103] In Inonu's time civilian control over the military was further enhanced when a law which subordinated the chief of the general staff to the ministry of defense was promulgated on May 30, 1949.[104] This step was another approach to establish a western type civil-military relations under which military is controlled and regulated by civilian authorities. Therefore, one would argue that, Atatürk deliberately attempted to 'civilianize' the administration by removing military out of political life and by permitting the military institutions to decline in relation to civilian power and prestige. However, these endeavors to promote civilian supremacy in public life was reversed suddenly when the military carried out a coup d'etat against the Menderes government in 1960 and took over the administration of the country.

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[98] D. Lerner and D. Robinson, (1960) "*Swords and Ploughshares: The Turkish Army as a Modernizing Force*" World Politics Vol. 13 No. 1 pp. 19-44

[99] F. Ahmad, (2002) "*Modern Türkiye'nin Oluşumu*" Doruk Yayınları

[100] M. Kemal, (1927) "*Speech of October 1927*" Leipzig pp. 692 in D. Lerner and D. Robinson, (1960) p.20

[101] http://www.tbmm.gov.tr/anayasa/anayasa24.htm

[102] G. Jenkins, (2001)

[103] *ibid.*

[104] A. Güney and P. Karatekelioğlu, (2005)

As it was mentioned above, from the foundation of the Republic in 1923 until the 1950s when the first fully free multi-party elections were held, Turkey was ruled by former soldiers. However, 'civilianization' process of politics, led by Atatürk, had rendered armed forces politically quiescent and impoverished.[105] After the establishment of the republic Turkish economy was in a bad condition and that affected modernization of the military adversely. In the 1940s, the level of technical equipment of the army was quite inadequate.[106] Raising unease among the soldiers intensified with the manner that the military was exposed to by Prime Minister Adnan Menderes. Menderes disrupted the 'institutional autonomy' of the armed forces by interfering in appointments and promotions regarding the armed forces.[107] Moreover, as Ahmad points out, Menderes disregarded unfavorable living standards of the soldiers and did not take their demands for higher salaries into consideration.[108] Besides these material conditions, Turkish military had the image that Adnan Menderes was not fully committed to secularism and other principles of Kemalism. Military believed that the Democrat Party (DP) used Islam as a populist policy of pleasing the population. Therefore, as the subject of Westernization/modernization[109] and guardian of Kemalist principles, a group of young officers decided to intervene in politics by overthrowing the government and taking over the administration of country on May 27, 1960.

After the coup former Prime Minister Menderes and two of his ministers were judged by a military court and found guilty of attempting to alter the constitution by force. These three politicians were hanged after the trial.

Military rule after the coup was formalized with the establishment of a military oriented legislative organ: the National Unity Committee (NUC). NUC was a pure military body headed by former chief of the general staff, Cemal Gürsel. When Gürsel was appointed as head of state, prime minister and minister of defense; he, in theory, enjoyed more absolute power than even Atatürk had ever had.[110] Throughout this

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[105] E. J. Zürcher, (1998) "*Turkey: A Modern Hsitory*" I.B. Tauris & Co Ltd Publishers London, New York

[106] *ibid.*

[107] G. Jenkins, (2001)

[108] F. Ahmad, (2002) pp. 161-162

[109] M. Heper, (2005a) p. 34

[110] E. J. Zürcher, (1998) p. 254

period military enjoyed full autonomy from civilian government by replacing civilian institutions with military organs composed of officers and chosen technocrats. Furthermore, one would argue that, for a kind of transformation desired by soldiers, a simple government change would not be enough. Hence, the military designated five university professors as the writers of a new constitution. Therefore, on June 12, 1961 the NUC, assisted by a team of professors, promulgated a provisional constitution which was designed to construct a legal basis both for the direct and indirect military interventions into politics and for the existence of military rule under the umbrella of NUC. According to this constitution, chief of the general staff began to be defined as the commander of armed forces and therefore was made responsible to the prime minister.[111] This development has changed power relations between the military and the citizenry in favor of the former. As it was mentioned above, chief of the general staff had been made subordinate to the ministry of defense after the introduction of a multi-party democracy in 1946. However, one would argue that, the 1961 constitution enabled armed forces to regain its upper hand by being responsible to the prime minister rather than the ministry of defense.

Military's power was further reinforced with the changes in 1970. In that year, two laws dealing with the position of chief of the general staff were passed. According to these laws, chief of the general staff was provided with the competence to "determine the priorities and principles and main programs concerning personnel, intelligence, mobilization, education and logistics"[112] In addition to this, it was also stated that "in determination of the military aspects and implementation of international agreements, chief of the general staff would be consulted. It may participate in those meetings if it is deemed necessary."[113]

Today, according to the 1982 Constitution, chief of the general staff is still responsible to the prime minister rather than the ministry of national defense.[114] The main reason behind the military's insistence about the position of the chief of staff is to

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[111] A. Güney and P. Karatekelioğlu, (2005)

[112] *ibid.* p. 444

[113] *ibid.*

[114] see Article 117 of the present constitution, http://www.tbmm.gov.tr/Anayasa.htm

prevent the politicization of the military.[115] Military's argument is that, if chief of the general staff is subordinate to the ministry of national defense, it would easily be replaced on the basis of political preferences which would give any government an opportunity to shape the Turkish armed forces in respect to their own understanding.[116] Status of the chief of the general staff under the prime minister has been target of the EU's criticisms on various occasions.

> "Civilian control over the military needs to be improved. Contrary to EU, NATO and OSCE standards, instead of being answerable to the Defense Minister, the Chief of General Staff is still accountable to the Prime Minister. It is also noted that the Council of Higher Education which controls the activities of the institutions of higher education, as well as the Higher Education Supervisory Board, include one member selected by the Chief of General Staff."[117]

Before turning back to the civilian rule military wanted to pass various laws in order to enhance its presence and to consolidate its position as the guardian of the country and the regime. Besides the law in regard to the status of the chief of the general staff, *Turkish Armed Forces Internal Service Law* was promulgated in 1961. This law contained the most detailed statement of the legal role and obligations of the military.[118] Internal Service Law can be interpreted as the construction of the legal ground for the 'guardianship' role of the military[119] "which specifically charges the military with responsibility for protecting the nature of the Turkish regime, including Kemalist principles of territorial integrity, secularism and republicanism."[120] Article 35 of the Internal Service Law states that, "Duty of the armed forces is to safeguard and

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[115] A. Güney and P. Karatekelioğlu, (2005)

[116] *ibid.*

[117] European Union Commission Progress Report, 2000

[118] G. Jenkins, (2001)

[119] P. Tank, (2001) *"Turkey as a 'Special Case' for the EU: Will the Generals Retreat from Politics"* Security Dialogue Vol. 32 (2) pp.217-230

[120] G. Jenkins, (2001) p. 44

defend the Turkish homeland and the Republic of Turkey as defined by the constitution."[121]

Furthermore, implications about the possibility of future interventions and its self assigned competence to act autonomously without necessarily receiving authorization from civil authorities can be understood with the Article 85 of the same act: "Turkish armed forces shall defend the country against internal as well as external threats, if necessary by force."[122]

2.2.1.1. National Security Council

The National Security Council (NSC), established in 1961, was termed out to be an important institution which reinforces the role of military in politics. Existence of such an institution used by the military as the main tool for shaping domestic and foreign policies has made the NSC center of criticisms directed by the EU. Initially, NSC was established as a constitutional tool through which the military expresses its views. The main motive behind the establishment of such an institutional organ was the inability of the military to make their views known by the politicians and the military's sense of alienation from the political decision making process.[123] Originally, the number of civilians within the NSC was higher than the number military commanders. The Council was chaired by the president of the republic, and it was composed of the prime minister, the chief of staff, the minister of defense, internal and foreign affairs, the commanders of the army, navy and air force, and the general commander of the gendarmerie. Other ministers and officials might be invited according to the agenda of the Council. The NSC was established under the Article 111 of the 1961 constitution:

> "The National Security Council shall consist of the ministers as
> provided by law, the Chief of General Staff, and representatives of the

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[121] Author's translation, Türk Silahlı Kuvvetleri İç Hizmet Kanunu, Kanun No. 211, Kabul tarihi 04.01.1961 http://www.mevzuat.adalet.gov.tr/html/1044.html

[122] *ibid.*

[123] W. Hale, (1998) "*Turkish Politics and the Military*" London: Routledge pp. 163 in P. Tank, (2001) pp. 220

armed forces. The President of the Republic shall preside over the National Security Council, and in his absence this function shall be discharged by the Prime Minister. The National Security Council shall communicate the requisite fundamental recommendations to the Council of Ministers with the purpose of *assisting the making of decisions related to national security and coordination.*"[124] (emphasis added)

Therefore, according to the 1961 constitution the raison d'etre of the NSC was to develop a channel for the military to share its views and opinions with the Council of Ministers. Hence, the role of the Council was to assist the government in the formation of a national security policy. Here, the emphasis should be placed on the word 'assist' which implies that the council was initially designed as a consultative body which suggests the necessary basic guidelines in regard to the coordination and the taking of decisions related to the national security.[125] However, from an advisory body, subsequently, the NSC had transformed into an executive decision making body. For military, the NSC was a legal platform through which it articulated its views on all matters of security. Yet, unlike initial motives, NSC started to enjoy greater power after each military intervention. For example, number of civilians was supposed to be higher than the military members according to the initial organization. But the number of military members increased in course of time, this development represented increasing power of the military against civilians within the Council. The 1982 constitution provided the NSC with the authority to deploy five military and civilian members; according to the 1961 constitution numbers had been four and seven-eight respectively. Most importantly, Article 118 of the 1982 constitution obliged the council of ministers to 'give priority consideration' to the decisions of the NSC.[126] Original text of the Article 118 of the 1982 Constitution states that:

"The National Security Council shall submit to the Council of Ministers its views on taking decisions and ensuring necessary

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[124] Article 111 of the 1961 constitution, http://www.anayasa.gen.tr/1961constitution-text.pdf

[125] L. M. Emin, (2007) "*The Restructuring of the Military High Command in the Seventh Harmonization Package and its Ramifications for Civil-Military Relation in Turkey*" Turkish Studies Vol. 8 No. 1 pp. 25-42

[126] G. Jenkins, (2001)

coordination with regard to the formulation, establishment and implementation of the National Security policy of the State. *The Council of Ministers shall give priority consideration to the decisions of the Council* concerning the measures that it deems necessary for the preservation of the existence and independence of the State, the integrity and indivisibility of the country, and the peace and security of society."[127]

In this manner, with the 1982 constitution the government was forced to give 'priority' to the decisions and recommendations of the Council dominated by the military. This development transformed the NSC into a kind of 'shadow government'[128] which ruled the country behind the curtains. If the evolution of the NSC is traced, in the wake of the 1960 military coup the NSC was to offer information to the council of ministers in order to assist the government in decision making process; in the aftermath of the 1971 intervention it began to recommend measures; and following the 1980 coup the government was compelled to give top priority to the recommendations made by the NSC.[129] This evolution depicts the transformation of the NSC from an advisory body to a quasi executive body.

One would argue that, establishment of the NSC, which opened a new link for military to have a voice in the political system, combined with the promulgation of the Internal Service Law enabled the military to justify its interventions on the ground that it was the military's legal obligation to take action in case of an imminent threat coming from an internal or external factor. Indeed, as Cizre points out, in all interventions juntas have argued that they were fulfilling a legal obligation rather than exceeding their legal competence.[130]

Thus, through legal arrangements NSC has rendered itself as a legal entity which had right to shape domestic policies related with issues linked to national security. However, which made this prerogative more meaningful was the fact that the

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[127] Article 118 of the 1982 Constitution, http://www.anayasa.gen.tr/1982Constitution-1995-3.pdf

[128] E. Rouleau, (2000) "*Turkey's Dream of Democracy*" Foreign Affairs Vol. 79 No. 6 pp. 100-114

[129] M. Heper, (2005a); Ü. Cizre, (1997)

[130] Ü. Cizre, (1997)

concept of 'national security' was defined by the National Security Council Law of 1983. In other words, the military had drawn the framework of the 'national security' concept, and acted on the basis the framework prepared by itself. Jenkins argues that, the National Security Council Law of 1983 embedded such a broad understanding of 'national security' concept that it covered every part and parcel of the public life.[131] Article 2a of the Law states that, "National security means the defense and protection of the state against every kind of external and internal threat to the constitutional order; national existence, unity, and to all its interests and contractual rights in the international arena including in the political, social, cultural, and economic spheres."[132] Consequently, ranging from social to economic sphere such kind of a broad definition enabled military to legitimize its future interventions as a reaction to any development which contradicts with the military's security conception.

2.2.2. (Re)intervention by the Military: 12 March 1971

1960s signified a process of change for Turkey. Rapid industrialization led to urbanization through which many rural populations moved from their villages to newly developing cities. This rapid increase in city populations made rising unemployment rates inescapable. Besides unemployment, student population which had became more sensitive to politics turned out to be active participants in demonstrations and labor union strikes against government. In the mean time, extreme leftists and extreme rightists benefited from the polarization of the society and instigated the emerging anarchy within the society. Thereafter, the country was dragged into a turmoil.

Although the military was firmly committed to parliamentary democracy throughout the 1960s, relations between the government and military became tense in the second half of the decade when growing political violence, student demonstrations,

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[131] G. Jenkins, (2001)

[132] Article 2a of the National Security Council Law No. 2945, Justice Ministry's web site quoted in ibid. p. 46

labor union strikes and violent manifestations anti-Americanism had deepened the instability and resulted in a tumultuous atmosphere in the public.[133]

In the very beginning of the 1970s it was realized that the Demirel government was nearly paralyzed since it was incapable of taking actions so as to stop the violence on the campuses and streets. Similarly, the parliament was deactivated in the sense that it was not possible to pass any serious legislation on social or financial issues in the assembly.[134] Therefore, as Jenkins concludes, "after a decade of fractious, mostly short-lived partisan governments and amid mounting political violence, initially by leftist groups but which then triggered a rightist backlash, the military intervened again in early 1971."[135] Eventually, Turkish armed forces declared a memorandum signed by the chief of the general staff and consigned to the president, prime minister and the chairman of the parliament. Demirel resigned immediately after the memorandum was transmitted on the radio.

In the memorandum it was declared that "with the continuing attitude, ideas and actions the parliament and the government have taken our country into anarchy, fight of brothers and sisters, and social and economic unrest. This not only has resulted in loss of hope within the public to reach contemporary civilization levels as assigned by Atatürk, but also has rendered the parliament incapable of realizing the reforms projected by the constitution. This situation has put the future of the Turkish Republic in a serious threat."[136]

As clearly understood from the memorandum, armed forces was blaming both the government and the parliament because of the continuous anarchy and insufficient social and economic situations. However, at the first stage, the military preferred to call for the formation of a new government to restore order and implement reforms in a Kemalist spirit. Yet, as declared in the ultimatum, armed forces would not hesitate to

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[133] For a detailed analysis of the Turkey's socio-political condition in the 1960s and 1970s see: E. Kongar, (2008) "*21. Yüzyılda Türkiye: 2000'li Yıllarda Türkiye'nin Toplumsal Yapısı*" Remzi Kitabevi

[134] E. Zurcher, (1998)

[135] G. Jenkins, (2001) p. 37

[136] Author's translation from Beyaz Kitap, (1973) "*Türkiye Gerçekleri ve Terorizm*" pp. 52-53 in E. Kongar, (2008) p. 170

take the administration over by a coup d'etat provided that order was not restored and the predicted reforms were not implemented by the new government. Hence, for the next two years Turkey was ruled by governments dominated by technocrats who were chosen according to their degree of commitment to the military. After this two years period under the watchful eye of the military, full civilian administration was finally restored by the general election of October 1973. Until civilian rule was reestablished, non-partisan cabinets under the strong influence of the military imposed laws requested by the armed forces, suppressed the press, outlawed strikes, arrested hundreds of leftist activists, and dissolved the leftist Turkish Workers Party.[137] Furthermore, State Security Courts, abolished in 2004 as part of a 'Europanization process in Turkish political system, were introduced under the military rule after the coup.[138]

Unlike what had been envisaged by the military, the 1971 intervention failed to formulate and construct either good governance or political stability. Throughout the 1970s governments were unsuccessful in curbing political polarization and violence. In addition to this, economic developments like growing unemployment, oil crises, rising inflation and worsening distribution of income rendered governments defective in attaining political and economic stability. Instability in the form of clashes between ultra-nationalist militants and radical leftists combined with union strikes and student demonstrations against domestic economic crisis triggered by rise in global oil prices did not allow politically weak coalition governments to restore order and promote necessary reforms as requested by the military. Therefore, by using its legal rights provided by the Internal Service Act, the military seized power on September 12, 1980 by dissolving parliament, declaring a state of emergency and suspending all political parties.

Cyprus issue, one of the most serious issues that needs to be solved for Turkey to make progress in negotiations with the European Union, had also effect in the military intervention in 1980. Turkish government under the rule of Bülent Ecevit wanted to take action as a reaction to military coup that had been held by the Greek Junta against Makarios (President of the Republic of Cyprus). When Great Britain and Greece (two other guarantor states of Cyprus) refused to act with Turkey, Ecevit

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[137] N. Narlı, (2000)

[138] Ö. Duman and D. Tsarouhas, (2006) p. 411

ordered an independent military intervention in Cyprus. With the operation, nearly 40% of the island was brought under Turkish control. Although this operation has had adverse affects in Turkey's relations with the western countries (some of these problems still put Turkey in difficult situation in regard to EU membership), in the eyes of the vast majority of Turkish population Turkish military had successfully protected the rights of Turkish minority in Cyprus.[139] Success of the Turkish armed forces in Cyprus strengthened the level of trust that the people had felt toward the military and made it easier for the military to legitimize its next intervention on September 12, 1980.[140] Thus, as Cizre concludes, the deep void in political authority during the political crisis before 1980 supported with the rising prestige of the military after the 1974 Cyprus intervention had resulted in expansion of the political autonomy of the military which in turn led to 1980 coup.[141]

2.3.3 A Breaking Point: 12 September 1980

The military regime began on September 12, 1980, but contrary to what Kenan Evren, the chief of staff, had promised, the five-man military rule remained in power until December 6, 1983. Reasons and aims of the intervention were declared by a nationwide radio and television broadcasting. According to this proclamation, the existence and the independence of the Turkish Republic had been under attack posed by internal and external threats. And the primary bodies of the state had been unable to act against these threats. Instead of Kemalism, other reactionary and deviant ideologies had been systematically promoted and enforced in the universities, labor unions and political parties. In other words, military had the image that Turkish state had been weakened and the threat of disunity and civil-war were at the doorstep. Therefore, under these conditions by exploiting legal rights assigned to it by the internal service act, Turkish armed forces seized power to protect the integrity, to provide national

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[139] E. Zürcher, (1998)

[140] Ö. Duman and D. Tsarouhas, (2006)

[141] Ü. Cizre, (1997)

unity, to prevent a possible civil war and to restore the authority of the state by eliminating factors that prevented the political system functioning.[142]

In comparison to preceding interventions, the 1980 coup was more comprehensive and its objective was to restructure not only the political system but also Turkish public life.[143] Throughout the next three years all power was concentrated in the hands of NSC headed by the chief of staff, Kenan Evren, who was also head of the state since September 14, 1980. Under the military rule a total of 669 new laws were promulgated.[144] All the former parliamentarians were sent home, political leaders were banned from politics and the political parties were abolished. Moreover, all mayors and municipal councils were dismissed.[145] A week after the coup, the NSC composed of military members merely appointed a cabinet which consisted of bureaucrats and retired officers; in other words, there were no active politicians among its members.[146] The only function that the cabinet fulfilled was to advise the NSC and execute its decisions. Cabinet was not the only instrument through which the NSC acted. The NSC managed to penetrate into all parts and parcels of the local administrations through regional and local commanders provided with excessive authority. Aim of the NSC was to restore the authority of state by eliminating former politicians, who had been accused of taking the country into anarchy, and by forcing people to obey the new rules created by the NSC. To achieve this, from the military's perspective, any political ideology other than Kemalism needed to be abolished.[147] Consequently, the NSC banished public debates about politics and the former politicians were forbidden from making comments about the past, present, and future.[148] Last but not least, under the rule of NSC many professors, university students, journalists, trade unionists were hunted down and arrested.

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[142] For the Turkish version of the memorandum and Kenan Evren's speech to public see: E. Kongar, (2008) pp. 190-196

[143] G. Jenkins, (2001)

[144] *ibid.*

[145] E. Zürcher, (1998)

[146] *ibid.*

[147] D. Akyaz, (2001) "*Ordu ve Resmi Atatürkçülük*" in Modern Türkiye'de Siyasi Düşünce: Kemalism, İletişim Yayınları

[148] E. Zürcher, (1998)

Different than previous interventions, after the 1980 coup the military was not content with reshaping the political system, in order to reach people and dictate its ideology military decided to take the control of education system and media as well. With the establishment of *Council of Higher Education* (YÖK) all universities and their activities were put under strict control. Rectors and deans began to be appointed by the Council.[149] The main aim in making universities subordinate to YÖK was to bring order to the universities and to end political polarization in the campuses which had been the epicenter of the ideological clashes and street violence. Similar to YÖK, military launched a new council, *Radio and Television High Council* (RTÜK), so as to manipulate the mass media as an instrument to settle the values, norms and principles of the coup in the minds of people permanently.

Thus, after the military intervention in 1980, autonomy of the military and its influence in the political arena shifted in comparison to the preceding interventions.[150] The pattern of politics created by the coup was more authoritarian than ever before. As Cizre concludes, "contrary to the previous constitution of 1961, also the product of a coup, the 1982 constitution was designed by the military in line with the conservative logic of transition and restructured the Turkish polity by narrowing the bases of political participation and strengthening state institutions. It provided an ideal context for the expansion of military power vis-à-vis the three branches of government through legal institutional channels."[151] Some military members argue that the coup in 1980 saved Turkey from a civil war which could have had devastating effects for Turkey's political democracy. However, one could argue that, while restoring 'atmosphere of peace and security', as described by the military, power of the armed forces and its institutional political role as the guardian of the state bolstered with the coup.[152]

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[149] E. Aydinli, N. A. Özcan & D. Akyaz, (2006) "*Turkish Military's March Toward Europe*" Foreign Affairs Vol. 85 No. 1

[150] Ü. Cizre, (1997)

[151] *ibid*. p. 162

[152] For further information about the three military interventions in 1960, 1971 and 1980 see: "*12 Eylül Belgeseli*" produced by Ali Inandım.

Main objective of the military in the post-intervention period was to reconstruct a political system within which the NSC was the dominant authority, while other political actors were brought under severe restrictions. The 1982 Constitution was designed in order to create such kind of a political life. The new constitution, which had various commonalities with de Gaulle's constitution[153], concentrated power in the hands of the executive while increasing the powers of the president and the National Security Council. On the other hand, the freedom of press, the freedom of trade unions, and the rights and liberties of the individuals were limited. As it will be mentioned in detail in the 3rd chapter, although the fundamental rights and liberties (freedom of speech, freedom of association, etc.) were included in the constitution, there were also other provisions embedded in the constitution which stipulated that these fundamental rights and freedoms could be annulled, suspended or limited on the grounds of a whole series of considerations, including the public order and national security.[154] After the adoption of constitution and Evren's installation as president, the generals believed that the infrastructure for the new political system was built. Subsequently, the next stage of political reconstruction program began with the promulgation of a new Law on Political Parties in April, 1983. The new law stipulated that political parties could be established with the participation of at least 30 founding members. However, their founders needed the approval of the NSC, and the NSC had the right to veto any founding member without showing legal ground for its decision.[155] In a few weeks time seventeen political parties were introduced. Yet, fourteen political parties were banned. Erdal İnönü's 'Social Democrat Party' (SODEP) and Süleyman Demirel's 'Great Turkey Party' (BTP) were included in those that were banned from elections. According to generals, SODEP was the successor of the 'Republican People's Party', while the BTP was following the same road with Demirel's Jutice Party. Since generals were attempting to create a new political life, they wanted to leave these parties that symbolized the pre-1980 period out of the political arena.[156]

Among the three political parties; namely, the Party of Nationalist Democracy, the Populist Party, and the Motherland Party (ANAP), ANAP, under the leadership of

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[153] F. Ahmad, (2002) "Modern Türkiye'nin Oluşumu" p. 256
[154] E. J. Zürcher, (1998)

[155] F. Ahmad, (2002)

[156] *ibid.*

Turgut Özal, scored an overwhelming victory in the elections by receiving over 45 per cent of the vote. In the elections military supported the Party of Nationalist Democracy which came the third with nearly 23 per cent of the vote. This result was interpreted as proof that public opinion wanted the military to stay out of politics. Thus, the civilian rule under the shadow of the military was restored with the 1983 elections. Turgut Özal embraced liberal ideas both in political and economic realms. He continued the process of democratization and he was determined to re-establish the primacy of civilian politics over the military.[157] Before the municipal elections of March 1984, the ANAP majority in the assembly voted to allow some of the parties which had been banned from the general elections held a year before. Although this was a strategic move of Özal in order to fragment the opposition by including new parties into elections, it was also regarded as an important step in lifting political restrictions enforced by the military. Özal wanted to undermine the dominance of the military over the political domain. Parallel to his desire, Özal overturned the military hierarchy by appointing General Torumtay, and not the senior general Öztorun, as the new chief of staff. Furthermore, in 1987, the government made a change in the constitution and allowed old politicians to take part in politics once more. As Zürcher points, liberalization of the political environment in the second half of the 1980s gave birth to a further broadening of the political spectrum with the emergence of radical parties and recovery of the traditional left. However, the scope of democratization was determined by the permission of the military. In November, 1987 leaders of the United Communist Party of Turkey, who had been in exile since the 1980 coup, returned to Turkey and on their arrival at the airport, they were immediately arrested by the order of the army.[158]

After the interventions in 1960, 1971 and 1980 the military ruled the country either behind the scenes or directly. Each intervention disturbed the power structures within which military and civil governments were in competition for preserving their political powers. In line with the 'logic of consequentialism' approach presented above, after each intervention the military undertook institutional changes in order to create a new political system which provided the military more power and authority while reducing the power of other actors, like civilians, vis-à-vis the armed forces. Constitutional and legal changes created the legal ground for the dominance of the

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[157] E. J. Zürcher, (1998)

[158] *ibid.* p. 300

military in the political life. Thus, institutional changes in favor of the military after interventions gave an opportunity to preserve its privileged position and consolidated its supremacy in the civil-military relations. However, in the 1990s and later, Turkey began to take steps in the areas of consolidation of democracy, human rights, rule of law and fundamental freedoms in order to be compatible with the demands put forward by the EU to be a full member. These reforms have challenged the legal base of the military's actions which most of the time violated human rights, rule of law and fundamental freedoms principles. When institutional changes weakened the role and authority of the military as a political actor, it began to become more difficult for the armed forces to legitimize its interventions in politics. Hence, since the 1980 coup Turkey has not experienced a full fledged coup similar to previous ones. Turkey's adaptation process to EU standards has had impacts over the power and authority of the Turkish armed forces.

2.2.4. Turkish Military Against Islamist and Separatist Movements: 1990s

During the 1990s Turkey began to show an enhanced determination to become part of the EU. Military, as the inheritor of the Kemalist ideology, supported Turkey's Westernization project discerning that it was compatible with Atatürk's ideas. However, contrary to its support for EU membership, Turkish armed forces appeared in the political arena, once again, and intervened in politics by forcing Islamist-led government to resign in 1997. In the mid-1990s influence of the Islam and Kurdish separatism grew significantly. Impact of Islamist movements in politics through the activities of Welfare Party (RP) and PKK's coming into prominence as a separatist movement resulted in progressive increase of the military influence. For military the threat was so close that the national military defense concept embodied in the National Security Policy Document (NSPD)[159] was redefined and the priority was "given to

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[159] NSPD identifies the main threats to national security and sets the guidelines for security policies. It is drawn up by the Turkish General Staff (TGS), the Ministry of Foreign Affairs (MFA), and the National Intelligence Organization (NIO) under the coordination of the NSC General Secretariat. Since the NSC is dominated by the military, it is, in practice, the TGS which determines the content of the NSPD. NSPD is not presented to parliament, once it has been approved by the NSC it is sent to Council of Ministers for signature. It is signed by the members of the Council of ministers without being read by them. The only

combating internal threats from Islamic activism and Kurdish separatism, rather than safeguarding the state against interstate wars and external threats."[160]

Presence of the NSC in the political arena was first observed with the decisions made on February 28, 1997 to inhibit the increasing reactionary activities of political Islam which, according to the military, began to pose a serious threat against the main principles of the Kemalist ideology like secularism. Military's unease was exacerbated with the speeches given by leaders and deputies of the Welfare Party. One of the most alarming statements was Necmettin Erbakan's (leader of the RP) question to the representatives of the RP to consider whether the change in public life and social order that the party sought would be "peaceful or violent", and would be achieved "harmoniously or by bloodshed."[161] As an answer to his leader, Ibrahim Halil Çelik, a former RP deputy, expressed his anger against those who wanted to abolish the Prayer Leader and Preacher Schools by saying that:

> "I too would like blood to flow. That is how democracy will be
> consolidated in Turkey...in its fight against PKK the army has not
> been able to deal with 3.500 separatists. How will it deal with six
> million Islamists? If the army piss into the wind, it will get its face
> wet...I will fight to the end to establish Sharia."[162]

Another statement which appealed criticisms by the military came from the mayor of Kayseri, Şükrü Karatepe:

> "Do not think that I am a supporter of Kemalism. I have to attend
> ceremonies on the Memorial Day of Atatürk in spite of myself...This
> system must change. We have waited, we will wait a little

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civilians who manage to read the document are the civilian members of the NSC. Given the fact that it is a secret document and it is not prepared by the civilian government, some authors and academicians prefer to refer it as 'secret constitution' or 'real constitution.' See: Radikal Gazatesi, December 18, 2006 http://www.radikal.com.tr/haber.php?haberno=207664

[160] A. Güney and P. Karatekelioğlu, (2005) pp. 446

[161] Milliyet, January 17, 1998 "*Partiyi Kapatmaya Götüren Sözler*"

[162] *ibid.*

longer...Let resentment, rancor, and hatred in the hearts of Muslims stay alive."[163]

As a reaction to these developments, the military decided to prepare a 18 point list of ultimatum[164] to the coalition government under the leadership of Erbakan. The decisions of February 28, 1997 has been perceived as an 'indirect intervention' in Turkish politics and regarded as a 'post-modern coup.'[165] Erbakan, who would not implement the decisions in order not to disrupt his supporters, had no choice other than leaving the office. This post-modern coup reminded the civilians of the fact that the military was capable of using both formal and informal mechanisms to give shape to the activities of governments and to ensure that they remain within the parameters defined by the military's perception of the threat environment.[166]

2.2.5. A new Mechanism to Influence the Civilian Government: e-Memorandum

Since the 1960s the military in Turkey has staged four coups. After the coups in 1960 and 1980 military ruled the country directly (during 1960-62, and 1980-83), while it preferred to rule the country indirectly by handing the administration to a cabinet after 1971 coup (during 1971-1973). In 1997 military forced the Islamist-led government to resign and allowed another civilian government to take power. Actually, military's interventions into politics are not limited with the four coups presented above. Military usually opts for making recommendations and convincing civilian governments in order to implement policies in line with its main concerns. When a civilian government is efficient in maintaining stability and does not infringe the limits set by the military on the basis of national security conception, the military's influence on the government diminishes. However, if the political instability bolsters and the civilian government acts reluctant in implementing policies wanted by the military, it exercises more authority over the government through various ways which, in some cases, have ended up with a coup at the end of the day. The methods used by the

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[163] *ibid.*

[164] For further information about the details of the list see: E. Kongar, (2008)

[165] G. Jenkins, (2001)

[166] ibid.

military to influence civilian governments vary according to the "policy area, the nature of the perceived security threat, its importance or urgency and response of the civilian authorities."[167] In areas where the military plays a key role in the formulation of policy, military tends to use official instruments like the NSC and informal channels such as politicians and bureaucrats. In some cases related with ideological issues, if the government fails to act in line with military's requests, military would attempt to direct public opinion against the government by public speeches, interviews and briefings to selected journalists.[168]

The main official platform for the military to exercise influence over the government is NSC. During the NSC meetings members of the Council express their opinions about the issues in the agenda presented by the president. On the basis of opinions coming from the Council members, the president formulates a conclusion on which all of them would agree. Thus, the NSC recommendations are based on consensus; no voting takes place in the decision making process. Given the military's dominance in the Council, one would argue that, most of the civilian members would not dare standing against opinions embraced by the military members.[169] Neither in the Council meetings, nor when the NSC recommendations are brought in front of the government, civilian governments have been powerful enough to issue a direct challenge to the military.[170] If the military is not satisfied with the efficiency of the policies implemented by the government it would also increase the intensity of the pressure on the government by deploying some informal mechanisms.

In order to support institutional mechanisms, the military has also used informal mechanisms to shape the public opinion and influence government indirectly. These informal mechanisms range from public pronouncements and briefings to journalists to informal contacts with bureaucrats and politicians.[171] The public pronouncements are usually given by the TGS members at official occasions like commemorations,

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[167] G. Jenkins, (2001) p. 49

[168] *ibid.*

[169] *ibid.*

[170] For example, Necmettin Erbakan resigned from the office when the decisions of February 28, 1997 were taken at the NSC.

[171] *ibid.*

anniversaries or graduation ceremonies. In these cases, the military uses mass media and speaks to both government and public in order to express its concerns about domestic issues in general. Statements by the military are perceived as warnings to the civilian government and as pressure to the public to take necessary action against the government. Occasionally, the military would use some trusted journalists to release its warnings in detail. In some cases, the military has attempted to influence bureaucrats directly. For example, during the 1997 campaign against the RP, military not only used public pronouncements and briefings to press, but also it expressed its discontent with the RP through informal visits or telephone calls to bureaucrats. As Jenkins illustrates, "the military also applied indirect pressure to secularists in the coalition government, particularly members of the junior partner Doğru Yol Partisi (DYP), who received visits or telephone calls, mostly from civilian Kemalist acquaintances, asking them to consider their positions. The result was a stream of resignations from the TPP, which eroded the coalition's majority and forced the resignation of Islamist Prime Minister Necmettin Erbakan on 18 June 1997."[172]

Apart from these formal and informal mechanisms to influence the government, on April 27, 2007 military introduced a new way of expressing its opinions about developments in the Turkish political system. Tension between the civilian government and the military increased during the period of presidential elections in 2007. Military tried to change the Adalet ve Kalkınma Partisi's (AKP) decision to present the Minister of Foreign Affairs, Abdullah Gül, as its presidential candidate. Military's actions before and during the presidential election process recalled political interventions in 1960, 1971, 1980 and 1997.[173] Actually, it was first rumored that some retired military members had urged the Chief of the General Staff, Yaşar Büyükanıt, to put a pressure over the government in order to prevent a situation whereby an anti-secular candidate becomes president.[174] Subsequently, attitude of the military towards the AKP government became more adamant especially in the areas of Cyprus and PKK issues. During his news conference on April 12, 2007 Yaşar Büyükanıt pointed that the presidential elections are directly related with the Turkish Armed Forces because the

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[172] *ibid.* p. 55

[173] International Crisis Group, (2007) "*Turkey and Europe: The Way Ahead*" Europe Report No. 184, August 17, 2007

[174] Sabah , December 4, 2006 "*Emekli Paşaların Köşk Mektubu*"

president would be the Commander in Chief of the Turkish Armed Forces as well. He also stated that, "as a citizen and as a member of the armed forces I hope someone who is loyal to the main principles of the republic and committed to secular, unitary structure of the state –not just in words, but in essence- would be the president."[175] A day later, on April 13, a weekly magazine, Nokta, which had published diaries of a retired admiral revealing how senior officers wanted to seize power almost from the time the AKP came to office, was raided by police and closed down.[176] The raid was interpreted as a message to all media to hold back articles critical of the military.[177]

Military also played a leading role in organizing people to stage a series of protests against the AKP government. In the main cities of Turkey such as Istanbul, Ankara, Izmir millions of people who are committed to Kemalist principles came together and cried their desire to have a secular president. Şener Eruygur, a retired commander of gendarmerie, was one of the main organizers of the series of protests. Despite the protests and military's other formal and informal mechanisms to influence the government, AKP did not withdraw Abdullah Gül as its presidential candidate. When the number of AKP deputies was taken into account, it became certain that Gül would be elected president in the parliament. As a reaction, Turkish General Staff published a memorandum warning of the danger to secularism on its web-site on April 27, 2007. This was the first time the military had used the Internet to influence the government and to give warning to it by pointing that the Turkish Armed Forces was watching the process and could take action as the defender of secularism:

> "It is being observed that certain circles that are waging a relentless struggle to erode the founding principles of the Turkish Republic starting with secularism have recently increased their efforts. These activities, which are constantly being brought to the attention of the pertinent authorities in an appropriate manner, encompass a broad spectrum of activities ranging from their wish to question and redefine the founding principles to the creation of alternative celebrations to our national holidays, which are the

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[175] Milliyet, April 12, 2007 "Org. Büyükanıt Hayalindeki Cumhurbaşkanının Portresini Çizdi"

[176] Milliyet, April 13, 2007 "*Nokta Dergisine Baskın*"

[177] International Crisis Group, (2007)

symbol of our state's independence and the unity and integrity of our nation...This reactionary mindset, which is opposed to our Republic and has no other aim than to undermine the founding principles of our state, has been encouraged by certain developments and rhetoric in recent days and is broadening the scope of its activities...It is a clear fact that this behavior and these actions contradict entirely the principle of "being loyal to the Republic regime in spirit and not in word and of acting in such a way as to show this" as stated by the Chief of Staff in a news conference on 12 April 2007, and that they violate the founding qualities and provisions of the Constitution. The question that has come to the fore in the recent run up to the presidential elections is focused on the secularism debate. This situation is being watched in trepidation by the Turkish Armed Forces. It must not be forgotten that the Turkish Armed Forces do take sides in this debate and are the sure and certain defenders of secularism. Moreover, the Turkish Armed Forces are definitely on the receiving end of the debates being argued and the negative commentary, and they will make their position and stance perfectly clear if needs be. Let nobody have any doubt about this. In short, anybody who opposes the idea as stated by the founder of the Republic the Great Leader Ataturk of "Happy is the man who says I am a Turk!" is an enemy of the Turkish Republic and will stay that way. The Turkish Armed Forces remain steadfast in their unwavering commitment to carry out in full the duties given to them by law to protect these qualities. Its allegiance to and faith in this commitment is certain."[178]

This proclamation was similar to other 'warning letters' sent to the civilian government before the previous coups in 1971 and 1980. In those letters military warned the government and staged a coup d'etat subsequently. That is why some circles referred to the memorandum of April 27, 2007 as the beginning of the fifth

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[178] April 27, 2007 memorandum of the Turkish General Staff, Turkish version can be found on the official web-site of the General Staff: http://www.tsk.mil.tr. English version can be found on the web-site of the Press and Information Office of the Republic of Cyprus:
http://www.cyprus.gov.cy/moi/PIO/PIO.nsf/All/6D11F1EB5AE99C5FC22572CD00399514?OpenDocument&highlight=28-30/04/2007

military intervention in the Turkish history. The idea was that, if the government did not respond to the military's demands efficiently, military's warning on April 27 would transform into a full-fledged military takeover in the near future.[179]

As a response to memorandum, AKP criticized the military's guardianship role over the politics. The Minister of Justice and government spokesman Cemil Çicek expressed his discontent by stating that, "The General Staff is an establishment under the Prime Minister's Office. It would be inconceivable if the general staff in a democracy upholding the rule of law made a statement critical of the government about any issue. The General Staff is an establishment which receives orders from the government and whose responsibilities are defined in the Constitution and laws. According to the Constitution, the Chief of Staff reports to the Prime Minister as part of his duties and responsibilities."[180] Similarly, Military's attempt to intervene in presidential election process was countered with the EU's criticism. The EU Commissioner for Enlargement, Olli Rehn, stated that the EU respected Turkish military; however "the military should be aware that it should not interfere in the democratic process in a country which desires to become an EU member...It is important that the military respects the rules of democracy and its own role in that democratic game."[181]

The military could not find the popular support that it had been trying to create for the last months. Civil society organizations, media and business circles gave significant support to the civilian government vis-à-vis the military. Even participants of the demonstrations against the AKP expressed their ambivalence towards the military with the slogan: "no Islamic law, but no coup either."[182] Thus, the military did not achieve its main objective to organize public, press and non-governmental organizations against the AKP government in order to influence the government in its decision to choose Abdullah Gül as the presidential candidate. In the light of these developments one would argue that, in the previous interventions most citizens were comfortable with the military's role as guardian of democracy and secularism.

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[179] Radikal Gazetesi, April 29, 2007 "Tehlikenin Farkında mısınız? Saatler 27 Yıl Geriye Alındı Bile"

[180] Press and Information Office of the Republic of Cyprus.

[181] Radikal Gazetesi, April 29, 2007 "Rehn de Yadırgadı"

[182] International Crisis Group, (2007)

Military's actions were seen legitimate in the eyes of the public; however, this time, citizens, including both opponents and proponents of AKP, gave the message that the military needed to be out of this debate. This is a very important change in the sense that legitimacy of the military as an actor in the political realm was questioned by the public by giving credence to civilian rule rather than the guardianship role of the military. This signifies a change in the image of the military and its functions within the society.

CHAPTER 3

CHANGING BALANCES IN CIVIL-MILITARY RELATIONS?

"The military intervened on May 27, March 12, and September 12. Were these interventions successful? No! This shows that military interventions are not panacea. From now on we should have greater trust in the people's judgement"[183]

3.1 The EU's political conditionality on the Turkish Military in the post-Helsinki Era

The European Council's Helsinki Summit in December 1999, where Turkey was acknowledged as an official candidate by the EU, was a turning point for the EU-Turkey relations. Although the EU recognized candidate status of Turkey, the Union also put forward some conditions that Turkey needed to satisfy for a successful integration. In order to stimulate Turkish government to readjust Turkey's political system in line with the EU norms and standards, the Union began to put more pressure on Turkey after the Helsinki Summit. Subsequently, Turkey has pursued an ongoing and unprecedented process of domestic political reform. This chapter analyzes the reformation process that Turkey has been going through since 1999 by an analysis of EU's progress reports and Turkish governments' responses to these.

At the turn of the last decade, political situation in Turkey was not congruent with the core European democratic norms and values. As Schimmelfennig et al. state, the etatist and nationalist doctrine of the Turkish state was perceived to be alien to Western liberal democracy.[184] General human rights and the principle of rule of law had been systematically violated throughout the last decades. Even though no death sentence had been carried out since 1984, death penalty law prevailed and the Turkish criminals still ran the risk of being sentenced to death. Torture had been widespread.

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[183] General Hilmi Özkök, reported by journalist Yalçın Doğan in Hurriyet, August 23, 2003 quoted in M. Heper, (2005b) p. 217

[184] F. Schimmelfennig, F. Engert & H. Knobel, (2003)

Freedom of expression, press and association had been constrained deliberately. The Existence of the State Security Courts contravened the European standards of fair and independent justice. Kurdish minority had been suppressed violently and the rule of respect and protection for minority rights had been violated several times. Furthermore, guardianship role of the Turkish military and its domination over the civilian governments had been in conflict with the principle of democratic control over the armed forces embraced by the EU.[185] In this respect, status of the chief of general the staff under the prime minister, the influence of the NSC on day-to-day politics, and the lack of an effective civilian or parliamentary control over the military resulted in criticisms directed by the EU. Thus, Turkey needed to restructure its domestic political system in line with the Union's demands.

Just as the other candidate countries, Turkey was promised to begin accession negotiations with the EU provided that the country fulfilled political aspects of the Copenhagen Criteria.[186] At its meeting in June 1993 the European Council decided that for a candidate country to be a full member of the Union, it should achieve stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.[187] These political conditionalities are known as 'Copenhagen Criteria'[188]. Thereafter, in Luxembourg Meeting in 1997, the Council made it clear that "compliance with the Copenhagen political criteria is a political prerequisite for the opening of any accession negotiations."[189] Hence, when Turkey's candidate status was declared in Helsinki Summit, it was also emphasized that it would have to satisfy the Copenhagen political criteria so as to begin accession negotiations with the EU.

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[185] B. Duner & E. Deverell, (2001) "*Country Cousin: Turkey, the European Union and Human Rights*" Turkish Studies Vol. 2 No. 1 pp. 1-24

[186] The EU democratic conditionality generally works through 'reinforcement by reward'. That is, the EU reacts to the fulfillment or non-fulfillment of its conditions by granting or withholding rewards. For further information see: F. Schimmelfennig, F. Engert & H. Knobel, (2003)

[187] W. Hale (2003) "*Human Rights, the European Union and the Turkish Accession Process*" In: Carkoglu, A and Rubin, B, (eds.), Turkey and the European Union. Cass (Uk), pp. 107-26.

[188] Copenhagen Criteria has three categories: i. political (democracy, human rights, rule of law, and protection of minorities); ii. economic (market economy and ability to stand up to competitive pressure in the European internal market); iii. legislative (full adoption of Community legislation and regulation).

[189] *ibid.* p. 108

In order to set out the priority areas for further work in a single frame the EU Commission issued its *Accession Partnership Document* (APD) for Turkey in November 2000. As an official response to APD, in Marh 2001, Turkish government prepared its *National Program* for the implementation of universal norms embedded in the EU acquis.[190] On the basis of these documents the most extensive 'Europeanization' program in the Turkish history was launched.[191] In order to readjust Turkish political structure in line with the European demands, various democratization packages have been adopted and several constitutional amendments have been passed. Eventually, the Union came to the conclusion that Turkey had sufficiently satisfied the Copenhagen criteria and opened accession negotiations with Turkey in October 2005. In October, 2004 the Commission recommended that accession negotiations with Turkey could be launched since it had sufficiently met the political aspects of the Copenhagen Criteria. On the basis of the Commission's recommendation, the Council declared that accession negotiations with Turkey would start in October, 2005. However, the Council also emphasized that, if political reforms were halted, then negotiations would be suspended. Reforms demanded by the EU in order to apply European standards to the Turkish political system enhanced the EU's control over Turkey. This lends credibility to the rationalist institutionalist understanding of 'logic of consequentialism' which depicts enlargement as a power game "in which the EU seeks to maximize the benefits of an expanding membership in terms of economic, political and security gains and, at the same time minimize the costs of accepting new members (in terms of budgetary, economic and political impact of the new members on the EU's economy, budget and institutions)."[192] Through democratic conditionalities the EU reinforced its supervision over Turkey and aimed to reshape Turkish political system in a way to minimize the costs of integrating Turkey into the Union.

One of the most controversial issues in the reformation process has been the Turkish military, whose dominance and power were challenged by the reforms relating

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[190] For Turkish and English versions of the *APD* and *National Program* see: www.abgs.gov.tr

[191] M. Müftüler-Baç, (2005); N. Tocci, (2005) "*Europeanization in Turkey: Trigger or Anchor for Reform?*" South European Society & Politics Vol. 10 No. 1 pp. 73-83

[192] Piedrafita, S., and Torreblanca, J. I., "*The Three Logics of EU Enlargement: Interests, Identities and Arguments*", *Politique Européenne*, No. 15 (Winter 2005), p. 30

with the National Security Council specifically. Besides constitutional reforms targeting the supremacy of military in the political arena directly, other reforms related with freedom of expression, press and association, rule of law, respect and protection for minority rights, and foreign policy have had impacts on civil-military relations in Turkey since they have challenged the status-quo under which the military have occupied a privileged place and consolidated its hegemony over the civilian governments. In this sense, besides constitutional amendments related with the NSC other institutional changes which have had direct and indirect impacts over the military and its authority in the political sphere will be presented in the following sections.

3.2 Turkey's Europeanization Process: The Case of the Turkish Military

Main demands of the EU from Turkey in regard to military have mostly centered on reducing the military's role in the political life and giving civilian authorities greater control over the military.[193] As it is analyzed in detail above, Turkish military have always played a crucial role in Turkish politics as the guardian of Republic and the Kemalist regime. In establishing this privileged position the National Security Council, through which the military sustains its power and influence in the public policy arena, has had primary importance. Determination of threats and the formulation of national security policies accordingly were under the responsibilities of NSC. Furthermore, the government was required to give priority consideration to the decisions of the NSC dominated by the military. Thus, "the military has often used the NSC as a platform for putting forward its own political agenda. The politically superior position of the NSC relative to civilian organs of the government is a serious problem for Turkish-EU relations."[194]

In addition, position of the chief of the general staff under the prime minister rather than ministry of defense has also been a point of controversy. In contrast to the prevailing global principle of democratic control of armed forces which argues that the

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[193]E. Aydinli, N. A. Özcan & D. Akyaz, (2006); B. Duner & E. Deverell, (2001)

[194] Ü. Cizre, (2004b) "*The Catalysts, Directions and Focus of Turkey's Agenda for Security Sector Reform in the 21st Century*" Geneva, August 2004. Working Paper – No. 148, p. 5

chief of staff should be responsible to the ministry of defense, Turkish chief of the general staff has been responsible to the prime minister since 1961. Furthermore, the composition and jurisdiction of the State Security Courts, and the emergency rule in the southeast which brought excessive authority for the military in that region have been targeted in the EU originating reports and documents on Turkey. By the same token, reforms adopted in the post-Helsinki era targeted these problematic issues and brought institutional changes for the limitation of the military's power in the political sphere. Parallel to Ladrech's definition of 'Europeanization', throughout this reform process European institution building has caused important changes in reorientation of Turkish national politics. Similarly, in line with the Radaelli's analysis of 'Europeanization', EU oriented policies and actions have had impacts on domestic structures and public policy within which the civil-military relations in Turkey and privileged position of the military were involved.

3.2.1. 1998 Progress Report of the Commission and the EU Demands on Turkey

The EU's criticisms of Turkey in regard to democratic control of the military and the prominent role of the NSC in domestic policy making mechanism were mentioned in the 1998 Progress report of the Commission of the European Union. The report stated that "the NSC plays a key role in the formulation and implementation of national security policy and also covers a wide range of political matters...The existence of this body shows that, despite a basic democratic structure, the Turkish constitution allows the Army to play a civil role and to intervene in every area of political life."[195] One could argue that, in this report EU's criticisms with respect to the NSC's role were quite strong. Moreover, it was implied that the military's political role was regarded as a major obstacle to the consolidation of democracy in Turkey:

> "The National Security Council demonstrates the major role
> played by the army in political life. The army is not subject to civil
> control and sometimes even appears to act without the government's

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[195] European Union Commission Progress Report, 1998

knowledge when it carries out certain large-scale repressive military operations."[196]

The Commission also expressed its hesitation about the State Security Courts (SSC) which dealt with overtly political crimes. It was stated in the Report that these courts were not compatible with a democratic system and ran counter to the principles of the European Convention on Human Rights (ECHR) because the nature of these courts were incapable of offering defendants a fair trial.[197] According to the Report, one of the most significant key problem areas of the SSC was the doubts about the impartiality of judges. One in three SSC judges was military judges. That is, they were serving military personnel and therefore they were subject to military discipline. Presence of the military judges resulted in suspicion about the independence and efficiency of the SSC. It was also emphasized that, Turkey was the only example in Europe in which civilians could be tried at least in part by military judges.[198]

On the question of the Turkish Chief of the General Staff being responsible to the Prime Minister rather than the Defense Minister, the 1998 report stated that, the two operations by the Turkish armed forces against the bases of the Kurdistan Workers Party (PKK) in northern Iraq had been carried out without the Chief of Staff giving the government any prior notice. [199] It was implied in the Report that, unlike the members of the Union, the chief of staff in Turkey was responsible to prime minister which rendered it more autonomous and away from effective democratic control. Thus, as far as the political situation of Turkey in the last quarter of the 1990s is concerned, the Commission concluded that, although "the organization of public authorities had most of the basic features of a democratic system", several factors (like the NSC and the SSC) had "prevented these authorities from functioning in the same way as they do in the member states of the European Union."[200]

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[196] *ibid.* p.14

[197] *ibid.* p.13

[198] *ibid.*

[199] *ibid.* p. 12

[200] *ibid.* p. 14

The 1998 Report underlined the shortcomings in respect to human rights and the protection of minorities. Even the former president of Turkey, Süleyman Demirel, admitted that, it was impossible to say that there was no torture in Turkey.[201] Torture has been used as an instrument against persons suspected of terrorist crimes as well as against common criminals. It is also known that, especially in the times of military rule after the 1980 coup, torture became embedded as a method of forcing suspects to confess or assume crimes. The Report highlighted that persistent cases of torture, disappearance and extra-judicial executions had been regularly recorded despite repeated official statements of the government's commitment to ending such practices.

Deficiencies in exercising freedom of expression were targeted by the Report. It was stated that, freedom of expression was not fully assured in Turkey. "An excessively narrow interpretation of the constitution and other legal provisions concerning the unity of the state, territorial integrity, secularism and respect for formal institutions of the state is regularly used to charge and sentence elected politicians, journalists, writers, trade unionists or NGO workers for statements, public speeches, published articles or books that would be acceptable in EU member states."[202] In fact, according to Articles 22-26 of the Turkish Constitution, everyone has the right to freedom of communication, freedom of residence and movement, freedom of conscience, religious belief and conviction, freedom of thought and opinion and the right to disseminate his/her thoughts and opinions.[203] Article 27 decrees that, everyone has right to study and teach freely, explain and disseminate science and arts and to carry out research in these fields. Moreover, Article 28 states that the press is free and shall not be censored. Article 33 states that everyone has the right to form associations without prior permission, whereas Article 34 confirms the right to hold peaceful meetings and demonstrations marches without prior permission. Last but not least, Article 40 of the constitution states that fundamental rights and freedoms are protected by law. However, as Hale indicates, the 1982 Constitution, enacted under the military regime of 1980-83,

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[201] B. Duner & E. Deverell, (2001) p. 4

[202] European Commission Report, 1998 p. 15

[203] 1982 Constitution of the Turkish Republic. All the quotations given in this part are derived from this text: http://www.anayasa.gen.tr/1982Constitution-EYasar.htm

imposed severe restrictions on the actual exercise of these rights.[204] For instance, the original text of Article 13 stated that:

> "Fundamental rights and freedoms may be restricted by law, in conformity with the letter and spirit of the Constitution, with the aim of safeguarding the indivisible integrity of the State with its territory and nation, national sovereignty, the Republic, national security, public order, general peace, the public interest public morals and public health, and also for specific reasons set forth in the relevant Articles of the Constitution."

Furthermore, original text of the Article 14 extended the conditions under which fundamental rights and freedoms were limited:

> "None of the rights and freedoms embodied in the Constitution may be exercised with the aim of violating the indivisible integrity of the State with its territory and nation, of endangering the existence of the Turkish State and Republic, of destroying fundamental rights and freedoms, of placing the government of the State under the control of an individual or a group of people, or establishing the hegemony of one social class over others, or creating discrimination on the basis of language, race, religion or sect, or of establishing by any other means a system of government based on these concepts and ideas. Sanctions to be applied against those who violate these prohibitions, and those who incite and provoke others to the same end shall be determined by law."

Therefore, on the basis of its self-assigned role of guardianship, Turkish armed forces made it clear that fundamental rights and freedoms would be limited and restricted if any action was in clash with the parameters of the national security defined by the military. Controlling and limiting freedom of expression was crucial for the military to prevent promotion and consolidation of unwanted ideologies among the citizens.

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[204] W. Hale, (2003) p. 110

As far as the problem of freedom of expression is concerned, two prominent legal provisions of the Penal Code (Article 159 and 312) and Article 8 of the Law for the Struggle against Terrorism of 1991 need to be mentioned. These statutes used to be referred frequently by the courts to restrict freedom of expression.[205] The original text of the Article 159 provided that, "those who publicly insult or deride the moral character of Turkishness, the Republic, the Grand National Assembly [GNA], or the Government, or the Ministers, the military or security forces of the State, or the moral character of the judiciary, shall be punished by between one and six years of severe imprisonment."[206] On the other hand, according to the original wording of Penal Code Article 312, "anyone who openly incites the public to hatred and enmity with regard to class, race, religion, religious sect or regional differences shall be punished by between one and three years of imprisonment."[207] In addition to these, in its original text, Article 8 of the Law for the Struggle against Terrorism declared that "Regardless of with whatever method, aim or purpose, written or oral propaganda, together with meetings, demonstrations and marches which have the objective of destroying the indivisible integrity of the State of the Republic of Turkey, with its territory and nation, shall not be carried out."[208]

Not only individuals, but also political parties were subject to certain limitations and restrictions. 4th paragraph of the Article 68 of the constitution, which outlines the rights and duties of political parties, states that: "Statutes and programs of political parties may not be in conflict with the indivisible integrity of the State with its territory and nation, human rights, national sovereignty, and the principles of the democratic and secular Republic". Article 69 explains under what conditions political parties would be punished by certain sanctions or closed permanently: "If the status or the program of a political party is determined to contravene the provisions of the fourth paragraph of Article 68 of the Constitution, then that political party is dissolved permanently. The dissolution of a political party on grounds of contravention of the fourth paragraph of Article 68 may only be adjudged by the Constitutional Court if it is determined by the

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[205] *ibid.* p. 11

[206] S. Bakıcı (eds.), (2000) "*Türk Ceza Kanunu*" Istanbul: Adalet Yatınları quoted in W. Hale, (2003) p. 111

[207] *ibid.*

[208] İ. Pınar, (1998) "*Terörle Mücadele Kanunu*" Ankara: Seçkin Yayınları quoted in *ibid.* pp. 112

same that said *political party has become a focal point of activities in such contravention*" (emphasis added). Pro-Islamist Welfare Party (RP), forced to resign from the coalition government by a military intervention in February 1997, was closed down by the Constitutional Court in 1998 on the basis of Articles 68-69.[209] Similarly, its successor, the Virtue Party (WP), suffered the same fate in 2001. Besides Islamist parties, pro-Kurdish parties like the Democracy Party (DEP) and the People's Democracy Party (HADEP) were accused of being focal points of activities against the indivisible integrity of the State and dissolved by the Constitutional Court.

For many years in Turkey, these legal provisions were used in order to restrict freedom of expression and association, specifically for those who supported dissident views on the Kurdish or Islamist issues which had been deemed as the most sensitive national security issues by the military.[210] As the founder of the 1982 Constitution and the post-1980 political culture in Turkey, these above mentioned restrictions have served for the military to impose and consolidate its political power and authority over the citizenry. In this context, reforms in regard to these restrictions are important as far as the military and its political predominance is concerned.

Aforementioned legal provisions and other restrictions on fundamental freedoms were judged quite contrary to human right standards embraced by the EU. In order to catalyze reformation process in the areas of human rights and fundamental freedoms, the Accession Partnership Document demanded Turkey to strengthen "legal and constitutional guarantees for the right to freedom of expression in line with Article 10 of the European Convention of Human Rights."[211] Moreover, it was also mentioned that, the government needed to "strengthen legal and constitutional guarantees of the right to freedom of association and peaceful assembly and encourage development of civil society." The APD also called for further measures "to reinforce the fight against torture practices...[to] strengthen opportunities for legal redress against all violations of human rights...[to] improve the functioning and the efficiency of the judiciary...[and to] remove any legal provisions forbidding the use by Turkish citizens of their mother tongue in

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[209] Decisions of the Constitutional Court (CC) with respect to dissolution of the parties mentioned in this part can be found on the official web-site of the CC: http://www.anayasa.gov.tr

[210] W. Hale, (2003)

[211] Accession Partnership Document, 2001 http://www.abgs.gov.tr

TV/radio broadcasting." To put it in a nutshell, priority of the EU in order to transform Turkey in line with the EU norms and values was to induce necessary changes in Turkey so as to "guarantee in law and in practice the full enjoyment of human rights and fundamental freedoms by all individuals without discrimination and irrespective of language, race, color, sex, political opinion, religion or belief in line with relevant international and European instruments to which Turkey is a party."[212]

The EU's stance towards Turkey was clearly expressed with the concluding sentence of the 1999 Commission Report: "although the basic features of a democratic system exist in Turkey, it still does not meet the Copenhagen political criteria."[213] Therefore, in order to be recognized as a prospective member of the Union, Turkey needed to curb the military's prominent role in the political arena and to put it under democratic control of the civilian government. Shortcomings in terms of protection of minorities and human rights needed to be resolved. Restrictions on fundamental freedoms embedded in the constitution had to be abolished and redesigned in accordance with the European Human Rights Convention. Improvements in respect to independence and efficiency of the judiciary needed to be realized. Last but not least, death penalty had to be lifted. In short, Turkey required to launch a comprehensive 'democratization' and 'Europeanization' project to be compatible with the European norms and standards. However, predicted reforms that needed to be passed in order to achieve this aim brought up the dominant cleavages in Turkey between the Turkish nationalism and Kurds; and between the secular and pro-Islamist conservative groups into agenda once again.[214] Turkish military had reservations about liberalizing reforms which, according to the armed forces, would soften the restrictions on the Kurdish and Islamist groups and would give them a freer hand to expand their activities.

Looking from historical perspective, it would be possible to argue that in terms of its attitude towards democratization, Turkish military had created a bad impression due to its authoritarian rule, repression and the violation of human rights.[215] According to Rouleau, Turkish military's attitude towards 'democratization' was illuminated with

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[212] Accession Partnership Document, 2003

[213] European Commission Report, 1999 p. 15

[214] M. Müftüler-Baç, (2005) p. 22

[215] E. Rouleau, (2000)

a 1995 statement by Deputy Chief of Staff Ahmet Görekçi, when he announced that the army would "not allow itself to be bound hand and foot by democracy and human rights."[216] The EU and proponents of liberalizing reforms believe that threats of political Islam and ethnic separatism can be successfully tackled if Turkey had a more liberal and democratic system of government. However, the military believe that "these reforms would considerably weaken Turkey's hand in its struggle against the 'lingering' twin threats of political Islam and Kurdish separatism."[217] In this manner, the reform process which has enabled Turkey to take important steps in the fields of consolidation of democracy and human/minority rights is also meaningful in terms of evolution of civil-military relations in Turkey. During the reform process (analyzed below) dominant role of the military was targeted through reforms related with the NSC. Furthermore, democratic control over the military tried to be consolidated. Besides these, despite the military's clear opposition to the reforms on fundamental freedoms and human/minority rights, these reforms have been passed successfully. This, in a sense, signifies a change in the balance of civil-military relations. Turkish governments have adopted breakthrough political changes in order to satisfy the political aspects of the Copenhagen criteria. Turkey' progress in consolidating its democracy and restructuring its political system in line with the EU demands has been commendable. Although the military was reluctant to espouse some of these reforms on the basis of national security concerns, it has been convinced, at least in principle that the last word belongs to civilians. Turkey's bid for EU membership has been the primary factor which made a more continent relationship between the military and civilians possible. As the 'Europeanization' theory provided in Chapter 1 suggests, institutional changes on the basis of EU conditionalities challenged the position of the military in the political arena and took initiatory steps towards the introduction of a civil-military relations similar to EU member states.

It is possible to argue that; majority of the Turkish population supported their country's struggle for membership. Most of the leading civil society associations, like the Association of Industrialists and Businessmen of Turkey (TUSIAD), gave support to Europeanization process wholeheartedly since they regarded Turkey's accession to the EU as the best guarantee for the further flourishing of liberal democracy in Turkey.

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[216] *ibid.* p. 111

[217] M. Heper, (2005a) p. 38

Under such conditions, the Turkish military, considered as the 'foremost modernizer'[218] of Turkish society, would be in sharp contrast with the ideals of modernization and Westernization if it had opposed the Europeanization project by attempting to block the reform process through formal and/or informal mechanisms. Hence, the military's rhetorical commitment to Westernization and integration with the EU led the military to comply with the reforms although the suggested reforms were a threat to the military's privileged place in the political arena. Here, the 'logic of appropriateness' (Type I) is applicable in analyzing the Turkish military's attitude towards the process of reform. As quoted in Chapter 1, Checkel argues that, actors sometimes behave appropriately by learning a role irrespective of whether they like the role agree with it. Being a part of European Union has been the most serious modernization/Westernization project of modern Turkey. In this context, it would be possible to argue that, traditionally known as one of the most important elements of Turkish modernization, Turkish military found itself obliged to accept the EU originated reforms although it did not agree with the content of the reforms in essence. Because acting in an opposite manner would have eroded the legitimacy of the Turkish military in the eyes of Turkish citizens who supports Turkey's bid for EU membership. Thus, Turkey's steady and significant progress in meeting requirements for EU membership in the post-Helsinki era has resulted in important ramifications in regard to civil-military relations.

3.2.2 Amendments in Regard to the Armed Forces

Not much had changed in the 1999 Report in terms of the EU's criticisms of Turkey with respect to democratic control of the military and the political role of the NSC in the 1998 Report. The main, perhaps the only, legislative change in the civil military relations between 1998 and 1999 was related with the judicial system. In June 1999, constitutional and legal amendments removing the military judge in the SSCs were adopted by the TGNA and entered into force. Although there were serious doubts about the reliability of these courts, the Commission deemed this reform as an

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[218] E. Özbudun, (1966) "*The Role of the Turkish Military in Recent Turkish Politics*" Occasional Papers in International Affairs 14 , Centre for International Affairs quoted in Z. Sarıgil, (2007) p.48

improvement in the functioning of the SSC. The Regular Report of the Commission on Turkey's Progress towards Accession, dated October, 13, 1999, stated that:

> "Through the National Security Council, the military continues to have an important influence in many areas of political life. The National Security Council continues to play a major role in political life. While the emergency courts system remains in place, the replacement of the military judge by a civilian one in the State Security Courts, represents a clear improvement in terms of independence of the judiciary."[219]

The EU explicitly addressed aforementioned deficiencies in Turkish democracy and civil-military relations through the Accession Partnership Document. In the APD the EU demanded from Turkey to "align the constitutional role of the National Security Council as an advisory body to the government in accordance with the practice of EU member states...[and to] lift the state of emergency in the South-East."[220] Furthermore, the EU required the Turkish government to "abolish the death penalty...[and to] ensure cultural diversity and guarantee cultural rights for all citizens irrespective of their origin."[221]

With the '1st harmonization package' of October 2001, which included thirty four amendments to the existing constitution, Turkey began to prepare the ground to meet its Accession Partnership priorities. One of the most important alteration in regard to the military was about the Article 118 of the 1982 Constitution. Article 118, as mentioned above, was stating that the Council of Ministers should give priority consideration to the decisions of the NSC concerning national security related subjects. With the amendment constitutional status of the NSC was changed. Now, the Article 118, as amended on October 17, 2001, states that:

> "The National Security Council shall submit to the Council of the Ministers its views *on the advisory decisions* that are taken and

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[219] European Commission Progress Report, 1999 p. 10

[220] Accession Partnership Document, 2001

[221] *ibid.*

ensuring the necessary condition with regard to the formulation, establishment, and implementation of the national security policy of the state. *The Council of Ministers shall evaluate decisions of the National Security Council* concerning the measures that it deems necessary for the preservation of the existence and independence of the state, the integrity and indivisibility of the country and the peace and security of society."[222] (emphasis added)

Therefore, the role of the NSC was limited to recommendations and the government became responsible to evaluate the recommendations rather than giving them priority consideration.[223] One would argue that, with the amendment, the quasi-executive and supervisory powers of the NSC were challenged by reducing the role of the Council to an advisory/consultative body. Furthermore, besides the role of the NSC, composition of the Council was also amended in order to make the civilian members majority. While the number of military members remained five, the number of civilian members of the NSC was increased from five to nine.[224] This change in the provision of Article 118 was esteemed by the EU; however, it was also stated in the Commission's Progress Report 2001 that the extent to which the constitutional amendment would enhance de facto civilian control over the military would need to be monitored.

As part of the package of constitutional amendments promulgated in October 2001, important changes to various articles of the 1982 Constitution, which consolidated the authority of the military rule over civilians after the coup, were realized. Original texts of Articles 13-14, related with restrictions over the fundamental freedoms, were also amended. The new version of Article 13 states that:

"Fundamental rights and freedoms may be restricted only by law and in conformity with the reasons mentioned in the relevant articles of the Constitution without infringing upon their essence. These restrictions shall not be in conflict with the letter and spirit of the Constitution and the requirements of the democratic order of the

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[222] Article 118 of the 1982 Constitution, as amended on 17 October 2001. http://www.mfa.gov.tr

[223] European Commission Progress Report, 2001

[224] *ibid.*

society and the secular Republic and the principle of proportionality."[225]

Similarly, previous text of the Article 14 was converted into the following:

"None of the rights and freedoms embodied in the Constitution shall be exercised with the aim of violating the indivisible integrity of the state with its territory and nation, and endangering the existence of the democratic and secular order of the Turkish Republic based upon human rights. No provision of this Constitution shall be interpreted in a manner that enables the State or individuals to destroy the fundamental rights and freedoms embodied in the Constitution or to stage an activity with the aim of restricting them more extensively than stated in the Constitution. The sanctions to be applied against those who perpetrate these activities in conflict with these provisions shall be determined by law."[226]

Thus, these amendments would be deemed as attempts to bring Articles 13-14 into rough correspondence with Articles 10-11 of the European Convention on Human Rights, by "shortening the list of unconstitutional aims mentioned in the previous version of article 14."[227] Moreover, Article 69, which stated principles to be observed by political parties, was amended in order to clarify under what conditions a political party could be regarded as a center for the execution of activities contrary to the provisions of Article 68, which could be the basis for the permanent closure of a political party by the constitutional court. It was added to the article that, for a political party to be castigated for being the center of activities contrary to the provisions of Article 68, such actions would have to be "carried out intensively by the members of that party" or "shared implicitly or explicitly by the grand congress, general chairmanship, the central decision-making, administrative organs of that party, by the group's general meeting or group executive board at the Turkish Grand National Assembly." Furthermore, it was added that, as an alternative to closure, "the

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[225] Article 13 of the 1982 Constitution, as amended on 17 October 2001. http://www.mfa.gov.tr

[226] *ibid.*

[227] W. Hale, (2003) p. 115

Constitutional Court may rule the concerned party to be deprived of State aid wholly or in part with respect to intensity of the actions brought before the court."[228]

These amendments testified a broad based political will for EU membership in Turkey. New provisions were introduced in line with the priorities of National Program for the Adoption of Acquis, such as the freedom of thought and expression, the prevention of torture, strengthening of democracy and civilian control, the freedom and security of the individual. Expected utility for Turkey in undertaking these reforms was the EU membership. This situation gives credibility to the 'logic of consequentialism' thesis, which argues that actors behave according to their expected material costs and benefits. With the aim of being a part of the EU, 'logic of consequentialism' has been the principle logic behind the Turkey's process of reform in the post-Helsinki era.

In addition to these constitutional changes, '1st Harmonization Package' included a series of amendments to the Penal Code and Anti-Terror Law as well. As a result of these reforms Articles 159 and 312 of the Turkish Penal Code and Articles 7-8 of the Anti-Terror Law were amended. Under the successful amendment to Article 312, statements which incite the public to hatred and enmity on the basis of differences of social class, race, religion, sect or region, began to be count as a crime provided that they were delivered "in a way that may be dangerous for public order."[229] This amendment was realized in order to narrow the scope of the Article 312. As a result of amendments dealing with the Article 159, maximum punishment for statements that insult the State, State institutions and Turkishness reduced from six to three years. In the same manner, fines imposed for criticizing Turkish laws and institutions were abolished unless they intended to insult or deride those laws and institutions. Changes to Articles 7-8 of the Anti Terror Law introduced the notion of "propaganda with the terrorist organization in a way that encourages the use of terrorist methods." Therefore, the scope of Article 8 was narrowed by expressing that for a meeting, demonstration or propaganda to be regarded as a crime it needed to be ascertained that the act was encouraging the use of terrorist methods. These amendments were essential markers of Turkey's desire to adjust its political system in line with the EU Acquis by abolishing

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[228] Article 69 of the 1982 Constitution, as amended on 17 October 2001. http://www.mfa.gov.tr

[229] European Union Commission Progress Report, 2002 p. 32

some restrictions on human rights and fundamental freedoms survived from the 1982 Constitution of the military rule. However, for a more satisfying improvement in consolidation of democracy and human rights, these amendments needed to be deepened and implemented neatly.

A series of reforms under the '1st Harmonization Package', which became the center of criticisms coming from the military was about the improvement of cultural rights of Kurds. Kurdish population in Turkey was officially recognized as full and normal citizens of Turkey, because the Turkish state accepted as minorities only those groups who were defined as such in the Treaty of Lousanne of 1923. Since the Kurds were not accepted as minority, they were entitled to no special privileges enjoyed by minority groups like non-Muslim Armenians, Greeks and Jews. The EU demanded Turkey to take steps in order to abolish existing restrictive legislation and practices which refrains Kurdish population from enjoying their cultural rights. In the Progress Report of 2000, it was stated that, "cultural rights for all Turks, irrespective of their ethnic origin, such as the right to broadcast in their mother tongue, to learn in their mother tongue or to receive instructions in their mother tongue" needed to be guaranteed. Articles 26 and 28 were amended in an attempt to provide Kurdish people with more rights to enjoy their culture. Original text of the Article 26 stated that, "No language prohibited by law may be used in the expression and dissemination of thought." On the other hand, Article 28, affecting the press, decreed that, "publication may not be made in any language prohibited by law." Thanks to constitutional amendments of October 2001, these provisions forbidding the use of languages prohibited by law were abolished. Further reforms were realized in August 2002. The possibility of broadcasting in different languages and dialects used traditionally by Turkish citizens in their daily lives were allowed. Similarly, amendment regarding the Law on Foreign Language Education and Teaching provided for the "possibility of learning different languages and dialects traditionally used by Turkish citizens in their daily lives and of opening private courses for that purpose on the condition that this does not contradict the indivisible integrity of the State."[230]

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[230] European Commission Progress Report, 2002 p. 41

As a further step towards meeting the EU's criteria, 'State of Emergency' in the provinces where Kurdish people constitute the majority was ended. This was an important development in the sense that, the role of military as the virtual rulers in much of the southeast came to an end by leaving the office to civilian rulers.[231] In spite of these improvements and increasing tolerance within the society, people in Kurdish provinces still experience difficulties in social, political, and cultural life. People whose mother tongue is not Turkish cannot learn their mother tongue in Turkish public schooling system. Such education can only be provided by private educational institutions; yet, in the case of Kurdish, all such institutions were closed because of financial difficulties. Although there are some deficiencies in regard to scope and implementation of reforms with respect to cultural rights of Kurdish groups, there has been important progress throughout the last few years. At the beginning, especially the military elite argued that reforms in the areas of human, minority, and cultural rights would be too costly for the national security of Turkey. It was believed that the cost of compliance with the EU demands would be excessively high since reforms covering cultural rights have enabled separatist Kurdish groups to act more freely than before.[232] However, it would be safe to argue that, unlike what was predicted by military elite, aforementioned reforms dealing with human rights, minority rights and fundamental freedoms have not led to proliferation of separatist movements and activities.

3.3. Second set of Amendments to the NSC

With the '7th Harmonization Package', more comprehensive reforms in respect to the NSC were introduced in order to align relations between civil-military authorities with the practices of EU member states. In 2001, the advisory nature of the NSC was confirmed with an amendment in the Article 118 which also increased the number of civilians in the NSC. However, the '7th Harmonization Package' adopted in July, 2003 expanded the scope of reforms related with the duties, functioning and composition of the NSC.[233] Article 4 of the Law on the National Security Council and the Secretariat General of the National Security Council was amended to revise the duties and

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[231] W. Hale, (2003)

[232] N. Tocci, (2005)

[233] European Commission Report, 2003

competence of the Council to prevent the misinterpretation of its advisory role. An amendment to the Articles 9 and 14 of the Law on the National Security Council abolished the extended executive and supervisory powers of the Secretary General of the NSC. In particular, the provision which "empowered the Secretary General of the NSC to follow up, on behalf of the President and the Prime Minister, the implementation of any recommendation made by the NSC" was abolished. The package appealed the Article 19 of the Law. Article 19, which provided that "the Ministries, public institutions and organizations and private legal persons shall submit regularly, or when requested, non-classified and classified information and documents needed by the Secretariat General of the National Security Council", had given the NSC an unlimited access to civilian agencies. Furthermore, it was decided that, the post of Secretary General would no longer be reserved exclusively for a military person. Consequently, in August 2004, Mehmet Yiğit Alpogan, a career diplomat who served as Turkish ambassador to Greece, was appointed as the first civilian Secretary General of the NSC.[234] The frequency of the NSC meetings was modified and reduced to once in two months rather than meeting once a month. Number of departments under the authority of Secretary General was reduced and the surplus personnel were transferred to other state departments. In order to enhance the transparency of defense expenditures, the Court of Auditors was authorized to audit accounts and transactions of all type of organizations including the state properties owned by the armed forces. This allowed, if not full at least greater, supervision over the military budget. Furthermore, the NSC's budget was decreased by 60 percent.[235]

According to Cizre, this reform package was in itself a distinct legislative accomplishment as it specifically targeted curbing the powers of the NSC and repealing the NSC's executive powers by converting the NSC into an advisory body.[236] The 7th package also included a number of amendments in regard to the jurisdiction of military courts over civilians. The amendment to Article 11 of the Law on the Establishment and Trial Procedures of Military Courts "removed cases related to criminal offences such as inciting soldiers to mutiny and disobedience, discouraging the public from

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[234] Ö. Duman and D. Tsarouhas, (2006)

[235] Ü. Cizre, (2004b)

[236] *ibid.*

military duty and undermining national resistance from the jurisdiction of military courts, if these offences are committed by civilians."[237] In addition to this reform package, two more amendments were enacted before the European Council meeting of December 2004. Firstly, military representatives were removed from the Higher Education Board (YÖK). Secondly, the State Security Courts, deemed to be incompatible with the judicial system in the EU, were abolished. Since these institutions were introduced by the military rule following the 1980 coup, both institutions were symbols of the shadow of the military authority over the civilian agencies. In the same vein, the Commission Report of 2003 concluded that, "the above mentioned amendments could significantly modify the functioning of the National Security Council. In order to align civilian control of the military with practice in EU member states, it is important that these reforms are effectively implemented, for military representation to be withdrawn from civilian bodies and for Parliament to ensure full control on the defense budget."

3.4. Tracing Turkey's Europeanization Process

Since 2001 Turkey has enacted nine harmonization packages so as to comply with the EU standards. Although there were certain problems in the implementation of some reforms, these nine packages have all brought an unprecedented process of change in the Turkish political system towards a more democratic and liberal environment. '1st Harmonization Package', entered into force on February 19, 2002, brought a series of changes to the Penal Code, the Anti-Terror Law and the State Security Courts. '2nd Harmonization Package', came into force on April 9, 2002, was composed of reforms that enhanced the exercise of the freedom of expression, association and peaceful assembly. Under this package, the Press Law, the Law on Political Parties, the Law on Associations and the Law on Meetings and Demonstration Marches, the Law on Civil Servants were amended.

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[237] Ministry of Foreign Affairs Secretariat General for EU Affairs, (2004) "*Political Reforms in Turkey*" Directorate for Political Affairs

'3rd Harmonization Package', entered into force on August 9, 2002, abolished death penalty. The death penalty, not enforced since 1984, was converted into prison sentences and it was decided that the death penalty was no longer to be enforced except in times of war and the imminent threat of war. Moreover, further improvements in the areas of freedom of expression and association were realized with the amendments to the Law on Associations, the Law on Meetings and Demonstration Marches, Press Law, the Law on the Establishment of Radio and Television Enterprises, and the Law on Foreign Language Teaching and Education as well as the Law on the Duties and Competence of the Police. '4th Harmonization Package', came into force on January 11, 2003, engendered significant changes in relevant codes in order to thwart torture and ill-treatment. For instance, "Article 2 of the Law on the Prosecution of Civil Servants and Public Employees was amended to abolish the permission procedure for the prosecution of civil servants and public employees for allegations of torture and ill treatment. An amendment to Article 245 of the Penal Code provided that sentences for torture and ill treatment may not be converted into fines or any other measures and may not be suspended."[238] With the '5th Harmonization Package', which entered into force on February 4, 2003, provisions on freedom of association and retrial were enacted. '6th Harmonization Package', entered into force on July 19, 2003, put significant changes into effect in the context of the expansion of the freedom of expression, safeguard provisions on the rights of prisoners, religious freedom, and right to life and retrial. '7th Harmonization Package', which came into force on August 7, 2003, brought further improvements in the fields of the expansion of the freedom of expression, freedom of association, safeguard provisions on the rights of prisoners, religious freedom, rights of the child, cultural rights, civil-military relations and the functionality of the executive. '8th Harmonization Package' of March 3, 2004 brought certain changes to Municipality Law and Law of Intellectual Property Rights in order to prevent unlawful production and distribution of products like musical, literary and artistic works. '9th Harmonization Package', which entered into force on July 14, 2004, contained provisions which aimed at some modifications in civil-military relations and death penalty. Thanks to the amendment of the law on Higher Education, the provision which allowed the General Staff to select one member of the Higher Education Council was repealed. Moreover,

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[238] Ministry of Foreign Affairs Secretariat General for EU Affairs, (2004) "*Political Reforms in Turkey*" Directorate for Political Affairs

with the amendments of the Law on Establishment of and Broadcasting by Radio and Television Corporations, Law on Wireless Communication and Law on the Protection of Minors from Harmful Publications; application which gave the NSC to nominate one member to competent boards was ended. Death penalty, which had been abolished except for in times of war and cases of terrorist crime, was abolished in all circumstances and replaced with aggravated life imprisonment. Turkish military had made its suspicion about the abrogation of death penalty publicly known and argued that such a move may boost terrorism and separatist movements.[239] However, in accordance with the EU demands, civilian government actualized de jure moratorium of the death penalty. Thus, Europeanization, taken from the perspective of institutional change in this thesis, of the Turkish political structure enabled Turkey to take steps towards a domestic political system embraced by the European Union.

In sum, parallel to EU's 'reinforcement by reward' principle, Turkey was offered EU membership carrot provided that it underwent a comprehensive 'Europeanization' and 'democratization' process. Because of the EU's stimulation, Turkey has adopted breakthrough political changes and has shown a significant progress in transforming its domestic political system in line with the EU's democratic conditionalities. The process of change triggered by the recognition of Turkey's candidacy status has had direct and indirect impacts over the democratization of civil-military relations in Turkey. Constitutional amendments and legal reforms introduced as part of EU harmonization packages, such as the reorganization of the role and composition of the NSC, the abolishment of the SSC, the termination of the state of emergency in the South Eastern provinces of Turkey directly influenced the power of military in the political arena and regarded as important steps in a way to put the armed forces under democratic control. On the other hand, other reforms in regard to human rights, fundamental freedoms, and cultural rights have led to positive side effects on the civil-military relations. Although the military was hesitant in implementing reforms in certain areas such as broadcasting and education in the Kurdish language, abolishment of death penalty, and freedom of expression on the grounds that these reforms would strengthen the Islamist movements and separatist activities, it has shown respect to the

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[239] Ö. Duman and D. Tsarouhas, (2006)

supremacy of the civilians over these issues by leaving the last word to the government in the decision making process.

Moreover, the liberal environment created by the reforms enacted to consolidate Turkish democracy, gave the opportunity to politicians and journalists to question some "taboo subjects" in respect to military. For instance, Mesut Yılmaz, the leader of Motherland Party (ANAP), indirectly blamed the military for behaving obsessively in their exhaustive understanding of national security.[240] In other words, the military was no longer above public scrutiny. This tendency has also been observed when some civil society groups and political parties pronounced their criticisms through mass media instruments in regard to the e-memorandum of the military in April 2007. That is, the idea of the supremacy of civilian rule over the military was enhanced as a result of reforms adopted by the government. Legitimacy of the presence of the military in the political arena started to be questioned publicly. In this context, one would argue that, institutional changes slowly began norm diffusion. Reforms adopted as a result of the adaptational pressure exerted by the EU have given the other actors a freer hand in raising their voices and sharing their opinions in regard to privileged position of the military in the Turkish political arena. Therefore, in the post-Helsinki era civilian governments and military has created a concordant relationship in order to reach their common target: the EU membership. The EU pressure has been the most prominent factor in the formation of more favorable civil-military relations and in the diminution of military's role in the political era. In this sense, as Heper concludes, "at this stage of Europeanization, we witnessed both the further liberalization of the political regime and the increased democratization of civil-military relations."[241]

3.5. Understanding the Reform Process from the Military's Perspective

Despite the fact that the Turkish military still enjoys significant political powers, we observed throughout the last years that remarkable changes in favor of the civilians have occurred in civil-military relations in Turkey. Reforms induced by the EU contributed to the establishment of the civilian supremacy over the military in the

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[240] *ibid.*

[241] M. Heper, (2005a) p. 43

political sphere. That is, the institutional changes has given birth to dramatic changes which are abhorrent to the military's material interests since its authority and power in the political arena have been undermined. As it is mentioned above, in the history of modern Turkey military has always made use of formal and informal mechanisms in order to preserve its authority and power in the political realm. Although the material interests of the military have been seriously challenged by the latest reforms, the military refrained from impeding the Europeanization process. Reasons behind the military's moderate attitude towards the reform process can be tied to the military's concern over the ideational interests and potential social costs of blocking reforms.[242]

As Cizre highlights, throughout the 1990s Turkish politics was confronted with two conflicting developments. On the one hand, the Turkish military consolidated its self-assigned guardianship role and reinforced its political dominance as a reaction to strengthening Islamist and separatist movements. On the other hand, the European Union prescribed a series of democratic conditionalities that needed to be fulfilled if Turkey is to gain successful entry into the club.[243] It was a paradoxical situation in the sense that in order to maintain its guardianship role, the Turkish military required preserving its privileged position over the political system. Whereas the provision of civilian supremacy and democratic control over the military were indispensable criteria for the membership. Eventually, constitutional and legislative reforms, catalyzed by the EU, have resulted in serious repercussions in respect to Turkish civil-military relations. As some scholars argue, with the reform packages, "the powers of the NSC were dramatically reduced and parliamentary and civil control over the military was increased."[244] Thus, the military, a veto player in the Turkish political system, has reoriented its position towards civilian agencies and did not block these reforms which were designed to undermine the authority and autonomous role of the military in Turkish political structure.

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[242] Z. Sarıgil, (2007)

[243] Ü. Cizre, (2004a) p. 107

[244] Z. Sarıgil, (2007) p. 46

3.5.1. The Government vs. the Military

As it was explained in the 1st Chapter, change process is initiated by an internal or external factor that shifts the power structures within which the institutional actors, like the military and civilian agencies are embedded.[245] In the case of Turkish military, the Europeanization process on the basis of political conditions enforced by the EU has been the external factor which disturbed the balance of power between the military and civilians. In this sense, "the EU, as an external reference point, played the role of legitimizer in the domestic politics" and this role "empowered the civilian rhetoric."[246] Hence, the civilian side, benefiting from the shift of paradigm in the domestic politics, began to demand the embodiment of more democratic norms. Therefore, the EU was crucial in the sense that the power structures among political actors in the domestic sphere were altered thanks to the pressure put in force by the EU. Reforms which aimed consolidation of democracy and creation of a more liberal political environment gave birth to emergence of opportunities for those who opted for a more civilian oriented political system by pushing the armed forces back to barracks. Thus, as Güney and Karatekelioğlu conclude, the EU came to the forefront as an important external agent which initiated this change process in the allocation of power among the institutional actors.[247]

After the initiation of institutional change, alteration of power structures is followed by the bargaining process among actors for the formation of an alternative balance on the basis of new power configurations. For instance, the AKP government, as an actor within this structure, has strongly supported Turkey's bid for the EU membership. Although the AKP, as a political movement, was born from the ashes of a pro-Islamist party, its leaders have frequently argued that they experienced a transformation and became compatible with the main principles of the Turkish Republic, like secularism. With this transformation, unlike its predecessors, the AKP government has adopted a much more supportive rhetoric on Turkey's EU

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[245] J. Stacey & B. Rittberger, (2003) "*Dynamics of Formal and Informal Institutional Change*" Journal of European Public Policy Vol. 10 No. 6 pp. 858-883

[246] Z. Sarıgil, (2007) p. 46

[247] A. Güney & P. Karatekelioğlu, (2005)

membership[248] while keeping a distance from its background. Some argue that, one of the most important factors which made the AKP government ambitious for the EU membership was the EU's liberalism, democracy, human rights and free market system values that are also embraced by the AKP. On the other hand, some scholars, politicians, and military elite would argue that, the AKP, akin to its predecessors, is a pro-Islamist party and the main motivation behind the AKP's desire to integrate Turkey with the EU was to undermine the power of military through constitutional and legislative reforms. In the Turkish political system, especially in the 1990s, the strongly secular military has always been suspicious about the pro-Islamists and their presence in the political arena.[249] Political movements of the Islamic groups have been limited and restricted by the military occasionally. Pro-Islamist parties such as, the National Outlook Party (1970-1971), the National Salvation Party (1972-1980), the Welfare Party (1987-1997), and the Virtue Party (1998-2001) were closed with the influence of military for constituting a threat to principle of secularism of the Turkish Republic. In this sense, "Islamic political groups considered the Europeanization process as a great opportunity to reduce the political powers of the military."[250] According to this argument, by reducing the power of military, the AKP government aimed to promote religious freedom and reinforce the influence of Islam and Islamic groups in politics. Therefore, this argument underlines the material gains that the AKP would possibly acquire after the reforms demanded by the EU have been realized. In this sense, the material utilities are considered as the main aim of the AKP government when adopting Europeanization process; that is, the 'logic of consequentialism' dimension outweighed the ideational interests. Therefore, according to this point of view, the AKP aimed to benefit from the liberal environment created by the EU induced reforms in order to disseminate and implement its pro-Islamist ideologies throughout the country. In other words, according to this view, the AKP government has been guided by the 'logic of consequentialism' which gives priority to the benefits that the AKP government would acquire when a more liberal political environment within which the role of the military is limited is created.

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[248] W. Hale, (2003) p. 109

[249] Z. Sarıgil, (2007) p. 48

[250] *ibid.*

As it was mentioned above, the military was highly concerned about the consequences of reforms that were adopted in order to constrain its influence in politics and to bring it under democratic control. From the perspective of military, these reforms meant that, dominance of military and military ideology in judiciary, executive, education, local governments and media has been challenged seriously. The role of NSC has reduced to an advisory body, SSC has been abolished, state of emergency in certain provinces has been lifted, military budget has been put under parliamentary control...etc. All of these developments have led to weakening power of the armed forces in the political arena. Furthermore, other reforms in respect to cultural rights, human rights, and fundamental freedoms aimed to transform the legacies of military rule after the 1980 coup into a more democratic, liberal political culture. In this sense, the restrictive political culture produced by the military through the 1982 constitution has been challenged. Actually, the high ranking military officials expressed their reservations about the reforms concerning the NSC and criticized the government for taking steps that would result in unfavorable results in the future.[251] Criticisms directed to the government were centered around the argument that, with the reforms Turkish military was rendered powerless and this made Turkey open to threats coming from internal and external factors. For instance, the then Secretary General of the NSC, General Tuncer Kılınç, believed that the NSC was weakened and rendered functionless for the sake of democracy and the EU. He also expressed his concerns about the AKP government and its reforms with the following statement:

> "The changes made in the Act on the Fight against Terrorism would no longer have a deterrence effect on the perpetrators of those crimes; TV broadcasting in Kurdish would incite ethnic separatism; the admitting to Turkey the observers during elections would mean granting capitulations to foreigners."[252]

On an earlier occasion, General Kılınç had given the impression that instead of struggling for the EU membership Turkey had to turn its face to other alternatives. He suggested that, "Turkey should perhaps seek other alignments with such countries Iran

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[251] M. Heper, (2005a)

[252] Milliyet, August 25, 2003 quoted in *ibid.* p. 38

and Russia."[253] Furthermore, Mustafa Ağaoğlu, the attendee in the Parliament'
Constitutional Commission on behalf of the secretary-general, reflected reservations of
the military about the NSC reform by stating that:

> [With the suggested reform] the NSC Secretariat-General is
> effectively abolished. It will no longer be able to fulfill these three
> functions: it will not be able to devise psychological operation plans;
> it will not be able to work on National Security Policy; it will not be
> able to devise plans on mobilization and war preparations. The NSC
> Secretariat-General is attached to the Prime Minister's Office. If the
> Prime Minister assigns it a task, it will fulfill it. Other than that, it
> never undertakes tasks on its own. How will decisions made at the
> NSC be followed to make sure that they are implemented?"[254]

In addition to general Kılınç, other high ranking military officials like General
Aytaç Yalman, Commander of the Land Forces; General Şener Eruygur, Commander
of the Gendarmerie; General Hurşit Tolon, Commander of the Aegean Army; and
General Çetin Doğan, Commander of the First Army expressed their reservations about
the process of reform frequently. Even the General Hilmi Özkök, the then Chief of the
General Staff, known with his respect to the civilian rule and decision making, reflected
his concerns about the NSC reforms by arguing that Turkey should reform its legal
system to conform to the EU criteria without ignoring the republican characteristics of
its state.[255] Some reactions of the military members given above, shows the military's
initial objection to the reforms and implies its willingness to take action in order to
prevent realization of reforms. It is because, according to the 'logic of
consequentialism' dimension, the prerogatives enjoyed by the military in the political
system were targeted by the EU. Under the previous power structure, the military was a
dominant institutional actor which strongly influenced the civilian governments through
various mechanisms. However, with the process of change initiated by the EU, it began
to loose its special position and privileges. According to 'rational institutionalism',
actors' behaviors are dependent on their material utilities. Every institutional actor is

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[253] Hürriyet, May 16, 2003 quoted in *ibid.*

[254] Turkish Daily News, August 1, 2003 quoted in Z. Sarıgil, (2007) p. 50

[255] Z. Sarıgil, (2007)

self interested and each of them acts in order to protect and maximize its material gains. Those initial reactions signify the attitude of the military in line with the LoC approach. However, although the Europeanization process was a serious threat to political powers of the military in Turkish political system, 'rational institutionalist' conception of LoC failed to theorize the behaviors of the armed forces with respect to the reforms. According to the LoC, we would expect the military to deploy any mechanism to influence the civilian government and block the Europeanization process in order to preserve its material utilities. In spite of its weakening power, the refrained from blocking the process.

It would be plausible to argue that, the reason behind the military's reluctancy in preventing process of reform was its rhetorical commitment to modernization and Westernization.[256] As indicated in the previous sections, Turkish military has always regarded itself as the guardian of secularism, democracy and Westernization in Turkey. Turkish armed forces has always been the constant follower of Ataturk's objective to reach modern civilizations level. Hence, the European Union was the embodiment of values like democracy, secularism, Westernization, and modern civilization embraced by the military. Under such conditions, military could not take action against reforms. Because reforms were demanded by the EU and the EU membership was the ultimate goal for Turkish modernization process where Atatürk and Turkish people wanted Turkey to reach. In other words, any military objection to further democratization would undermine the military's legitimacy in the eyes of vast majority who supported Turkey's bid for EU membership and consolidation of democracy. As Sarıgil states, "by accepting the reforms, which reduced its own powers, the military tried to avoid 'blame' for blocking further democratization in the country and further integration with the EU. That is, the military shaped its actions according to the norms and values shared by the majority of the public. The possibility of being shamed by the civilian actors in case of blocking reforms; in other words, the generals' concern for the legitimacy and credibility of the military was the major factor which resulted in change in the attitude of the military towards the government. Therefore, in the case of Turkish military, the 'logic of appropriateness'(Type I), which argued that behaviors do not necessarily reflect preferences and expectations in terms of material utilities but rather

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[256] *ibid.*

certain ideational interests derived from collective understandings, has outweighed the LoC.

CHAPTER 4

CONCLUSION: FUTURE PROSPECTS FOR THE TURKEY'S EU MEMBERSHIP

4.1. Future of the Civil-Military Relations

As seen from the preceding analysis, Turkey's EU candidacy and the subsequent process of reform have had significant repercussions over the civil military relations. In this sense, it would be possible to argue that, as the democratization and civilianization in the context of Europeanization continues, the military will be subject to more pressure to be more transparent and accountable to the public.[257] That is, the prospect for increased democratic civil-military relations in Turkey's future has been enhanced with EU candidacy. However, as some scholars argue, there are some limitations to the impacts of the institutional changes over the role of the military in the political scene.[258] According to this view, despite the fact that the military has not blocked limitation of its power in some areas and has allowed civilian government to enjoy a degree of democratic control over the armed forces, it still considers itself as the guardian of Kemalist principles and values. This situation proposes that, the military will insist on retaining a certain degree of autonomy over the issues that are deemed as vitally important for national security and its own interests. For instance, as it is mentioned above, the military has not stepped back from its stance about the accountability of the chief of staff to the prime minister, not the ministry of defense. Although this situation has been criticized on various occasions by the EU, the military rejects implementing EU's demands due to strategic reasons.

Some scholars, like Michaud-Emin, argue that, the military's "main source of power comes not from its legal status, but rather, its ultimate strength lies in its

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[257] A. Güney & P. Karatekelioğlu, (2005)

[258] L. Michaud-Emin, (2007)

informal means of power and influence over society and politics."[259] This idea suggests that, complete disappearance of the military from the political arena and the establishment of a democratic political system would be possible only if institutional changes are accompanied with an overall evolutionary process of cultural change within the Turkish society. To illustrate, when the composition of the NSC was changed and the civilian majority in the Council was actualized with an amendment to Article 118 of the constitution, it was argued that the power of the military and its dominance in decision making process in the Council were weakened. Although it was an important step to undermine the political role of the military, the impact of this amendment would not be as much as initially predicted, because "the political power of the military members of the NSC appeared to depend, not on their numbers, but the high regard in which they were still held by most of the public."[260] This meant that, regardless of their numerical supremacy, politicians would not dare to defend an opinion that is not shared by the military members. That is why the then Chief of Staff Huseyin Kıvrıkoğlu stated that, "if they want 100 civilians as members of the NSC, so be it,"[261] meaning that this would not make much difference. Therefore, in order to introduce a lasting democratization in the civil-military relations and to establish a stronger civilian role, institutional changes need to be accompanied with a deeper change in the traditional, historical and cultural tenets that legitimize the military's interventions in politics in the eyes of other actors. As Cizre highlights, mere institutional reform of civil-military relations would fail to identify and respond to an underlying web of unspoken and maybe invisible systems of sustenance that legitimize the military's ability to influence.[262] As democratic control of the armed forces "is about creating a new military culture with a newly instilled respect for civilian control where the ideological and historical underpinnings of the power relationship must undergo substantial change, what is required is more than just a list of institutional reforms, amendments to existing laws, and the constitution or promulgation of new laws."[263] Here, institutional change domain of Europeanization should be complemented by the norm diffusion domain through which the prevailing public

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[259] *ibid.* p. 38

[260] W. Hale, (2003) p. 121

[261] Radikal, July 26, 2000

[262] Ü. Cizre, (2004a)

[263] *ibid.* p. 119

philosophy would be changed rendering civilian governments capable of taking control over not only military, but also other domains of the public life, such as, the economy, political process, institutional make-up, justice system and foreign relations. Empowerment of political, civil and economic society is seen as the essential stage in creating a political climate where the military considers subordination to civilian authority as the only justified course of action.[264]

4.2. Possible Obstacles Facing Turkey

For Turkey, the aspiration to become an EU member has been the most influential catalysts in the reform process. Turkey's candidacy status was granted in 1999 Helsinki European Council Summit. In 2001, Turkey announced its National Program for the adoption of the 'Acquis Communautaire', and started her efforts to meet the Copenhagen Criteria. Subsequently, significant reforms were adopted in the areas of democracy, human rights, minority rights, rule of law, and individual liberties. Consequently, at the Brussels Summit of December 16-17, 2004, it was considered that Turkey had 'sufficiently' fulfilled the Copenhagen Criteria.[265] Despite the fact that Turkey had been successful in meeting the Copenhagen political criteria decisions taken at the Brussels Summit included some special clauses that were not mentioned in the previous rounds of the European enlargement. It was declared that if Turkey fails to maintain progress in undertaking reforms and fulfilling membership criteria, the EU would decide to suspend negotiations. In other words, the nature of negotiations is 'open-ended'. There is also the possibility of permanent restrictions, after the realization of full membership, in the areas of free movement of persons, structural policies and agriculture. Thus, unlike other candidate countries, which were promised to integrate in the Union immediately after the negotiations ended successfully, Turkey's future with regard to membership is bleak.

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[264] *ibid.*

[265] The European Commission has concluded that Turkey has sufficiently fulfilled the Copenhagen political criteria and has recommended that accession negotiations be opened.

Military's privileged role in politics has been one of the most serious problems that attracted EU's attention. On a number of different occasions, the EU affirmed that Turkey's entry into the Union would be jeopardized if the military retains its supra-active role in politics. Krisztina Nagy, the EU's enlargement spokeswoman stated that, "if Turkey wants to be a member state, it has to be clear that civilian authorities have control of the military and not the other way around."[266] Despite the fact that the latest reforms in regard to armed forces have satisfied the EU, it is always made known by the EU that failure in implementing these reforms or return of the military into the political arena would result in suspension of the negotiations. Furthermore, civil-military relations is not the only issue which would lead to emergence of unexpected obstacles in the accession negotiations. Issues like Cyprus problem, Aegean Sea problem with Greece, so-called genocide problem with Armenia, Kurdish minority problem, reconstruction of Northern Iraq would give birth to unwanted clashes between the EU and Turkey.

Although the accession negotiations were launched, it was foreseen that Turkey's negotiations with the EU would be highly politicized because of the fact that negotiations are closely related with the unresolved issues.[267] This predicted disharmony occurred in the very beginning of the accession negotiations. The first chapter of the accession negotiations, opened and closed provisionally, was the Science and Research Chapter. From the Turkish party's perspective, Science and Research Chapter was supposed to be one of the least controversial chapters. However, the Republic of Cyprus contested the opening of the first chapter by arguing that, negotiations on the first chapter should be blocked until the Republic of Cyprus was recognized formally by Turkey.[268] The Republic of Cyprus was convinced by the declaration of the EU foreign ministers which stated that, "failure to implement its [Turkey's] obligations in full will affect the overall process in the negotiation."[269] Hence, in the very beginning of the accession negotiations, it was clearly understood that Turkey's integration into the Union would be more complex and different than other rounds of expansion due to

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[266] quoted in L. Michaud-Emin, (2007) p. 27

[267] G. Aybet, (2006) *"Turkey and the EU After the First Year of Negotiations: Reconciling Internal and External Policy Challenges"* Security Dialogue No. 37 p.529

[268] *ibid.*

[269] The Guardian, (2006) quoted in *ibid.*

Turkey's characteristics and problems peculiar to its case. Although the first chapter on Science and Research is opened and closed provisionally, there are still eight chapters suspended by the EU because of the fact that Turkey has not allowed the Republic of Cyprus' ships and planes to dock in Turkish ports. In this sense, one would argue that these highly sensitive unresolved issues from Cyprus to civil-military relations would make the negotiations process more grueling and longer than it had been expected.

An illustration of how Turkey's process falls behind other applications is possible when compared to Croatia. Croatia, which began accession negotiations at the same time with Turkey, has already opened eighteen chapters. Furthermore, Croatia is expected to be a full member of the Union not later than 2010.[270] On the other hand, Turkey has managed to open six chapters until now, and only one of them was provisionally closed. In addition to these, European Commissioner for Enlargement, Olli Rehn, has declared that, he expected Turkey to join the EU in ten – fifteen years time provided that she maintained reforms resolutely.[271] It is safe to argue that, the launch of the accession negotiations is a milestone event for Turkey in regard to her dream about full membership; however, the presence of the aforementioned issues combined with the Justice and Development Party's lack of concentration on accession negotiations for the last two years have reversed the wind of optimism about Turkey's future.

As the possibility of EU membership has become closer than ever, Turkish government decided to take action not only in the fields of domestic issues but also foreign policy areas. Until the 1999 Helsinki Summit, Greece had been one of the most important obstacles in front of Turkey's membership application for the EU. However, after the capture of Abdullah Öcalan (head of the separatist Kurdish guerrilla organization – PKK) in 1999, Turkey and Greece began to establish more cooperative relations especially in the fields of regional security and terrorism. Moreover, in 1999 both countries were hit by earthquakes. This situation paved the way to an 'earthquake diplomacy' which has helped soften relations between the countries. Hence, these positive developments in terms of relations and the discourse used by both governments

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[270] *Milliyet*, 22 April 2008

[271] *ibid.*

signifies a strong potential for the extension of regional cooperation in the Aegean Sea and for the normalization of relations between two traditionally conflicting countries. However, although Greece's stance towards Turkey has changed after the so-called 'earthquake diplomacy' and Greece has openly started to support the EU membership of Turkey, there are a series of unresolved diplomatic issues between Greece and Turkey. These could be summarized as: i) the presence or absence of gray zones in the Aegean Sea, ii) sovereignty problems over many islands of the Aegean Sea, iii) airspace violations and unauthorized naval exercises.[272] It is possible to argue that thanks to good relations these disputes have been kept out of limelight for the last years. Yet, this does not necessarily mean that the Aegean disputes would not come to the forefront and rock the apparently stable good relations

In addition to this, after Helsinki Summit, Turkish government has taken significant steps in regard to the Cyprus issue. According to the Article 6 of the negotiation framework approved on October 3, 2005, Turkey needs to 'normalize relations with Cyprus' so as to be a member of the Union. However, for Turkey, normalizing relations with Cyprus is a very controversial issue because 'normalization' in this context means de facto and de jure recognition of the Greek Cypriot administration in Southern Cyprus as the legitimate authority for the whole island under the name of the Republic of Cyprus. Until a comprehensive settlement is reached, the Republic of Cyprus would have an opportunity to use her veto card at the opening and closing of each of the remaining chapters. Besides aforementioned issues, Turkish government has also modified her conventional attitude towards Armenia and Iraq.

4.3. Last Words

By attaining a candidacy status in the European Council's Helsinki Summit in 1999, Turkey has turned an important corner in its long standing walk to full membership. Subsequent process of reform in the areas where the EU had demanded improvements, gave way to opening of the accession negotiations between the EU and

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[272] M. M. Hakki, (2006) "*Turkey and the EU: Past Challenges and Important Issues Lying Ahead*" Turkish Studies vol. 7 no.3

Turkey. An unprecedented process of constitutional and legal changes in a relatively short period of time testified a broad based political will for EU membership in Turkey. The main motivation in undertaking reforms, designed to reorient Turkish political structure in line with the EU demands, would be explained by borrowing the rationalist institutionalist' understanding of 'logic of consequentialism' which gives priority to the actors' utility concerns in making their minds. As an actor in the international arena, Turkey would like to benefit from the economic, social and political gains of being a full member of the EU.

Turkey's process of institutional change would be analyzed through the 'Europeanization' literature. 'Europeanization', conceptualized by Radaelli as the impact of European policy making on national policies and institutions of candidate and member states, draws the theoretical framework in explaining Turkey's political reforms in the post-Helsinki era.[273] With the Europeanization process Turkey has taken important steps in readjusting its political system in line with the EU's democratic conditionalities. Although the 'Europeanization' has two main domains; namely the institutional change domain and the norm diffusion domain, 'Europeanization', in this thesis, is boiled down to the adaptation of institutional changes covering constitutional reforms and legislative changes. Verification of norm diffusion aspect of Europeanization literature needs another research which is out of the scope of this thesis.

One of the mostly affected actors from the Turkey's 'Europeanization' process has been the military. Unlike the EU member states, due to its traditional and historical role as the guardian of the Turkish Republic, the military has had a privileged position in the political arena. However, its dominance in the civil-military relations has been challenged by the constitutional reforms that are adopted in order to empower civilians in the political arena and to bring the armed forces under control. Especially the amendments regarding the National Security Council have undermined the power base of the military, through which it has influenced the civilian rule directly. Other reforms in respect to freedom of expression, freedom of press, rule of law, cultural rights, and abolition of death penalty have signified an important disjunction from the authoritarian

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[273] C. Radaelli, (2000)

understanding of the 1982 Constitution promulgated by the military rule after the 1980 coup. Although the power and authority of the military has been challenged by these reforms, it did not block the process of reform through formal or informal mechanisms. As the heir of Atatürk's modernization/Westernization ideal, the military could not block the reforms that are undertaken in order to reach the EU membership. Therefore, rather than the 'logic of consequentialism', the 'logic of appropriateness' was the main motive behind the military's attitude towards the reform process. As Checkel argues, actors may behave appropriately by learning a role irrespective of whether their role contradicts with the material gains or loses.[274] In order to gain legitimacy in the eyes of others, actors would play their roles instead of pursuing their own interests. In the same vein, it would be possible to argue that, although the military did not embrace the main motivation behind the reform process, it refrained from blocking this process due to its historical modernizer role within the Turkish society.

Despite the fact that the power of military in the political arena has been challenged by the institutional changes, without the diffusion of ideas which give credence to civilian rule and civilian supremacy vis-a-vis the armed forces, the military would return to the political sphere in the long run. This means that, the historical, cultural, and traditional tenets which legitimize the privileged position of the military in the Turkish political systems should be transformed. Otherwise, the civil-military relations in Turkey would come to forefront as a problematic issue throughout the accession negotiations between the EU and Turkey.

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[274] Type I internalization, as described in the 1st Chapter. J. T. Checkel, (2005)

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