

T.R.
MARMARA UNIVERSITY
INSTITUTE OF SOCIAL SCIENCES
POLITICAL SCIENCE AND INTERNATIONAL RELATIONS
DEPARTMENT OF INTERNATIONAL RELATIONS

**DEBATES ON GOVERNMENT SYSTEM IN TURKEY:
TRANSITION TO PRESIDENTIAL SYSTEM**

M.A Thesis

ŞEYMA ALTUNKAYA

İstanbul, (2019)

T.R.
MARMARA UNIVERSITY
INSTITUTE OF SOCIAL SCIENCES
POLITICAL SCIENCE AND INTERNATIONAL RELATIONS
DEPARTMENT OF INTERNATIONAL RELATIONS

**DEBATES ON GOVERNMENT SYSTEM IN TURKEY:
TRANSITION TO PRESIDENTIAL SYSTEM**

M.A. Thesis

ŞEYMA ALTUNKAYA

SUPERVISOR: PROF. DR. NURAY BOZBORA

İstanbul, (2019)



T.C.
MARMARA ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ MÜDÜRLÜĞÜ

TEZ ONAY BELGESİ

SİYASET BİLİMİ VE ULUSLARARASI İLİŞKİLER Anabilim Dalı
ULUSLARARASI İLİŞKİLER (İNGİLİZCE) Bilim Dalı TEZLİ YÜKSEK LİSANS öğrencisi
ŞEYMA ALTUNKAYA'nın DEBATES ON GOVERNMENT SYSTEM IN TURKEY:
TRANSITION TO PRESIDENTIAL SYSTEM adlı tez çalışması, Enstitümüz Yönetim
Kurulunun 27.06.2019 tarih ve 2019-19/15 sayılı kararıyla oluşturulan jüri tarafından oy birliği /
oy çokluğu ile Yüksek Lisans Tezi olarak kabul edilmiştir.

Tez Savunma Tarihi 03.07.2019

Öğretim Üyesi Adı Soyadı

İmzası

1.	Tez Danışmanı	Prof. Dr. NURAY BOZBORA	
2.	Jüri Üyesi	Prof. Dr. BİRSEN HEKİMOĞLU	
3.	Jüri Üyesi	Dr. Öğr. Üyesi SEZGİ DURGUN	

GENEL BİLGİLER

Adı ve Soyadı: Şeyma Altunkaya

Anabilim Dalı: Siyaset Bilimi ve Uluslararası İlişkiler

Programı: Uluslararası İlişkiler

Tez Danışmanı: Prof. Dr. Nuray Bozbora

Tez Türü ve Tarihi: Yüksek Lisans - Temmuz 2019

Anahtar Kelimeler: Tarihsel Kurumsalcılık, Aşkın Devlet Geleneği, İzlek Bağımlılığı, Kritik Kavşak ve Cumhurbaşkanlığı Sistemi.

ÖZET

TÜRKİYE’DE HÜKÜMET SİSTEMİ TARTIŞMALARI: CUMHURBAŞKANLIĞI SİSTEMİNE GEÇİŞ

Türkiye’de özellikle 1960’dan sonra hükümet sistemi tartışmalarına neden olan ve Nisan 2017 referandumu cumhurbaşkanlığı sistemi ile son bulan Türk parlamenter sistemi, çok partili yaşama geçişten itibaren sık sık kesintiye uğramıştır. Bu süreçte ortaya çıkan istikrar arayışları, sık sık değiştirilen seçim sistemleri aracılığıyla parlamentoda tek partinin çoğunluğu elde etmesini sağlama çabalarını, sık sık değiştirilen anayasal düzenlemelerle yasama-yürütme ilişkilerinin yeniden düzenlenmesini, ya da çok partili yaşama geçişten günümüze tecrübe edilen askeri müdahaleleri gündeme getirmiştir. Bu bağlamda, Türkiye’de hükümet sistemlerinin işleyişindeki istikrar arayışı ve bunun tarihsel-kurumsal kökenleri 1990’lı yıllarda gelişen Yeni Kurumsalcılığın bir alt dalı olan Tarihsel Kurumsalcılık (TK) yaklaşımının benimsediği kurum tanımıyla ele alınmıştır. Kurumları, formal ve informal kuralların bir birleşimi olarak tanımlayan TK, aktör davranışlarının da bu kurallardan oluşmuş yapı tarafından şekillendirildiğine inanır. Ayrıca, kurumların ilk kurulduklarında tercih ettikleri politikaların, kurumun geleceğinde de alacağı kararları etkileyeceğini, izlek bağımlılığı tanımıyla ele almaktadır ve izlek bağımlılığından sapmayı kritik kavşak olarak adlandırmaktadır. Bununla birlikte, 1961 anayasasının 1970’lerdeki etkisi Türkiye’de yürütmenin üstünlüğüne dayalı yönetim anlayışından kısmi bir sapma olarak nitelendirilebilirse de, izleyen süreçte yürütmeyi güçlendirecek politikaların uygulanması izleğin devamlılığını sağlamıştır. Nitekim 2017 Nisan referandumuyla ortaya çıkan sistem, aslında yürütmenin üstünlüğüne dayalı bir yönetim anlayışına ve devlet geleneğine sahip olan Türkiye için bir kritik kavşak olarak değil, bilakis izlek bağımlılığın devamı olarak analiz edilmiştir.

GENERAL KNOWLEDGE

Name and Surname: Şeyma Altunkaya

Field: Political Science and International Relations

Programme: International Relations

Supervisor: Prof. Dr. Nuray Bozbora

Degree Awarded and Date: Master - July 2019

Key Words: Historical Institutionalism, Transcendental State Tradition, Path Dependency, Critical Juncture and Presidential System.

ABSTRACT

DEBATES ON GOVERNMENT SYSTEM IN TURKEY: TRANSITION TO PRESIDENTIAL SYSTEM

The Turkish parliamentary system, which caused government system debates especially after 1960s and ended up presidential system with April, 2017 referendum, had been interrupted frequently as of multi-party system. The pursuit of stability in this process brought up the situations as; searching for one party majority in system through overchanging electoral systems; reorganising the relations between legislation and executive through constitutional regulations; military interventions which was experienced since multi party life. In this context, seeking stability in the functioning of the government system in Turkey and its historical-institutional origins were approached as institution defined by historical new institutionalism which is sub-branch of new institutionalism developed by 1990s. According to HI, institutions are combinations of formal and informal rules and actor's behaviour are shaped through the structure formed by these rules. Moreover, HI believes that preferred political decisions at the beginning, would affect the political decisions for future and HI defined this continuity as path dependency and termed the deviation from this path as critical juncture. In addition to this, although effect of the constitution of 1961 on the period of 1970s may be characterized as a partial deviation from the manner of rule based on superiority of executive, in the ongoing process, the implementation of policies that will strengthen the executive ensured the continuity of the path. Thus, the system occurred by April, 2017 referendum was analyzed as not a critical juncture but as a path dependency for Turkey which has a sense of rule and state tradition based on superiority of executive.

ACKNOWLEDGEMENT

First of all, I owe an enormous gratitude to my thesis supervisor Prof. Dr. Nuray Bozbora for guiding me both in my decision-making process and in writing the thesis, by giving me a different perspective, by devoting very valuable time and by motivating me at the same time. Also, I would like to thank my thesis committee members Prof. Dr. Birsen Hekimoğlu and Assist. Prof. Sezgi Durgun for spending their precious time with me.

Last but not least, I would like to show gratitude to both my family for supporting me to have an academic career and encourages me to increase self-confidence. In addition, I also thank my friends for contributing to my thesis by discussing the subject and for showing tolerance and helpfulness when I could not spare enough time by virtue of my thesis study.

TABLE OF CONTENTS

ÖZET	ii
ABSTRACT.....	iii
ACKNOWLEDGEMENT	iv
ABBREVIATIONS	vii
INTRODUCTION	1
1. THEORETICAL AND CONCEPTUAL FRAMEWORK	7
1.1. NEW INSTITUTIONALISM	8
1.1.1. Old and New Institutionalism	10
1.1.2. Behaviouralism and New Institutionalism.....	12
1.1.3. New Institutional Approaches.....	17
1.2. HISTORICAL INSTITUTIONAL APPROACH IN POLITICS	22
1.2.1. Path Dependency.....	25
1.2.2. Critical Juncture	27
2. POLITICAL TRADITION AND GOVERNMENT SYSTEMS	31
2.1. POLITICAL TRADITION	31
2.2. GOVERNMENT SYSTEMS.....	32
2.2.1. Political Stability and Justice in Representation	35
2.2.2. Parliamentary system	40
2.2.3. Presidential System.....	44
2.2.4. Semi Presidential System.....	47
3. THE IMPACT OF STRONG STATE TRADITION ON GOVERNMENT SYSTEM IN TURKEY	50
3.1. SOURCES OF STRONG STATE TRADITION	53
3.1.1. Ottoman Legacy	53
3.1.1.1. Ottoman Legal Order.....	54
3.1.1.2. Ottoman State Philosophy and Structure.....	55

3.1.1.3. <i>Monopolization of Power</i>	56
3.1.2. Republican Period	63
3.2. DETERMINATION OF STRONG STATE TRADITION IN THE CONSTITUTIONAL DOCUMENTS	65
3.2.1. Ottoman Period	67
3.2.1.1. <i>Transition to Constitutional Monarchy under the Constitution of 1876</i>	70
3.2.1.2. <i>Establishment of Autocracy of Abdulhamid II's Regime</i>	73
3.2.1.3. <i>1909 Amendments</i>	75
3.2.2 Republican Period	77
3.2.2.1. <i>Period of 1923-1980</i>	77
3.2.2.1.1. The Constitution of 1921	77
3.2.2.1.2. The Constitution of 1924	82
3.2.2.1.3. The Constitution of 1961: Critical Juncture.....	88
3.2.2.2. <i>The Period of 1982 and 2017</i>	102
3.2.2.2.1. The Constitution of 1982	102
3.2.2.2.1.1. Debates on Transition to Presidential System in Turkey	110
3.2.2.2.1.2. Transition to Presidential System	116
CONCLUSION	119
BIBLIOGRAFY	123

ABBREVIATIONS

RCI	Rational Choice Institutionalism
SI	Sociological Institutionalism
HI	Historical Institutionalism
UoP	Unity of Power
SoP	Separation of Power
EU	European Union
U.S.A.	United States of America
RCM	Rational Choice Model
PP	People Party
RPP	Republican Peoples Party
NUC	National Unity Committee
CUP	Committee of Union and Progress
GNA	Grand National Assembly
ADNRAR	Association for Defense of the National Rights of the Anatolia and Rumelia
PRP	Progressive Republican Party
DP	Democrat Party
LMS	List Majoritarian System
FP	Freedom Party
CCR	Constitutional Committee Report

SCJ	Supreme Court of Justice
CGS	Chief of the General Staff
NSC	National Security Council
NSO	National Security Organization
LEA	Law Enforcement Agency
AC	Advisory Council
SSC	State Supervision Council
ASCLH	Atatürk Supreme Council for Culture, Language and History
TRT	Turkish Radio and Television Association
CHE	Council of Higher Education

INTRODUCTION

Parliamentary system, which was a conducive factor of debates on government systems in Turkey and came to an end with the referendum on April 2017, has been frequently interrupted by the crisis caused by unstable governments since the transition to multi-party system in Turkey (1946). The search for political stability within this period has generally brought forward; the regulations on election system; constitutional regulations on legislative-executive relations; and military interventions since the multi-party system in Turkey. Thus, the debates on semi-presidential and presidential system in Turkey is not a current issue, rather it has been debated in any time which political instability arises in Turkey. However, the key points in here are what the political stability/instability is, how it is measured and what the relation between political stability/instability and government system is. Political stability means that institutions of a system continue to exist without sudden changes but basic forms of the political system can adapt to changes in its environment without undergoing abrupt changes. In this context, main determinants of political stability in political science literature are seen as civil order, political legitimacy, durability and efficiency of a government, constitutional durability and lacking of structural changes while political instability can be measured by social, political and economic determinants such as political violence, uprising, unemployment rate, government reshuffle and so on so forth. The other determinant of political instability is political culture which illustrates settled political understanding in a country. The issue whether democratic principles are interiorized by ruling elites or not; the issue whether state's interests are more important than the individual interest or not; the issue whether the ruling party sees the opposition as a threat against the state or not; patrimonial state structure; and populist politics can all be counted as main indicators of settled political understandings which caused to political stability/instability in a country but in here, key point lies on relative and controversial definition of the political stability. Although definition of political stability/instability is multi-dimensional phenomenon, there is an important relationship between political tradition and political stability in a country. In this context, Badie and Birnbaum assert that decreasing role of the state in a society with strong state tradition causes to political

instability.¹ Strong state tradition in Turkey has led to emergence of a tendency of a governmental system based on executive superiority and the perception of political stability in relation to it. Thus in this thesis, Turkey's state tradition will be used as independent variable to evaluate the issue of debates on government systems while policy preferences on government system and constitutional regulation is taken as dependent variable within the framework of historical institutionalist approach. In this regard, state tradition based on superiority of executive historically can be also counted as settled political understanding, which directs preferences on government systems in the future. In this context, historically strong executive tendencies can be examined through constitutional texts. For example, although the Constitution of 1961 is thought that it based on powerful parliament, as Taha Parla put it, it was first seed of powerful executive going through the Constitution of 1982 and he called the emerging structure in 1982 as 'system of superiority of executive'.² Thus, the same prevailing understanding based on powerful executive is uttered as a factor opened a road to coup d'état in 1980 and religiated the presidential system in Turkey as a new government system. Thus, the strong executive tendency in the government system will be examined in a continuing process from the 1876 Constitution to the 1982 Constitution with a focus on Turkish state tradition.

There is considerable continuity between the Ottoman state tradition and Republican Turkish state tradition in terms of the understandings focus on collective heroism and state sovereignty by taking politics as something composing of leadership (leadership prone to single man authority) and education of society because people are taken in hand within the framework of idealistic principles in order to serve their own state.³ In this context, leadership (Sultan) and 'adab philosophy' in the Ottoman state tradition bear a resemblance to the early republican period's leadership (as head of the state or head of the government) and Kemalist principles.⁴ Moreover, this powerful state tradition has even continued after distinctive developments which may be called as critical juncture such as abolition of caliphate and sultanate or declaration of the

¹Bertrand Badie and Pierre Birnbaum, **The Sociology of the State**, Arthur Goldhammer (Trans.). Chicago: University of Chicago Press, 1979, p.137.

²Taha Parla, **Türkiye'de Anayasalar: Tarih, İdeoloji, Rejim (1921-2016)**, 5th Edition, İstanbul: Metis, 2016, p.62 and p.73.

³J.E.S. Hayward and R.N. Berki, **State and Society in Contemporary Europe**, Oxford: Martin Robertson, 1979, p.3.

⁴Eric Jan Zürcher, "Kemalist Düşüncenin Osmanlı Kaynakları", Tanıl Bora (Ed.), in *Modern Türkiye'de Siyasi Düşünce-Cilt 2 (44-55)*, 6th Edition, İstanbul: İletişim, 2009, p.45 and 51.

republic. What holds the state united and strong is the strong belief that the state must exist within the framework of strong state tradition. Government in early Ottoman Beylic (Chieftdom) was composed of ruling elites evolved out of chieftdom and clan leaders. Centralization in this period tried to be provided by military cooperation among these leaders. However, when the successors of these leaders began to become a powerful constraint to the central authority, the Ottoman rulers resorted to a military and civil bureaucratic structuring which consisted of devshirmes (*devşirme*) to provide unconditional service to the Sultan in order to ensure centralization (monopolization of power) and political stability. Moreover, patrimonial feature of the Ottoman Empire has also redounded on land regime and entire topsoil in Anatolia passed into the ownership of the state because centralization is mostly called as monopolization of powers in Ottoman. Caliphate (which was gained within the period of Yavuz Sultan Selim in the 16th century) factor also provided to legitimize this strong state understanding all the more so because legitimation is also another aspect of strong state. This powerful conception of the state and searching for legitimacy continued after the Western-style modernization efforts (*Tanzimat*) which meant the transition from a sultan-based to a bureaucratic-based state conception.⁵ In other words, the strong state tradition has produced a pragmatic approach to modern political institutions as a means of maintaining the state's superior position. In this context, Ottoman Tanzimat era (1839-1856), first (1876) and second (1908) constitutional era can be counted as transitional stages from traditional to the modern state structure which was realized with the effect of European Enlightenment and Progress period. Within the period of Tanzimat, Young Ottomans believed that resolution to re-strengthen and re-order the state and way to provide loyalty to the state was representative, constitutional and parliamentary government. However, this kind of modernization movement which was ended up with the promulgation of Constitution of 1876 couldn't decrease the state role and tendency to leader ruling because it was aimed to be kept state's legitimacy by being immingled the monarchy with democracy. Although liberalism and constitutional parliamentary system was aimed, the Constitution was tried to be regulated in accordance with previous experience of the Empire in order to give broad authority to the sultan who was considered the highest representative of the state will. In this context, articles 7, 27, 35, 37, 53, and 113 of 1876 Constitution can be regarded as provisions that increase the

⁵ Metin Heper, **Türkiye'de Devlet Geleneği**, Ankara: Doğubatı, 2015, p.88.

powers of the sultan which soon led to abolishment of constitutional monarchy and establishment of Abdulhamid II's autocratic regime. Thus, center of state was tried to be institutionalized gradually within the bureaucratic elite in order to keep state powerful and legitimate. This kind of centralized and strong state was tried to be protected and continued within the period of Turkish Republic as a 'positive feedback'. So, this institutional structure of the Turkish state tradition has always directed history in line with a specific 'path' and this 'path' has been implemented on sub-institutions in order not to deviate from the 'path' which is the concept of historical new institutionalist approach. Turkish state has tended to leader ruling as a solution in crisis period and it has been believed that (and Badie and Birnbaum asserted that) if a country's past is full of strong state tradition, then, the more state is powerful, the more political stability is provided. Although in literature, governmental system has always been evaluated within legal framework and sometimes quitted as a problem of political instability, historical new institutionalist perspective presents comprehensive a time-based analysis by examining the 'path' and probable 'critical juncture' in order to comprehend the definition of political stability/instability for Turkey.

In this context, transcendental state tradition in Turkey has been influential on directing the governmental system. The features of transcendental state can be classified as; it has statist orientation; human belongs to ethical community and have duties to the state; Politics composes of leadership and education; Law reflects the collective wisdom and will of citizens; There is uniformity between institutions; collective heroism and state sovereignty is so important; it tends toward monarchy but it is seen in democratic regime; and it tends to central authority to provide political stability. In light of these informations, Turkey's transcendental state tradition is examined within the framework of historical institutionalist approach which examines the historical process of the institutions with its structural formation and historical values and asserts that institutions have a specific 'path' which causes to resistance against change. However change or deviation from the 'path' is also possible in the case of developments which can be described as critical juncture.

The basic question of this approach 'Why a certain choice was made and why a certain outcome occurred?' is evaluated in this thesis as 'Why Presidential system was chosen or tried to be chosen and why political stability has been pursued in Turkey?' By

doing this, Turkish constitutions are taken in hand as value-based and endogenous assessment. State as an institution is taken in hand as independent variable while government system is taken as dependent variable.

In this thesis, historical institutionalist approach tries to answer these questions: What are the specific character, political preferences and institutional values of the Turkish state understanding? How were these political preferences as a path dependency formed within the historical process? How are the institutional values of the state protected? Is there any relation between the government system and the historical path? Is there any relation between political stability and government system? What creates the political stability in Turkey? How does the concept of transcendental state become visible in the constitutions and direct the government system in a specific way? Why did Turkish government system end up with presidential system? In this thesis which search on whether presidential system is critical juncture for Turkey or not, policy preference of presidential system especially in the crisis period will be studied within the framework of all these questions that in mentioned above and presidential system will be evaluated in this way.

The main argument of this thesis, transition to presidential system can't be evaluated as critical juncture for Turkish transcendental state understanding. Although the name of the government system was changed, institutional structure and its transcendental state understanding has never been destroyed. Even at the time when the parliamentary system was implemented, it has always pursued to keep strong state tradition alive in Turkey. In this context, parliamentary system or presidential system did not change the real institutional structure of the state. The main purpose of this thesis is not analyzing which system is best for Turkey, rather to determine fundamental dynamics of the process that ended up with the presidential system and detect the effects of transcendental state understanding within the framework of constitutional documents. Presidential system was not solely chosen to provide political stability because presidential system may also create instability. In this context, government system solely is not determinant of political stability/instability. For Turkey, transcendental state understanding (as Heper put it), its tendency to strong leadership (as Berki put it) and its legitimized institutional structure is more influential to provide political stability at the background. And also, centralization (it means monopolization

of power within the framework of strong leadership) movements of Turkey which have often seen as the solution to political problem.⁶ And presidential system contains the probable leader ruling within itself. So, powerful executive may occurs within the presidential system as more legitimately because of the dual election.

The thesis composes of three sections. In the first section, theoretical framework will be evaluated. After examining the emergence of new institutionalism, its differences from the old institutionalism and other contemporary political theories, the three main sub-theories of new institutionalism will be compared; Rational Choice Institutionalism (RCI), Sociological Institutionalism (SI) and Historical Institutionalism (HI).

In the second section, government system will be examined within the framework of state perception. After analyzing the relationship between, ‘representation’, ‘stability’ and ‘order’, countries’s policy preferences will examined together with their historical state tradition. And then, Turkey’s policy preferences on government system will be studied on transcendental state tradition.

In the third section, Turkey’s historical path will be analyzed by means of constitutions. The constitutional developments will be shown as institutional regulations in order not to depart from the path. This section composes of: The constitutions of 1876, 1921, 1924, 1961, 1982 and debates on government system in Turkey. In this context, constitutions, which shape the government system, will be analyzed as resistance mechanisms of the transcendental state tradition together with the other auxiliary institutions. On the basis of uniformity between the institutions, what kinds of institutions were preferred to support powerful executive will be researched. How Turkey has tried to overcome crisis period such as the period of the military coup (1960 and 1980) will be handled with the issue of monopolization of power and strong state tradition. At the end, Turkey’s current government system will be evaluated as the path

⁶ Mehmet Yetiş examines these crises as hegemonic crisis and used one-party (qualitatively) ruling as a solution rather than one-man ruling. Transition from parliamentary to Presidential system is also examined as organic form to solve these crisis.

Mehmet Yetiş, “Hegomonik Kriz Koşullarında Başkanlık Sistemi”, İhsan Kamalak (Ed.), in **Yarı Başkanlık Sistemi ve Türkiye: Ülkeler Deneyimleri ve Karşılaştırmalı Analiz** (289-320), 2nd Edition, İstanbul: Kalkedon, 2014, pp.297-298.

of transcendental state tradition. The process resulting in this system will be tested whether it is critical juncture for Turkey's governmental system or not.

1. THEORETICAL AND CONCEPTUAL FRAMEWORK

As most of the nation witness democratization movement especially in 1970s and 1980s, debates on various democratic regimes and new constitutional arrangements have gained momentum. Especially in Latin America, many countries has abundantly impressed by transition to democracy in Spain (1978) and new government forms and constitutional regulations have started to be adopted.⁷ Thus, many countries adopted new form of constitution by regime shift and analysis of government systems became an influential component of academic debates. New institutionalism (NI) is one of the most important approaches in political science to examine government systems which will be examined on the following pages. The argument of that structural formation and historical values of political institutions have an influential effect on government system (parliamentary, presidential and semi-presidential, etc.) is studied within the framework of new institutional approach.⁸ In this context, the behaviouralist approach remains incapable to study government system because actor-based or time-based analysis of the systems create contradiction as actors change and time goes by.⁹ Thus, NI presents more extensive analysis of government system by focusing on constitutional-institutional preferences and structuring; and by scrutinizing how institutional design designates the political consequences.¹⁰ In this regard, institutional structure of Turkey and political preferences on government system will be examined by way of transcendental state tradition. Although transcendental state is firstly mentioned by J.P Nettl as strong state and interpreted by Metin Heper for Turkey, the concept may be traced back to the Hegel who defined the state as superior, rational and ethical unity.¹¹ In this regard, how that kind of state designates the political preferences in Turkey will be studied within the framework of NI.

⁷ J.J Linz, "The Perils of Presidentialism", *Journal of Democracy*, Vol.1, No.1, (Winter 1990), pp. 51-69, p.51.

⁸ Mehmet Yetiş, "Hegemonik Kriz Koşullarında Başkanlık Sistemi", İhsan Kamalak (Ed.), in *Yarı Başkanlık Sistemi ve Türkiye* (289-322), İstanbul: Kalkedon, 2014, pp.290-291.

⁹ Şule Özsoy Boyunsuz, *Dünyada Başkanlık Sistemleri*, 1st Edition, Ankara: İmge, 2017, pp.19-20.

¹⁰ M.S. Shugart and J.M. Carey, *Presidents and Assemblies Constitutional Design and Electoral Dynamics*, 1st edition, Cambridge: Cambridge University Press, 1992, p.14.

¹¹ J.E.S. Hayward and R.N. Berki, *State and Society in Contemporary Europe*, Oxford: Martin Robertson, 1979, p.8 and Allen W. Wood (Ed.), *Hegel: Elements of the Philosophy of Right* (trans. H.B. Nisbet), 8th Edition, Cambridge: Cambridge University Press, 2003, p.275.

1.1. NEW INSTITUTIONALISM

New institutionalism as a methodological approach, is studied not only in political science literature but also in economics, organizational behavior, sociology and international relations and finds out that how institutional structures, norms, rules and culture affect the decisions and behaviors of individual when they get into a political institution and stresses how to organize the political life.¹² NI has tried to explain social world with the empirical researches and try to maintain existing order.¹³

New institutionalism or neo-institutionalism focuses on the institutional politics and role of institutions. Although the political institutions are not newly studied field, new institutionalism has developed as interdisciplinary movement. In political science, it has been mostly discoursed in European Union (EU) studies.¹⁴ NI has referred socially structured mind that reflects restricted rationality¹⁵ and takes the institutions as independent variable for decision-making process within a structure.¹⁶ Main foci of the approach can be classified as having a structure, stability in time, shaping individual behavior and shared values.¹⁷ Structure includes formal and informal rules shaping and constraining the behavior. Although the approach does not deny the individual actor and social context of politics but focuses on autonomous institutions¹⁸, which have an effect upon distribution of resources, affect the decision of leaders within the framework of limited policy alternatives.¹⁹ According to new institutional approach, institutions

¹²Marjike Breuning and John T. Ishiyama, "Neoinstitutionalism", [Electronic Version] *Encyclopedia Britannica* <https://www.britannica.com/topic/neoinstitutionalism> (December 10, 2018) and Stephen Bell, "Institutionalism: Old and New", [Electronic Version] *The University of Queensland*, 2002, p.5.

¹³<https://espace.library.uq.edu.au/view/UQ:9699/Institutionalism.pdf> (June 26, 2018) and Ellen M. Immergut, "Historical-Institutionalism in Political Science and the Problem of Change", (Ed. Andreas Wimmer and Reinhart Kössler), in **Understanding Change: Models, Methodologies and Metaphors** Palgrave-Macmillan, 2006, p.240.

¹⁴Deniz Taşçı and Erkan Erdemir (Ed.), **Örgüt Kuramı**, Eskişehir: Anadolu Üniversitesi, 2013, pp.3-24 and A. Selami Sargut and Şükrü Özen (Ed.), **Örgüt Kuramları**, Second Edition, Ankara: İmge, 2010, pp.18-29.

¹⁵Buğra Kalkan, "Yeni Kurumsal Siyaset", *Gaziantep University Journal of Social Sciences*, Vol.14, No.3, (2015), pp. 559-583. p. 559 and Sevilay Kahraman, "Avrupa Bütünleşmesi Kuramları: 1980 Sonrası" Belgin Sariye Akçay and İlke Göçmen (Ed.), in **Avrupa Birliği: Tarihçe, Teoriler, Kurumlar ve Politikalar** (131-160), Seçkin, 2016-3, p.145.

¹⁶Anil Hira and Ron Hira, "The New Institutionalism: Contradictory Notions of Change", **American Journal of Economics and Sociology**, Vol.59, No.2 (April 2000), pp.267-282, p.275.

¹⁷Cornell Clayton and David A. May, "A Political Regimes Approach to the Analysis of Legal Decisions", **The University of Chicago Press**, Vol. 32, No.2 (Winter 1999), pp.233-252, p.238 and Anil Hira and Ron Hira, "The New Institutionalism: Contradictory Notions of Change", **American Journal of Economics and Sociology**, Vol.59, No.2 (April 2000), pp.267-282, p.272.

¹⁸B. Guy Peters, **Institutional Theory in Political Science: The New Institutionalism**, London and New York: Pinter, 1999, p.18.

¹⁹James G. March and Johan P. Olsen, "The New Institutionalism: Organizational Factors in Political Life", **The American Political Science Review**, Vol.78, No.3 (September 1984), pp.734-749, p.736.

²⁰Anil Hira and Ron Hira, "The New Institutionalism: Contradictory Notions of Change", **American Journal of Economics and Sociology**, Vol.59, No.2 (April 2000), pp.267-282, p.271

behave as political actor which have autonomous and coherence. So, new institutionalism examines the unintentional effects of constrained individual behavior among these limited policy alternatives.²⁰

NI has occurred in 1970s as a reaction against behaviorism and rationalism by criticizing the formal-legal emphasis of old institutionalism (OI). The new one incorporated with the sociological perspective and compound informal rules.²¹ The term of old institutionalism generally refers to formalist understanding that examine the institutions and laws descriptively. Formal rules of the institutions were seen as the sources of order and stability. Old institutionalism or traditional institutionalism studied institutions within the politics so far 1950s (descriptively and state-centric) but it was criticized by rational choice, behaviorist and neo-Marxist because individual roles were ignored and state-centric approach was greatly emphasized in OI (they are society-centric).

In the Post-World War II, behaviorism and rational choice assumptions became prominent approach in political science. Individuals were taken as rational and autonomous actor and couldn't be limited by formal or informal institutions.²² For behaviorism and rational choice assumptions, political consequences are shaped by interest of political actors, distribution of power and rules of the constitutions, which all are exogenous for political institutions but for the new institutionalism, they are endogenous. For example, "some laws and rules are excluded from the agenda before politics begins and they develop within the context of political institutions."²³

In this context, new institutionalism reanalyzes the relations of the actors and political institutions in 1970s²⁴ and argues that institutional regulations affect the

²⁰Lynne G. Zucker, "Institutional Theories of Organization" **Annual Review of Sociology**, Vol.13 (1987), pp.443-464, p.459.

²¹Donald D. Searing, "Roles, Rules, and Rationality in the New Institutionalism", **The American Political Science Review**, Vol.85, No.4 (December 1991), pp.1239-1260, p.1241.

²²Buğra Kalkan, "Yeni Kurumsal Siyaset", Gaziantep University Journal of Social Sciences, Vol.14, No.3, 2015, pp. 559-583. p. 559 and B. Guy Peters, **Institutional Theory in Political Science: The New Institutionalism**, London and New York: Pinter, 1999, p.1

²³James G. March and Johan P. Olsen, "The New Institutionalism: Organizational Factors in Political Life", **The American Political Science Review**, Vol.78, No.3 (September 1984), pp.734-749, p.740.

²⁴Buğra Kalkan, "Yeni Kurumsal Siyaset", Gaziantep University Journal of Social Sciences, Vol.14, No.3, 2015, pp. 559-583. p. 559 and Marjike Breuning and John T. Ishiyama, "Neoinstitutionalism", <https://www.britannica.com/topic/neoinstitutionalism> (December 10, 2018).

politics, decisional consequences and personal preferences.²⁵ This new approach has been led by J. G. March and J. P. Olsen with the article of “The New Institutionalism: Organizational Factors in Political Life” (1984) and political institutions have been redefined as *“the collection of interrelated rules and routines that define appropriate actions in terms of relations between roles and situations. The process involves determining what the situation is, what role is being fulfilled, and what the obligation of that role in that situation is.”*²⁶

1.1.1. Old and New Institutionalism

Although new institutionalism have progressed in 1970s, institutions as a phenomenon has been examined even by the first philosophers such as Aristotle, Hobbes, Locke and etc. within the framework of analyzing the role of the institutions, necessity of institutions or conditions for democracy. Moreover, it was not widely theoretical and empirical. It depended on normative principles.²⁷ This traditional version of the institutional approach is called as old institutionalism. Selznick is one of the pioneers for it.

Old institutionalism concentrates on state rules, laws, procedures and formal structure of institutions. Especially law is accepted as grace of political institutions for it.²⁸ OI does not interest in theory building, it just tries to describe institutions. Therefore, it can be said that old institutionalism is still valid to describe the institutional arrangements in politics but new institutionalism has taken it a step further theoretically.²⁹

Both old and new institutionalisms take institutions as central phenomenon and as ordering individual motives within the political analysis. Both of them pay attention

²⁵Susan R. Burgess, “The New Institutionalism, Legal Rhetoric, & Judicial Supremacy”, **The University of Chicago Press**, Vol.25, No.3 (Spring 1993), pp.445-459, p.451.

²⁶James G. March and Johan P. Olsen, **Rediscovering Institutions: The Organizational Basis of Politics**, 1st Edition, The Free Press, 1989, p.160.

²⁷W. Richard Scott, **Institutions and Organizations: Ideas, Interests, and Identities**, Fourth Edition, United States of America: Sage, 2014, p.8 and A. Selami Sargut and Şükrü Özen (Ed.), **Örgüt Kuramları**, Second Edition, Ankara: İmge, 2010, p.245 and B. Guy Peters, **Institutional Theory in Political Science: The New Institutionalism**, London and New York: Pinter, 1999, p.3

²⁸Andrew Heywood, **Politics**, Third Edition, New York: Palgrave, 2007, p.15 and B. Guy Peters, **Institutional Theory in Political Science: The New Institutionalism**, London and New York: Pinter, 1999, pp.6.

²⁹Stephen Bell, “Institutionalism: Old and New”, [Electronic Version] *The University of Queensland*, 2002, p.4. <https://espace.library.uq.edu.au/view/UQ:9699/Institutionalism.pdf> (June 26, 2018).

on historical development.³⁰ History can affect society or individual and their behavior, force their future decisions or choices -but mostly in old institutionalism individuals refer to political elites.³¹ Both of them focus on institutional autonomy and path dependency³² and describe the state as coercive and autonomous actor.³³

The concept of institution is narrow in old institutionalism due to focusing only formal structure like legislature, judiciary and state but new institutionalism takes also informal structures such as norms, procedures, and traditions as an institution.³⁴ According to DiMaggio and Powel who are the sociological new institutionalists, institution has also included conventions and customs.³⁵ For example the issue of whether parliamentary system is better for Turkey has the old institutional perspective because it is studied within the formal-legal framework but the issue of whether the preference of presidential system in Turkey is the output of transcendental state tradition is studied in NI because it deeply analyses underlying formal and informal dynamics of political preferences within the process. So, old institutionalism focuses on normative social structure while new institutionalism adopts cognitive approach on cultural assumptions which has interested in 'what is' rather than 'what should be'.³⁶ This normative understanding directed old institutionalism through thinking of 'good government' with the descriptive methods.³⁷ Rather than to determine the organization deeply, new institutionalism tries to understand the political outcomes and process. Thus, NI examines as to whether the preferences of actors are the output of the values that are thought within the institutions.³⁸ In this context, the issue of Presidential System in Turkey as the output of transcendental state tradition within the

³⁰David Brian Robertson, "The Return to History and New Institutionalism in American Political Science", **Cambridge University Press**, Vol.17, No.1 (Spring 1993), pp.1-36, p.4.

³¹B. Guy Peters, **Institutional Theory in Political Science: The New Institutionalism**, London and New York: Pinter, 1999, p.10.

³²Anil Hira and Ron Hira, "The New Institutionalism: Contradictory Notions of Change", **American Journal of Economics and Sociology**, Vol.59, No.2 (April 2000), pp.267-282, p.269.

³³David Brian Robertson, "The Return to History and New Institutionalism in American Political Science", **Cambridge University Press**, Vol.17, No.1 (Spring 1993), pp.1-36, p.4.

³⁴Sevilay Kahraman, "Avrupa Bütünleşmesi Kuramları: 1980 Sonrası" Belgin Sariye Akçay and İlke Göçmen (Ed.), in **Avrupa Birliği: Tarihçe, Teoriler, Kurumlar ve Politikalar** (131-160), Yer: Seçkin, 2016-3, p.147.

³⁵Thomas A. Koelble, "The New Institutionalism in Political Science and Sociology", **Comparative Politics**, Vol. 27, No. 2 (January 1995), pp.231-243, p.234.

³⁶Mark C. Shuman and Lauren B. Edelman, "Legal Rational Myths: The New Institutionalism and the Law and Society Tradition", **Law and Soc. Inquiry**, Vol.21, No.4 (Autumn 1996), pp.903-941, p.910.

³⁷B. Guy Peters, **Institutional Theory in Political Science: The New Institutionalism**, London and New York: Pinter, 1999, p.10

³⁸Alan Ball and Guy Peters, **Çağdaş Siyaset ve Yönetim**, İstanbul: Yayın Odası, 2007, p.15.

historical process can be evaluated within the NI because it tries to understand ‘What is’.

Old institutionalism has come under criticism or transform with the effect of behaviorist revolution in 1960s and 1970s³⁹ because it only focuses on formal rules of the institutions but there are informal political behaviors, attitudes and distribution of power.⁴⁰ Therefore, political studies in those times separated two parts as behaviorist and institutionalist.⁴¹ And according to new institutionalism, political life can’t be thought apart from its socio-economic and cultural roots which creates the difference from behaviorist and rational choice understandings.⁴² Instead, atomistic actor, it adopts institutionally ‘situated actor’ which preferences of the actors are bounded with legal order, durable beliefs and administrative apparatus.⁴³

1.1.2. Behaviouralism and New Institutionalism

Behaviouralism has begun to develop during 1950s and 1960s especially in the U.S.A (United States of America) in order to provide quantifiable and objective value-free data. According to behaviorists, politics should be arranged within the scope of the natural sciences. Some political analysts such as David Easton have focused on the directly observable data.⁴⁴

Since 1950s, effect of the history diminished in political science because theories should have been testable with data analysis. It doesn’t need to contain the macro problems or historical analysis and behaviouralism reduces politics to individual behavior by narrowing scope, by separating context of politics-history and by using statistical. Generally behaviouralism in political science analyzes the voting, parties, public opinion techniques and interest groups, and ignores the institutional stuff such as

³⁹ Andrew Heywood, **Politics**, 3rd Edition, New York: Palgrave, 2007, p.15.

⁴⁰ Kathleen Thelen, Sven Steinmo and Frank Longstreth, **Structuring Politics: Historical Institutionalism in Comparative Analysis**, Cambridge: Cambridge University Press, 1992, p.4.

⁴¹ Morris Fiorina, “Rational Choice and the New Institutionalism”, **The University of Chicago Press Journals**, Vol. 28, No.1 (Autumn 1995), pp.107-115, p.107.

⁴² B. Guy Peters, **Institutional Theory in Political Science: The New Institutionalism**, London and New York: Pinter, 1999, p.9

⁴³ A. Selami Sargut and Şükrü Özen (Ed.), **Örgüt Kuramları**, 2nd Edition, Ankara: İmge, 2010, p.245 and Stephen Bell, “Institutionalism: Old and New”, [Electronic Version] *The University of Queensland*, 2002, p.4. <https://espace.library.uq.edu.au/view/UQ:9699/Institutionalism.pdf> (June 26, 2018), p.5.

⁴⁴ Andrew Heywood, **Politics**, 3rd Edition, New York: Palgrave, 2007, p.39.

judicial or congress because most of them -as David Easton put it- are “invisible force” but behaviouralism have interested in visible data.⁴⁵

On the other side, one of the main determinants of behaviouralism is the principle of methodological individualism which means that individuals are the main actors and all social phenomena stem from the behavior, decision and attitudes of the individual.⁴⁶ Thus, behavioralism cannot explain why these behaviors differ from one nation to another. However for the new institutionalism, although individual can also be effective when they make a choice, the same individual can make a different decision that based on a specific institutional nature.⁴⁷ Therefore, it creates secession from institutional approach because important thing is behavior not the government or its performance. Even if behavioralism analyzes the institutions, their main foci would be the individuals within institutions. Secondly, behaviouralism takes institutions as neutral sphere for competition of different social actors while new institutionalism takes the institutions as prejudiced structure and rules which means autonomous political actors.⁴⁸ Thirdly, behaviouralism analyzes narrow scope question and short-term change, new institutionalism analyzes it within the macro level and long-term change.⁴⁹ In this context, because many unempirical concepts such as “freedom”, “rights”, “equality” cannot be included in behaviouralist understanding and because it restrict the fields of politics, after 1970s, normative problems reappears and theory is analyzed deeply by March and Olsen.⁵⁰

With the effect of behaviouralist revolution, March and Olsen state that behaviouralism is reductionist, utilitarianist, functionalist, contextualist and instrumentalist. General assumptions of March and Olsen is that in contemporary

⁴⁵David Brian Robertson, “The Return to History and New Institutionalism in American Political Science”, **Cambridge University Press**, Vol.17, No.1 (Spring 1993), pp.1-36, p.7 and David Easton, **The Analysis of Political Structure**, New York: Routledge, 1990, p.3 and Morris Fiorina, “Rational Choice and the New Institutionalism”, **The University of Chicago Press Journals**, Vol. 28, No.1 (Autumn 1995), pp.107-115, p.108 and Vernon Bogdanor, **Blackwell’in Siyaset Bilimi Ansiklopedisi**, Bülent Peker (trans.), First Edition, Ankara: Ümit, 1999, pp.179-184.

⁴⁶Anthony Giddens, **Sosyal Teorinin Temel Problemleri**, First Edition, İstanbul: Paradigma, 2005, p.245.

⁴⁷Kathleen Thelen, Sven Steinmo and Frank Longstreth, **Structuring Politics: Historical Institutionalism in Comparative Analysis**, Cambridge: Cambridge University Press, 1992, p.5 and B. Guy Peters, **Institutional Theory in Political Science: The New Institutionalism**, London and New York: Pinter, 1999, p.13.

⁴⁸Sevilay Kahraman, “Avrupa Bütünleşmesi Kuramları: 1980 Sonrası” Belgin Sariye Akçay and İlke Göçmen (Ed.), in **Avrupa Birliği: Tarihçe, Teoriler, Kurumlar ve Politikalar** (131-160), Yer: Seçkin, 2016-3, p.148.

⁴⁹James G. March and Johan P. Olsen, “The New Institutionalism: Organizational Factors in Political Life”, **The American Political Science Review**, Vol.78, No.3 (September 1984), pp.734-749, p.735.

⁵⁰Andrew Heywood, **Politics**, 3rd Edition, New York: Palgrave, 2007, p.14.

political theories (behaviorism), politics is described as a reflection of society while history is described as efficient phenomenon in reaching convenient and unique consequences. Additionally focal issues are composed of allocation of resources and decision-making procedures. However new institutionalism focuses on the political institutions as relatively autonomous, described the history as inefficient and attach importance to symbolic action in order to understand of politics.⁵¹

According to March and Olsen, the contemporary political science is contextual which takes politics in hand as an integral part of society. In the contextualism, contextual phenomena can be listed as class structure, economic growth, socio-economic differences and culture that all affect the political phenomena rather than vice versa. So, politics depends on the society.⁵²

March and Olsen state that contemporary political theories are also reductionist which takes political phenomena in hand as aggregate outcomes of individual and group behavior. Individuals have preferences and powers on the basis of their position in the system and collective behavior derives from the interlocking choices of these individuals in aggregate which means macro outcomes of micro behavior. And this reduces collective behavior to individual behavior.⁵³ So, it can be reached the individual behavior by decomposing the collective behavior in behaviouralist and rational choice approaches.

Contemporary political science is also utilitarianist, which takes the action /political events in hand as calculated self-interest, but historical political science had emphasized the institutional rules, norms, obligations and duties. Politics is taken as aggregation of autonomous preferences of individual in behaviorist and especially in rational choice approaches.⁵⁴ New institutionalism rejects the rational actor model and

⁵¹James G. March and Johan P. Olsen, "The New Institutionalism: Organizational Factors in Political Life", **The American Political Science Review**, Vol.78, No.3 (September 1984), pp.734-749, pp.734-735.

⁵²B. Guy Peters, *Institutional Theory in Political Science: The New Institutionalism*, London and New York: Pinter, 1999, p.16 and James G. March and Johan P. Olsen, "The New Institutionalism: Organizational Factors in Political Life", **The American Political Science Review**, Vol.78, No.3 (September 1984), pp.734-749, p.735.

⁵³James G. March and Johan P. Olsen, "The New Institutionalism: Organizational Factors in Political Life", **The American Political Science Review**, Vol.78, No.3 (September 1984), pp.734-749, p.735 and B. Guy Peters, *Institutional Theory in Political Science: The New Institutionalism*, London and New York: Pinter, 1999, p.16.

⁵⁴Cornell Clayton and David A. May, "A Political Regimes Approach to the Analysis of Legal Decisions", **The University of Chicago Press**, Vol. 32, No.2 (Winter 1999), pp.233-252, p.237 and James G. March and Johan P. Olsen, "The New Institutionalism: Organizational Factors in Political Life", **The American Political Science Review**, Vol.78, No.3 (September 1984), pp.734-749, p.736.

takes the institutional interest as independent variables. It based on supra-individual unit of analysis and in this respect, aggregate consequence of individuals does not refer to supra individual.⁵⁵ However, this does not mean that, new institutionalism disclaimed personal decision but they argue politics create meanings of life and establish norms and values. So, individual begins to look at the world from politic's perspective of this meaning. And the meaning in turn will affect individual. And then institutional regulations affect detailing meanings and politics.⁵⁶ Contemporary political science takes the human as power maximizer and they can use politics to manipulate political consequences for their own interest.⁵⁷ However for institutionalist, there is a commitment to institutional values rather than personal values and it cannot be known which one is more rational for our interest in the future.⁵⁸

Contemporary political science is also functionalist which takes the history as efficient phenomenon in order to reach appropriate consequences and do not think about the non-compatibility in historical progress and moves toward appropriate equilibrium.⁵⁹ However this equilibrium cannot be guaranteed in historical progress and history can be inefficient because flow of the history is shaped by the process in political institutions and preferences improve in politics. Events cannot be thought independent from antecedents, which find out "path dependency".⁶⁰

Finally March and Olsen assert that contemporary political science is also instrumentalist and thinks that political life composes of allocation of resources and decision making procedures but it is less concerned with rituals, ceremonies and symbols or sentimental aspects of politics. Symbols are common rituals that have an impact on political behavior and meaning. Even it can be affected by political meaning

⁵⁵Philip Selznick, "Institutionalism "Old" and "New"", **Administrative Science Quarterly**, Vol.41, No.2, (June 1996), pp. 270-277, p.272.

⁵⁶Susan R. Burgess, "Beyond Instrumental Politics: The New Institutionalism, Legal Rhetoric, & Judicial Supremacy", **The University of Chicago Press**, Vol.25, No.3 (Spring 1993), pp.445-459, p.447.

⁵⁷Susan R. Burgess, "Beyond Instrumental Politics: The New Institutionalism, Legal Rhetoric, & Judicial Supremacy", **The University of Chicago Press**, Vol.25, No.3 (Spring 1993), pp.445-459, p.447.

⁵⁸B. Guy Peters, **Institutional Theory in Political Science: The New Institutionalism**, London and New York: Pinter, 1999, p.16.

⁵⁹James G. March and Johan P. Olsen, "The New Institutionalism: Organizational Factors in Political Life", **The American Political Science Review**, Vol.78, No.3 (September 1984), pp.734-749, p.737 and B. Guy Peters, **Institutional Theory in Political Science: The New Institutionalism**, London and New York: Pinter, 1999, p.17.

⁶⁰Anil Hira and Ron Hira, "The New Institutionalism: Contradictory Notions of Change", **American Journal of Economics and Sociology**, Vol.59, No.2 (April 2000), pp.267-282, p.271 and James G. March and Johan P. Olsen, "The New Institutionalism: Organizational Factors in Political Life", **The American Political Science Review**, Vol.78, No.3 (September 1984), pp.734-749, p.736.

that provides political stability.⁶¹ They see all of these as manipulative efforts in order to manage consequences and provide legitimation for political actors not by seeing as essential component of governance.⁶²

In order to much better comparison, it is also noteworthy to mention about Rational Choice Model (RCM) as another contemporary political theory. According to RCM, political action of individual can be universalized and behaviors of them are predicted.⁶³ Actors can calculate the rules of the game and analyze how they best acquire their own preferences.⁶⁴ It can be seen this understanding within the prisoner dilemma. Rational choice theorists believe that individuals compose institutions to serve their interests while new institutionalist believes that individuals are not free and they move according to rules of appropriateness.⁶⁵ However, new institutionalism has also attached importance to leaders who can transform preferences and redirect the other leaders through new commitment or preferences.⁶⁶ According to Philip Ethington and Eileen McDonagh, we can think new institutionalism on the center of coordinate system. Along the y axis, we can move off from scientific methods to discursive methods. Behaviouralism and rational choice refer to scientific methods while old institutionalism and hermeneutics refer to discursive methods. So, new institutionalism is at the center of this coordinate system because it has eclectic structure and continues to depend on positivist methods to constitute a predictive science for decision making process.⁶⁷ Briefly, it can be seen partly effect of old institutionalism, behaviorism and rational choice theorist within the new institutionalism.

⁶¹Anil Hira and Ron Hira, "The New Institutionalism: Contradictory Notions of Change", **American Journal of Economics and Sociology**, Vol.59, No.2 (April 2000), pp.267-282, p.271.

⁶²B. Guy Peters, **Institutional Theory in Political Science: The New Institutionalism**, London and New York: Pinter, 1999, p.17.

⁶³Anil Hira and Ron Hira, "The New Institutionalism: Contradictory Notions of Change", **American Journal of Economics and Sociology**, Vol.59, No.2 (April 2000), pp.267-282, p.268.

⁶⁴Donald D. Searing, "Roles, Rules, and Rationality in the New Institutionalism", **The American Political Science Review**, Vol.85, No.4 (December 1991), pp.1239-1260, p.1241.

⁶⁵Walter W. Powell and Paul J. DiMaggio, **Institutionalism in Organizational Analysis**, London: The University of Chicago Press, 1991, pp.9-10.

⁶⁶Anil Hira and Ron Hira, "The New Institutionalism: Contradictory Notions of Change", **American Journal of Economics and Sociology**, Vol.59, No.2 (April 2000), pp.267-282, p.271.

⁶⁷Philip Ethington and Eileen McDonagh, "The Eclectic Center of the New Institutionalism: Axes of Analysis in Comparative Perspective", **Cambridge University Press**, Vol.19, No.4 (Winter 1995), pp.467-477. p.470 and Cornell Clayton and David A. May, "A Political Regimes Approach to the Analysis of Legal Decisions", **The University of Chicago Press**, Vol. 32, No.2 (Winter 1999), pp.233-252, p.239.

1.1.3. New Institutional Approaches

New institutionalism contains several kinds of approaches within itself such as empirical, international, societal, rational, normative institutionalism etc. but in literature three kinds of them are primarily examined in 1980s; rational-choice, sociological, historical institutionalism.

Rational choice institutionalism (RCI) has arisen out of American congressional process and its outputs. RCI focuses on the question why and how member states delegate authority to the supranational bodies and on the issue of whether these supranational bodies are totally autonomous or not, how these bodies can limit the actors' behavior. Pollack answers these questions as "functionalism".⁶⁸ So, institutions exist formally in order to serve actors' interest or functionalist goals. Leading processors of the rational choice institutionalism are Pollack, Tsebelis and Garrett. At the sense, rational choice institutionalism has interested in effect of the formal institutions on the actors and added that different institutions have caused to different political outcomes since different institutions have different distribution of authority among the actors within the framework of power index analyses.⁶⁹

Rational choice approach assumes that actors are utility maximizers and selfish. Rather than acting with norms and values, they act according to their own interests. By making a choice among the alternative policies or institutions, RCI supports actors decide on more efficient alternative for them and play politics.⁷⁰ Thus, RCI do not focus especially on informal norms and values which is the main critics of it. Primarily, they accept institutions as being constructed by actors in order to reach their rational goals and their preferences that are accepted as given but they cannot explain how these preferences are made.⁷¹ And these actors try to change and shape institutional

⁶⁸Mark A. Pollack, Delegation, Agency, and Agenda Setting in the European Community, **International Organization The MIT Press**, Vol.51, No.1 (Winter 1997), pp.99-134, p.102

⁶⁹Geoffrey Garret and George Tsebelis, Institutional Critique of Intergovernmentalism, **International Organization**, Vol.50, No.2 (Spring 1996), pp.269-299, pp.271 and Sevilay Kahraman, "Avrupa Bütünleşmesi Kuramları: 1980 Sonrası" Belgin Sariye Akçay and İlke Göçmen (Ed.), in **Avrupa Birliği: Tarihçe, Teoriler, Kurumlar ve Politikalar** (131-160), Yer: Seçkin, 2016-3, p.148.

⁷⁰ Fatih Demircioğlu, "Kurumsal Bir Gelenek Olarak Tarihsel Kurumsalcılık ve Uluslararası İlişkiler", **Bilecik Şeyh Edabali University Journal of Social Sciences Institute**, Vol.3, No.1 (June 2018), pp.179-199, p.184.

⁷¹Thomas A. Koelble, "The New Institutionalism in Political Science and Sociology", **Comparative Politics**, Vol. 27, No. 2 (January 1995), pp.231-243, p.239.

environment in favor of their interest⁷² which means that RCI ignores the ‘sunk cost’. According to Ikenberry, ‘sunk cost’ means that continuation of existing institution will be easier than forming a new kind of institution, although new institution may more comply with actor’s interest but for RCI actor’s behavior is driven by rational and strategical calculus.⁷³ Besides, according to RCI, institutions also provides actors to estimate the others’ behavior and act accordingly. So, institutions provide to reduce uncertainty about the other’s behavior. This means that institutions and actors are within strategic interaction. Actors create institutions but actors abide the institutional rule by rationally⁷⁴ which means that RCI sees the preferences of actor as exogenous factor.⁷⁵ However, giving short shrift to informal rules and norms reduces the explanatory power of the theory. In the context of Turkey’s path, if actors make decision only according to rationality and their interest, then RCI cannot explain why the Constitution of 1961 had to be re-changed later although its rules were seen as formally rational. According to Heper, that kind of Constitution kept bureaucratic elites safe from majority of electorates and provides rights and freedom but it did not give the state (as an institution) sufficient mechanism to protect itself⁷⁶ which was not compatible with informal rules and norms of the states. In this context, transcendental state as an institutional tradition occurs as influential resistance mechanism.

Rational choice institutionalism sees the institutions as thin, formal and instrumental structure but norms and values have begun to affect governmental behavior in the world politics via non-governmental organizations, groups, agencies, networks etc. So, appearance of sociological institutionalism (SI) is related with the social constructivist transformation. It has been developed in sociology and called as the subfield of organization theory as well. SI is also studied within the EU integration

⁷²Stephen Bell, “Institutionalism: Old and New”, [Electronic Version] *The University of Queensland*, 2002, p.4. <https://espace.library.uq.edu.au/view/UQ:9699/Institutionalism.pdf> (June 26, 2018), p.6.

⁷³ John Ikenberry, **After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order After Major Wars**, Princeton: Princeton University Press, 2001, p.70

⁷⁴ Peter A. Hall and Rosemary C.R. Taylor, Political Science and the Three New Institutionalism, **Political Studies**, Vol.44, No.5 (December 1996), pp.936-957, p.945.

⁷⁵Kathleen Thelen, Sven Steinmo and Frank Longstreth, **Structuring Politics: Historical Institutionalism in Comparative Analysis**, Cambridge: Cambridge University Press, 1992, p.9.

⁷⁶ Metin Heper, **Türkiye’de Devlet Geleneği**, Ankara: Doğubati, 2015, p.221.

studies by examining the attitudes and behavior of the bureaucrats in institutions of EU.⁷⁷ Checkel, Zuker, DiMaggio and Powel are ones of the pioneers in this area.

Sociological institutionalism focuses on “why organizations adopt set of institutional forms, procedures or symbols and how these practices are diffused through organizational fields.”⁷⁸ Diffusion is examined with the concept of “isomorphism”. As DiMaggio and Powell put it, institutional isomorphism means that institutions try to be homogenous and accommodate to cultural environment to be legitimate.⁷⁹ Legitimation is important for the organizational actors to justify their actions. Isomorphism has also caused to institutional emulation between the organizations by attaching importance to cultural environment.⁸⁰ That is to say that institution has not been taken shape by rational coordination. Isomorphism has thereupon created some institutionalized rituals, procedures, myths and symbols and all institutions begin to resemble each other structurally in the same environment because they have to comply with the same institutional rules.⁸¹ So, the institution cannot abide by demands being derived from their own work. Instead, they abide by the myths of the environment because it provides satisfaction and decreases supervision by internal and external constituents.⁸²

Taylor and Hall classified the three primary feature of the sociological institutionalism. Firstly, institutions are defined as not only formal rules, norms and procedures but also symbolic systems, moral templates and cognitive scripts by integrating the culture and institution which all affect the behavior of actors thickly. Secondly, SI has different understanding on institution and actors’ behavior, which are affected by ‘cultural approach’. Institutions have affected not only strategic calculation of actors but also affect their identity and self-images, which are consisted of

⁷⁷Sevilay Kahraman, “Avrupa Bütünleşmesi Kuramları: 1980 Sonrası” Belgin Sariye Akçay and İlke Göçmen (Ed.), in **Avrupa Birliği: Tarihçe, Teoriler, Kurumlar ve Politikalar** (131-160), Yer: Seçkin, 2016-3, p.148 and Jeffrey T. Checkel, “Social Construction and Integration”, **Journal of European Public Policy**, Vol.6, No.4 (1999), pp.545-560, p.547.

⁷⁸Peter A. Hall and Rosemary C.R. Taylor, Political Science and the Three New Institutionalism, **Political Studies**, Vol.44, No.5(December 1996), pp.936-957, p.947.

⁷⁹Walter W. Powell and Paul J. DiMaggio, **Institutionalism in Organizational Analysis**, London: The University of Chicago Press, 1991, p.66.

⁸⁰Deniz Taşçı and Erkan Erdemir (Ed.), **Örgüt Kuramı**, Eskişehir: Anadolu Üniversitesi, 2013, p.123.

⁸¹Lynne G. Zucker, “Institutional Theories of Organization”, **Annual Review of Sociology**, Vol.13 (1987), pp.443-464, p.450.

⁸²Philip Selznick, “Institutionalism “Old” and “New””, **Administrative Science Quarterly**, Vol.41, No.2, (June 1996), pp. 270-277, p.274.

institutional forms, signs and images obtained by social world.⁸³ There is mutual relation between actors and structure, which does not mean that institutions simply constrain the behavior, but there is voluntarily and mutually integration between actor and structure because actors think which behavior would be appropriate under certain conditions. It does not mean that sociological institutionalism thinks actor as irrational. Rather, as Hall and Taylor put it, “what an individual will see as ‘rational action’ is it socially constituted and their goals are constructed in much broader than others do.”⁸⁴

Finally, sociological institutionalism differs from the rational choice institutionalism on how institutions are formed. Sociological institutionalism focuses on the ‘logic of appropriateness’ while rational choice institutionalism focuses on ‘logic of instrumentality’ that serves the efficiency of means-ends. Appropriateness promotes the social legitimacy of the institution, which is beyond the formal or rational goals, which is social goal. According to Richard Scott, logic of appropriateness emphasizes the normative pillar where choice is made in social context and oriented by moral framework.⁸⁵ On the basis of Turkish history, ‘adab philosophy’ can be regarded within this framework. The informal rules, norms and values that compatible with ‘adab philosophy’, can easily survive within the state system but non-appropriate implementations such as ‘İltizam System’ could not survive in the Ottoman Empire⁸⁶ which will be examined on following pages.

On the basis of institutional change, DiMaggio and Powell think that institutional change comes from normative, coercive or mimetic isomorphism which all causes institutions to be homogenous and which all refers to accommodate the world or environment.⁸⁷⁸⁸

⁸³Jeffrey T. Checkel, “Social Construction and Integration”, **Journal of European Public Policy**, Vol.6, No.4 (1999), pp.545-560, p.547.

⁸⁴Peter A. Hall and Rosemary C.R. Taylor, Political Science and the Three New Institutionalism, **Political Studies**, Vol.44, No.5 (December 1996), pp.936-957, p.948.

⁸⁵W. Richard Scott, **Institutions and Organizations: Ideas, Interests, and Identities**, 4th Edition, Stanford: Sage, 2014, p.82 and Peter A. Hall and Rosemary C.R. Taylor, Political Science and the Three New Institutionalism, **Political Studies**, Vol.44, No.5 (December 1996), pp.936-957, p.948.

⁸⁶Metin Heper, **Türkiye’de Devlet Geleneği**, Ankara: Doğubati, 2015, pp.63-64.

⁸⁷Walter W. Powell and Paul J. DiMaggio, **The New Institutionalism in Organizational Analysis**, Chicago, University of Chicago Press, 1991, pp.64-70.

⁸⁸Scott Helfstein, “New Institutionalism and Evolution of Terrorist Organizations”, **Public Administration Review**, Vol. 69, No.4 (July-August 2009), pp.727-739, p.735.

For brief comparison, RCI states that actors obey the rules because they think it would be better for their own interest while SI states that actors obey the rules because they think it would be appropriate within the norm-based institutions. And HI uses both of these ideas. Actors are taken as both self-interested and conformist or rule followers but the basis difference between RCI and HI is on the preferences formation that HI takes the preferences as endogenous (institutional) while RCI takes them as exogenous.⁸⁹ In addition to this, while RCI asserts that actors try to change and shape institutional environment in favor of their interest, HI focus on the institutional ‘embeddedness’⁹⁰ which comes from the endogenous structure. In this context, ‘sunk cost’ is so important for HI and the assumption of RCI that the better alternative is chosen is only possible if future model will compensate for the break with the past structure.⁹¹

Historical institutionalism basically focuses on the question of “Why a certain choice was made and why a certain outcome occurred?”⁹² It can be seen as mix of RCI and SI because it takes considerations not only actors but also norms and thereby corrects their deficiencies. In this perspective, it examines the historical process of the institutions and asserts that institutions have a specific ‘path’ which causes to resistance against change. When a state policy proceeds to a ‘path’, there is a laziness tendency for the initial policy preference to insist. Chosen path may be changed but it needs influential political pressure that may provide this change.⁹³ In this context, HI is more useful to comprehend the Turkey’s government system because it focuses on historical continuity within the institution by correcting the deficiencies of RCI and SI. Moreover, empirical (origin of institution), methodological (qualitative, interpretive, comparative and so on so forth) and analytical (time-sectional examination) framework of HI present comprehensive potential to understand policy preferences in Turkey on the basis of transcendental state tradition because studying on presidential system requires

⁸⁹Kathleen Thelen, Sven Steinmo and Frank Longstreth, **Structuring Politics: Historical Institutionalism in Comparative Analysis**, Cambridge: Cambridge University Press, 1992, p.9.

⁹⁰Stephen Bell, “Institutionalism: Old and New”, [Electronic Version] *The University of Queensland*, 2002, p.4. <https://espace.library.uq.edu.au/view/UQ:9699/Institutionalism.pdf> (June 26, 2018), p.6.

⁹¹Fatih Demircioğlu, “Kurumsal Bir Gelenek Olarak Tarihsel Kurumsalcılık ve Uluslararası İlişkiler”, **Bilecik Şeyh Edabali University Journal of Social Sciences Institute**, Vol.3, No.1 (June 2018), pp.179-199, p.184.

⁹²Sven Steinmo, “Historical Institutionalism”, D.Della Porta and Michael Keating (Ed.), in **Approaches and Methodologies in the Social Sciences: A Pluralist Perspective**, Cambridge: Cambridge University Press, 2008, pp.118-138. p.126.

⁹³B. Guy Peters, **Institutional Theory in Political Science: The New Institutionalism**, London and New York: Pinter, 1999, p.63.

retrospective (time-sectional) examination of institutional-constitutional preferences by determining initial policy of the state as an origin. System theories maybe the first expectation for the examination of government system but system theories or David Easton's view is more empirical by analyzing the state because state is taken hand only as legal phenomenon. In here state is full of shared values, duties, loyalty but this doesn't mean that it is analyzed within the political sociology because state's role is higher than sociological view predicts.⁹⁴ Besides these, HI has already eclectic features, which are combination of rational choice and sociological new institutionalism, and focuses on the origin of political/state preferences. Therefore, history is the key element for this thesis. Within the framework of HI, history is shaped by the political institutions. Thus, the political preferences or government system in Turkey can't be though apart from its state tradition.

1.2. HISTORICAL INSTITUTIONAL APPROACH IN POLITICS

HI developed out of the workshop in Boulder/ Colorado in 1990 and many scholars tried to analyze the contribution of HI in comparative politics within the book of 'Structuring Politics: Historical Institutionalism in Comparative Perspective.' Especially Thelen and Steinmo defend the HI and locate it within the comparative analysis but even they borrowed the term of 'historical institutionalism' from the Theda Skocpol⁹⁵ and her book of 'States and Social Revolutions' is categorized as one of the influential historical institutional studies because she asserts that structure shapes the history.⁹⁶ The other influential book on historical institutionalism is the Ikenberry's 'After Victory'. According to Ikenberry, after the victory winning state uses institutions in order to make its own power last, to provide stable and predictable order and to lock in their commending post war position by restraining themselves within a certain set of institutional rules and by gaining mutual consent of weaker states. All these occurs the long-term interest of the winning state. In this context, in progress of time, institutions are embedded in broader political order and cost of any change within the institution

⁹⁴Metin Heper, **Türkiye'de Devlet Geleneği**, Ankara: Doğubatı, 2015, p.31.

⁹⁵Kathleen Thelen, Sven Steinmo and Frank Longstreth, **Structuring Politics: Historical Institutionalism in Comparative Analysis**, Cambridge: Cambridge University Press, 1992, p.28.

⁹⁶Theda Skocpol, **States and Social Revolutions: A Comparative Analysis of France, Russia and China**, Cambridge: Cambridge University Press, 1979, p.20 and Sven Steinmo, "Historical Institutionalism", D.Della Porta and Michael Keating (Ed.), in **Approaches and Methodologies in the Social Sciences: A Pluralist Perspective**, Cambridge: Cambridge University Press, 2008, pp.118-138. p.118.

can grow in time.⁹⁷ Although many influential books examined the HI, HI does not have its own school of thought; it is examined in multiple sub-fields of political science such as Comparative Politics, European Politics and International Relations⁹⁸ and differs from other approaches of social sciences with its historical orientation, empirical questions and its assumption that institutions shape the behavior.⁹⁹ HI is also examined in many ways; as a theory, a method, an approach or a theoretical tradition. Some scholars are not called it as a theory because of its incapability to predict change but the issue of prediction is seen as Newtonian mechanism by historical institutionalist. Thus, HI scholar focuses on ‘explanation’ that tries to understand motivation lie at the root of human behavior and¹⁰⁰ scrutinize the ‘why a certain choice was made and why a certain outcome occurred’.¹⁰¹ In this context, HI focuses on that the decisions and behaviors of the political players can be comprehended by historical development of the institutions within the framework of origin, culture and problems of the institution.¹⁰² Theda Skocpol, Peter Hall, Steinmo, Thelen and Longstreth are ones of the pioneers of HI.

HI has the characteristics of empirical, analytical and pluralist methodological profiles which provide to widen its use in political science. Empirically, across time, HI takes stock of the origin or root, evolution and consequences of institutions. Analytically, HI focuses on the temporal phenomena (timing, sequence of events or more clearly, ‘critical juncture’ and ‘path-dependency’) which affect the origin and change of institutions. Methodologically HI presents pluralistic methodological features such as qualitative, comparative research methods and then includes the statistical, formal and interpretive methods.¹⁰³ In here, temporal phenomena (critical juncture and

⁹⁷ John Ikenberry, **After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order After Major Wars**, Princeton: Princeton University Press, 2001, pp.50-56.

⁹⁸ Orfeo Fioretos, Tullia G. Falletti and Adam Sheingate, “Historical Institutionalism in Political Science”, Orfeo Fioretos, Tullia G. Falletti and Adam Sheingate (Ed.), in **The Oxford Handbook of Historical Institutionalism** (1-32), Oxford: Oxford University Press, 2016, p.2

⁹⁹ Sven Steinmo, “Historical Institutionalism”, D.Della Porta and Michael Keating (Ed.), in **Approaches and Methodologies in the Social Sciences: A Pluralist Perspective**, Cambridge: Cambridge University Press, 2008, pp.118-138. p.126.

¹⁰⁰ Donatella Della Porta and Michael Keating, “How many approaches in the social sciences? An Epistemological introduction”, D.Della Porta and Michael Keating (Ed.), in **Approaches and Methodologies in the Social Sciences: A Pluralist Perspective**, Cambridge: Cambridge University Press, 2008, pp.118-138, pp.26-27.

¹⁰¹ Sven Steinmo, “Historical Institutionalism”, D.Della Porta and Michael Keating (Ed.), in **Approaches and Methodologies in the Social Sciences: A Pluralist Perspective**, Cambridge: Cambridge University Press, 2008, pp.118-138. p.126.

¹⁰² Elizabeth Sanders, “Historical Institutionalism”, R. A. W. Rhodes, Sarah A. Binder and Bert A. Rockman (Ed.), **The Oxford Handbook of Political Institutions** in (39-55), New York: Oxford University Press, 2001, pp.39-40.

¹⁰³ Orfeo Fioretos, Tullia G. Falletti and Adam Sheingate, “Historical Institutionalism in Political Science”, Orfeo Fioretos, Tullia G. Falletti and Adam Sheingate (Ed.), in **The Oxford Handbook of Historical Institutionalism** (1-32), Oxford: Oxford University Press, 2016, p.3 and p.8.

path) in Turkey are examined by means of constitutions within the framework of transcendental origin of the state.

Historical institutionalism defines the institution as formal and informal rules and Hall's definition of institution is approved by most of the scholars. Hall describes the institution as "*the formal rules, compliance procedures, and standard operating practices that structure the relationship between individuals in various units of the polity and economy.*" Hall also adds that institutions shape the political actor's purposes and structure power relations of them¹⁰⁴ because initial structure of the institutions determines the future action of the actors as a 'path' which indicates the importance of the history. As it is mentioned before, within the behaviorist term, history was pushed into background because scholars had interested in falsifiable and quantitative data but others has continued to study history and politics by trying to explain the events of real-world. Steinmo is one of them. According to him, history is important for three reasons. Firstly, political issues occur in historical context which cause an outcome for decision in future. Secondly, actors have learned by their experience in the past. Thirdly, expectations are given shape by the past.¹⁰⁵

According to Taylor there are four significant features of HI. Firstly, HI analyzes relations of institutions and individual behavior in broad term. Secondly, it stress upon the asymmetric power of institutions. Thirdly, it interested in other contributing causes such as ideas that cause to political results in institutional analysis. Fourthly, it conceptualizes the path dependency and unintended consequences through the institutional development and all these features are in between RCI and SI.¹⁰⁶ Relating to these features, the first one directs us to question of how institutions influence the individual behavior. 'Calculus approach' and 'cultural approach' are two main categories to answer the question and each of them in turn explain the; how actors behave, what institutions do, why institution resist in time. From the perspective of

¹⁰⁴Kathleen Thelen, Sven Steinmo and Frank Longstreth, **Structuring Politics: Historical Institutionalism in Comparative Analysis**, Cambridge: Cambridge University Press, 1992, p.2.

¹⁰⁵Sven Steinmo, "Historical Institutionalism", D.Della Porta and Michael Keating (Ed.), in **Approaches and Methodologies in the Social Sciences: A Pluralist Perspective**, Cambridge: Cambridge University Press, 2008, pp.118-138. p.128.

¹⁰⁶Peter A. Hall and Rosemary C.R. Taylor, Political Science and the Three New Institutionalism, **Political Studies**, Vol.44, No.5 (December 1996), pp.936-957, p.938 and Theda Skocpol, **Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States**, Boston: The Belknap Press of Harvard University, 1992, p.41.

calculus one; actors behave as utility maximizers; institutions provides information for actors about the other actors behavior; and institutions persist because deviation would be worse than adherence for individuals. From the perspective of cultural one; actors behave as satisfiers because they are not only strategic but also bounded by their worldview; institutions not only provide information but also impress individual self-images, identities and preferences; institution persist because they structure most of reform, choices or decisions which might be made by individuals. However, HI has eclectic feature and takes both of these view.¹⁰⁷

Secondly, HI has also supported that institutions diffuse power among the social groups. And this power is asymmetric. For example, some groups participate in decision-making procedures but others cannot.¹⁰⁸ Thirdly, HI includes not only formal institutions like legislature or bureaucracy but also informal institutions such as ideology, ideas, belief which is different assumption from the RCI because apart from the institutions, ideas are the casual force within the politics. According to HI, ideas create institutions. This assumption may look like the normative understanding but there is some iteration: Institutions occur after an idea is adopted but this adoption has been already determined by structured institution.¹⁰⁹ Fourthly, HI supports that institution, which had been formed within the framework of certain ideas, shapes the following policies in the future which is called as “path dependency.”¹¹⁰

1.2.1. Path Dependency

According to William Sewell as a broader definition, path dependency “*means that what happened at an earlier point in time will affect the possible outcomes of a sequence of events occurring at a later point in time.*”¹¹¹ According to Margaret Levi as

¹⁰⁷G. John Ikenberry, “History’s Heavy Hand: Institutions and the Politics of the State”, 1994, The University of Pennsylvania, https://scholar.princeton.edu/sites/default/files/HistorysHeavyHand_0.pdf (12.11.2018), pp.5-11 and Peter A. Hall and Rosemary C.R. Taylor, Political Science and the Three New Institutionalism, **Political Studies**, Vol.44, No.5 (December 1996), pp.936-957, pp.938-939.

¹⁰⁸G. John Ikenberry, “History’s Heavy Hand: Institutions and the Politics of the State”, 1994, The University of Pennsylvania, https://scholar.princeton.edu/sites/default/files/HistorysHeavyHand_0.pdf (12.11.2018), p.14 and Peter A. Hall and Rosemary C. R. Taylor, Political Science and the Three New Institutionalism, **Political Studies**, Vol.44, No.5 (December 1996), pp.936-957, pp.939.

¹⁰⁹B. Guy Peters, **Institutional Theory in Political Science: The New Institutionalism**, London and New York: Pinter, 1999, p.68 and Peter A. Hall and Rosemary C. R. Taylor, Political Science and the Three New Institutionalism, **Political Studies**, Vol.44, No.5 (December 1996), pp.936-957, p.939.

¹¹⁰B. Guy Peters, **Institutional Theory in Political Science: The New Institutionalism**, London and New York: Pinter, 1999, p.68.

¹¹¹Paul Pierson, “Increasing Returns, Path Dependence, and the Study of Politics”, **The American Political Science Review**, Vol.94, No.2 (June 2000), pp.251-267. p.252.

a narrower definition, it means that “*once a country or region has started down a track, the costs of reversal are very high. There will be other choice points, but the entrenchments of certain institutional arrangements obstruct an easy reversal of the initial choice.*”¹¹² Moreover Levi chooses the tree as a basic metaphor instead of path which indicates the bounded choices because even though it is possible to climp up from one branch to another, the beginning branch chosen by the climber is the branch that the climber tends to continue. And also Paul Pierson mentioned about the institutions have ‘self-reinforcing’ process which make difficult to change but change is possible even so.¹¹³ The reasons of the resistance against change are explained by Steinmo. According to Steinmo, firstly, formal and informal rules/institutions are embedded in a set of institutions and if one of these rules is changed, then, others will affect, which all cause to resistance against change. Secondly, any change reduces capacity to predict of human because their expectations are embedded within the certain institution. Thirdly, human beings do not want to put up with new rules. Fourthly, institutions in turn affect the individual behavior and then shape preferences as well.¹¹⁴ So at the end, path has appeared.

Path dependency has occurred basically in connection with four reasons; increasing returns, positive feedbacks, self-reinforcement and lock-in.¹¹⁵ Increasing return indicates a mathematical ratio. As a decision and choice is made, so its benefits will be greater in time. And ratios of the choices reach equilibrium in the end.¹¹⁶ Positive feedbacks mean that people make a decision and when these decisions or choices are made by others, it generates positive externalities. If the decision or choices cannot create positive feedbacks then it will be negative feedbacks, which causes to critical juncture.¹¹⁷ Self-reinforcement indicates that, choice and action, which is made and taken, creates complementary institutions which cause the decision to be repeated or

¹¹²Paul Pierson, “Increasing Returns, Path Dependence, and the Study of Politics”, **The American Political Science Review**, Vol.94, No.2 (June 2000), pp.251-267. p.252.

¹¹³G. John Ikenberry, “History’s Heavy Hand: Institutions and the Politics of the State”, 1994, The University of Pennsylvania, https://scholar.princeton.edu/sites/default/files/HistorysHeavyHand_0.pdf (12.11.2018), pp.16-17 and Paul Pierson, “Increasing Returns, Path Dependence, and the Study of Politics”, **The American Political Science Review**, Vol.94, No.2 (June 2000), pp.251-267. p.252.

¹¹⁴Sven Steinmo, “Historical Institutionalism”, D.Della Porta and Michael Keating (Ed.), in **Approaches and Methodologies in the Social Sciences: A Pluralist Perspective**, Cambridge: Cambridge University Press, 2008, pp.118-138. p.129.

¹¹⁵Scott E. Page, “Path Dependence”, **Quarterly Journal of Political Science**, Vol.1, No.1 (2006), pp.87-115, p.88

¹¹⁶Paul Pierson, “Increasing Returns, Path Dependence, and the Study of Politics”, **The American Political Science Review**, Vol.94, No.2 (June 2000), pp.251-267. p.253.

¹¹⁷Avner Greifand and David D. Laitin, “A Theory of Endogenous Institutional Change”, **American Political Science Review**, Vol.98, No.4 (November 2004), pp.633-652, p.635.

continued. Even in the absence of the original events, dynamics occurred by certain events at one-point reproduces themselves over time.¹¹⁸ Finally, lock-in means that a decision or choice is made among the others as best options by getting increasing return and taking positive feedbacks, then it gains lock-in feature and the other people will make the same decision repeatedly.¹¹⁹ All these features try to testify path-dependent process or policy tendency in any institution. In this context, Turkey's path is seen to be transcendental state understanding. When power of state and its transcendentalness decrease, then political instability arises. Thus, institutional preferences in such states are tended to increase the state's power in order to provide political stability. However, if there may be an influential political pressure, change is still possible after the period of 'critical juncture'.

1.2.2. Critical Juncture

HI is criticized that they cannot predict the timing of change. And, there must be sufficient pressure to change but there is not any distinct criterion for 'sufficient'. Paul Pierson (1996) has mentioned about the evolution, which is 'incremental adjustment'. Using this method, change can be possible within the structure gradually without shattering the status quo.¹²⁰ So, historical institutionalism is criticized due to the inability to explain the change issue completely but the theory has mostly interested in 'continuity' not in 'change'. However, HI has been improved over time by trying to answer its critics. On the basis of change, "punctuated equilibrium", "incremental adjustment", "critical juncture", "exogenous shocks" are developed to answer these critics.¹²¹ Thus, change became possible because a specific policy can be inefficient in time and cannot satisfy the needs. In such a case, there should be adequate pressure cause to 'rapid burst of institutional change pursued by long periods of stasis', which is called as punctuated equilibrium of Krasner.¹²² According to Krasner who is inspired by

¹¹⁸ Paul Pierson, "Big, Slow-Moving, And Invisible: Macrosocial Processes in the Study of Comparative Politics", James Mahoney and Dietrich Rueschemeyer (Ed.), **Comparative Historical Analysis in the Social Sciences** in (177-207), Cambridge: Cambridge University Press, 2003, pp.195-196.

¹¹⁹ Scott E. Page, "Path Dependence", **Quarterly Journal of Political Science**, Vol.1, No.1 (2006), pp.87-115, p.88

¹²⁰ B. Guy Peters, **Institutional Theory in Political Science: The New Institutionalism**, London and New York: Pinter, 1999, p.70

¹²¹ Ellen M. Immergut, "Historical-Institutionalism in Political Science and the Problem of Change", Andreas Wimmer and Reinhart Kössler (Ed.), in **Understanding Change: Models, Methodologies and Metaphors** (237-259), London: Palgrave-Macmillan, 2006, p.243.

¹²² Simon J. Bulmer, "New Institutionalism and Governance of the Single European Market", **European Journal of Public Policy**, Vol.5, No.3 (1998), pp.365-389. p.372 and Stephen D. Krasner, "Approaches to the state: Alternative Conceptions and Historical Dynamics", **Comparative Politics**, Vol.16, No.2, (January 1984), pp.223-246. p.242 and

evolutionary theories, institutions have existed in stability in the long period but periodically it can be punctuated by some crisis which causes abrupt change in institutions. Then stability in institutions sets in again.¹²³ This kind of change is different from the evolutionary understanding because according to Krasner, change comes from rapid and abrupt events. Apart from the rapid change, Paul Pierson addresses the incremental adjustments that overcome the deficiencies in the initial policy and provides status quo as well. However, issue of change is analyzed in HI mostly within the concept of “critical juncture”.

Capoccia and Kelemen focus on two distinctive questions about critical juncture. What is critical juncture defined and how is its analysis made? It is defined as “*relatively short periods of time during (shorter than the process of path dependency) which there is a substantially heightened probability that agents’ choices will affect the outcome of history.*”¹²⁴ It indicates the change from path-dependence. It is different from the normal history process. In here, there are four main critics on the critical junctures: unit of analysis, time horizon, negative cases and power asymmetries; although most institutions are interrelated, critical juncture for one unit may not be the critical juncture for others¹²⁵; Collier and Collier analyzed the 8 Latin American countries and found out that duration of incorporation period as a critical juncture of them is differed. It depends on immediate causal mechanism which creates rapidly or gradually changes.¹²⁶ Moreover, if duration of juncture lasts long, then ability of actors on political decision is constrained by re-emerging structure¹²⁷; mostly negative events are chosen as critical juncture which is criticized by many scholars but Capoccia and Kelemen indicates that change is not a requirement for critical juncture because outcome after critical juncture may be institutional re-equilibrium and status quo is persisted; decision of influential actors and power of them is also important for political

B. Guy Peters, **Institutional Theory in Political Science: The New Institutionalism**, London and New York: Pinter, 1999, p.69.

¹²³Stephen D. Krasner, “Approaches to the state: Alternative Conceptions and Historical Dynamics”, **Comparative Politics**, Vol.16, No.2, (January 1984), pp.223-246. p.242

¹²⁴Giovanni Capoccia and R. Daniel Kelemen, “The Study of Critical Junctures: Theory, Narrative, and Counterfactuals in Historical Institutionalism”, **World Politics**, Vol.59, No.3 (April 2007), pp.341-369.p.348

¹²⁵Giovanni Capoccia and R. Daniel Kelemen, “The Study of Critical Junctures: Theory, Narrative, and Counterfactuals in Historical Institutionalism”, **World Politics**, Vol.59, No.3 (April 2007), pp.341-369.p.349.

¹²⁶ R. B. Collier and D. Collier, **Shaping The Political Arena: Critical Junctures, the Labour Movement, and Regime Dynamics in Latin America**, Indiana: University of Notre Dame Press, 2002, p.32.

¹²⁷Giovanni Capoccia, “Critical Juncture”, Orfeo Fioretos, Tulia G. Falletti and Adam Sheingate (Ed.), in **The Oxford Handbook of Historical Institutionalism** (1-32), Oxford: Oxford University Press, 2016, p.4.

change.¹²⁸ Capoccia says that decisions of influential actors during the critical juncture are decisive for choosing one path among the others. So, critical juncture is the uncertain situation.¹²⁹ However, some scholars focus on the effects of antecedent conditions during the critical juncture such as orientation of culture while some scholars focus on the decision and event within this period. Thus, after the critical juncture, there can be both change and re-equilibrium. Moreover, on the basis of critics against change issue, criticalness score is also tried to be measured with the distinct formula in Capoccia and Kelemen's article. How events can be called as critical juncture and its criticalness score can be measured with this formula by using probability jump and temporal leverage score. If the result is higher than "0", then critical juncture increases but if the outcome is lower than "0", and then it is not a critical juncture.¹³⁰ However, the details of this formula are not necessary for this thesis but Collier's table may be useful to examine critical juncture.

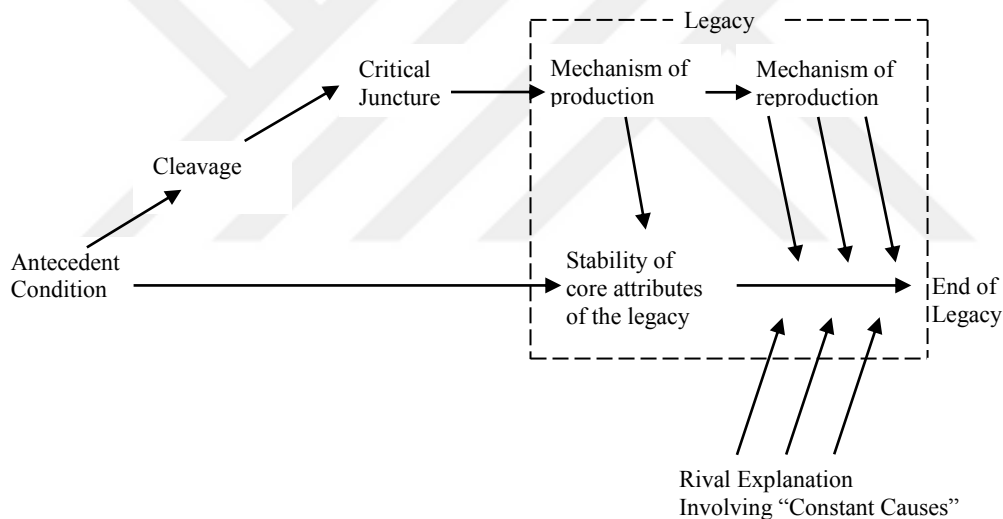


Figure 1: Collier and Collier's Critical Juncture Framework¹³¹

¹²⁸Giovanni Capoccia and R. Daniel Kelemen, "The Study of Critical Junctures: Theory, Narrative, and Counterfactuals in Historical Institutionalism", *World Politics*, Vol.59, No.3 (April 2007), pp.341-369.pp.352-353.

¹²⁹Giovanni Capoccia, "Critical Juncture", Orfeo Fioretos, Tulia G. Falletti and Adam Sheingate (Ed.), in *The Oxford Handbook of Historical Institutionalism* (1-32), Oxford: Oxford University Press, 2016, p.1.

¹³⁰Giovanni Capoccia and R. Daniel Kelemen, "The Study of Critical Junctures: Theory, Narrative, and Counterfactuals in Historical Institutionalism", *World Politics*, Vol.59, No.3 (April 2007), pp.341-369. p.361.

¹³¹ R. B. Collier and D. Collier, *Shaping The Political Arena: Critical Junctures, the Labour Movement, and Regime Dynamics in Latin Amerika*, Indiana: University of Notre Dame Press, 2002, p.32.

In the context of Collier and Collier's table, antecedent condition refers to a base line and any deviation from the antecedent condition refer to a cleavage that triggers the critical juncture. After the critical juncture, new legacy cannot be created all of a sudden; it is perpetuated with institutional political process of path dependency such as self-reinforcing, increasing return, positive feedback and lock-in. All of them create mechanism of production and re-production process because any political decision or act should make repeatedly in order to create path dependency. Within this process, constant and historical causes may prevent to change. Constant causes refer to rival explanations that must be regarded while historical causes already refer to the base line or historical factor that prevent the change. In this regard, the issue of whether Turkey's political preference on government system create a critical juncture or not can be examined through this table. Although Turkish state withnessed some cleavage or quasi critical juncture, it has generally tried to be fixed with powerful executive to attain level of re-equilibrium but important think in here is that what creates this re-equilibrium or what is in the background of this tendency. Thus, it should be examined the effect of the state perception on policy preferences (government system).

2. POLITICAL TRADITION AND GOVERNMENT SYSTEMS

Political preferences on government system have related with the political tradition of the state and each state can regulated the government system in accordance with its own traditional values. In this context, it is commonly examined that the same government system implemented in one country may not be the same as in another country because political tradition of the countries can directed the political preference on government system in a specific way.

2.1. POLITICAL TRADITION

Historical developments of the states be unduly attached to their own socio-political experience have an influential effect on current political preferences and process; which all can not be only explained by present political institutions. In this context, political tradition evolved out of historical experiences has also a strong effect on political behavior that determines the improvement of political system. According to Zaslavska, “political tradition is a way of recording of significant content of socio-political experience, that is historically formed and transmitted from generation to generation; and a mechanism for political and cultural continuity that includes storage, transmission and reproduction of stable, repeating elements of this experience in the new conditions.” From this point of view, Zaslavska determined three kinds of political tradition structure; internal mental level, external behavioral level and institutional level. Internal mental level refers to consciousness, which encapsulate symbols, values, norms, myths and stereotypes while behavioral level refers to certain behavior patterns such as custom and ritual.¹³²

Institutional level political tradition is related with interaction among the branches of government or in state. In this context, Zaslavska give an example on Ukraine political institutions. Although, all essential institutions of democratic system were established, Ukraine couldn't fit these institutions with appropriate values and norms because of its own political culture emerged historically.¹³³ Thus, without comprehending the political culture in historical process, it is unlikely to examine the

¹³² Olga O. Zaslavska, “ The Role of Political Traditions in the Mechanics of Political System of Modern Ukraine”, *Eastern Review*, No.3 (2014), pp. 39-50, p.40.

¹³³ Olga O. Zaslavska, “ The Role of Political Traditions in the Mechanics of Political System of Modern Ukraine”, *Eastern Review*, No.3 (2014), pp. 39-50, p.44.

features of political system or government system. In this context, the impact of the political tradition on political preferences offers a convenient ground for studying government system within the framework of historical new institutionalism.

2.2. GOVERNMENT SYSTEMS

Government systems have studied within the new institutionalism since 1980s and defined as constitutional/institutional diffusion of power between the bodies.¹³⁴ Grofman and Wittman's book of 'Federalist Papers and New Institutionalism (1989)' symbolizes one of the most influential institutional study on the government system and asserts that Madison's political theory and 'The Federalist Papers' bears the stamp of institutional perspective. According to it, political preferences can be well comprehended within the framework of institutional incentives¹³⁵ and the 'fine institutional details', its historical structure (such as state perception) are important indicators to make sense of political behaviors within the institution.¹³⁶ Current developments on democracy especially in Central and Eastern Europe and in the other rest of the world have brought into prominence to studies of institutional preferences and constitutional designs. Thus, government systems have been analyzed to understand the issue of how several institutional structures for representative government affect the political process and preferences.¹³⁷ For example, presidential system in Latin America is not the same with presidential system in U.S.A. and even some parliamentary systems can give more authority to the president and may resemble to presidential system. These political preferences stem from the state understanding of the countries and redound on the preferences of the government form of the state.

Government system is a set of rules and institutions that determine configuration of executive, legislative and judiciary powers of state¹³⁸ and are functioned under

¹³⁴ Şule Özsoy Boyunsuz, **Dünyada Başkanlık Sistemleri**, Ankara: İmge, 2017, pp.20-21.

¹³⁵ Bernard Grofman, The Federalist Papers and the New Institutionalism: An Overview, Bernard Grofman and Donald Wittman (Ed.), in **The Federalist Papers and the New Institutionalism** (1-7), New York: Agathon Press, 1989, pp.1-7.

¹³⁶ Thomas Schwartz, "Publius and Public Choice", Bernard Grofman and Donald Wittman (Ed.), in **The Federalist Papers and the New Institutionalism** (31-39), Agathon Press: New York, 1989, p.38.

¹³⁷ Matthew Soberg Shugart and John M. Carey (Ed.), **Presidents and Assemblies: Constitutional Design and Electoral Dynamics**, Cambridge: Cambridge University Press, 1992, p.1.

¹³⁸ Mehmet Merdan Hekimoğlu, **Anayasa Hukukunda Karşılaştırmalı Demokratik Hükümet Sistemleri ve Türkiye**, Ankara: Detay Press, 2009, p.5 and Ersin Kalaycığlu, "Anayasalar Hakkında Bir Not" [Electronic Version] *Sarkaç*, 2017, (14.11.2018).

<https://sarkac.org/2017/03/anayasalar-hakkinda-bir-not-ersin-kalaycioglu/>

interaction among several social and political institutions. These mutually interacting institutions have the power on penetrating the preferences of political actors and create reiterated behavioral pattern (as positive feedback) which is the reason why institutions are important.¹³⁹ Thus, to understand how government systems work and how they are classified, it is required to examine all interacting institutions and historical dynamics. For example, libertarian tendency of U.S.A should be analyzed within the framework of its historical dynamics. In this context, period of autocracy of III. George (king of Britain) affected their policy preferences and caused them to oppose the idea of strong executive, which may transform to despotic leader because of their libertarian state understanding. Thus, good government for U.S.A can be provided via presidential system in which the people are free and executive, legislative and judiciary control each other through the checks and balances mechanism.¹⁴⁰ Secondly, semi-presidential system of France is consequence of state understanding based on powerful executive and implemented by General de Gaulle in order to save a political system that had difficulty in overcoming the problems of political stability and security.¹⁴¹ Thirdly, Britain's parliamentary system is also consequence of its state understanding within the historical process because within the process of civil war capitalist class instrumentalized the state and broke the state monopoly on government in order to carry more interest and make more productions.¹⁴² Thus, policy preferences in Britain have been formed on freedom and plurality that are the features of instrumental state as Berki said. Thus, there are collaboration of powers between the parliament and the Kingdom in Britain.

While state understanding and historical dynamics prompted the U.S.A, France and Great Britain' policy preferences to specific government system, Turkey's historical dynamics and state understanding prompted actor's preferences to the government system based on powerful executive. In this context, Turkish state understanding based on that state is sacred and at center and also should be ruled by powerful and just leader.

¹³⁹ Şule Özsoy Boyunsuz, **Dünyada Başkanlık Sistemleri**, Ankara: İmge, 2017, pp.20-21.

¹⁴⁰ Ersin Kalaycıoğlu, "Anayasa Yaparken İyi Toplum İmgesi", TEPAV, http://www.tepav.org.tr/upload/files/haber/12803116672.Ersin_Kalaycioglu_Anayasa_Yaparken_Iyi_Toplum_Imgesi_Sorunu.pdf, (Erişim Tarihi 19.06.2019), pp.3-5.

¹⁴¹ Ersin Kalaycıoğlu, "Anayasa Yaparken İyi Toplum İmgesi", TEPAV, http://www.tepav.org.tr/upload/files/haber/12803116672.Ersin_Kalaycioglu_Anayasa_Yaparken_Iyi_Toplum_Imgesi_Sorunu.pdf, (Erişim Tarihi 19.06.2019), p.6

¹⁴² Barrington Moore, **Diktatörlüğün ve Demokrasinin Toplumsal Kökenleri**, 2nd Edition, Ankara: İmge, 2003, p.30 and p.62.

Belief on serving to state as a subject has kept the state-based policies as sovereign from Ottoman to the Turkish Republic.¹⁴³ Even when the parliamentary system was preferred, this powerful state understanding was adopted and parliamentary system was seen as a way to rescue the state and to provide loyalty to state against European enlightenment and progress period.¹⁴⁴ However, strong state understanding that based on leader ruling was tried to be continued even within the parliamentary system by strengthening the executive body.

In the context of policy preferences within the historical process, Montesquieu also said that laws and systems should be suitable for countries' value system, physical structure, climatic type, productivity of soil, size of it, population, trade relations, level of freedom, religion, education of the people, level of wealth, codes of ethics, origins of the rules and history.¹⁴⁵ This assumptions is also suitable for the questions of 'why a certain choice was made and why a certain outcome occurred' because each country has different features and history composes the important part of it within the context of path dependency. The government system that is suitable for a certain country, is highly likely is not suitable for the others because laws should be adopted for state's value system. In this context, Turkey's state understanding and its value system will be analyzed as determinant factor for its political preferences on government systems. From the constitution of 1876 to the constitution of 1982, the system has the characteristic of powerful executive and tends to strong leader because of its transcendental tradition as a reiterated behavioral pattern that will be deeply examined in section 3.

Fundamentally, government system is classified according to 'separation of powers theory' that composes of 'separation of powers' and 'unity of powers'. While unity of powers encapsulates the assembly government system, dictatorship and absolute monarchy, separation of powers is classified as parliamentary, presidential and semi-presidential system.¹⁴⁶ In here, it will be examined the effect of state perception on policy preferences (preferences on separation of powers theory or government system)

¹⁴³ H. Bayram Kaçmazoğlu, "Türkiye'de Siyasal Fikir Hareketleri ve İktidar Sorunu", Ertan Eğribel and Ufuk Özcan (Ed.), **Bilim Sosyolojisi: Bilim Tarihi ve Yöntem** (56-71), İstanbul: Kitabevi, 2007, p.57.

¹⁴⁴ Erik Jan Zürcher, **Modernleşen Türkiye'nin Tarihi**, 29th Edition, İstanbul: İletişim, 2014, p.109.

¹⁴⁵ Montesquieu, **Kanunların Ruhu**, Berna Günen (trans.), First Edition, İstanbul: Türkiye İş Bankası Kültür Press, 2017, p.10.

¹⁴⁶ Kemal Gözler, **Anayasa Hukukunun Genel Esasları**, 5th Edition, Bursa: EkinPress, 2014, pp.223-230.

within the framework of ‘justice in the context of representation and stability in the context of government’. Then it will be examined the parliamentary, presidential and semi presidential system within the framework of state perception of Great Britain, U.S.A., and France.

2.2.1. Political Stability and Justice in Representation

The concept of representation derived from the concept of ‘repraesentare’ of Romans in today’s context but Romans used the concept mostly as literal bringing into existence of something that was absent previously. They did not use it as human acting on behalf of someone else. Such uses started to occur in 13th century when the churches expanded administratively and the persons participate the church councils.¹⁴⁷ Although the concept of representation is highly controversial concept and there is no fixed meaning, the first systematic discussion of representation was made by Thomas Hobbes in 17th century. Hobbes analyzed the concept of representation by way of defining the concept of ‘person’; as natural and artificial persons and then he defined the representative as artificial person who represent someone else’s words and actions. In this context, Hobbes stated that in order to cope with state of nature and in order to provide order, one person should be authorized in order to represent all others while all others should transfer their own authority to the sovereign consensually. After this stage, representative is not responsible for what he has done because his acts and decisions are considered as if taken by the represented.¹⁴⁸ This kind of view was called by Pitkin as formalistic view of representation that based on delegation of authority (sovereign power) but this kind of view was criticized for failing to make a clear distinction between authority and representation. This new view was called as descriptive representation. According to this view, real representation should reflect the people at large via legislature. The important think in here is not what legislature does but what kind of composition the legislature has because representatives represent the people to the extent that they resemble the people. The key points in here are who, what and how much is represented and is the issue of limits of the duties and responsibilities

¹⁴⁷Henna Fenichel Pitkin, **The Concept of Representation**, Berkeley and Los Angeles: University of California Press, 1967, p.3.

¹⁴⁸ Thomas Hobbes, **Leviathan**, Semih Lim (trans.), 14th Edition, İstanbul: Yapı Kredi Press, 2012, pp.126-127.

of the parliament may vary from country to country.¹⁴⁹ Thus, ‘representation’ is linked with the relationship between the sovereign power (one person) composed by gathering a large number of people by common accord and represented. However, the important question is how to delegate powers and responsibilities between two. In this regard, Hobbes used the representation as a means of enhancing the sovereign’s ability to act independently and added that order (or political stability in today’s context) can be provided in monarchy within the framework of monopolization of power.¹⁵⁰ Thus, ‘representative’ and ‘justice’ is linked with the ‘stability’ within the framework of searching for ‘order’. Thus, in order to provide political stability, it is thought that enduring a certain level of injustice is plausible and necessary.¹⁵¹ This kind of belief can be well understood within the representative democracy because election principle accepted basis of today’s democracies are generally tried to be regulated within the framework of ‘justice in representation and stability in government’ and government system can be shaped according to balance between two. However, in this regard, what we mean by political stability is highly important to understand the link with justice and stability.

Political stability is a conflicted and relative concept. Claude Ake states that “political stability is the regularity of flow of political exchanges and the more regular flow of political exchange, the more stability.” He also determines the regular and irregular changes. Laws of the society are not violated in regular exchanges but violated in irregular one.¹⁵² Ake tries to measure political stability by determining political act firstly and adds that political act is about the challenge or affirmation the distribution of power; which all is related to the roles (formal and informal) or social expectation. This political role’s expectation limits the behavior of individual. Thus, political stability refers to any act that does not deviates from the limits.¹⁵³ In literature political stability generally refer to state stability and determines as; “absence of violence within a

¹⁴⁹Birsen Örs, “Siyasal Temsil”, **University of Istanbul Political Science Faculty Journal**, Vol.35 (October 2006), pp.1-22, p.10 and p.19.

¹⁵⁰ Thomas Hobbes, **Leviathan**, Semih Lim (trans.), 14th Edition, İstanbul: Yapı Kredi Press, 2012, p.139 and Murat Aytac, “Temsil, Adalet ve İstikrar”, **Ankara University Journal of Political Science Faculty**, Vol.38, No.1 (2014), pp.11-38, p.24.

¹⁵¹ Murat Aytac, “Temsil, Adalet ve İstikrar”, **Ankara University Journal of Political Science Faculty**, Vol.38, No.1 (2014), pp.11-38, p.12.

¹⁵²Claude Ake, “A Definition of Political Stability”, **Comparative Politics**, Vol.7, No.2 (January 1975), pp.271-283, p. 273.

¹⁵³Claude Ake, “A Definition of Political Stability”, **Comparative Politics**, Vol.7, No.2 (January 1975), pp.271-283, p. 273.

polity”; “governmental longevity/duration”; “the existence of a legitimate constitutional regime”; “the absence of structural change”; “multifaceted societal attribute -It refers to systemic stability, it is a measurement of various variables such as social welfare, economic growth, social mobilization etc.”¹⁵⁴ Alan Buy and Guy Peters determine the stable political system as a system that political institution and process is accepted as legitimate. Free elections legitimate the governmental authorities. West Europe and North America can be example this type of stable system. The other important feature is pluralist governance and explained by the concept of ‘reconciliation’.¹⁵⁵ On the basis of governmental system, political stability is generally understood as stable government which refers to longevity of government in Hurwitz classification but regime stability and government stability is not the same thing because regime may continue even if government has often changed. Stability on parliamentary, presidential and semi presidential can be evaluated within the governmental stability. However, in here, political stability is examined within the framework of state perception. Countries with a certain state perception has different political stability definition and may direct the government system in a certain direction but this direction is also related with the justice in representation because each choice is in between justice in representation and stability in government. In these circumstances, what kind of balance can be formed between the representative (sovereign or state) and represented determine the separation of powers.

Since the middle ages, political philosophers have studied on individualization of the power and recommended that authority should have been limited because this was only way providing individual rights and freedoms. Therefore, SoP (Separation of Power) supports that legislative, executive and judiciary power should be given to three different bodies, which are independent of each other in order to prevent individualization of the state and provide individual rights and freedoms. Thus, in literature, there are two kinds of idea about the aim of SoP. Some thinkers state that the aim of it is to promote efficiency of state action while others focus on individual

¹⁵⁴J. Eli Margolis, “Understanding Political Stability and Instability”, **Civil Wars**, Vol.12, No.3 (September 2010), pp. 326-345, p.327 and Leon Hurwitz, “Contemporary Approaches to Political Stability”, **Comparative Politics**, Vol. 5, No.3 (April 1973), pp. 449-463.

¹⁵⁵Alan Ball and GuyPeters, **Çağdaş Siyaset ve Yönetim**, İstanbul: Yayınodası, 2007, p.218.

liberty.¹⁵⁶ Although the theory has associated with Montesquieu, it has started to be implemented in Britain from the invasion of Norman in 1066 to the Bill of Rights in 1689.¹⁵⁷ In addition to these developments in Britain, 1787 American and 1791 French constitution has also inspired of this theory.¹⁵⁸ John Locke and Montesquieu are the pioneers of SoP.

John Locke (1632-1704) in the book of ‘Second Treatise of Government’ (1689) predicted three different bodies on state government; legislature, executive and federative power. According to him, legislature and executive should dissociate in order not to abuse its own power and in order to preserve the freedom.¹⁵⁹ It means that Locke addressed both efficiency and liberty. Federative power should have authority on deciding peace and war and he did not think the judiciary as different body, rather think it as connected with legislature.¹⁶⁰ And he says: “*Legislative power is that which has a right to direct how to force of the commonwealth shall be employed for preserving the community and the member of it...but because the laws that are at once and in a short time made have a constant and lasting force and need a perpetual execution or an attendance thereunto. And thus the legislative and executive powers come often to be separated.*”¹⁶¹ On the basis of judiciary, SoP is a political regulation because main aim of Sop is to provide individual rights and freedoms and political philosophers do not take judiciary into consideration because it is legal phenomenon. Therefore, government system is determined by analyzing relations of legislature and executive power.

All the political philosophers don’t think the SoP as necessary and positive limiting function of the state. For example, Rousseau believed that sovereign power is sole and if you crumble it, you destroy it. Rousseau supports that people differ in their own interest but they can come together in principle. People can be free with general will, which is will of majority, and this can be provided by voting but Rousseau cannot

¹⁵⁶N.W. Barber, “Prelude to the Separation of Powers, **Cambridge Law Journal**, Vol.60, No.1 (March 2001), pp.59-88, pp. 63.

¹⁵⁷Kemal Gözler, **Anayasa Hukukuna Giriş: Genel Esaslar ve Türk Anayasa Hukuku**, 26th Edition, Bursa: Ekin, 2017, p.73.

¹⁵⁸Ergun Özbudun (Ed.), **Anayasa Hukuku**, 1st Edition, Eskişehir: Anadolu University, 2012, p.5.

¹⁵⁹İbrahim Ö. Kaboğlu, **Anayasa Hukuku Dersleri: Genel Esaslar**, 5th Edition, İstanbul: Legal, 2009, p.106.

¹⁶⁰Erdoğan Teziç, **Anayasa Hukuku**, 7th Edition, İstanbul: Beta, 2001, p.392.

¹⁶¹Richard Cox (Ed.), **Second Treatise of Government**, John Locke, Illinois: Harlan Davidson Press, 1982, p.89.

explain majority's power to abuse.¹⁶² It can be said that Rousseau supports the uniqueness of sovereignty that can be classified as assembly government system.

Although there were many political philosophers who were analyzed the SoP but Charles-Louis de Secondat (Montesquieu 1689-1755) is well known because he based the SoP upon a scientific foundation. Unlike Locke, he has also classified the judiciary as a different body. In addition to this, Montesquieu took the executive as a whole while Locke took the foreign affairs within the federative body. Montesquieu analyzed SoP within his book of "De l'esprit des Lois (1758) (Spirit of The Laws) by observing the Britain of its era.¹⁶³

According to Montesquieu, each state has three powers; Legislative power (*puissance legislative*) enacts, amends and abolishes the law; Executive power (*puissance executrice de l'Etat*) decides the peace and war, accredits the delegate and provides the security; Judiciary (*puissance de juger*) penalizes the criminals and settles the conflict. And he added that if legislation amalgamates with executive or judiciary, then it means that there is no freedom and state transforms the arbitrary regime. Freedom can be only possible in moderate government. For this, power should limit the other powers, he says.¹⁶⁴ Main aim of Montesquieu is to provide freedom, limit the power and force these three powers to cooperate because Montesquieu believes that the person who is in power will abuse its own power.¹⁶⁵ According to Montesquieu; executive should be under single authority (monarch) while legislative power should belong to a council that composes of two parts. These two parts should compose of both aristocracy and general public which both of them should restrict the other. Then judiciary should belong to the courts whose members should also compose of the ordinary people.¹⁶⁶ Thus, Montesquieu was classified the contemporary government system by analyzing the separation of power. Starting from this point of view, two basic distinctions can be made by classifying the government system; separation of powers

¹⁶²Bernard Grofman and Scott L. Feld, Rousseau's General Will: A Condorcetian Perspective, **The American Political Science Review**, Vol.82, No.2 (June 1988), pp.567-576, p.568.

¹⁶³Kemal Gözler, **Anayasa Hukukuna Giriş: Genel Esaslar ve Türk Anayasa Hukuku**, 26.Edition, Bursa: Ekin, 2017, p.74.

¹⁶⁴Montesquieu, **Kanunların Ruhu**, Berna Günen (trans.), First Edition, İstanbul: Türkiye İş Bankası Kültür Press, 2017, p.198-211.

¹⁶⁵İbrahim Ö. Kaboğlu, **Anayasa Hukuku Dersleri: Genel Esaslar**, (5th Edition), İstanbul: Legal, 2009, p.106.

¹⁶⁶Montesquieu, **Kanunların Ruhu**, Berna Günen (trans.), First Edition, İstanbul: Türkiye İş Bankası Kültür Press, 2017, p.198-211.

and unity of powers. While assembly governments system, dictatorship and monarch can be regarded as unity of powers, parliamentary, presidential and semi presidential system can be regarded as separation of powers which will be analyzed through the way of state perceptions of the Britain, U.S.A. and France.

2.2.2. Parliamentary system

Parliamentary system was born in Great Britain after the Civil War (between the lords and monarchy in 1648) and institutionalized within the monarchy which means that it is a process blended the monarchy and representative principle.¹⁶⁷ Historical underlying reason of the liberal and parliamentary system in Great Britain can be explained with the relation between the state and classes during the transition from feudalism to capitalism. With the declining of feudalism, feudal aristocrats fell into a financial crisis and they tried to overcome this crisis via agricultural capitalism/trade (especially wool trade) by collaborating with the capital class and provincialism was destroyed. This means that feudal lords did not depend on the throne because capitalism/trade gave the power/money to these feudal lords. Thus, waxing feudal lords were able to declare their independence from the monarch and even restricted the authorizations of the king on legislature and taxation; which all ended up with the first liberal government in Europe in 17th century.¹⁶⁸ Thus, liberal parliamentary system and superiority of parliament symbolizes the emergence of waxing of aristocracy as a dominant class within the evolutionary movement and this aristocratic class integrated with the capitalism in time. Besides, because monarchy in Britain was not based on powerful military or bureaucracy (it was based on bourgeois), it facilitated the progress of parliamentary democracy.¹⁶⁹ In this context, parliamentary system can be called as a means to limit the power of king for Great Britain and political stability can be seen on continuation of this capitalist class as a hegemon. Besides this, according to Lipset and Rokan, the reason of two-party system in Britain which provided political stability institutionally lies down this class structure because the critical juncture created social differentiation in Great Britain was experienced even much more earlier than the other

¹⁶⁷İbrahim Kaboğlu, **Anayasa Hukuku Dersleri: Genel Esaslar**, 5th Edition, İstanbul: Legal, 2009, p.129.

¹⁶⁸İpek Eren Vural, “Siyasal İstikrarın Parlamenter Kökenleri: İngiltere Örneği Üzerine Bir Derleme”, *Yarı Başkanlık Sistemi ve Türkiye*, İhsan Kamalak(Ed.), in **Yarı Başkanlık Sistemi ve Türkiye** (41-78) İstanbul: Kalkedon, 2014, pp.50-51.

¹⁶⁹Barrington Moore, **Diktatörlüğün ve Demokrasinin Toplumsal Kökenleri**, 2nd Edition, Ankara: İmge, 2003, p.30 and p.62.

Continental Europe and political parties organized on the basis of this class division very early.¹⁷⁰ Briefly, parliamentary system is a production of civil war in Great Britain and since then state has been institutionalized into the parliament not to the King, which means that Britain has not a powerful state understanding because capitalist class instrumentalized the state, and broke the state monopoly on government in order to carry more interest and make more productions. Thus, policy preferences in Britain have been formed on freedom and plurality that are the features of instrumental state as Berki said. Thus, there are collaboration of powers between the parliament and the Kingdom in Britain.

Collaboration of power refers to flexible separation of power in parliamentary system because they are intertwined. This collaboration of powers might be examined as organically and functionally because government bills are brought in parliament by the government and if they are decided, then executive is brought into force (functionally) and because both head of the state and head of the government can be selected within the parliament (organically).¹⁷¹ Therefore, executive and legislative powers have to collaborate inevitably.

Parliamentary system has four distinctive features: dual executive, irresponsibility of the president, responsible government, dissolution right of executive over the legislative.¹⁷²

Based on dual-executive, executive composes of president and cabinet. President as a head of the state is not accountable to parliament and uses its authority by means of “counter-signature” of prime minister or a minister.¹⁷³ However, cabinet is accountable to parliament¹⁷⁴ which means cabinet can be displaced from the office with the vote of no confidence of legislative body.¹⁷⁵ The main duty of the cabinet is to determine general politics and govern the country.

¹⁷⁰İpek Eren Vural, “Siyasal İstikrarın Parlamenter Kökenleri: İngiltere Örneği Üzerine Bir Derleme”, Yarı Başkanlık Sistemi ve Türkiye, İhsan Kamalak(Ed.), in **Yarı Başkanlık Sistemi ve Türkiye** (41-78) İstanbul: Kalkedon, 2014, pp.44-45.

¹⁷¹Erdoğan Teziç, **Anayasa Hukuku**, 17th Election, İstanbul: Beta, 2014, p.483 and Kemal Gözler, **Anayasa Hukukunun Genel Esasları**, 5th Edition, Bursa: Ekin, 2014, p.242.

¹⁷²Hakan Özdemir, **Yüz Soruda Hükümet Sistemleri**, Ankara: Seçkin, 2018, p.15.

¹⁷³Kemal Gözler, **Anayasa Hukukunun Genel Esasları**, 5th Edition, Bursa: Ekin, 2014, p.243.

¹⁷⁴Ahmet Nohutçu, **Anayasa Hukuku**, Ankara: Savaş, 2015, p.12.

¹⁷⁵Arend Lijphart, **Patterns of Democracy: Government Forms and Performance in Thirty Six Countries**, New Haven: Yale University Press, 1999, p.117.

In the earlier stages, prime minister had not any supremacy legally over the other ministers (it was “primus inter pares” (first among equals))¹⁷⁶ but then, it was delegated hierarchically. On the basis of this classification Sartori separates differences between the “first above unequals, first among unequals and first among equals”. First above unequals refer to chief executive or party leaders who can be (hardly) unseated by the parliament while he/she can appoint and regulate the ministers. First among unequals cannot be unseated by the parliament but he/she can unseat the ministers. First among the equals refer to prime minister who can fall with his/her cabinet.¹⁷⁷

In addition to this, prime minister can determine his/her own ministers and if necessary, he/she want president to dissolve the parliament as a whole or specific minister.¹⁷⁸ Besides this, cabinet has specific features in the parliamentary system; collective responsibility (cabinet are responsible to parliament as a whole, if parliament gives a vote of no-confidence, then all ministers will be fallen down); the principle of collegiality (there cannot be opponents in the parliament, all decisions can be made with unanimity) homogeneity, and solidarism (all ministers are accepted as one single unity, they have identity of views) and privacy policy (meeting of the cabinet is made as secret).¹⁷⁹

On the basis of irresponsibility of the president who can be elected by the people or parliament, or can be hereditary, it can be said that parliament cannot dissolve the president because he/she should provide the continuity and stability of the executive. President is not responsible in order to be neutral in any disputes between the parliaments and cabinet. That is reason president use its authority by “counter signature or contreseign” which means sharing its authority with the cabinet and authentication of the president’s decision.¹⁸⁰ They can only be charged in democratic parliamentary within the framework of criminal responsibility but this criminal has to be related to high treason.¹⁸¹

On the basis of responsibility of government, government is responsible to parliament. Government can be founded by the prime minister but with the

¹⁷⁶Kemal Gözler, *Anayasa Hukukunun Genel Esasları*, 5th Edition, Bursa: Ekin, 2014, p.244.

¹⁷⁷Giovanni Sartori, *Comparative Constitutional Engineering: An Inquiry into Structures, Incentives and Outcomes*, London: Macmillan, 1994, p.103.

¹⁷⁸ErdoğanTeziç, *Anayasa Hukuku*, 17th Election, İstanbul: Beta, 2014, p.485.

¹⁷⁹Kemal Gözler, *Anayasa Hukukunun Genel Esasları*, 5th Edition, Bursa: Ekin, 2014, p.244.

¹⁸⁰İbrahim Kaboğlu, *Anayas Hukuku Dersleri: Genel Esaslar*, 5th Edition, İstanbul: Legal, 2009, p.131 and ErdoğanTeziç, *Anayasa Hukuku*, 17th Election, İstanbul: Beta, 2014, pp.486-490.

¹⁸¹ErdoğanTeziç, *Anayasa Hukuku*, 17th Election, İstanbul: Beta, 2014, pp.486-490.

conformation of the president. After conformation, parliament should also give vote of confidence. All process is intertwined. Political responsibility means that government can be dissolved as a whole or one by one¹⁸² but there may be parliamentary regime without have dissolution mechanism such as Norway. In general dissolution right is given to president or prime minister and can be made conditional. For example in Turkey, dissolution is made after cabinet couldn't take a vote of confidence.¹⁸³ It can be called that dissolution right is a weapon of executive to parliament. Responsibility can be taken via two different ways. Firstly, government demands "vote of confidence" from its party members and secondly parliament can push the government to withdraw via "motion of censure" (gensoru in Turkish). To dissolve the government, it is sought the absolute majority of full member of parliament.¹⁸⁴ Government is only responsible to legislative body except Croatia (government is also responsible to president in Croatia). So, responsibility of government and dissolution right of it are two important balance mechanism of parliamentary system.

Especially dissolution right of executive over parliament is an important checks and balance mechanism because parliament can be annulled before it expires and new elections may be made. It can be states that in response to parliament's 'no confidence' mechanism against government, government can also dissolve the parliament reciprocatively. Dissolution right has three main functions in brief: it provides balance between parliament and the government, it provides to keep under majority and; it takes people opinions via election.¹⁸⁵

Parliamentary system has also some collateral features that there may not be seen in each parliamentary regime. These are; the same person can be both in executive and in legislative; and the cabinet participates in the work of legislative.¹⁸⁶

In parliamentary system, if any crisis occurs between legislative and executive, 'vote of no confidence' and 'dissolution mechanism' can fix it. This mechanism also prevents the polarization because government needs the parliamentary support during the period of office. Moreover, parliamentary system is flexible because unsupported government can be changed via new election. Finally yet importantly, neutral president can be mediator between the parliament and government. However, this flexible

¹⁸²Erdoğan Teziç, *Anayasa Hukuku*, 17th Edition, İstanbul: Beta, 2014, pp.492.

¹⁸³İbrahim Kaboğlu, *Anayasa Hukuku Dersleri: Genel Esaslar*, 5th Edition, İstanbul: Legal, 2009, pp.132-133.

¹⁸⁴Erdoğan Teziç, *Anayasa Hukuku*, 17th Edition, İstanbul: Beta, 2014, pp.495.

¹⁸⁵Erdoğan Teziç, *Anayasa Hukuku*, 17th Edition, İstanbul: Beta, 2014, pp.496-502.

¹⁸⁶Kemal Gözler, *Anayasa Hukukunun Genel Esasları*, 5th Edition, Bursa: Ekin, 2014, pp.246-247.

feature can cause to unstable government because government can be dissolved at any time. In addition, coalition governments in parliamentary system create other advantage because of their reconciliation problems.¹⁸⁷ Besides this, parliamentary system may cause to poor quality democracy because people do not know who govern them or –if absence of majority- what kind of coalition will be formed.¹⁸⁸

On the basis of political stability, according to Lijphart, parliamentary system may cause to unstable government in a country that has multi-party parliament and lack of influential majority coalition because government needs vote of government during its office and they can be easily fallen. This is also called as cabinet instability.¹⁸⁹ Third and fourth French Republic (1875-1940 and 1946-1958), German Weimar Republic, Turkey (1961-1980 and 1990-2000) can be an example of this unstable coalition government. General government longevity in parliamentary system is 1 or 2 year.¹⁹⁰ Secondly, coalition government cannot make a decision quickly because of divergence. Therefore, their ability to govern is not enough and run out within six months.¹⁹¹ Although, parliamentary system has a potential to political instability, besides the United Kingdom (UK), there are several countries across the world which adopted parliamentary system such as Belgium, Germany, Italy, Finland, Spain and Turkey (from 1876 to 2017).

2.2.3. Presidential System

Presidential system is a type of government that refers to that head of the government is head of the state, elected by the people directly and also he/she cannot be dissolved by the parliament within the period of its office.¹⁹² Presidential system based on rigid separation of power is a form of government that executive power is extended.

193

¹⁸⁷Kemal Gözler, *Anayasa Hukukunun Genel Esasları*, 5th Edition, Bursa: Ekin, 2014, pp.248-249.

¹⁸⁸Nur Uluşahin, *Anayasal Bir Tercih Olarak Başkanlık Sistemi*, Ankara: Yetkin, 1999, p.156.

Nur Uluşahin, “Cumhurbaşkanının Halk Tarafından Seçilmesinin Siyasal Sistemimize Etkileri: Türkiye’de Hükümet Sisteminin Geçirdiği Dönüşüm ve Geleceğe Yönelik Beklentiler”, *Yeni Türkiye Başkanlık Sistemi Özel Sayısı*, Vol.9, No.51(1999), pp. 319-332, p.156

¹⁸⁹Arend Lijphart and at all, *Çağdaş Demokrasiler: Yirmibir Ülkede Çoğunlukçu ve Oydaşmacı Yönetim Örüntüleri*, Ergun Özbudun and Ersin Onulduran(trans), Ankara: Yetkin, 1997, p.68.

¹⁹⁰Kemal Gözler, *Anayasa Hukukunun Genel Esasları*, 5th Edition ,Bursa: Ekin, 2014, p.249-250.

¹⁹¹Giovanni Sartori, *Karşılaştırmalı Anayasa Mühendisliği Yapılar, Özendiriciler ve Sonuçlar Üzerine Bir İnceleme*, Ergun Özbudun(trans.), Ankara:Yetkin, 1997, p.152.

¹⁹²Giovanni Sartori, *Karşılaştırmalı Anayasa Mühendisliği Yapılar, Özendiriciler ve Sonuçlar Üzerine Bir İnceleme*, Ergun Özbudun(trans.), Ankara:Yetkin, 1997, p.115.

¹⁹³Hakan Özdemir, *Yüz Soruda Hükümet Sistemleri*, Ankara:Seçkin, 2018, p.49.

Presidential system is also called as presidential democracy or presidentialism and most-know example is USA. After the fight for independence of US colonies against United Kingdom, founders of the Constitution of 1787 lead on presidential system that based on checks and balances between the executive and legislative.¹⁹⁴ Main aim to design such a system was to prevent tyranny regime of the state that was experience in the period of III. George in Britain. Thus, ‘good government’ for Americans was not effective or despot enactor. Rather, ‘good government’ is the enactor when consensus is provided, and otherwise not to be able to do anything because individuals are so important which is another example of instrumentalist state perception. Thus, in the context of the policy preferences, presidential system is actually outputs of American libertarian tradition.¹⁹⁵

In the presidential system, both executive and legislative are selected separately and each body has responsible specific activity which means that parliament make a law but cannot intervene its implementation; government enforce the laws but cannot intervene its legislative process; judiciary is only responsible for judging. Moreover, none of the bodies can affect the other bodies or dissolve them. If there is a crisis among the bodies, there is no constitutional solution. Thus, it may cause to coup. However, in US, reconciliation can be provided partly because of their party structure and partly because of the commissions in parliament.¹⁹⁶

General features of presidential system are classified by Arend Lijphart. According to this classification in presidential system; head of the executive (president) cannot be dissolved by the parliament which means it is not based on ‘vote of confidence’ and; head of the state/president is elected by the people within the specified period (4 years for US) and cannot be force to resign within this period.¹⁹⁷ Unlike the parliamentary system which executive compose of prime minister and cabinet collectively, presidential system refer to one single entity as another important feature. Member of cabinet in presidential system just takes the role of advisor or assistant. -

¹⁹⁴Erdoğan Teziç, **Anayasa Hukuku**, 17th Election, İstanbul: Beta, 2014, pp.508-510.

¹⁹⁵Ersin Kalaycıoğlu, “Başkanlık Rejimi: Türkiye’nin Diktatörlük Tehdidiyle Sınırı”, **Başkanlık Sistemi**, Türkiye Barolar Birliği: Ankara, 2005, pp. 13-29, p.16 and Üstün Ergüder, “Başkanlık mı, Parlamenter Sistem mi?”, Cem Akas (Ed.), in **Kritik Kavraş: Parlamenter Sistem-Başkanlık Sistemi** (127-140), First Edition, İstanbul: Koç University Press, 2015, pp.136-137.

¹⁹⁶Erdoğan Teziç, **Anayasa Hukuku**, 17th Election, İstanbul: Beta, 2014, pp.508-59.

¹⁹⁷Arend Lijphart and at all, **Çağdaş Demokrasiler: Yirmibir Ülkede Çoğunlukçu ve Oydaşmacı Yönetim Örüntüleri**, Ergun Özbudun and Ersin Onulduran(trans), Ankara: Yetkin, 1997, p.63.

They are called secretary in US. All secretaries are responsible to president not the parliament.¹⁹⁸

Besides these main criteria, there are other subsidiary features that differ from one country to another. Firstly, if executive and legislative is rigidly separated, then consequentially, the same person cannot take a role both executive and legislative. Secondly, in response to parliament not able to dissolve the president, president also cannot dissolve the parliament vice versa.¹⁹⁹ Thirdly, president cannot participate the meeting of parliament, there is no any representative of executive within the legislative. Thus, president has no right of legislative proposal and cannot prevent the meeting of parliament.²⁰⁰

Although presidential system is based on rigid separation of power but there should be some mechanism provided mutual interaction between the bodies. Firstly, appointment is at president' power but some influential appointments are subject to permission of Senate. Secondly, international treaties are under the control of president but they are approved by the 2/3 majority of the senate. Moreover, budget is under the control of senate and president should get on with the senate. Veto power of the president is another important factor to provide mutual interaction. President may veto the act of congress but if senate and house of representative approve it again with the 2/3 majority separately, then president has to approve the act. In addition to this, congress has right of criminal jurisdiction against president but it can be only used for criminal act not the political act.²⁰¹

On the basis of political stability, when it is compared with parliamentary system, presidential system may result in more stable and powerful government because president is chosen in a given time and cannot be fallen with vote of no confidence. Thus, government crisis can't be seen in presidential system. On the other hand, state is ruled by single authority and elected by the people; which means high level of legitimacy. This enables president to operate his/her policy consistently.²⁰² However, lack of vote of no confidence and rigid separation of power can cause to instable regime

¹⁹⁸Nur Uluşahin, *Anayasal Bir Tercih Olarak Başkanlık Sistemi*, Ankara:Yetkin, 1999, p.41-51.

¹⁹⁹Arend Lijphart and at all, *Çağdaş Demokrasiler: Yirmibir Ülkede Çoğunlukçu ve Oydaşmacı Yönetim Örüntüleri*, Ergun Özbudun and Ersin Onulduran(trans), Ankara:Yetkin, 1997, p.65-67.

²⁰⁰Kemal Gözler, *Anayasa Hukukunun Genel Esasları*, 5th Edition, Bursa:Ekin, 2014, p.234.

²⁰¹Kemal Gözler, *Anayasa Hukukunun Genel Esasları*, 5th Edition, Bursa:Ekin, 2014, p.235-236.

²⁰²Arend Lijphart and at all, *Çağdaş Demokrasiler: Yirmibir Ülkede Çoğunlukçu ve Oydaşmacı Yönetim Örüntüleri*, Ergun Özbudun and Ersin Onulduran(trans), Ankara:Yetkin, 1997, p.69.

because crisis can't be solved by calling new election and may result in coup.²⁰³ Moreover, when legislative and executive are of different opinions, system can be locked up and President may try to preponderate over the legislative by publishing several decrees; which all may ends up with the losing power of parliament. Latin American countries (such as Brasil, Argentina and Mexico) can be given as example of this kind of problems.²⁰⁴ In this regard, according to Linz, to provide and consolidate political stability and democracy is more difficult in presidential system (especially in multi-party system) in some respects. Firstly, zero-sum election of president (winner takes all) may increase the polarization between the parties and leaders of opposition party are not as powerful as in parliamentary system. Secondly, both executive and legislative are elected separately; it may occur the double legitimacy problem. In addition to this, as presidential system gives certain period of office, presidents may feel the pressure on and may implement their own policies hastily before the expiry.²⁰⁵ However, according to Horowitz, Linz focused on Latin American countries when he asserted that presidential system caused to political instability. However if he had focused on the post-colonial Asian or African countries, then he would asserted that parliamentary system may cause to political instability and powerful leaders may be also seen in parliamentary system such as Margaret Thatcher or Indira Gandhi.²⁰⁶ Even, according to Lipset a prime minister that have majority of parliament has much more authority than the American president does because main determinant of political stability does not depend on the type of government system but political culture of the country.²⁰⁷ Thus, both parliamentary system and presidential system may create political instability.

2.2.4. Semi Presidential System

Semi presidential system is in between parliamentary and presidential system. Although it carries on many features of parliamentary system, it is called as semi-

²⁰³Nur Uluşahin, *Anayasal Bir Tercih Olarak Başkanlık Sistemi*, Ankara: Yetkin, 1999, p.84.

²⁰⁴Cansu Kaymal, "Başkanlık Sistemi ve İstikrar Arasındaki İlişki", *Strategic Public Management Journal*, Vol.3, No.6 (2017), pp.150-167, p.155.

²⁰⁵ Juan J. Linz, "Başkanlık Sisteminin Tehlikeleri", Cem Akas (Ed.), in **Kritik Kavşak: Parlamenter Sistem-Başkanlık Sistemi** (11-30), First Edition, İstanbul: Koç University Press, 2015, pp.23-30.

²⁰⁶Donald D. Horowitz, "Demokratik Sistemlerin Karşılaştırılması", Cem Akas (Ed.), in **Kritik Kavşak: Parlamenter Sistem-Başkanlık Sistemi** (31-38), First Edition, İstanbul: Koç University Press, 2015, pp.32-37.

²⁰⁷Seymour Martin Lipset, "Siyasal Kültürün Merkeziliği", Cem Akas (Ed.), in **Kritik Kavşak: Parlamenter Sistem-Başkanlık Sistemi** (39-43), First Edition, İstanbul: Koç University Press, 2015, pp.40-41.

presidential because president is elected for the specific time period by the people; which means two-sided executive. Semi presidential system is also called as mixed type of government.²⁰⁸ In semi presidential system, cabinet is responsible to parliament; legislative can dissolve the cabinet with the no confidence vote. Like parliamentary system, president is not responsible to parliament.²⁰⁹ Unlike US presidential system, president in semi-presidential system can dissolve the parliament and demands new election.²¹⁰ In this context, semi-presidential system can be seen as a way to strengthen the executive across the parliament and France is given the best example of this effort (since the 1962 constitutional amendment).

Unlike Great Britain, Progress in France was not able to make independent from the throne. Kingdom (state) in France penetrated into the society and tried to strengthen its centralized authority. Lords survived thanks to serfs (peasants), by raising dues from the serfs not from the trade. As increasing in labor demand in the city, serfs were able to be freed from personal dependency to the gentry (notables) and gained private property rights in time. And as decreasing the economic power of lords, bourgeoisie started to gain strength by purchasing the lands of lords and even they gained bureaucratic position in the state instead of lords.²¹¹ However, the key point in here is that bureaucratic position was given to bourgeoisie by the king in order to find money. In other words, omnipotence of the king/executive was in still progress. When it comes to the French Revolution (1789), waxing bourgeoisie and peasant cooperated against the absolutism and resisted for the sake of Republic but the same republic was tried to destroy in 1799 and 1851 because of the tendency to powerful executive (state institutionalized into the executive). For example, in 1799, most of the people thought that “Republic should be formed but as long as Napoleon is a king”. Even when General De Gaulle formed a new parliamentary republic, he was described as “elected king” because of full authority of the executive (president) and consequentially government system of France was proclaimed as semi-presidential system (1962) which symbolizes

²⁰⁸İbrahim Ö. Kaboğlu, **Anayasa Hukuku Dersleri: Genel Esaslar**, 5th Edition, İstanbul: Legal, 2009, pp.135-137.

²⁰⁹Kemal Gözler, **Anayasa Hukukunun Genel Esasları**, 5th Edition, Bursa: Ekin, 2014, pp.241-242.

²¹⁰Yüksel Taşkın, **Siyaset; Kavramlar, Kurumlar ve Süreçler** (Ed.), İstanbul: İletişim, p.322.

²¹¹Barrington Moore, **Diktatörlüğün ve Demokrasinin Toplumsal Kökenleri**, 2nd Edition, Ankara: İmge, 2003, pp.71-74.

the powerful executive.²¹² Thus, semi-presidential system in France can be accepted as a consequence of powerful state (executive) tradition.

On the basis of political stability, semi-presidential system may work out differently in accordance with the relations among President, Prime Minister and Council of Ministers. If President and Prime Minister are of the same party, then political stability varies by the feature of leadership. For example, if president is a party leader, then the system looks like presidential system. If party leader refer to Prime Minister, then the system looks like parliamentary system. If both of them belong to different party, then one of them should obey the other. If not, then political instability and deadlock may arise because of the problems between the executive and legislative.²¹³

To sum up, while state understanding and historical dynamics prompted the U.S.A, France and Great Britain' policy preferences to specific government system, Turkey's historical dynamics and state understanding directed actor's preferences to the government system based on powerful executive. In the context of historical institutionalism, Turkey's powerful state understanding can be evaluated as a measurement of stability. As Badie and Birnbaum stress that if a country's past is full of strong state tradition, then political instability occurs when state role decreases.²¹⁴ From this point of view, parliamentary system is seen as Turkey's government system throughout history from Ottoman to Turkish Republic but the actual path in here is transcendental state understanding. Which governmental system promotes and provides transcendental state understanding is based on where the state is structured; (whether executive or legislative). For example, in assembly government system in between 1920-1923, state was settled in parliament but strong state tradition was still valid because centrality was tried to be provided. Thus, historical path of each country refers different policy understanding on government system and describes the political stability according to its own path. In this context, transcendental state understanding may be actually seen as underlying reason of tendency towards powerful executive.

²¹² Ercan Eyüboğlu, "Fransa: Parlamenter Bir VI. Cumhuriyet'e Doğru", İhsan Kamalak (Ed.), in **Yarı Başkanlık Sistemi ve Türkiye** (112-192), Kalkedon: İstanbul, 2014, pp.118-121.

²¹³ Haluk Altan, **Kurumsal Yaklaşım Işığında Yen Siyasetin Analizi: Cumhurbaşkanlığı Sistemi**, First Edition, Ankara: Liberte, 2018, p.85.

²¹⁴ Bertrand Badie and Pierre Birnbaum, **The Sociology of the State**, Arthur Goldhammer (trans.), Chicago and London: University of Chicago Press, 1979, pp.137.

3. THE IMPACT OF STRONG STATE TRADITION ON GOVERNMENT SYSTEM IN TURKEY

Political preferences of Turkey on government system and political instability are generally explained by two fundamental approaches. First, one associates political preferences and political instability to the political conflicts among the elites while second one associates them to the political culture of Turkey.²¹⁵ Although these two views are correct to a certain degree, they are not enough to have a good grasp of political preferences in Turkey. Bayramoğlu asserts that eastern societies should also be examined within the concept of philosophy of state because eastern state philosophy based on integration of society-state, not separation of state-people. According to this philosophy, state is sacred and at center. Belief on serving to state as a subject has kept the state-based policies as sovereign from Ottoman to the Turkish Republic.²¹⁶ In this regard, Heper uses the concept of ‘stateness’ to comprehend the political stability within the framework of transcendental state tradition and figures up the ‘level of stateness’ with the issue of what extent interests of society is determined independent of itself and political institutions. According to concept of ‘stateness’ of Heper, government system in Turkey can be categorized as moderate transcendental state which is institutionalized within a certain set of norms.²¹⁷ These norms can also direct the political life with the help of different auxiliary institutions and actors.²¹⁸

Transcendental state has been mentioned firstly by J.P. Nettl in Journal of World Politics in 1979 as “strong state” and used by Metin Heper for Turkish state structure and conceptualized by R.N. Berki. However, as an understanding, it can be traced back to the Plato who ideated state as elitist, hierarchic, virtuous and strong to the Machiavelli who used transcendental model for the sake of forming strong Italian

²¹⁵Ozan Örmeci, “Türk Devlet Geleneği”, **Uluslararası Politika Akademisi**, 11 August 2015, <http://politikaakademisi.org/2015/08/11/turk-devlet-gelenegi/> (25.12.2018).

²¹⁶H. Bayram Kaçmazoğlu, “Türkiye’de Siyasal Fikir Hareketleri ve İktidar Sorunu”, Ertan Eğribel and Ufuk Özcan (Ed.), **Bilim Sosyolojisi: Bilim Tarihi ve Yöntem** (56-71), İstanbul: Kitabevi, 2007, p.57.

²¹⁷Metin Heper, **Türkiye’de Devlet Geleneği**, Ankara: Doğubatu, 2015, pp.22-23.

²¹⁸Ozan Örmeci, “Türk Devlet Geleneği”, **Uluslararası Politika Akademisi**, 11 August 2015, <http://politikaakademisi.org/2015/08/11/turk-devlet-gelenegi/> (25.12.2018).

absolute monarch and also to the Hegel who defined the state as superior, rational and ethical unity.²¹⁹

Nettl analyzes historical tradition of state's autonomy, primacy, existence and sovereignty in any society. According to Nettl, most remarkable factor for historical tradition is randomly constituted which means there is no any distinct identification for all countries like ethnically homogenous or long united...but Nettl identifies the sovereignty (separation of powers), autonomy and historical developments in order to comprehend stateness of a particular society.²²⁰

Berki has defined the transcendentalism by comparing it with the instrumentalist perspective. In transcendentalism, state is taken in hand as empirical phenomenon not as instrumentalist or rationalist. Transcendentalism is statist orientation while instrumentalist is societal orientation. And this distinction stems from debates of 'either society is strong or state is strong'. Transcendentalism is the belief that human belongs to ethical/moral community.²²¹ It means consecrating the duties of human. Politics composes of leadership and education of the society while law reflects the collective wisdom and will of the citizens. There is uniformity between the institutions. Collective heroism and state sovereignty is quite emphasized in transcendentalism. However, in instrumentalist, individuals have different identity, senses and goals from the groups while institutions are not ethical community. Law is an agreement between the citizens while politics is the activity to associate different interests. It reflects the freedom and plurality.²²² Besides this, Berki states that they have common features. Both of these perspectives are democratic and come from European heritage of political thought but transcendental state tends towards monarchy and tends to give actual power to one leader because people's sovereignty is seen within the collective capacity and unified reason. State sovereignty is quite stressed.²²³ As Berki put it, democratic transcendental state tends to central authority to provide state's interest and to provide political stability

²¹⁹Allen W. Wood (Ed.), **Hegel: Elements of the Philosophy of Right** (trans. H.B. Nisbet), 8th Edition, Cambridge: Cambridge University Press, 2003, p.275.

²²⁰J.P. Nettl, "The State as a Conceptual Variable", **World Politics**, Vol.20, No.4 (July 1968), pp. 559-592, pp.566-571.

²²¹J.E.S. Hayward and R. N. Berki, **State and Society in Contemporary Europe**, Oxford: Martin Robertson, 1979, p.2.

²²²Metin Heper, **Türkiye'de Devlet Geleneği**, Ankara: Doğubatu, 2015, p.27.

²²³J.E.S. Hayward and R.N. Berki, **State and Society in Contemporary Europe**, Oxford: Martin Robertson, 1979, pp.4-5.

within the framework of monopolization of power. Hence, presidential system, which may refer to one leader's authority, is quite appropriate for transcendental state.

There is other classification as the extreme and moderate form of them. As Berki put it, extreme transcendentalism means completely making deactivation of the society (as seen in political regime of Machiavelli) while extreme instrumentalism means completely making deactivation of the state.²²⁴ As Heper put it, moderate transcendental government imposes on the society unchangeable norms like secularism and solidarism by institutionalizing them. In the moderate transcendental model, state can be shaped on institution of kingdom, bureaucracy, political party... Unlike extreme instrumentalist, moderate instrumentalist government takes acceptable inequality within the society naturally because limiting the individual behavior at a certain level is a necessity for consensus among the individuals.²²⁵

Heper's conceptualization within the framework of historical new institutionalism is greatly useful in order to analyze the Turkey's path because new institutionalism has some features such as stability in time, shaping individual behaviors and shared values. All these features are continuous in time which is called as "path". So, the question of why a presidential system was chosen or be tried to be chosen and why political stability has been pursued and transcendental state occurs, can be examined within the framework of 'path'. HI is also useful to study transcendental state because views of the March and Olsen bears the stamp of Berki's perspective. As it is mentioned above, March and Olsen criticizes the contemporary political theories to be reductionist, which takes political phenomena in hands as aggregate outcomes of individual. Berki has also stress that individuals compose united and moral community. This uniformity has carried on 'public character' and its interests are more than aggregate of individual interest per se²²⁶. So, transcendentalism and new institutionalism and then historical new institutionalism have the same point of view in relevant matter.

²²⁴J.E.S. Hayward and R. N. Berki, *State and Society in Contemporary Europe*, Oxford: Martin Robertson, 1979, p.5.

²²⁵Metin Heper, *Türkiye'de Devlet Geleneği*, Ankara: Doğubatu, 2015, p.29-30.

²²⁶J.E.S. Hayward and R. N. Berki, *State and Society in Contemporary Europe*, Oxford: Martin Robertson, 1979, p.4.

In this regards, Turkey's political stability is related with its transcendental state tradition. As Badie and Birnbaum assert that if a country's past is full of strong state tradition, then political instability occurs when state's role decreases.²²⁷ And any political preferences which leads on state's role (whomever the state is) to decrease, then it means deviation from the 'path' and causes to 'negative feedback' within the period of critical juncture as it was in Turkish case. Turkish state tradition is full of examples of political preferences that tends to centralization and monopolization of power whose reasons will be examined below. Thus, solution within the crisis period has always been sought on transcendental state tradition that has attained 'lock-in' feature in Turkish history to provide political stability. For example to increase the revenues of the Ottoman central treasury, the privatization of tax system (*İltizam* in Turkish) for the *miri* lands that feed the provincial army, caused to Sultan's power to decrease in 19th century. The system was not created positive feedback for Ottoman Sultans and caused to corruption and exploitation because taxing power was given to private persons and Sultan's centralized role decreased.²²⁸ Although this kind of implementation was thought as rational solution in those times because *Tımar* system lost its validity in the light of economic problems (shortages of spoil of war) and technological developments (requisite of using the firearms and keeping the army to mobilize), *iltizam system* decreased the centralization and created new type of gentry class (*eşraf tabakası* in Turkish). Şerif Mardin calls this kind of exploitation as 'Oriental Despotism',²²⁹ which is an exploitation among the ruling elite (center: state and its officials) and the ruled periphery (the rest of Ottoman people, the provincial).²³⁰ Thus, shifting away from centralization (monopolization of power) has not provided positive feedback for state tradition in Turkey.

3.1. SOURCES OF STRONG STATE TRADITION

3.1.1. Ottoman Legacy

²²⁷Bertrand Badie and Pierre Birnbaum, *The Sociology of the State*, Arthur Goldhammer (Trans.). Chicago: University of Chicago Press, 1979, p.137.

²²⁸Şerif Mardin, Center-Periphery Relations: A Key to Turkish Politics, *Daedalus*, Vol. 102, No.1, Post Traditional Studies (Winter 1973), pp.169-190, p.174.

²²⁹It is a political regime seen within the geographically big and militarized society. See Şerif Mardin, Center-Periphery Relations: A Key to Turkish Politics, *Daedalus*, Vol. 102, No.1, Post Traditional Studies (Winter 1973), pp.169-190, p.174.

²³⁰Niyazi Berkes, *Türkiye'de Çağdaşlaşma*, Doğu Batı: İstanbul, 1979, p.26.

Ottoman state was formed by evolving out of Turcoman frontiersman bordering on and transformed to 'holy war state' ('gaza devleti') against Byzantium.²³¹ This origin made the state to be prone to wars and shaped its political culture with the strong state tradition.²³² However, Ottoman transcendental state tradition was not only related with its location. At the background, several socio-political, legal, economical and institutional factors caused highly centralized state and composed its transcendental state value-based structure.

3.1.1.1. Ottoman Legal Order

Ottoman state had a dual structure on legal order and socio-political organization; which was composed of customary (statute books of the sultans) and sharia law (Quran, Hadith, *İcma* and *Kıyas* in Turkish). While sharia law is will of God, customary law is will of sultan as 'God's shadow on earth' which is the basic source of the legitimacy of Sultan and this kind of legitimacy even made the fratricide²³³ (as *siyaseten katl* in Turkish) possible in order to provide order.²³⁴ This kind of duality caused to debates on the issue of whether the Ottoman legal system was also composed of secular institutions. In this regard, according to Timur, Ottoman statute book (*Kanunname* in Turkish) which could be enforced out of sharia law constitutes an important part of the secular institution. Customary law that was also composed of aforesaid secular rules and sharia laws existed together even within the process of birth of Islam because Mecca and Medina were already the center of trade within the condition of that period and this kind of trade centers were able to be ruled only within a customary legal system. Thus, Islamic law was developed on the basis of this kind of customary or 'secular' structure and then transformed to sharia law by creating and developing the 'Muslim Judge' (*Kadı* in Turkish) as an institution in the period of Omayyad in 7th and 8th century.²³⁵ However, as the society grows and develops, (as Timur put it) sharia law could not satisfy all needs of the society especially on the matter of government, financial issues and land regime. All these matters that sharia law did not adjudicate became concretized within the limits of power of the caliphate who

²³¹Taner Timur, *Osmanlı Toplumsal Düzeni*, Fourt Edition, Ankara: İmge, 2001, p.101.

²³²Metin Heper, *Türkiye'de Devlet Geleneği*, Ankara: Doğubati, 2015, p.47.

²³³Taner Timur, *Osmanlı Toplumsal Düzeni*, Fourt Edition, Ankara: İmge, 2001, p.267.

²³⁴Niyazi Berkes, *Türkiye İktisat Tarihi*, 1st Edition, İstanbul: YKY, 2013, pp.92-93.

²³⁵Taner Timur, *Osmanlı Kimliği*, İstanbul: Hil, 1986, pp.54-58.

represented the prophet on the basis of guardianship (*velayet* in Turkish). Thus, sense of sovereignty and legal system in the Islamic law was developed and completed within the framework of caliphate. However, as many Islamic states were formed in the Middle East and some caliphates lost their powers because of the Mongolian invasion, caliphate as an institution was transformed to a symbol of legitimacy and gradually concepts of caliphate and sultanate substituted each other within the Ottoman state and this harmony provided Islamic legitimacy for Ottoman sultans.²³⁶

3.1.1.2. Ottoman State Philosophy and Structure

Ottoman state philosophy bore the stamps of two distinctive traditions: Indo-Aryan state philosophy and Neo-Platonist synthesis, which refers to ancient Greek philosophy, reached to Arabians. First of all, Indo-Aryan state philosophy generally based on the book of *Kelile and Dimne* written by Indian philosopher Beydeba.²³⁷ This influential book represented ancient state philosophy doctrinated the principles of the good emperor and good government. According to this book; emperor should rein the state justly together with his advisors; emperor should take all kind of precautions to protect his state; emperor should solve the state's problem leisurely by scrutinizing them; emperor should be tolerant and forgiver; and emperor should not take dangerous people within the state.²³⁸ In this context, this kind of state understanding based on the idea of 'raison d'état'²³⁹ which means 'taking all kind of precautions to protect the state' means that state interest makes possible to taking precautions that even contradict religious or moral law.²⁴⁰ As is seen, principles of oriental emperor symbolize the importance of state ruling. Secondly, ancient Greek state philosophy (especially works of Platon and Aristo) communed with the Arab thoughts especially by way of *Al-Kindi* and *Farabi* who were the influential Islamic philosophers. According to Farabi; state should be managed justly by philosopher emperor; and society should be connected to each other with love. In this regard, both of these two traditions symbolised the fair state structure composed of harmonized society. Moreover, this kind of powerful state

²³⁶Taner Timur, **Osmanlı Kimliği**, İstanbul: Hil, 1986, pp.57-60.

²³⁷Taner Timur, **Osmanlı Kimliği**, İstanbul: Hil, 1986, pp.64-67.

²³⁸Beydeba, "Bir Varmış Bir Yokmuş", **Kelile ve Dimne**, Sadık Yalsızuçanlar, (Trans.), İstanbul: Lacivert, 2016, pp.12-18.

²³⁹Halil İnalcık, "Osmanlı Hukukuna Giriş: Örfi Sultani Kanunları ve Fatih'in Kanunları", Ankara University Political Science Faculty Press, No.12 (1958), pp.106-107.

²⁴⁰Gianfranco Poggi, **Devlet: Doğası, Gelişimi ve Geleceği**, Aysun Babacan (trans.), 4th Edition, İstanbul: University of Bilgi Press, 2014, p.115.

understanding even based on the pre-Islamic period.²⁴¹ Thus, Ottoman inherits its powerful state tradition from the mix of Indo-Aryan philosophy and Neo-Platonist synthesis and at the end, this kind of transcendental state founded out highly centralized state structure.

3.1.1.3. Monopolization of Power

Ottoman centralized state evolved out mix of both nomad and settled elements. Therefore, communal ideas in state perceptions were the production of this mixture. And also within the process of transition from the communal property to the private property, state power was also regarded as ‘estate’ which means rights of disposition or state-owned political sovereignty. Therefore, foundation of the state was the ‘estate’ which means sovereignty on the all lands, which was also factor to prevent the feudal structure. The only right of the rayah (reaya, people) or timar holder (cavalryman on agriculture) was the right of use of these lands not vested interest. In return of this right of use the lands, rayah had to pay a land rent to the state in order to be under the protection of the state. Moreover, if any class gained strength against the state as a feudal tendency, then, Sultan’s household troops charged with prevention of this kind of tendencies.²⁴² This kind of consciousness accorded the state a right of limitless intervention and restricted the private property. ‘Demesne’ (*miri arazi* in Turkish) can be taken as a good reflection of this consciousness because property of these kinds of lands belonged to the Sultan and this implementation even can be traced back to the Seljukian.²⁴³ According to Kılıçbay, there was no free people or free institution in the Ottoman because the Sultan as shadow of the god was the owner of the all *reaya*. Thus any individuality was tried to be destroyed because it dstrupts the order (*nizam-ı alem*).²⁴⁴ Nizamülmülk also stated that in this regard, “citizens and estates belong to the sultan”²⁴⁵ and this belief transformed to ideological principle by merging with the sense of justice. As Yusuf Has Hacıputr put it, “state and estate is composed of statesmen and military; statesmen should have goods; goods is produced by rayah (*reaya*); rayah

²⁴¹ Taner Timur, **Osmanlı Kimliği**, İstanbul: Hil, 1986, pp.64-67.

²⁴² Niyazi Berkes, **Türkiye İktisat Tarihi**, 1st Edition, İstanbul: YKY, 2013, pp.51-53.

²⁴³ Taner Timur, **Osmanlı Toplumsal Düzeni**, Fourt Edition, Ankara: İmge, 2001, p.240.

²⁴⁴ Mehmet Ali Kılıçbay, **Doğu’nun Devleti Batı’nın Cumhuriyeti**, 2nd Edition, Ankara: İmge, 2001, p.24 and p.34.

²⁴⁵ Nizamü’l Mülk, **Siyasetname**, Mehmet Taha Ayar (Trans.) 9th Edition, İstanbul: Kültür, 2016, p.41.

should be ruled by justice”.²⁴⁶ These ideological principles and sense of decency compose the four elements of Ottoman order and if this order breaks down, then it may cause to declining of the state.²⁴⁷ On the basis of sense of decency, Kınalızade also determined the three elements to protect justice; as divine rules, authoritarian state leader and money. Kınalızâde analysed the world of thoughts in 16th century in the book of ‘Ahlâk-ı Alai’ and tried to explain the sacredness and necessity of the state to provide order by analyzing it within the framework of justice.²⁴⁸ However, in order to be well examine the Ottoman state structure, this ideological structure should be analyzed together with the Ottoman class structure.

Within the framework of socio-economic analysis, Ottoman society was a class society which composed of *ulama*, *military*, *merchant* and *rayah*. However this classful structure did not transform the Ottoman state to a ‘class state’ because state and society was integrated²⁴⁹ especially via ‘state-estate’ consciousness and centralized army based on recruitment (Devşirme) system. Thus, the state had always played a mediatory role to protect the rayah against the propertied class (especially timar holder) in order to prevent feudal tendencies within the state.²⁵⁰ Moreover, Ottoman perception of ‘order’ was based on that each class must remain in the same position where it was and where the state allocated to because inter-class displacements which meant ‘change’ were accepted as revolution (threat) against the state; which all were for providing the order (the understanding of ‘nizâm-ı âlemci’ in Turkish²⁵¹).²⁵² If any problem occurs among the classes, janissary was charged with providing the balance between the classes.²⁵³ Devşirme system is another source of centralization which means that Young Cristian boys were taken from their families and sent to Enderun (palace school) in order to be educated within the framework of Ottoman values and to obey the sultan. By doing this, Ottoman social structure had the characteristics of patrimonial system by means of

²⁴⁶ Yusuf Has Hacı, **Kutadgu Bilig**, Reşit Rahmeti Arat (Trans.), İstanbul: Milli Eğitim, 1947, p. 2057-2059th principles.

²⁴⁷ Taner Timur, **Osmanlı Toplumsal Düzeni**, Fourt Edition, Ankara: İmge, 2001, pp.242-243.

²⁴⁸ Kınalızâde Ali Efendi, **Ahlâk-i Alâi**, İstanbul: Kervan, p.138.

²⁴⁹ Ömer Çaha, **Aşkın Devletten Sivil Topluma**, İstanbul: Gendaş Kültür, 2000, p.152.

²⁵⁰ Taner Timur, **Osmanlı Toplumsal Düzeni**, Fourt Edition, Ankara: İmge, 2001, pp.240-244.

²⁵¹ Şerif Mardin, **Türkiye’de Toplum ve Siyaset: Makaleler I**, 6th Edition, İstanbul: İletişim, 1997, p.207.

²⁵² Niyazi Berkes, **Türkiye İktisat Tarihi**, 1st Edition, İstanbul: YKY, 2013, p.61.

²⁵³ Kemal H. Karpat, **Osmanlı’dan Günümüze Kimlik ve İdeoloji**, 3rd Edition, İstanbul: Timaş, 2009, p.87.

center's dominations over the periphery.²⁵⁴ In this regard, Heper also put it, even in the early Ottoman period, Turcoman chiefdoms were tried to be excluded from the Ottoman aristocracy because they were regarded as a probable opponents against the Sultan. Center saw the periphery as a probable opponent and periphery felt insecure and became opponents at every chance they get, which was a chain in a way. Mardin classifies the reasons of these problems between center and periphery. According to Mardin, firstly, there was inchoateness social structure within the Ottoman Empire because pre-imperial nobility, several religious and ethnic groups continued their existence. Secondly, Ottomans looked askance at these pre-imperial noble classes and provincial strong families. Moreover, provinces were seen as the corrupt environment for religious heresy that religious sects were able to create trouble and created backdrop for the fight for the throne.²⁵⁵ For this reason, Ottoman created state organization that composed of converted household troops not of older Turkish aristocracy; which means that the older aristocracy was generally expelled from the ruling class for the sake of centrality.²⁵⁶ İnalçık gives influential example to understand reason of these efforts on centralization. "Some of leaders of these chiefdoms did not support Ottoman in the Ankara War (1402) and Ottoman was defeated because some chiefdom's soldiers supported Timurid and escaped the battle and caused Bayezid to become lonely with janissary in the war."²⁵⁷ Thus, it can be seen that Turcoman chiefdoms in ruling class could not create a positive feedback for the Ottoman Sultans. So, aristocracy that descends from these Turkomans was not integrated with the center in order to prevent the probable threat and provide the unity which means all right was in Sultan's power because there was lack of confidence between center and periphery and this lacking confidence was tried to be eliminated by the converted men.

According to Berkes, monopolization of power²⁵⁸ was provided in Ottoman Empire via "*kul (gulâm)*"²⁵⁹ system" which was the important implementation to create

²⁵⁴ Metin Heper, *Türk Kamu Bürokrasisinde Gelenekçilik ve Modernleşme: Siyaset Sosyoloji Açısından Bir İnceleme*, İstanbul: University of Boğaziçi Press, 1977, p.59 and Şerif Mardin, Center-Periphery Relations: A Key to Turkish Politics?, *Daedalus*, Vol. 102, No.1 (Winter 1973), p.175.

²⁵⁵ Şerif Mardin, *Türkiye'de Toplum ve Siyaset: Makaleler I*, Mümtaz'er Türköne and Tuncay Önder (Ed.), 6th Edition, İstanbul: İletişim, 1997, pp.37-39.

²⁵⁶ Metin Heper, *Türkiye'de Devlet Geleneği*, Ankara: Doğubatı, 2015, p.48-49.

²⁵⁷ Halil İnalçık, *Devlet-i Aliyye: Osmanlı İmparatorluğu Üzerine Araştırmalar-I*, 56th Edition, İstanbul: Kültür, 2016, p.74.

²⁵⁸ Berkes used this monopolization of power as 'despotism', see more information. Niyazi Berkes, *Türkiye İktisat Tarihi*, 1st Edition, İstanbul: YKY, 2013, pp.67-68.

allegiance. In this system, these *kul* (man) were trained in order to be used for government service. These chosen boys were trained in the palace on the horsemanship, swordsmanship, some sport and art activities. However, the most important aim of these disciplines was to create absolute loyalty and obedience to the Sultan.²⁶⁰ This is also compatible with the understanding of transcendental state because politics depends on leadership (Sultan) and education (*gulâm*) -it was mentioned before- different institutions, and actors can be used to spread the norms of the state in moderate transcendental state. According to Halil İnalcık, reason of decreasing authority of the Sultan during 1600s was deterioration of ‘the *gulâm* system’ because of the employment of local people who were not belonged to the system. These local people were employed in military and administration²⁶¹ which could not create the positive feedback for the Ottoman and caused to critical juncture because they did not go through a nationalization (*devletleşirme*) process and also they could’t adopt the ‘*gulâm* system’ because of lack of education.²⁶² For example, because the number of the Sultan’s household troops (*Kapıkulu*) was increased in that time, they started to dominate the palace, dethroned the sultans and even slaughtered the sultans (such as II. Osman). Moreover, a lot of rebellion took place in Anatolia such as the rebellion of ‘Abaza Mehmet Pasha’ while many pages (*içoğlanı*) of palace revolted in the Enderun against the Sultan. In return to these political problems, organization of ‘*içoğlanı*’ was removed in 1675, rebellions were tried to be quashed rigorously and ‘*gulam* system’ was started to lose its previous importance within the state²⁶³ in order to provide re-centralized (monopolization of power) state. Thus, political instability from Ottoman to Turkish Republic has always tried to be fixed with centrality to attain ‘level of re-equilibrium’.

Monopolization of power was also supported with legitimate power of the Sultans by predicating their authority on *ghazi* or *khalifa* as it is mentioned before and legitimacy is one of the important sign of the transcendental state. Besides this, there was “*adab* philosophy of state” which means that governmental cliques were trained

²⁵⁹Halil İnalcık, *Devlet-i Aliyye: Osmanlı İmparatorluğu Üzerine Araştırmalar-I*, 56th Edition, İstanbul: Kültür, 2016, pp.205-217.

²⁶⁰Niyazi Berkes, *Türkiye İktisat Tarihi*, 1st Edition, İstanbul: YKY, 2013, pp.67-68.

²⁶¹Halil İnalcık, *Devlet-i Aliyye: Osmanlı İmparatorluğu Üzerine Araştırmalar-I*, 56th Edition, İstanbul: Kültür, 2016, pp.205-217.

²⁶²Niyazi Berkes, *Türkiye İktisat Tarihi*, 1st Edition, İstanbul: YKY, 2013, p.77.

²⁶³Halil İnalcık, *Devlet-i Aliyye: Osmanlı İmparatorluğu Üzerine Araştırmalar-I*, 56th Edition, İstanbul: Kültür, 2016, pp.205-217.

with some certain ideals and values within the framework of rationality. This understanding identifies the state with these permanent values.²⁶⁴ Moreover, order (*nizam-ı âlem* in Turkish) was founded by the God, which can't be changed and questioned, but this order is pursued by the Sultan's power (*Kanun-u kadim* in Turkish).²⁶⁵ This is quite appropriate for the historical new institutionalism that incorporates rational choice institutionalism with the sociological one. There were some values within the state that based on rationality but this rationality incorporated with the appropriateness of the values because there were norms of state that was born within the institutions itself. And these permanent norms were put across to society because society believes that they are under the control of morally supreme body and this body represents will of the society (this situation can be regarded as voluntary consensus between the state and society). Then, it cannot be mentioned about the arbitrary/extreme transcendental model but the moderate transcendental model that state is institutionalized within the framework of these norms, ideals and values because Ottoman strong state understanding had the characteristics of 'Rechtsstaat' (or *Raison d'état*) which means that even the Sultan himself in Ottoman had to follow these set of rules and traditions.²⁶⁶

Besides the norm-based structure, Islam is the other determinant of moderate transcendental model because according to Badie and Birnbaum, secularism (as an adab philosophy) is the main criteria for strong and autonomous state (or transcendental) and added that France is the most institutionalized, sovereign and autonomous ideal state. Moreover, France has easily expanded its authority over civil society in time.²⁶⁷ However, according to Heper, Islam has never been autonomous across the state in the Ottoman. For example, shaykh al-islam as a state institution was already formed in 16th century²⁶⁸. Moreover, shaykh al-islam was appointed by the Sultan and could't intervene the government directly. Thus, Heper adds that Ottoman is more appropriate for the transcendentalist state tradition than France has.²⁶⁹ On the basis of secularism, Niyazi Berkes has also addressed that Ottoman state was not founded upon the Islam.

²⁶⁴Metin Heper, *Türkiye'de Devlet Geleneği*, Ankara: Doğubatu, 2015, p.54

²⁶⁵Niyazi Berkes, *Türkiye'de Çağdaşlaşma*, Doğu Batı: İstanbul, 1979, p.29.

²⁶⁶Metin Heper, *Türkiye'de Devlet Geleneği*, Ankara: Doğubatu, 2015, p.56.

²⁶⁷Badie, Bertrand and Birnbaum, Pierre, *The Sociology of the State*, Arthur Goldhammer (Trans.). Chicago: University of Chicago Press, 1979, pp.86-92, pp.105-115.

²⁶⁸Kemal H. Karpat, *Osmanlı'dan Günümüze Kimlik ve İdeoloji*, 3rd Edition, İstanbul: Timaş, 2009, p.63.

²⁶⁹Metin Heper, *Türkiye'de Devlet Geleneği*, Ankara: Doğubatu, 2015, p.58.

The most important aspect of the Ottoman political regime was not the religiosity but the traditionalism. Clergymen were the functionary of the state. Their authority had always come from the state tradition. Their superiority was the extent allowed by the state. So, although they were seen as the guardian of the Islam and although Ottoman state can be regarded as Islamic state, clergymen had never furnished with full authority without the permission of the state.²⁷⁰ Karpas also said that the sense of '*din ü devlet*' - which means considering the state with the religion- was just a political formulate in order to provide legitimacy of the state. Therefore, Ottoman state was not theocracy ruled by the religious man²⁷¹ and it was believed that beyond the sharia, the most important think was the state itself.²⁷² This kind of state origin leaved a legacy of centralized and strong state to Turkish Republic. In this regard, Karpas also said that 'the state from Ottoman to Turkish Republic' has been higher-up continuous and Ottoman state institutions, sense of rule and political culture has remained same at one point. Ottomans depended on 'the state' in 19th century transformed to Turks who depended on 'the state' in 20th century.²⁷³ The state has remained the same.

The strong and centralized state tradition has not changed in Turkish state tradition but what had changed was who the state was. The state was the Sultan in rising time of Ottoman and at the II. Mahmud era while state was bureaucracy in the 19th century Tanzimat era. So, what important is, is the state itself; which means that state can be institutionalized as Sultan, bureaucracy, judicial or executive but there has always been state. The supremacy of state does not change²⁷⁴ but bureaucracy-based state has incrementally developed with The Charter of Alliance (Sened-i Ittifak in 1808), The Imperial Edict of Gülhane (1839), The Imperial Rescript (1856), The Tanzimat Reforms (1839), The Constitution of 1876 and first and second Parliament (1877-1908). For example in The Charter of Alliance, one of the co-contracting parties was the state not the Sultan because of decreasing the Sultan's authority. Moreover, there were common interests between the 'ayan' and central bureaucracy because ayan wanted to guarantee their own relative autonomy by supporting the central bureauocracy. (The pact was signed between the state and middle class 'ayan' -landed

²⁷⁰Niyazi Berkes, *Türkiye'de Çağdaşlaşma*, Doğu Batı: İstanbul, 1979, p.25.

²⁷¹Kemal H. Karpas, *Osmanlı'dan Günümüze Kimlik ve İdeoloji*, 3rd Edition, İstanbul: Timaş, 2009, p.62.

²⁷²Şerif Mardin, *Türkiye'de Toplum ve Siyaset: Makaleler I*, 6th Edition, İstanbul: İletişim, 1997, p.193.

²⁷³Kemal H. Karpas, *Osmanlı'dan Günümüze Kimlik ve İdeoloji*, 3rd Edition, İstanbul: Timaş, 2009, p.32.

²⁷⁴Yavuz Çilliler, "Türk Siyasal Hayatında Devlet ve Hikmet-i Hükümet Geleneği", *Mustafa Kemal University Journal of Social Sciences Institute*, Vol.13, No.34 (2016), pp.416-430, p.423.

proprietors in the Ottoman Empire- who caused to centralization to be undermined and at the end, their rights of property and succession were entitled by the state²⁷⁵.) Especially within the period of regression, ruling class became the servants of the state not of the Sultan and state has always survived in order to provide order. For this cause, even the Sultan himself was dethroned to keep state powerful.²⁷⁶ This was the development for sultan-based state but this cannot change the ‘transcendentalness’. It was just the oligarchic tendency within the bureaucracy. Even be annihilated of ‘ayan’ by the II. Mahmut in 1812 could not prevent the bureaucratization movements within the state. In this context, within the period on *Tanzimat* reform era (1839-1876), Imperial Edict of Gülhane can also be accepted influential turning point accelerated bureaucratic-based state because the Imperial Edict’s guarantee of right of propriety and life especially aimed at the masses to support the throne and the bureaucracy on struggling against the ‘ayan’. Thus, while both edicts (1839 and 1856) aimed to pick up loyalist people to the throne, bureaucracy strengthened its own authority by taking new responsibility on government’s behalf. Terrain Code (*Arazi Kanunnamesi* in Turkish) can be given as an example to development of modern bureaucratic structure within the state because the Code referred to liberalization of state’s land to be given to individuals, created a new kind of middle class and gradually transformed to bureaucratic intelligentsia which encapsulated the ‘Young Ottomans’ such as Namık Kemal and Ziya Pasha.²⁷⁷ ‘Young Ottomans’ -who though that *Tanzimat* reforms caused foreigners to exploit the state economically and fiscally- facilitated the process going through the constitutional period. According to Karpas, in terms of timing of the Constitution (1876), the constitution aimed to appear as ‘liberal’ in order to prevent Russian intervention but it was also made to balance between the central government and waxing local administration as a social reality. Although the Parliament itself was seen as tappet in order to keep periphery under the control by the center²⁷⁸, the constitutional parliamentary system created a critical environment against the Sultan within the parliament. For example, chamberlain (*kethüda* or *avam*) Ahmet Efendi said in the parliament that ‘Sultan as a ruler is in charge of the bad fate/situation of the

²⁷⁵Kemal H. Karpas, *Osmanlı’da Değişim, Modernleşme ve Uluslaşma*, First Edition, Ankara: İmge, 2006, pp.21-24.

²⁷⁶Metin Heper, *Türkiye’de Devlet Geleneği*, Ankara: Doğubati, 2015, p.71.

²⁷⁷Kemal H. Karpas, *Osmanlı’da Değişim, Modernleşme ve Uluslaşma*, First Edition, Ankara: İmge, 2006, pp.32-35.

²⁷⁸Metin Heper, *Türkiye’de Devlet Geleneği*, Ankara: Doğubati, 2015, p.78.

state'.²⁷⁹ During the term of II. Abdulhamid, bureoucracy was professionalised by ordering the courts, ministries, the promotion system, file system and by increasing the number of aldermen. This assigned bureoucratic basis served the purpose of modernisation reforms of 'Jeunes Turcs' (1908-1918) and of -afterwards- Mustafa Kemal's desire on forming the nation-state.²⁸⁰ Bureaucratic tendency had continued in Atatürk's period but Atatürk tried to keep civil bureaucracy under thumb because from the perspective of Atatürk, bureaucracy has always pursued their own interests in Ottoman period and now they should have been just an instrument subjected to government.

3.1.2. Republican Period

Atatürk's period had also experienced the moderate transcendental state but according to Heper, actual idea of Atatürk was that society has a potential but not enough for ruling themselves right now. So reform must be top-down and it can be seen that state was settled within the party (CHP- Republican People's Party-RPP). It can be given an example to show the party's power. According to 1927 Charter of CHP, inspectors of the party have had supervisory power and appointed administrators of economic, cultural and political institutions.²⁸¹ It can be seen institutionalizing period. Atatürk made this institutionalization on transcendentalness with two ways. Firstly, he tried to move public affairs from the selfhood. Therefore, the important think should not be president of the republic but should be 'precedency' as an institution. Secondly, he adopted new form of 'adab philosophy' (or Kemalizm) as a norm-based structure. According to Zürcher, even principles of Kemalism (especially secularism, nationalism, reformism, populism) have inherited from the Ottoman intellectual life. In this context, underlying norm-based structure of Turkey shows continuity from Ottoman to the Atatürk's period as a sign of path-dependency. On the basis of secularism, Zührer asserts that even early Ottoman defined the state and religion as separated phenomena by basing itself on the institutions of Seljuks but just Ottoman saw them as interconnected. On the basis of understanding of reformism, both Ottoman norm-based

²⁷⁹ Kemal H. Karpat, **Osmanlı'da Değişim, Modernleşme ve Uluslaşma**, First Edition, Ankara: İmge, 2006, p.51.

²⁸⁰ Kemal H. Karpat, **Osmanlı'da Değişim, Modernleşme ve Uluslaşma**, First Edition, Ankara: İmge, 2006, pp.59-60.

²⁸¹ Güneş Şahin, "Chp Parti Müfettişlik Raporları'na Göre Kırşehir'de Siyasi, Sosyal Ve Ekonomik Hayat", **Çanakkale Araştırmaları Türk Yılığ**, Vol.14, No.21 (Fall 2016), pp.79-108, p.82.

structure and Kemalism supported that transformation should have been made by top-down. Thus, even after abolishment of Monarchy, domination rights of the ruling elites have never been questioned. Moreover, understanding of nationalism and populism of Kemalist thoughts have also born the stamp of Ottoman political structure.²⁸²

Governmental institution should be encapsulated with values and rationality beyond the personality²⁸³, which is appropriate for historical new institutionalism. At the İnönü era, bureaucratic tendency within the state has increased but moderate transcendental state understanding has continued because education of these bureaucrats was the same with Ottoman, which was superior intellectually, tended to normative-mandatory state principles and aimed to educate the sharks imposed ideology and values on the others.²⁸⁴ So, how can different state understanding implemented by the people came from the same institutional tradition be possible? However, actors of the transcendental state can change. For example, after the 1960 coup, the commission, which was found by National Unity Committee (NUK), declared a report. Main aim of it was to recreation of the state and its authority by saying that it is necessary to “*The formation of a provisional government which will conduct public services according to desirable democratic requirements wanted by the nation, which will protect human rights and freedoms, take care of public interest and maintain the administration.*” However, this time, military was included within the re-creation of state process (from the bureaucracy to the military) because NUC believed that the state lost its real identity and transformed into personal party group and it must be fixed.²⁸⁵ The article 4 of ‘Constitution of 1961’ said that, “The nation shall exercise its sovereignty through the authorized agencies as prescribed by the principles laid down in the constitution.” In addition, the article four of ‘Constitution of 1924’ said that “The Grand National Assembly of Turkey is the sole lawful representative of the nation and exercises sovereignty in the name of the nations.”²⁸⁶ Thus, transcendental state tradition has been tried to be regulated via the constitutions, certain auxiliary institutions and norm-based structure. If unintended results occur which cause to wander from the

²⁸²Eric Jan Zürher, “Kemalist Düşüncenin Osmanlı Kaynakları”, Tanıl Bora (Ed.), in *Modern Türkiye’de Siyasi Düşünce-Cilt 2* (44-55), 6th Edition, İstanbul: İletişim, 2009, p.45 and 51.

²⁸³Metin Heper, *Türkiye’de Devlet Geleneği*, Ankara: Doğubatu, 2015, p.110

²⁸⁴Andreas M. Kazamias, *Education and the Quest for Modernity in Turkey*, Chicago: University of Chicago Press, 1960, pp.135. and Metin Heper, *Türkiye’de Devlet Geleneği*, Ankara: Doğubatu, 2015, p.127.

²⁸⁵Feroz Ahmad, *The Turkish Experiment in Democracy 1950-1975*, London: C. Hurst, 1977, pp.161-164.

²⁸⁶See more information,

http://www.tbmm.gov.tr/develop/owa/tbmm_internet.arama?q=anayasalar (11.10.2018)

transcendentalness, then constitution can provide this legacy. According to Metin Heper, even the Constitution of 1961 has served for transcendental state understanding (although it was not sufficient) in order not to break loose from the “path”²⁸⁷ but 1970s was the years that unintended results had being occurred and Rustow states that political problems in Turkey in those times was experienced because of extreme rights of speech not because of coercion.²⁸⁸ So, regime had shifted away from the transcendentalism to the instrumentalism and it paved the way for political instability which was the problem. So, instrumentalism couldn’t gain feature of lock-in or positive feedback in Turkish history and this situation was tried to be fixed with military intervention in 1980. Therefore, Turkey has always regulated the constitutions or government systems towards transcendental state understanding to provide political stability.

3.2. DETERMINATION OF STRONG STATE TRADITION IN THE CONSTITUTIONAL DOCUMENTS

Debates on government system in Turkey and long history of parliamentary system can be traced back to the reform movements in 19th century that ended up with parliamentary monarchy. In this context, ‘The Constitution of 1876’ can be accepted the first constitutional design although Charter of Alliance (Sened-i İttifak in Turkish) is accepted first seed of constitutional regulation but it does not indicate any type of government system. Government systems have been analyzed to understand the issue of how several institutional structures for representative government affect the political process and preferences. Thus, constitutional designs and other auxiliary institutions generate the institutional structure which is directed preferences and process. In the context of constitutional designs, The Constitution of 1876, 1921, 1924, 1961, 1982 and other auxiliary institutions were constituted within the framework of ‘path dependency’ of Turkey’s transcendental state tradition which has also been seen as factor to provide political stability.

When the transcendental state tradition is accepted as given since the beginning of Ottoman Empire, efforts of the sultans for centralization, statist orientation,

²⁸⁷Metin Heper, *Türkiye’de Devlet Geleneği*, Ankara: Doğubatu, 2015, p.152.

²⁸⁸Dankwart A. Rustow, “Turkey’s Travails”, *Foreign Affairs*, 58 (1979), p. 98.

monopolization of power, leadership, legitimacy, uniformity among the institutions and sovereignty of the state should be evaluated as path dependency and critical juncture is accepted any change that caused to deviation from this 'path'. Although The Constitution of 1876 (first constitutional era) brought a new government system, it did not lose its transcendental property. Although reformers of the *Tanzimat* or Young Ottomans and then 'Jeunes Turcs' differentiated on how to implement reforms, they served in order to make state more powerful. While first reformers such as Reşit Pasha, Ali Pasha and Fuat Pasha created and supported bureaucratic intelligentsia to save the state, Young Ottomans in 1960s such as Namık Kemal asserted that bureaucratic intelligentsia creates 'autocracy' (*istibdad*) and instead they tried to form parliamentary system to save the state and supported freedom. In all probability, the main aim was saving the state by providing order because survival of the state (*devletin bekaası*) was the main political state ideology and this aim ended up with the first constitutional era in 1876.²⁸⁹

The first constitutional era was terminated by the period of autocracy of the II. Abdulhamid until 1908 while the second constitutional era was began by bringing the Constitution of 1876 into force again but this time, the constitution was undergone a several changes with the regulation of 1909. In the context of the regulation of 1909, role of the Sultan was decreased while parliament gained more rights and government system began to have the characteristic of real parliamentary system. Although the new system was re-changed with the constitutional designs of 1909, it just changed the body that state was institutionalized into (from sultan to the bureaucracy) and this situation had been continued until the war of independence period refer to end of the second constitutional period (1918) which will be examined on following pages.

In the context of parliamentary tradition, The Constitution of 1921 may be deviation/critical juncture as assembly government system but in the context of strong state understanding institutionalized into the executive, it should not be though as critical juncture. Moreover, considering the conditions of the war of independence period, there were two different centralized powers in İstanbul and Ankara and the Constitution of 1876 was still law in force. In this context, the Constitution of 1921 had

²⁸⁹ Şerif Mardin, *Türkiye'de Toplum ve Siyaset: Makaleler I*, 6th Edition, İstanbul: İletişim, 1997, p.114, p.176 and p.211.

the characteristic of framework constitution of war of independence movement that came to exist in Ankara against the centralized power of the Sultan in İstanbul. Thus, although state was started to be institutionalize into the parliament (allegedly) in 1921, Atatürk was symbolized as both head of the state and head of the government. So, powerful executive that has been regarded as contributing cause of political stability was actually institutionalized under the name of assembly government system but without a powerful parliament. The same structure has also continued with the 'Constitution of 1924'. And then, state was incrementally institutionalized into the political party (PP). Meanwhile, dual-executive of parliamentary system was replaced by de-facto single-headed executive.

In the context of freedom and rights and separation of powers, 'The Constitution of 1961' is accepted as real parliamentary system (allegedly) by most of the scholar and symbolizes dual-executive but NUC (National Unity Committee which was formed after the coup d'état of 1960) came to exist as de-facto single-headed executive. However, although military government (1960-1961) can be also accepted as single-headed executive, The Constitution of 1961 refers to low level of transcendentalism. Because it did not provide sufficient mechanism to the state in order to protect its transcendental character, it can be accepted as critical juncture but institutional re-equilibrium was tried to be provided via constitutional designs in 1970s but it could not be complementarily provided. Especially in 1970s is seen as an influential critical juncture caused by 'The Constitution of 1961'. In here, Rustow's opinion has a parallel understanding because he sees the political problems in 1970s as a consequence of extreme rights, so transcendentalist state was fallen behind and instrumentalist (societal orientation) state was taken a step further. Nevertheless, 'The Constitution of 1961' has actually strengthened the executive incrementally and this process ended up with 'The Constitution of 1982' which symbolizes more powerful executive as well.

3.2.1. Ottoman Period

Transcendental state understanding had tried to be built even in the earlier time of the Ottoman Empire and government system could be defined as monarchy which

means political authority concentrate at strong leader -The Sultan.²⁹⁰ The earlier time of the Ottoman, Sultan tried to unify the state composed of several chiefdoms within the framework of centralization. And then he generally dismissed the old aristocracy from the ruling class in order to strengthen the center. Thus periphery was subject to the center and Ottoman gain patrimonial structure. Even in the land regime, all agricultural lands passed into the ownership of centralized state.²⁹¹ On the basis of land regime, Harrington also stated that absolutist state is directly related with the landownership and this kind of regime is absolute monarchy because landlord of the territory is also owner of the state who is the Grand Seignior.²⁹² It can be also called as transcendental state.

Most of the classical period (from the beginning to the 1700s²⁹³), Ottoman state was institutionalized into the Sultanate and Şerif Mardin states it as the sentence of “the entire mechanism of the state was permeated by the myth of the majesty of the Sultan”.²⁹⁴ However the period that began with ‘İltizam System’ in 16th century witnessed state to be taken out Sultan’s personality incrementally because İltizam system caused to decrease Sultan’s power and created power gap and oligarchic tendency was started to be seen in Ottoman bureaucracy. Moreover, economic problem within the Empire had started to rise when it was come to 19th century because level of production, capital stock and technological development caused to Ottoman fall behind in Europe.²⁹⁵ However, although Sultan’s power has been shaken since the İltizam System, II.Mahmud (1808-1839) era had also witnessed the moderate transcendental state and refers to growing autocracy of the Sultan and state was restructured in the Sultan in order to increase state’s power and prevent the political instability. However, after the II.Mahmud era, liberal protests against absolutism has started to rise mostly because of European enlightenment and progress period.²⁹⁶ Thus, first reform movements started with the Tanzimat era (1839-1856) were the rescue effort of Empire’s power against the European progress and eventuated with the constitutional

²⁹⁰Hasan Buran, “Siyasal Rejim Sınıflamalarının Yeniden Gözden Geçirilmesi Üzerine”, **Süleyman Demirel University Journal of Faculty of Economics and Administrative Sciences**, Vol.14, No.1 (2009), pp.69-97, p.72.

²⁹¹ Metin Heper, **Türkiye’de Devlet Geleneği**, Ankara: Doğubatı, 2015, p.49.

²⁹² Perry Anderson, **Lineages of the Absolutist State**, London: NLB, 1974, p.399.

²⁹³ Ahmet Karadağ, **Osmanlıda’dan Cumhuriyet’e Türkiye’de Siyasal Hayat** (Ed.), 2nd Edition, İstanbul: Bilsam, 2015, p.23.

²⁹⁴ Şerif Mardin, Center-Periphery Relations: A Key to Turkish Politics?, **Daedalus**, Vol. 102, No.1 (Winter 1973), pp.169-190, p.173.

²⁹⁵ Müzehher Yamaç, “ İlk Anayasa (1876 Kanun-i Esasi), **Balkan Journal of Social Sciences**, Vol.3, No.5 (2014), pp. 54-68, p.55.

²⁹⁶ Bernard Lewis, **The Emergence of Modern Turkey**, 2nd Edition, Oxford: Oxford University Press, 1968, p.150.

order. Enlightenment and progress in Europe led to spread liberalism within the Ottoman Empire and Sadık Rıfat Paşa who was the Turkish embassy in Vienne wrote an essay of ‘Concerning the Condition of Europe’ to querying the ‘Why is the Empire declining while Europe advances’. Thus, rights of the people and liberty became important phenomenon in 1840s. Officials of Tanzimat had the same opinion and they tried to prevent arbitrary government by establishing new rules and new courts.²⁹⁷ This also means that extreme transcendental state tried to be prevented because arbitrary regime can’t be seen in moderate transcendental state.

Another reform was made by ‘The Imperial Rescript of 1856’ and it says that “...all the subjects of my Empire, without distinction of class or religion, for the security of their persons and their property and the preservation of their honor, are confirmed and consolidated...”²⁹⁸ Besides the liberal ideology, The Rescript was also an attempt to limit the Sultan’s power and directing state’s power towards the bureaucracy.²⁹⁹

In the literary İbrahim Şinasi (1826-71), Ziya Paşa (1825-80) and Namık Kemal (1840-88) have also become influential reformers on spreading the Western ideas but Namık Kemal is the best known in Turkey who mentioned about patriotism and liberalism. Although Namık Kemal was not the first men to speak of parliamentary government and human rights in those times but he firstly correlated the law and freedom with the way of safeguarding them. According to him, progress can be provided by free institutions and free institutions were prolonged with public opinion.³⁰⁰ These ideas caused to develop the movements that Namık Kemal, Ziya Pasha and Ali Suavi led the way; which is called as ‘Young Ottoman’.³⁰¹ Besides the political problems, economic problem in those times has also influential effect on reform movement. In this context, Şerif Mardin stressed that in late 18th century, Ottoman had lost many territories and if it is thought that territorial expansion was the important revenue for the Ottoman, then it can be seen the severe fiscal inefficiency and economic

²⁹⁷ Bernard Lewis, **The Emergence of Modern Turkey**, 2nd Edition, Oxford: Oxford University Press, 1968, p.133.

²⁹⁸ Bernard Lewis, **The Emergence of Modern Turkey**, 2nd Edition, Oxford: Oxford University Press, 1968, p.134.

²⁹⁹ Erik Jan Zürcher, **Modernleşen Türkiye’nin Tarihi**, 29th Edition, İstanbul: İletişim, 2014, p.85.

³⁰⁰ Bernard Lewis, **The Emergence of Modern Turkey**, 2nd Edition, Oxford: Oxford University Press, 1968, pp.136-146.

³⁰¹ Erik Jan Zürcher, **Modernleşen Türkiye’nin Tarihi**, 29th Edition, İstanbul: İletişim, 2014, p.109.

decline of the Ottoman Empire. Thus all these regression that was seen in the Empire constituted reform movement that Young Ottoman paved the way.³⁰²

According to ‘Young Ottoman’; resolution to re-strengthen the state was not the Tanzimat but representative, constitutional and parliamentary government and this kind of government provides loyalty to the state which seems as the way to re-form the moderate transcendental system.³⁰³ Falih Rıfkı Atay also mentioned that the real goal of Ali Suavi was re-ordering the state with its all material and non-material aspects and enlightening the public.³⁰⁴ Thus, Young Ottoman ideas paved the way government form to transform into constitutional monarchy because the way of re-strengthen the state was the parliamentary system immingled the monarchy with democracy.

On 30 May 1876, Mithat Pasha, Hüseyin Avni Pasha (war minister), Süleyman Pasha and Chief Mufti Hayrullah effendi as a leading Ottoman politicians made a coup d’état and dethroned the Sultan Abdülaziz and installed Murad as new Sultan and as supporter of Young Ottoman in order to spread liberalism and to pass into constitutional monarchy by establishing a constitution. However, victory of the liberals was of short duration because of the mental derangement of the V. Murad. He was incapable of making any public business. Thus, II.Abdülhamid became the new Sultan under the condition that he will publicize the constitutional monarchy and prepare a constitution.³⁰⁵

3.2.1.1. Transition to Constitutional Monarchy under the Constitution of 1876

The duty of the drafting the constitution was given to a committee of statesman (Meclis-i Mahsusa in Turkish) under the presidency of Mithad Pasha.³⁰⁶ The draft constitution was inspired by French (1875) and Belgium (1831) constitution and it was not created by an independent legislature directed popular vote because member of the committee was appointed by the Sultan and some article were regulated by the

³⁰²Şerif Mardin, **The Genesis of Young Ottoman Thought: A Study in the Modernization of Turkish Political Ideas**, Syracuse University Press, 2000, p.135.

³⁰³ Erik Jan Zürcher, **Modernleşen Türkiye’nin Tarihi**, 29th Edition, İstanbul: İletişim, 2014, p.109.

³⁰⁴ Falih Rıfkı Atay, **Baş Veren İnkılapçı**, Cumhuriyet Press, 1997, p. 46.

³⁰⁵ Bernard Lewis, **The Emergence of Modern Turkey**, 2nd Edition, Oxford: Oxford University Press, 1968, pp.161-164.

³⁰⁶ Bernard Lewis, **The Emergence of Modern Turkey**, 2nd Edition, Oxford: Oxford University Press, 1968, pp.161-164.

Sultan.³⁰⁷ The article 113 was one of them and saying that: “*Hükümetin emniyetini ihlâl ettikleri idarei zabitanın tahkikatı mevsukası üzerine sabit olanları memâlik mahrusai şahanedan ihraç ve teb’id etmek münhasran zatı hazireti padişahinin yedi iktidarındadır.*” which means The Sultan had the authority to expel someone he saw as dangerous to the Empire because he tried to keep state powerful.³⁰⁸ Consequently, the constitution pronounced on December 23, 1876 with the 119 articles within the framework of parliamentary monarchy but sultan as representer of the state was still sacred.³⁰⁹

Although the article 5 indicates the first symbol of parliamentary system that “his majesty the Sultan is irresponsible and his person is sacred” (“Zat-ı Hazret-i Padişahinin nefsi-i hümayunu mukaddes ve gayri mesuldür.” in Turkish)³¹⁰, Sultan was entrusted with full authority by moving away from parliamentarism. For example with the article 7 and 27, “he makes and cancels the appointment of ministers, he confers the grades, functions and insignia of his orders, he declares war and makes peace, he carries out the provisions of Şariat (the sacred law), he commutes sentences pronounced by the criminal courts....his majesty may appoint as Grand Vizier and Shayk Al-islam whomsoever he confides in...and so on.” Moreover, he can also dissolve the first Turkish parliament (‘Meclis-i Mebusan in Turkish) with the article 35 and he can convene both of the assemblies by moderating them with the article 37.³¹¹ In addition to this, legislative process can only start with the permission of the Sultan with the article 53 (by saying that “*tarafı şahanedan istizan olunarak iradei seniye müteallik buyrulur ise*” in Turkish).³¹² All these articles gave Sultan more authority than parliamentary system envisions because grace of the state in Turkish history has been full of examples of monopolization of power. According to Shaw and Shaw, Ottoman constitution was

³⁰⁷Sina Akşin, “Birinci Meşrutiyet Meclis-i Mebusanı”, *Ankara University Political Science Faculty Journal*, Vol. 25, No.1 (1970), pp.19-39, p.20 and Şeref Gözübüyük and Suna Kili, *Türk Anayasa Metinleri: 1839-1982*, Ankara University Political Science Faculty Journal, No.496 (1982), p.27. <https://anayasa.tbmm.gov.tr/1876.aspx> (Accessed Date: 07.01.2019).

³⁰⁸Sina Akşin, “Birinci Meşrutiyet Meclis-i Mebusanı”, *Ankara University Political Science Faculty Journal*, Cilt. 25, No.1 (1970), pp.19-39, p.20.

³⁰⁹Stanford J. Shaw and Ezel Kural Shaw, *History of the Ottoman Empire and Modern Turkey, Volume II: Reform, Revolution and Republic: The Rise of Modern Turkey (1808-1975)*, Cambridge: Cambridge University Press, 1977, p.175.

³¹⁰Şeref Gözübüyük and Suna Kili, *Türk Anayasa Metinleri: 1839-1982*, Ankara University Political Science Faculty Journal, No.496 (1982), p.27.

³¹¹Yusuf Tekin, *Başkanlık Sistemi ve Kuvvetler Ayrılığı Tartışmaları*, 1st Edition, İstanbul: Kesit, 2015, p.40 and Şeref Gözübüyük and Suna Kili, *Türk Anayasa Metinleri: 1839-1982*, Ankara University Political Science Faculty Journal, No.496 (1982), p.31.

³¹²Şeref Gözübüyük and Suna Kili, *Türk Anayasa Metinleri: 1839-1982*, Ankara University Political Science Faculty Journal, No.496 (1982), p.33.

made in accordance with previous experience ('path') of the Empire.³¹³ Therefore although it would be seen as parliamentary system in form, it was just an institutional evolution rather than a rapid change which means Kanun-i Esasi was not a critical juncture on the basis of transcendental state understanding. State was the Sultan and it was plausible him to try to keep full authority until source of sovereignty flow away another aspect such as bureaucracy. Thus, the main question of the Young Ottoman was how democracy was provided by keeping the state powerful and their answer would be parliamentary monarchy.³¹⁴

In order to form parliamentary monarch, it was required a parliament and there had not been any assembly yet although article 65, 66, 67, 68 mentioned about the election law that would be made by the parliament.³¹⁵ However the first Ottoman parliament convened on 19 March 1877 and divided in two houses with 25 nominated officials in Chamber of Notables (*Meclis-i Âyân* in Turkish) and 120 elected deputies in Chamber of Deputies (*Meclis-i Mebusan* in Turkish) but under the pressure of the Sultan.³¹⁶ The authority of the parliament was listed clearly in the article 53 and 98 as legislating, regulating, rescinding laws and approval of budget act however appointing and dismissing the deputies was under the authority of The Sultan. There was no vote of confidence in Kanun-i Esasi but parliament could proceed against deputies only with the imperial decree (*İrade-i Seniyye* in Turkish).³¹⁷ Laws were approved by both Chamber of Notables and Chamber of Deputies; and Council of Ministers and Grand Vizier ratified them but at the end, Sultan submitted the laws (article 52-54).³¹⁸

On the basis of executive, Mithad Pasha tried to restore Grand Vizier as the prime minister but constitution/the Sultan did not allow. Grand vizier call and moderate the meeting of Council of Ministers but it was not a powerful position. The Cabinet

³¹³Stanford J. Shaw and Ezel Kural Shaw, **History of the Ottoman Empire and Modern Turkey, Volume II: Reform, Revolution and Republic: The Rise of Modern Turkey (1808-1975)**, Cambridge: Cambridge University Press, 1977, p.175.

³¹⁴Yusuf Tekin, **Başkanlık Sistemi ve Kuvvetler Ayrılığı Tartışmaları**, 1st Edition, İstanbul: Kesit, 2015, p.40.

³¹⁵Sina Akşin, "Birinci Meşrutiyet Meclis-i Mebusanı", **Ankara University Political Science Faculty Journal**, Vol.25, No.1 (1970), pp.19-39, p.21.

³¹⁶Bernard Lewis, **The Emergence of Modern Turkey**, 2nd Edition, Oxford University Press, 1968, p.168 and Erik Jan Zürcher, **Modernleşen Türkiye'nin Tarihi**, 29th Edition, İstanbul: İletişim, 2014, p.116.

³¹⁷Sina Akşin, "Birinci Meşrutiyet Meclis-i Mebusanı", **Ankara University Political Science Faculty Journal**, Vol.25, No.1 (1970), pp.19-39, p.23.

³¹⁸Stanford J. Shaw and Ezel Kural Shaw, **History of the Ottoman Empire and Modern Turkey, Volume II: Reform, Revolution and Republic: The Rise of Modern Turkey (1808-1975)**, Cambridge: Cambridge University Press, 1977, p.176.

could commence the legislation or modifying the laws. If the Assembly rejected proposed laws, the sultan can easily repeal the Assembly and demands new election (article 35). Moreover, because the Sultan had right to dismiss and appoint the ministers, ministers were not responsible to the Parliament but the Sultan.³¹⁹

As it can be seen that, parliamentary system couldn't be formed intrinsically -as Lewis put it, it was "a puppet assembly"³²⁰ in order to be seen as democratic government and gain popular support- because state was still institutionalized into the Sultan and he resisted against sharing his power with the parliament. Thus, parliament could be prorogued for an indefinite period of time in 31 January 1878 by the Sultan. Russian War (1877-1878) was pretended for this dissolution because defeat of Ottoman in the Russian War and deterioration of the economy was criticized by the deputies.³²¹ Although Shaw asserts that Abdulhamid II firstly wanted to work with Parliament and impressed with Mithad's ideas, he laterly believed that influential administration only could be acquired by way of II. Mahmud's centralized rule rather than diffusion of the powers;³²² which refer to tendency that is seen in transcendental state.

3.2.1.2. Establishment of Autocracy of Abdulhamid II's Regime

Despite the fact that Abdulhamid II came to power with the promising of preparing the constitution, dynastic problems (such as Murat V's mental problem), internal and external problem (such as lack of confidence, corruption about the bureaucracy and Russian War (1877-1878), Balkan threats, European Powers) made the Abdulhamid II feel insecure and tended him to autocracy based on influential administration in order to provide sultan-based state structure by sending Midhat Pasha into exile and by prorogued the parliament. He tried to center the power in the palace, not in bureaucrats and Sublime Porte and though that parliamentary monarchy can not

³¹⁹ Stanford J. Shaw and Ezel Kural Shaw, **History of the Ottoman Empire and Modern Turkey, Volume II: Reform, Revolution and Republic: The Rise of Modern Turkey (1808-1975)**, Cambridge: Cambridge University Press, 1977, p.175-176.

³²⁰ Bernard Lewis, **The Emergence of Modern Turkey**, 2nd Edition, Oxford: Oxford University Press, 1968, p.168-169.

³²¹ Ahmet Oğuz, "Birinci Meşrutiyet Meclisi'nin Kapatılmasının Sonuçları Üzerine", **Nevşehir Barosu Dergisi**, Vol.1, No.1 (March 2014), pp.41-67, p.45 and Bernard Lewis, **The Emergence of Modern Turkey**, 2nd Edition, Oxford: Oxford University Press, 1968, p.168-169.

³²² Stanford J. Shaw and Ezel Kural Shaw, **History of the Ottoman Empire and Modern Turkey, Volume II: Reform, Revolution and Republic: The Rise of Modern Turkey (1808-1975)**, Cambridge: Cambridge University Press, 1977, pp.212-213.

be implemented in those circumstances and autocracy was the only solution to protect the state by saying that “I made a mistake when I wished to imitate my father, Abdulmecit, who sought to reform by persuasion and by liberal institutions.”³²³ In this context, as Çavdar put it, the Cabinet (*Meclis-i Vükela* in Turkish) suddenly gave a protocol to the Sultan in order to prorogue the parliament on account of the fact that parliament could’t answer the questions of deputies and was not able to participate the parliament meeting due to the reasons of external problems (such as peace talks with the Russian) and parliament were prorogued by imperial decree of the Sultan in 1878.³²⁴

During the 30 years up until 1908 (Jön Turk revolution), II.Abdulhamid concentrated the centralization issue by focusing on administrative regulation. Even the telegram line was installed because of the supervision the officials³²⁵ because monopolization of power and authority of the state can easily be diffused by the telegram. In addition to this, most of the journal was expurgated especially in between 1876-1878 because of their emphasis of liberalism, nationalism and constitutionalism.³²⁶ Due to fear of the liberalism, II.Abdülhamid started educational explosion. For example, he disqualified the educated army officer and raised uneducated officer up instead of them; which created discrimination. Thus, the center of the authority was institutionalized in the Sultan again like II. Mahmud era. However, demands of the parliamentary system generated educated class within bureaucrats, officers, writers and doctors and they believed that modernization could be possible by means of elite class.³²⁷

Thereafter, all these ideas caused to new form of Young Ottoman established in 1889. The new ‘Jeunes Turcs’ leagued together under the leadership of Ahmet Rıza and was named as ‘The Committee of Union and Progress’ (*İttihat ve Terakki Cemiyeti* in Turkish) (CUP) in 1895 in order to establish constitutional and parliamentary system. 1906-1908 were the important years to progress of CUP because the Empire was

³²³Stanford J. Shaw and Ezel Kural Shaw, **History of the Ottoman Empire and Modern Turkey, Volume II: Reform, Revolution and Republic: The Rise of Modern Turkey (1808-1975)**, Cambridge: Cambridge University Press, 1977, pp.212-213.

³²⁴ Tefik Çavdar, **Türkiye’nin Demokrasi Tarihi: 1839-1850**, First Edition, Ankara: İmge, 1995, p.44.

³²⁵ Bernard Lewis, **The Emergence of Modern Turkey**, 2nd Edition, Oxford: Oxford University Press, 1968, p.187.

³²⁶Erik Jan Zürcher, **Modernleşen Türkiye’nin Tarihi**, 29th Edition, İstanbul: İletişim, 2014, p.121-142.

³²⁷Stanford J. Shaw and Ezel Kural Shaw, **History of the Ottoman Empire and Modern Turkey, Volume II: Reform, Revolution and Republic: The Rise of Modern Turkey (1808-1975)**, Cambridge: Cambridge University Press, 1977, p.255.

handling with economic problem such as expensiveness (because of inflation rate) and unemployment; which opened a road to strike and rebellion. Besides these, the most influential development for ‘Jeunes Turcs Revolution’ was the Macedonian issue. Christian terrorism increased in Macedonia and it was assisted by the Greek churches. Moreover, Great Britain and Russia decided Macedonia to be under the control of the foreigners. All these development ended up with the rebellion of CUP in 1908 because ‘Young Turks’ believed that Macedonian problems could be solved by constitutional and parliamentary system. Thus, Sultan could not quell the rebellion and declared the Kanun-i Esasi again.³²⁸ All these processes can be evaluated as incremental adjustments. Although 1908 revolution is a critical juncture for the government system because there was a shift from absolute monarchy to the parliamentary monarchy, it was not the critical juncture because the state was no longer the sultan, but the bureaucracy. In this context, a number of amendments that will be made on the Constitution of 1876 are quite important.

3.2.1.3. 1909 Amendments

With the ‘Revolution of 1908’ Jeunes Turcs did not seize power the government but tried to impress it in the background. However the issue is of where state institutionalize started to be conflicted; The Sultan, Grand Vizier or Parliament? However, Sultan’s power was decreased incrementally. With the imperial decrees on August 1908, article 113 was modified. Bureaucrats couldn’t be appointed to position forcefully anymore. With the freedom of political association, political parties improved. Two important political groups were seen in public as CUP itself under the name of Unionist and Ottoman Liberal Union Party (*Osmanlı Ahrar Fırkası* in Turkish) under the leadership of Prince Sabaheddin.³²⁹ This also means that state started to institutionalize within the bureaucratic elites especially under the control of Unionist

³²⁸Erik Jan Zürcher, **Modernleşen Türkiye’nin Tarihi**, 29th Edition, İstanbul: İletişim, 2014, p.121-142 and Stanford J. Shaw and Ezel Kural Shaw, **History of the Ottoman Empire and Modern Turkey, Volume II: Reform, Revolution and Republic: The Rise of Modern Turkey (1808-1975)**, Cambridge: Cambridge University Press, 1977, p.266.

³²⁹Stanford J. Shaw and Ezel Kural Shaw, **History of the Ottoman Empire and Modern Turkey, Volume II: Reform, Revolution and Republic: The Rise of Modern Turkey (1808-1975)**, Cambridge: Cambridge University Press, 1977, p.274-278.

party and related with the army.³³⁰ This power shift from Sultan to CUP required the amendment of the Constitution of 1876.

On August 21, 1909, a new law was accepted in the constitution and role of the sultan was decreased. Regulated article 3 said that Sultan should promise to have respect for sharia law and the constitution by remaining faithful to motherland and nation. So, Parliament had right to depose the Sultan. Besides this, Grand Vizier and the other ministers became responsible to the Parliament anymore not to the Sultan. Ultimate ratification of the agreements now was belonged to the Parliament not to Sultan. The president and vice presidents were not appointed by the Sultan but were elected their members. The right to promulgate the martial law was given to government by being altered the article 113. In addition, the decisions that were taken in the legislature were sent to Sultan for announcement. If Sultan get back it and deputies approve the same decision with the two-thirds majority, then Sultan had to accept and announce the decision.³³¹ Moreover, Chamber of Deputies could dissolve the Council of Ministers via vote of no confidence with the regulated article 35.³³² All these amendments of the constitutions show that state was shifted away from the sultan and real parliamentary system tried to be established. However as Bernard Lewis put it, the major reality of the Turkish history had never been changed. The Jeunes Turcs initiatives just were a new way to save the state. According to them Sultan couldn't rule the state well and protect the empire against foreigners, so center of the state should be changed.³³³ State now was tried to be institutionalize within the bureaucratic elite under the control of CUP and power was taken from the Sultan. However, Turkish history now witnessed the transcendental state ruling by way of political party related with the army. Therefore, amendment of the constitution shouldn't be seen and interpreted as limited state because state was not Sultan anymore.

In the context of executive regulation, Sultan's duties and authorities were preserved but with the 1909 regulation, all these duties and authorities could be used by

³³⁰ Metin Heper, *Türkiye'de Devlet Geleneği*, Ankara: Doğubati, 2015, p.88.

³³¹ Stanford J. Shaw and Ezel Kural Shaw, *History of the Ottoman Empire and Modern Turkey, Volume II: Reform, Revolution and Republic: The Rise of Modern Turkey (1808-1975)*, Cambridge: Cambridge University Press, 1977, p.283-184 and Türkiye Büyük Millet Meclisi Başkanlığı, 1909, <https://anayasa.tbmm.gov.tr/1876.aspx> (29.01.2019).

³³² Kemal Gözler, *Türk Anayasa Hukuku Dersleri*, 4th Edition, Bursa: Ekin, 2007, p.25.

³³³ Bernard Lewis, *The Emergence of Modern Turkey*, 2nd Edition, Oxford: Oxford University Press, 1968, p.211.

countersignature of Grand Vizier and related deputy. The Sultan's right to send exile was abolished. Moreover, right to making international agreement was required the ratification of the Parliament anymore.³³⁴

On the basis of the parliamentary system, although ministers were made responsible to the parliament or parliament could depose the sultan, it can't be said that real separation of power was settled because Ottoman Empire was in a difficult situation. Many territories were lost. Austria annexed the Bosnia-Herzegovina, Bulgaria declared its independence, Cretan was annexed by Greece and thereafter Balkan States started to attack against the Empire.³³⁵ In those times, CUP thought that Sultan couldn't save the state and real solution lied down the state based on the parliamentary system. However parliament was ruled by the CUP. It couldn't be formed real democratic and liberal separation of powers because crisis situation that Ottoman was in were again tried to be overcome by monopolization of power. Parliamentary system would have provided Sultan's power to be eliminated and to make easier the CUP's policies to be implemented because legislature was managed by the CUP in the background. When a huge opposition occurred against the CUP in the assembly, then, they tried to abrogate the parliament/opposition forcefully because parliament was a tool of CUP for controlling the government, bureaucracy and the palace. To give an example, election of 1912 ('sopalı seçim' in Turkish) was made with strong hand of CUP and opposition was suppressed.³³⁶

3.2.2 Republican Period

3.2.2.1. Period of 1923-1980

3.2.2.1.1. The Constitution of 1921

With the effect of economic problem, liberation movements and Balkan wars, Ottoman Empire had gone from bad to worse for a long time and started to be called by foreigners as a 'sick man'. In 1918, Mehmed Vahdettin became a new sultan and many CUP members escaped from the Empire because of their own failure. Thus, new sultan dissolved the Chamber of Deputies on December 21, 1919. For the Sultan, first thing to

³³⁴ Kemal Gözler, *Türk Anayasa Hukuku Dersleri*, 4th Edition, Bursa: Ekin, 2007, pp.24-25.

³³⁵ Bernard Lewis, *The Emergence of Modern Turkey*, 2nd Edition, Oxford: Oxford University Press, 1968, p.213

³³⁶ Erik Jan Zürcher, *Modernleşen Türkiye'nin Tarihi*, 29th Edition, İstanbul: İletişim, 2014, p.158.

be done was destroying the ruins of 'Jeunes Turcs'. However, this implementation could not prevent the Empire to be invaded by the allied powers. On May 1919, Greece invaded the Smyrna (İzmir in Turkish) and this caused to uprising against the Empire which opened a road to war of independence.³³⁷ Turkish war of independence was started against the Allies after the 'Armistice of Mudros'(1918) under the leadership of Mustafa Kemal because allied power started to invade many regions within the Empire. Firstly, Mustafa Kemal and his fellow fighters such as Rauf Orbay (former navy minister), Refet Bele (Commander many corps), Ali Fuat Cebesoy (Commander in Ankara) met in Amasya Protocol (June 1919) and they declared the messages of the national movement against the invasion of Allies. Amasya and then Erzurum and Sivas Congress, which all completed the composing of National Congress by gathering all local congresses under a single roof in order to provide central administration.³³⁸

According to the Amasya protocol; liberty of nation was at risk; İstanbul government couldn't administer the state well; national independence could be provided only by effort of nation.³³⁹ In pursuit of Amasya protocol, Erzurum and Sivas congress were also influential on designing the Misak-ı Milli (National Pact) which was the declaration of Turkish national independence and territorial integrity. However, this messages and the Pact should have spreaded on nation-wide via parliament. On December 1919, new election was made to the Chamber of Deputies that would be going to assemble in İstanbul, 1920 and many supporters of Mustafa Kemal got into the parliament. Thereby, new parliament would easily accept the Misak-ı Milli. However, Allied Powers invaded the Istanbul on March 16, 1920 and supporters of national movement were arrested or send into exile. The last Ottoman Parliament was assembled in 18 March 1920 and they resisted against these arrestment. Hence, deputies prorogued the parliament indefinitely.³⁴⁰ However, the key point in here is that period of Armistice (from the Armistice of Mudros to the Armistice of Mudania (1918-1922)) witnessed dual-power relations between İstanbul government and National Congress of Ankara. Although, Ankara government had legitimacy in order to have the representative

³³⁷ Bernard Lewis, **The Emergence of Modern Turkey**, 2nd Edition, Oxford: Oxford University Press, 1968, pp.140-241.

³³⁸ Bülent Tanör, **Kurtuluş Kuruluş**, 6th Edition, İstanbul: Cumhuriyet, 2004, pp.99-100.

³³⁹ Stanford J. Shaw and Ezel Kural Shaw, **History of the Ottoman Empire and Modern Turkey, Volume II: Reform, Revolution and Republic: The Rise of Modern Turkey (1808-1975)**, Cambridge: Cambridge University Press, 1977, p.343-346.

³⁴⁰ Bernard Lewis, **The Emergence of Modern Turkey**, 2nd Edition, Oxford: Oxford University Press, 1968, p.250-251.

characteristic and take support from the people attended war of independence, it was not fully independent, autonomous and formal power. Moreover, Ankara government identified itself within the framework of Ottoman government's political-constitutional structure by abiding the '*Kanuni Esasi*'. The problem was the government of Damat Ferit Pasha and his policies. Besides, İstanbul government still had power to take decision on several issues like budget, tax, diplomacy and appointment of bureaucrats. According to Tanör, there was balance of power between the Ankara and İstanbul government and this duality continued up until the abolition of sultanate (1922). However, occupation of İstanbul (1920), Ankara discredited all decision of the İstanbul government after the occupation and accelerated the state formation of the national congress through GNA (Grand National Assembly).³⁴¹

As the Istanbul government was under the control of Allied Powers, Mustafa Kemal proclaimed the 'Representative Committee' in Ankara in order to form a new government, new parliament and new constitution. In 19 March 1920, he declared the new parliament as Grand National Assembly (GNA) (*Büyük Millet Meclisi* in Turkish) with the participation of 100 members of last Ottoman Parliament and GNA was assembled on April 23 under the presidency of Mustafa Kemal.³⁴² The next day (24 April), Mustafa Kemal presented a motion to the assembly in order to determine state formation but this motion is regarded as 'temporal constitution' (as Tanör put it)³⁴³ until the The Constitution of 1921. According to the motion; forming a government is necessity; actual authority of the state belongs to the national will represented by the GNA; the top body of state is the assembly which is the predominant body; GNA is rigged with both legislative and executive functions; Council of State will be chosen from the members of parliament and will be responsible to the parliament. Moreover, GNA did not unthroned the Sultan; they just declare him as prisoner of Allied, which was the reason that his decisions were accepted as invalid. And president of the Council is the president of the Parliament which is the assembly government system³⁴⁴ which all

³⁴¹Bülent Tanör, *Kurtuluş Kuruluş*, 6th Edition, İstanbul: Cumhuriyet, 2004, pp.106-110.

³⁴²Stanford J. Shaw and Ezel Kural Shaw, *History of the Ottoman Empire and Modern Turkey, Volume II: Reform, Revolution and Republic: The Rise of Modern Turkey (1808-1975)*, Cambridge: Cambridge University Press, 1977, p.349.

³⁴³D. Burak Çelik, "Ulusal Kurtuluş Savaşı Döneminde Anayasal Gelişmeler ve 1921 Anayasası"(Master thesis), Ankara University Political Science Institute, 2002, p.93.

³⁴⁴Roderic H. Davison, *Essays in Ottoman and Turkish History, 1774-1923: The Impact of The West*, Texas: University of Texas Press, 1990, pp.212-213 and D. Burak Çelik, "Ulusal Kurtuluş Savaşı Döneminde Anayasal Gelişmeler ve 1921 Anayasası"(Master thesis), Ankara University Political Science Institute, 2002, p.88.

were accepted in the assembly. The motion later on was developed and evolved to the Constitution of 1921 in order to determine the framework of organizational structure, constitutional order and authorization of the state. In this context, the Constitution of 1921 appears like a ‘designed document’³⁴⁵ to meet the need of the war period and state within the period of 1920-1923 was institutionalized into the assembly.

The assembly government of the war of independence was prepared under the name of ‘Law of Fundamental Organization’ (*Teşkilat-ı Esasiye* in Turkish) by constituent assembly. The constitution of 1921 was declared with 23 articles which is the shortest constitution of Turkey. Both legislative and executive bodies were concentrated at the assembly. As legislative power, Assembly could announce and abolish the laws, ratify the treaties and declare the war. As an executive power, Assembly could conduct departments of the government, to appoint and dominate the ministers and –if it wants- change the ministers. President of the Assembly and all other ministers were responsible to Assembly (Article 7 and 8).³⁴⁶ Since on March 16, 1920, all decisions or treaties that were made by Istanbul government was regarded as invalid because Istanbul was invaded and centralization/institutionalization was tried to be provided through the Ankara government whose authority was superior and accepted by almost whole country.³⁴⁷ Article 1, 2 and 3 mentioned about this superiority as saying that ‘Turkish state was ruled by GNA and called as government of GNA and both executive and legislative power concentrated at GNA’.³⁴⁸ Thus, Constitution of 1921 supported the unity of power within the framework of assembly government system. As it is mentioned before, in order to provide unity, it is generally preferred in crisis period.³⁴⁹ In here, it can be also said that the article 9 carries out much more superiority than assembly government system envisions. Because according to the article, the president who parliament chose is also the president of cabinet council. He has signature authority on behalf of legislature and can ratify the decisions of cabinet council. Noteworthy, concentration of powers is not on legislative actually but on the

³⁴⁵ Taha Parla, *Türkiye’de Anayasalar: Tarih, İdeoloji, Rejim (1921-2016)*, 4th Edition, Istanbul: Metis, 2016, pp.21.

³⁴⁶ Türkiye Büyük Millet Meclisi Başkanlığı, 1921, <https://anayasa.tbmm.gov.tr/docs/1921/1921ilkmetin/1921-ilkhali.pdf> (07.01.2019).

³⁴⁷ Stanford J. Shaw and Ezel Kural Shaw, *History of the Ottoman Empire and Modern Turkey, Volume II: Reform, Revolution and Republic: The Rise of Modern Turkey (1808-1975)*, Cambridge: Cambridge University Press, 1977, p.350-352.

³⁴⁸ Türkiye Büyük Millet Meclisi Başkanlığı, 1921, <https://anayasa.tbmm.gov.tr/1921.aspx> (07.01.2019).

³⁴⁹ Yusuf Tekin, *Başkanlık Sistemi ve Kuvvetler Ayrılığı Tartışmaları*, 1st Edition, İstanbul: Kesit, 2015, p.43.

head of the assembly as a head of the state and Mustafa Kemal behaved as de facto head of the executive. In this regard, Mustafa Kemal also supported the unity of power by saying that “Even nature has unity of power.” (“*Tabiatta dahi tevhidi kuvva vardır*” in Turkish)³⁵⁰ which indicates the tendency to strong leader authority which is main determinant of transcendental state understanding. However, it should be fairly said that Turkey witnessed politically stable government during 1920-23³⁵¹ and single-man authority gained positive feedback one more time.

Although the new regime and the new constitution predicted the national sovereignty but this executive power was used by GNA because it was believed that nation was not ready to take a decision properly and monopolization of powers should be provided to forge ahead. Thus, it was required the Sultan and the Caliphate to be abolished by being separated them each other. On the basis of opposition against abolishment of them, Mustafa Kemal said that “The authority has been taken by force until now and Turkish nation is doing the same thing right the moment. This is an imposition; it is not a debatable issue.”³⁵² And they were abolished in 1922 and 1924 in turn. However, it was not enough because abolishment of the Sultan and Caliphate created the question of who the head of the state was and resolution was not possible within the assembly government system. Turkish nation got used to see a head of the state and assembly solely did not meet this requirement legitimately. Moreover, the actual intention of Mustafa Kemal was proclamation of the Republic in order to disambiguate in politics, resolving question of who head of the state is and coming at the level of modern civilization. However, constitution of 1921 actually determined the Republic as saying that “Sovereignty unconditionally is of nation” but it was not put into words.³⁵³ Consequently, On September 29, 1923, Republic was promulgated and Mustafa Kemal was chosen as head of the state by the Parliament. Since then, state has been institutionalized within the executive legitimately and Mustafa Kemal gained

³⁵⁰Taha Parla, **Türkiye’de Anayasalar: Tarih, İdeoloji, Rejim (1921-2016)**, 4th Edition, İstanbul: metis, 2016, pp.23.

³⁵¹Cahit Özkan, **Tarihi, Siyasi ve Hukuki Yönleriyle Cumhurbaşkanlığı Modeli**, 1st Edition, İstanbul: DBY: 2017, p.46.

³⁵²Mustafa Kemal Atatürk, **Nutuk II**, 9th Edition, İstanbul: Türk Devrim Tarihi Enstitüsü Milli Eğitim Press, 1969, pp. 690-691.

³⁵³Taha Parla, **Türkiye’de Anayasalar: Tarih, İdeoloji, Rejim (1921-2016)**, 4th Edition, İstanbul: Metis, 2016, pp.21-22.

much more authority because legitimacy has always brought much more power.³⁵⁴ In addition, policies/laws that were implemented were re-shaped within the framework of strong executive state once more and were institutionalized into the new constitution.

3.2.2.1.2. The Constitution of 1924

From the beginning of war of independence to the Republic of Turkey, political and constitutional institutions were formed by means of local-national congress, ADNRRAR (Association for Defense of the National Rights of the Anatolia and Rumelia), national assembly (GNA) and government of GNA.³⁵⁵ Constitution of 1921 was the production of crisis period; it was implemented within the period of transitional regime. Thus, new constitution was required in order to determine the fundamental state entity, right of the people and terminate the double constitution because Constitution of 1876 was still applicable to some issues that The Constitution of 1921 didn't touch upon.³⁵⁶

From the beginning of the promulgation of the Republic (1923) to the death of the Atatürk (1938), the main ideas and policies of him progressed within the framework of several programs, laws and speeches that has been later called as 'Kemalism. Kemalism is a set of thoughts that have aimed at political, cultural and economic innovations since 1930s³⁵⁷ and categorized within the six ideologies: Nationalism, Republicanism, Populism, Statism, Reformism and Secularism.³⁵⁸ The later all developments and reforms were in line with these principles. In this period, normative framework of moderate transcendental state was provided by Kemalist principles. State was integrated with the Kemalism and society has been conceived as manservant of the sacred state within uniformity. According to Köker, refusing to accept differentiated pluralist structure of Turkish society even within the limits allowed by modern state democracy means that state is perceived as the highest concretized organs of classless

³⁵⁴ John Balfour Kinross, **Atatürk: Bir Milletten Yeniden Doğuşu**, Necdet Sander (trans.), Altın Kitaplar, 1999, p.447.

³⁵⁵ Mustafa Kemal Atatürk, **Nutuk II**, 9th Edition, İstanbul: Türk Devrim Tarihi Enstitüsü Milli Eğitim Press, 1969, p.158.

³⁵⁶ Bülent Tanör, **Osmanlı-Türk Anayasal Gelişmeleri**, 25th Edition, İstanbul: Yapı Kredi, 2015, p.290.

³⁵⁷ Levent Köker, "Kemalizm/ Atatürkçülük: Modernleşme, Devlet ve Demokrasi", Tanıl Bora and Murat Gültekinil (Ed.), in **Modern Türkiye'de Siyasi Düşünce: Kemalizm-Cilt2** (97-111), 6th Edition, İstanbul: İletişim, 2009, p.111.

³⁵⁸ Stanford J. Shaw and Ezel Kural Shaw, **History of the Ottoman Empire and Modern Turkey, Volume II: Reform, Revolution and Republic: The Rise of Modern Turkey (1808-1975)**, Cambridge: Cambridge University Press, 1977, p.375.

and fused society.³⁵⁹ In this regard, Sartori asserted that Atatürk used the ideology for pragmatic reason in order to keep state powerful and reach a modern civilization³⁶⁰ because politics composes of leadership and education in transcendental state and faith in state supremacy can be strengthened through the education of people (via cultural modernization, ideological imposition, normative loyalty) by a leader. When state was tried to be gone out of Kemalism, then it was perceived as ‘negative-feedback’ because Kemalism was perceived as a tool of the state to provide uniformity between the institutions and to keep state powerful. Thus, the Constitution of 1924 has an importance in terms of creating legal infrastructure for these principles which will be included within the Constitution via amendments of 1937.

The Constitution of 1924 formed a government system, a mixture of assembly government system and parliamentary system by being benefitted from The French (1875) and Polish (1921) Constitution. In the assembly negotiations, main aim of the constitution was determined as forming a ‘strong state order’ within the framework of democracy. Although the central body of this strong state was projected as GNA once again, there were desires on strengthening the institution of presidency within the process of preparation of constitution which also indicates the tendency of strong executive.³⁶¹ In this process, assembly generally tried to struggle against the desires of increasing the authority of presidency. For example, term of office the presidency was tried to be made 7 years but assembly resisted and regulated it as ‘one electoral period’ which means 4 years. This struggle caused to uncertainty on which government system was implemented. However, in practice, one-party system and integration of party-state generated a powerful executive.³⁶²

The executive body was separated more rigidly in Constitution of 1924 than Constitution of 1921 envisioned but article 5 again said that ‘executive and legislative powers belong to GNA’. Although superiority of the assembly was stressed again, but executive power took a step further. Article 7 asserted that, ‘the assembly uses executive authority by means of president who is elected by the assembly itself and

³⁵⁹Levent Köker, “Kemalizm/ Atatürkçülük: Modernleşme, Devlet ve Demokrasi”, Tanıl Bora and Murat Gültekinil (Ed.), in **Modern Türkiye’de Siyasi Düşünce: Kemalizm-Cilt2** (97-111), 6th Edition, İstanbul: İletişim, 2009, p.110.

³⁶⁰Metin Heper, **Türkiye’de Devlet Geleneği**, Ankara: Doğubatu, 2015, p.119.

³⁶¹Bülent Tanör, **Osmanlı-Türk Anayasal Gelişmeleri**, 25th Edition, İstanbul: Yapı Kredi, 2015, pp.292-293.

³⁶²Mete Tunçay at all (Ed.), **Türkiye Tarihi 4: Çağdaş Türkiye Tarihi (1908-1980)**, İzmir: Cem, 2018, p.95.

cabinet council that is appointed by the president'.³⁶³ With the article 44, government became fundamental body that responsible of executive because it didn't depend directly on the assembly anymore. Article 44 said that "President chooses prime minister from among the member of the parliament and the prime minister chooses the other ministers and makes it submit to the president". Thus, authority of forming the cabinet council was given to president and prime minister; which all indicates a shift from superiority of the assembly to the executive. In addition to this, article 8 was changed and Assembly have not authority to direct the ministers anymore. However, Assembly could dominate and dissolve the government while executive could not dissolve the assembly and government had to take a vote of confidence from the parliament. Moreover constitutionality of statutes was also inspected by the assembly.³⁶⁴ This indicates that Assembly has much more authority than parliamentary system envisions but this authority has head for executive incrementally.

On the basis of president, "he could preside at the Assembly and Cabinet Council 'when needed' but he couldn't attend the assembly negotiations and couldn't vote. Decisions of him were ratified by prime minister and related minister which means he was irresponsible and representative body. He declared the laws that assembly ratified and if it vetoed and assembly ratified the same law, then he had to ratify and declare the law. Prime minister and other ministers were chosen from within the assembly. (Article 32, 35, 39, 44)³⁶⁵ Although all these article are seen as parliamentary system (separation of power), state was incrementally institutionalized into the People Party (RPP, since November 1924, The Party has been named as Republican's People Party³⁶⁶) which was formed on September 9, 1923 by Mustafa Kemal. In this regard, the 1937 regulation of Constitution of 1924 has evidential value because article 2 said that 'Turkish state is nationalist, republican, populist, statist and secularist' and 'revisionist'. As Taha Parla put it, these 6 principles were already features of RPP. Until 1937, state was directed by means of RPP programmes and bylaws, and then constitution was integrated with the Kemalist principles. Meanwhile, state was tried to be identify with

³⁶³ Türkiye Büyük Millet Meclisi Başkanlığı, 1921, <https://anayasa.tbmm.gov.tr/1924.aspx> (08.02.2019).

³⁶⁴ Bülent Tanör, *Osmanlı-Türk Anayasal Gelişmeleri*, 25th Edition, İstanbul: Yapı Kredi, 2015, pp.303-307.

³⁶⁵ Taha Parla, *Türkiye'de Anayasalar: Tarih, İdeoloji, Rejim (1921-2016)*, 4th Edition, İstanbul: Metis, 2016, pp.26-27 and Mete Tunçay, *Türkiye Cumhuriyetinde Tek Parti Yönetiminin Kurulması (1923-1931)*, Ankara: Yurt, 1981, p.89.

³⁶⁶ Sevda Mutlu, "Tek Parti Döneminde Parti-Devlet Bütünleşmesine Bir Örnek: Dilek Sistemi", *Atatürk Araştırma Merkezi Dergisi*, No:86 (July 2013), pp.53-102, p.62.

the party (1923-1950) and RPP transformed a monopolist party incrementally because of not to remain any opposition group in parliament.³⁶⁷ Lacking of influential opposition group during the preparation of the constitution paved the way for a stable executive directed by the bylaw and program of RPP itself.

According to Kemal Karpat, main aim of RPP was forming the independent Turkish State based on democratic and secular nation-state in order to strengthen the state. All these reforms were required more stable and strong power and most of member of Assembly had already composed of the RPP. However, government had handled with domestic problems.³⁶⁸ To overcome these domestic problems, new laws and institution was formed in order to provide political stability such as independence tribunals. Within the framework of new institutionalism, all these new laws and institutions are not exogenous practice but are settled before politics began because entrusting state with authority has been endogenous feature of the institution. All these were not the interest of the Mustafa Kemal or RPP, but the interest of the state or executive, it was endogenous consciousness of institutional tradition. Thus, to strengthen the executive, opposition movements were oppressed. 1925 Kurdish revolt (Şeyh Said in Turkish) was one of them. To suppress the revolt, assembly gave extraordinary authority to the executive with the ‘law on the maintenance of order’ (*Takrir-i Sükûn* in Turkish). *Takrir-i Sükûn* were the first clear seed of one-party system in Turkey and remained in force until 1929.³⁶⁹ All these were the indicators the executive authority and this power was extended by the party bylaw as an attempt to integrate party-state. In this way, government could prohibit all the organizations and the Press that caused to disturb the peace.³⁷⁰ Moreover, with the declaration a state of siege, the law allowed for the establishment of independence tribunals and most of the Kurdish leader was executed, many Kurdish was forced to emigrate and several influential periodical publications were closed. By the way, Progressive Republican Party (PRP) which was formed in 1924 as an opposition party but it was dissolved after

³⁶⁷ Taha Parla, **Türkiye’de Anayasalar: Tarih, İdeoloji, Rejim (1921-2016)**, 4th Edition, İstanbul: Metis, 2016, p.28.

³⁶⁸ Kemal Karpat, **Türk Siyasi Tarihi: Siyasal Sistemin Evrimi**, 5th Edition, İstanbul: Timaş, 2014, pp.43-52.

³⁶⁹ Erik Jan Zürcher, **Modernleşen Türkiye’nin Tarihi**, 29th Edition, İstanbul: İletişim, 2014, pp.254-255.

³⁷⁰ *Takrir-i Sükûn Kanunu*, 1925, https://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc003/kanuntbmmc003/kanuntbmmc00300578.pdf (12.12.2018)

the Kurdish Revolution on June 3, 1925 because of the sedition.³⁷¹ According to Mardin, although there were not any direct link between the Kurdish revolution and the new party, this kind of opposition party represented the passion of de-centralized state structure and party was closed down in order to discharge opposition and provide centralization.³⁷² However, it can be caunted as first experience to transition to multi-party system.

Governmental administration of RPP was provided by the trinity entity: General President, General Vice President and Secretary General which was determined in 2nd general assembly of RPP (1927). This trinity council even determined the candidate of the assembly and final decision was belonged to the General President. According to article 7 of it, “General President is Mustafa Kemal who is unchangeable.” This unchangeability was repeated in bylaw of 1931 but laid impose some conditions for change such as death, illness and resignation.³⁷³ Together with its stress on party-state integration, actual intention of this charter of RPP was to determine the state as central and stable authority. Change is also extraordinary situation for the new institutionalist approach. Resistance against change is seen as safe area for Turkish state tradition and it is feature of transcendental state by nature. Even the second experience of transition to multi-party system can be examined within this framework. Although Free Republican Party (FRP) was formed by desire of Mustafa Kemal in 1930, it was closed down in order not to provoke the masses further because the party provided the masses’s support in a short span of time and this may caused to change/or damage RPP’s single-headed structure. In response to this uneasiness, Mustafa Kemal had to proclaim that “RPP’s leader will not change” and FRP was closed down.³⁷⁴

Issue of party-state integration was clearly seen in the third general assembly of RPP because programme of RPP was accepted and declared on May 1931. The programme in question determined the unity of power as the principle of constitution and declared the six principles as the main determinant of the RPP.³⁷⁵ Besides the party

³⁷¹ Mete Tunçay, *Türkiye Cumhuriyetinde Tek Parti Yönetiminin Kurulması (1923-1931)*, Ankara: Yurt, 1981, pp.140-146.

³⁷² Şerif Mardin, *Türkiye’de Toplum ve Siyaset: Makaleler I*, Mümtaz’er Türköne and Tuncay Önder (Ed.), 6th Edition, İstanbul: İletişim, 1997, p.60.

³⁷³ Hakkı Uyar, *1923’ten Günümüze CHP Tüzükleri Üzerine Genel Bir Değerlendirme*, İstanbul: Tüses, 2000, p.6.

³⁷⁴ Erik Jan Zürcher, *Modernleşen Türkiye’nin Tarihi*, 29th Edition, İstanbul: İletişim, 2014, pp.264-265.

³⁷⁵ Mete Tunçay at all (Ed.), *Türkiye Tarihi 4: Çağdaş Türkiye Tarihi (1908-1980)*, İzmir: Cem, 2018, p.113.

programme, cultural structuring of the party-state integration was tried to be provide via community centers (*Halk evleri* in Turkish) in order to spread nationalist and secularist ideology of the state throughout the society (1931) and in order to provide loyalty and devotion of the people to the state. Both Press and educational institutions were used to spread Kemalist principles.³⁷⁶ In this context, Journal of *Ülkü* was began its broadcasting life to provide uniformity among the society and to spread Kemalist principles in 1932.³⁷⁷ This shows a strong political party that tried to be integrated with society. In the fourth general assembly of RPP (1935), secretary general Recep Peker announced the RPP as the first party-state integration of the Turkish Republic. In those times, although Recep Peker tried to prefer RPP from the institution of the state, he didn't achieve and RPP's dependence on state much more increased. Thus, consequentially, Recep Peker was discharged and İsmet İnönü integrated party-state as de-facto by making institutional regulations.³⁷⁸ On the basis of party-state integration, minister of interior was assigned as secretary general of RPP and governors of provinces were made provincial head of RPP to provide the integration.³⁷⁹ Besides these, 1938 law of community (*Cemiyetler kanunu* in Turkish) was one of the other party-state integration. According to this law, parties could come into operation only with registration and permission of the administration³⁸⁰ and since then, one party state system dominated the Turkish history until 1946 by eliminating the opposition and providing the monopolization of power.

During the one party system (1923-1946), RPP had a command of assembly, government which all were under the control of stable Genel President and state was institutionalized into the party or General President (as one-man authority). All regulations and implementations were made because of increasing the authority and providing continuance of the state but within the framework of RPP's own principles: secular, nationalist, populist, statist, and republican and reformist Turkish state. Thus, constitution of 1924 should be evaluated together with the RPP's bylaws and programmes which means party-state integration because tendency to stable, influential

³⁷⁶ Erik Jan Zürcher, *Modernleşen Türkiye'nin Tarihi*, 29th Edition, İstanbul: İletişim, 2014, pp.267-268.

³⁷⁷ M.Bülent Varlık, "Ülkü: Halkevleri Mecmuası", Tanıl Bora and Murat Gültekinil (Ed.), in *Modern Türkiye'de Siyasi Düşünce: Kemalizm-Cilt2* (268-271), 6th Edition, İstanbul: İletişim, 2009, p.268.

³⁷⁸ Mete Tunçay at all (Ed.), *Türkiye Tarihi 4: Çağdaş Türkiye Tarihi (1908-1980)*, İzmir: Cem, 2018, p.114-115.

³⁷⁹ Bülent Tanör, *Osmanlı-Türk Anayasal Gelişmeleri*, 25th Edition, İstanbul: Yapı Kredi, 2015, p.316.

³⁸⁰ Cemiyetler Kanunu, 28.6.1938, p.413.

<https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d05/c026/tbmm05026082.pdf> (20.12.2018)

and one-manned executive is easily seen on party-state integration which was continued with the İsmet İnönü until the period of multiparty system.

3.2.2.1.3. The Constitution of 1961: Critical Juncture

In 1946, unrest about the antidemocratic implementation in RPP ended up with new group within the party which was called memorandum of the four (*dörtlü takrir* in Turkish). It was composed of four deputies (Bayar, Menderes, Köprülü, and Koraltan) with the demands of both intra-party democracy and pluralism. This formation found out a new party which was called as Democrat Party (DP) in 1946.³⁸¹ After the formation of multi-party system, explanations of the RPP were quite influential to understand the reluctance against the powerful opposition party because RPP said to DP that “don’t go provinces and villages in order to find support because it means national unity to be sabotaged.”³⁸² Although this kind of reaction still refers to center-periphery problem, since then the separation of powers within the parliamentary system incrementally started to seen and RPP tried to be moderate by incorporating the provincial notables within the party and by operating and regulating some of liberal policies in order not to loose its political power within the parliament.³⁸³ In this respect, The Declaration of July 12, 1947 was one of these policies. According to this, General President of RPP started to seen again as neutral president that is the compatible with parliamentary system³⁸⁴ and opposition party started to seen as legitimate.³⁸⁵ According to Feroz Ahmad, RPP already signaled the opposition party by saying that “fundamental fault of the Turkish system is the lack of opposition party” in 1945 at the opening speech of the assembly. Thus, forming an opposition party did not create any anxiety among the RPP because members of DP was already old Kemalists supported the fundamental philosophy of RPP.³⁸⁶ According to Karpat, besides these, end of the World War II necessitated the forming an opposition party because RPP exposed people severe economic problems during the wartime -eventhough Turkish Republic did not engage with the war until 1945-. Moreover, participating the UN Charter also

³⁸¹ Bülent Tanör, **Osmanlı-Türk Anayasal Gelişmeleri**, 25th Edition, İstanbul: Yapı Kredi, 2015, p.340.

³⁸² Şerif Mardin, **Türkiye’de Toplum ve Siyaset: Makaleler I**, 6th Edition, İstanbul: İletişim, 1997, p.61.

³⁸³ Şerif Mardin, **Türkiye’de Toplum ve Siyaset: Makaleler I**, 6th Edition, İstanbul: İletişim, 1997, p.61.

³⁸⁴ Dünya Bülteni, Demokrasiye Doğru Bir Adım: 12 Temmuz Beyannamesi, 12.06.2013, <https://www.dunyabulteni.net/tarihten-olaylar/demokrasiye-dogru-bir-adim-12-temmuz-beyannamesi-h266949.html> (12.12.2018).

³⁸⁵ Eric Jan Zürcher, **Modernleşen Türkiye’nin Tarihi**, 29th Edition, İstanbul: İletişim, 2014, p.314.

³⁸⁶ Feroz Ahmad, **Modern Türkiye’nin Oluşumu**, 12th Edition, İstanbul: Kaynak, 2014, pp.125-128.

necessitated the political system to democratize.³⁸⁷ However, RPP expected symbolic opposition party and saw the DP as ‘control party’ in order to prevent resistance of the people against the RPP’s policies³⁸⁸ but DP gained much more support than RPP envisioned. Although, DP gained much more support because they promise to remove anti democratic laws, they also continued to keep existing policy.³⁸⁹ For example, eventhough DP supported proportional representation when they were at the opposition, after they came to power (1950), they wanted to continue simple majoritarian system in order to keep executive strong.³⁹⁰ This means that the state tradition, which was taken over by the CHP from the Ottomans and later established by DP who had acquired the first state experience within the CHP, created the necessary environment for the continuation of the strong state tradition in multiparty life with the opportunities provided by the electoral system and this kind of tradition sees the majority of the parliament as the absolute national will by equalizing the national will with the state will represented by the DP. Next developments indicated centralization of legislative and executive power on the DP by eliminating the opposition.

After the multi-party system, first substantial election was made on May 14, 1950 and DP gained 53.3% of votes while it gained approximately 84% of representation in the assembly.³⁹¹ Moreover, election system has also adjusted for the political stability which was called as List Majoritarian System (LMS). The basic feature of LMS is that each party determines the required representatives for each electoral district as a tabular. This system provides strong executive because even if a party gains majority votes by a narrow margin, it gains all the seats in the district and opposition can easily be oppressed.³⁹² This is also another determinant of institutional isomorphism -as mentioned before, institutional isomorphism means that institutions try to be homogenous and accommodate to cultural environment to be legitimate-³⁹³ because searching for political stability on government system by forming an powerful executive is also tried to be preferred on election system in order to form homogenous

³⁸⁷ Kemal H. Karpat, *Türk Siyasi Tarihi*, 5th Edition, İstanbul: Timaş, 2014, p.92.

³⁸⁸ Feroz Ahmad, *Modern Türkiye’nin Oluşumu*, 12th Edition, İstanbul: Kaynak, 2014, pp.125-128.

³⁸⁹ Feroz Ahmad, *Modern Türkiye’nin Oluşumu*, 12th Edition, İstanbul: Kaynak, 2014, p.135.

³⁹⁰ NTV, “1950: Seçim Sisteminde bir değişime öyküsü”, 24 April 2011, <https://www.ntv.com.tr/turkiye/1950-secim-sisteminde-bir-degismeme-oykusu.zKMj8ORkokaEYzfUgIG9g>

³⁹¹ Bülent Tanör, *Osmanlı-Türk Anayasal Gelişmeleri*, 25th Edition, İstanbul: Yapı Kredi, 2015, p.343.

³⁹² Emine Yavaşgel, *Temsilde Adalet ve Siyasal İstikrar Açısından Seçim Sistemleri*, 2nd Edition, Ankara: Nobel, 2014, pp.96-97.

³⁹³ Walter W. Powell and Paul J. DiMaggio, *Institutionalism in Organizational Analysis*, London: The University of Chicago Press, 1991, p.66.

institutional environment. Thus, uniformity among the institutions (government system and election system) occurs as one of the determinant of transcendental state as Berki put it.

The 1950 election terminated the power of RPP and put the DP into the power can be caunted as influential turning point in Turkish political history because of multi-party system symbolised that sovereignty belongs to the nation. Moreover, this kind of democratic development was carried out in cooperation with economic growth which means new business opportunities for many unemployed and poor Turks. Thus, DP gained support of a vast majority of public, especially from the rural area because DP promised the peasant to bring service to them and liberalise the religious life. Economic development created new kind of class because social movement generated by mass production, industrialisation and migration from country to town weakened the intellectual-bureocracy structure of the RPP.³⁹⁴ This new class can be realized even the social characters of the DP's deputies. DP's deputies were younger than RPP's deputies on average were and they had deep-rooted relations with their electoral district. Most of them were interested in trade and nearly none of them came from bureocratic and military formation.³⁹⁵ According to Karpas, this kind of waxing class transmuted the state into the functional tool provide prosperity of people while bureaucracy also tried to be transformed as servant of the people. However, DP that had aim to change state function on behalf of the people –after a while- transformed a party that denied the objectivity of public authority. Therefore, DP started to intervene to public agencies as nonlegally and nepotism increased. Thus, this kind of change weakened the fundamental state structure.³⁹⁶

In between 1950-1960, Turkish political history witnessed the authority of DP because in election of 1950, 1954 and 1957, DP was the majoritarian party. Besides these, intra-party discipline and sovereignty of the leader generated a strong government that even dominated the assembly³⁹⁷ because DP saw the majority of the parliament as the absolute national will and consubstantiated the national will with the state will.

³⁹⁴ Şerif Mardin, *Türkiye'de Toplum ve Siyaset: Makaleler I*, 6th Edition, İstanbul: İletişim, 1997, p.70 and Kemal H. Karpat, *Osmanlı'dan Günümüze Kimlik ve İdeoloji*, 3rd Edition, İstanbul: Timaş, 2009, p.113.

³⁹⁵ Erik Jan Zürcher, *Modernleşen Türkiye'nin Tarihi*, 29th Edition, İstanbul: İletişim, 2014, p.323.

³⁹⁶ Kemal H. Karpat, *Osmanlı'dan Günümüze Kimlik ve İdeoloji*, 3rd Edition, İstanbul: Timaş, 2009, p.114.

³⁹⁷ TBMM Zabıt Ceridesi, 1960, p.212,

<https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d11/c013/tbmm11013058.pdf> (10.01.2019).

Thus, with the powerful support of people, DP was able to tend to foreign capital by forcing the public force in order to provide economic development; which all ended up with devaluation, expensiveness and complaint grievances but by taking legitimacy from the public support. This kind of public support also created antidemocratic regulations especially against the RPP. For example, DP tried to confiscate the property of RPP acquired illegally in order to weaken the party economically. Beside, people who criticized the government and deputies were imposed high fine or sentenced to imprisonment. This kind of authority was also spreaded into the parliament. For example, government was able to send Turkish soldiers to the Korean War without being gotten permission of the parliament. Thus, critics against the DP had gradually increased and as critics increased, DP implemented much more anti-democratic policies. For example, according to Akgün, Kırşehir was made a province because DP could not receive vote in there in the election of 1957. To prevent waxing critics, DP took judiciary, educators, universities and bureaucracy on by appointing new judges, expelling the teachers, imposing political restrictions for the courses and by implementing partizan policies within the framework of ‘vatan cephesi’.³⁹⁸ This process erupted with the committee on investigation on April 18, 1960 (Tahkikat Encümeni in Turkish). According to this, DP could investigate the disruptive and probable illegal actions of opposition party (RPP).³⁹⁹ On the other hand, there had also divergency between DP and military. According to military DP itself was not legitimate because DP betrayed the Atatürk’s principles and reforms and state was required to be saved. According to Demirel, military’s belief in the need to protect state was based on the state tradition of the Turkey because identifying oneself with the state, to see the state as institution that represents the common interests, trying to protect everything that is believed to belong to the state and nation and taking paternalist stance to the governed has been an continuing mentality originated from the Turkish state tradition. Moreover, it would not be wrong to say that best-organized and powerful institution transferred from the Ottoman to the Turkish Republic is the military. Organizing the War of Independence, declaring the Republic and re-structuring the Turkish State in accordance with the principles set by them is of military origin. Hence, this kind of role of the

³⁹⁸ Seçil Karal Akgün, “Ellinci Yılında 27 Mayıs Hareketi ve 1961 Anayasasının Türkiye’de Anayasal Kültürün Oluşumundaki Rolü”, *Mülkiye*, Vol. 34, No.267 (2010), pp.145-166, pp.153-155.

³⁹⁹ TBMM Zabıt Ceridesi, 1960, p.212,

<https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d11/c013/tbmm11013058.pdf> (10.01.2019).

military played the process of reforming the nation-state of Turkey fostered the belief that military was not the most important element of the state but the state itself.⁴⁰⁰ Thus military has been influential in Turkish state tradition, their grace has traced back to the Central Asia, Islam, Ottoman Empire and early republican period of Turkey in turn.⁴⁰¹ Hence, military composes of the other path dependent institution of Turkey. When it is thought the role of military in Turkey, their belief to save the state may easily cause to institutional regulations. For the military, state is the grace of the Turkish society and a means to carry Turkish society one-step further. In this respect, when hegemonic crisis occurs or state couldn't be preserved quietly, military has always tried to take control of the administration as a duty historically, as a new executive.⁴⁰² In this context, according to Karpat, waxing public support of DP also affected the military because DP thought military would not dare to power gap and tried to extent its own power domain. For example, presidency of general staff was attached to defense ministry which harmed the military's reputation within the society because being in awe of civilian ministry was contrary according to military's values. . Besides this, salaries of army officers have being decreased from day to day, which also decreased its dignity among the people. 'Even the mothers were telling their daughters not to marry these guys'⁴⁰³ while they seeing themselves as the protectors of the state. Besides the dissatisfaction of the military had a beef with DP, high-inflation rate and high price caused to deteriorate the salaried employees since 1953 for the society. In this respect it should be drawn attention on the cold war period (1947-1991) and Turkey's strategic location. By using this occasion, Turkey could borrow from international markets and foreign debts reached at approximately 1.5 million dollar in 1960; which all ended up with devaluation.⁴⁰⁴ On the other hand, authoritarian government intensified its anti-democratic policies in 1959-1960. Committee on Investigation for RPP and tensions between DP and RPP in parliament, limiting liberty of the press and using violence against university students provoked DP's support to decrease and ended up with the coup.⁴⁰⁵ As Zürcher put it, DP sacrificed the political liberalization to provide the

⁴⁰⁰ Tanel Demirel, "Türk Silahlı Kuvvetlerinin Toplumsal Meşruiyeti Üzerine, Ahmet İnsel and Ali Bayramoğlu (Ed.), **Bir Zümre Bir Parti Türkiye'de Ordu** in (344-381) 6th Edition, İstanbul: Birikim, 2004, pp.360-364.

⁴⁰¹ Kemal Karpat, **Türk Siyasi Tarihi: Siyasal Sistemin Evrimi**, 5th Edition, İstanbul: Timaş, 2014, p.133.

⁴⁰² Erik Jan Zürcher, **Modernleşen Türkiye'nin Tarihi**, 29th Edition, İstanbul: İletişim, 2014, pp.330-333.

⁴⁰³ Kemal Karpat, **Türk Siyasi Tarihi: Siyasal Sistemin Evrimi**, 5th Edition, İstanbul: Timaş, 2014, pp.142-143.

⁴⁰⁴ Erik Jan Zürcher, **Modernleşen Türkiye'nin Tarihi**, 29th Edition, İstanbul: İletişim, 2014, pp.330-333.

⁴⁰⁵ Kemal Karpat, **Türk Siyasi Tarihi: Siyasal Sistemin Evrimi**, 5th Edition, İstanbul: Timaş, 2014, p.140, pp.158-159.

economic liberalization. These developments also provoked the intra-party opposition movements. To give an example, Freedom Party (FP (1955), Hürriyet Partisi in Turkish) was founded by breaking away from the DP.⁴⁰⁶ This was the hegemonic crisis as Gramsci called it. The changes in power relations reverberates political process and groups can break away its own party. Within this crisis period, policy gives a chance to “unknown forces” and severe solutions/case of emergency. Thus, military could easily take control the situation in 1960 as a sezarist solution.⁴⁰⁷ Hegemonic crisis affects all political institutions and causes to be questioned the government system. According to Sartori, under these circumstances, presidential system can be preferred in order to provide stable and cohesive regime and prevent the political fragmentation.⁴⁰⁸ However, in Turkey, the main determinant phenomenon in crisis period is the transcendental state tradition or centralized, stable ruling. Therefore, presidential system may be preferred as long as to provide transcendental state.

Besides the hegemonic crisis, representation crisis became more visible especially after the election of 1957 because DP gained 47.9% votes of majority while other opposition totally gained 52.1% but in the parliament oppositions gained only 30% seats in assembly because of the election system.⁴⁰⁹ Thus, Turkish state has always found the centralization or oppressing the opposition as a solution within the crisis period. Consequentially, the new constitution and the new government should have brought to powerful executive that was seen as the representative of the state but by way of the military as a new body of executive. Although Constitution of 1961 projected for much more influential parliamentary system in order to create checks and balances between executive-legislative relations but this parliamentary project has also turned into the powerful executive again because as Sartori put it⁴¹⁰, essential nature of the state also affects the success of government system. So, the tendency towards powerful

⁴⁰⁶Erik Jan Zürcher, *Modernleşen Türkiye'nin Tarihi*, 29th Edition, İstanbul: İletişim, 2014, p.335.

⁴⁰⁷Antonio Gramsci, *Selection From the Prison Notebooks*, Quintin Hoare and Geoffrey Nowel Smith(trans.), 11th Edition, New York: International Publishers, 1971, p.210.

⁴⁰⁸Mehmet Yetiş, “Hegomonik Kriz Koşullarında Başkanlık Sistemi”, İhsan Kamalak (Ed.), in *Yarı Başkanlık Sistemi ve Türkiye: Ülkeler Deneyimleri ve Karşılaştırmalı Analiz* (289-320), 2nd Edition, İstanbul: Kalkedon, 2014, p.291.

⁴⁰⁹Emine Yavaşgel, *Temsilde Adalet ve Siyasal İstikrar Açısından Seçim Sistemleri*, 2nd Edition, Ankara: Nobel, 2014, p.156.

⁴¹⁰Mehmet Yetiş, “Hegomonik Kriz Koşullarında Başkanlık Sistemi”, İhsan Kamalak (Ed.), in *Yarı Başkanlık Sistemi ve Türkiye: Ülkeler Deneyimleri ve Karşılaştırmalı Analiz* (289-320), 2nd Edition, İstanbul: Kalkedon, 2014, p.291.

executive or leader ruling is in fact as a result of a historically strong state understanding.

Multi-party system was interrupted by the military coup led by National Unity Committee (NUC) and new constitution was urgently prepared within the framework of democratic principles. In order to provide legitimate basis to the coup, NUC organized a group which was consisted of professors from the University of Istanbul and they charged with preparing a Constitutional Committee Report (CCR) (1960). Reports stated that “Turkish Republic lost the moral ties with its own institutions (military, judiciary, university, press and etc.) and lost its civilized position among the world states by betraying the Atatürk’s principles and reforms. Thus, NUC’s operation was required to prevent the situation that disturbed the state order, opened a road for anarchy, and damaged the institutional moral values. For this, we aim to form a political basis to prevent dictatorship of majority within the framework of democracy”⁴¹¹. According to Mazıcı, NUC’s operation can be seen as a restoration of Kemalism to provide the continuity of the path. Moreover, although the coup’s constitutional outputs may be seen as democratic developments, the same constitution expanded the authority of the military within the state and legitimized its operation as a new executive body.⁴¹² Consequentially, Constitution of the 1961 corroborated the legitimization process led by CCR and institutionalized the state into the military as a new executive body. However, process from the coup to the formation of constitution was ruled with provisional law.

According to this law, “DP transformed to one-party dictatorship and lost its legitimation. By taking consideration the military code of 1960 (article 34: ‘military is responsible to protect Turkish Republic’⁴¹³ which can be caunted as influential example to show institutional isomorphism among military and the state), NUC took over the management temporarily in order to form rule of law. In this process, all rights of GNA was belongs to the NUC and it uses legislative prerogative by means of council of ministers that was deputized by president and approved by NUC while it uses executive prerogative directly (article3). Moreover, NUC can control and dismiss the ministers

⁴¹¹Suavi Aydın and Yüksel Taşkın, **1960’dan Günümüze Türkiye Tarihi**, 3rd Edition, İstanbul: İletişim, 2015, pp.65-67.

⁴¹² Nurşen Mazıcı, 27 Mayıs Kemalizmin Restorasyonu mu?, Tanıl Bora and Murat Gültekingil (Ed.), in **Modern Türkiye’de Siyasi Düşünce-Cilt2** (555-569), 6th Edition, İstanbul: İstanbul, 2009, p.569.

⁴¹³ T.C. Resmi Gazete, Geçici Kanun:1, 12.6.1960, <http://www.resmigazete.gov.tr/arsiv/10525.pdf> (25.01.2019).

whenever it wants (article 4). President of the NUC is the president of the state and president of the ministers at the same time. President of the state is the commander-in-chief either (article 17). On the basis of judiciary, all rights are given to Supreme Court of Justice (SCJ) and their members were elected by the NUC, either.⁴¹⁴ With the newly formed institutions, NUC strengthened political tutelage. Just like the ‘independence tribunal’, SCJ became influential institution to restrengthen the centralized state. Meanwhile, Turkey founded the solution in union of powers again because this kind of centralization achieved the ‘lock-in’ feature and its positive feedback laid down transcendental state. In this regard, to prepare a constitution, constituent assembly was opened on January 6, 1961. With the law no.157⁴¹⁵, constituent assembly achieved the task and constitution was held a referendum on June 9, 1961 and accepted with 61.5 % votes of majority. Head of the NUC was elected as new president (Cemal Gürsel).⁴¹⁶

According the new constitution: (article 4)

*“Sovereignty vested in the nation without reservation and condition. The nation shall exercise its sovereignty through the authorized agencies as prescribed by the principles laid down in the Constitution. No person or agency shall exercise any state authority which does not drive its origin from the Constitution”*⁴¹⁷.

Although the Constitution of 1961 has aim to strengthen the legislative power (allegedly), as Taha Parla put it, article 4 weakens the superiority of legislative because ‘agencies’ means distribution of power among the bodies and this policy has promoted with the Constitution of 1982. In the literature (especially legal literature), Constitution of 1961 is interpreted as superiority of legislative and real parliamentary system that based on separation of power but for Taha Parla, the Constitution was the first indicators of powerful executive and promoted in 1982.⁴¹⁸ Although legislative, executive and judiciary structure of the Constitution of 1961 determines the powers

⁴¹⁴ T.C. Resmi Gazete, Geçici Kanun:1, 12.6.1960, <http://www.resmigazete.gov.tr/arsiv/10525.pdf> (25.01.2019).

⁴¹⁵ T.C. Resmi Gazete, Kanunlar:157, 16.12.1960), <http://www.resmigazete.gov.tr/arsiv/10682.pdf> (25.01.1919).

⁴¹⁶ Bülent Tanör, **Osmanlı-Türk Anayasal Gelişmeleri**, 25th Edition, İstanbul: Yapı Kredi, 2015, pp.375-376.

⁴¹⁷ Constitution of the Turkish Republic, Sadık Balkan, Ahmet E. Uysal and Kemal H. Karpat (trans.), 1961, <http://www.anayasa.gen.tr/1961constitution-text.pdf> (25.01.2019).

⁴¹⁸ Taha Parla, **Türkiye’de Anayasalar: Tarih, İdeoloji, Rejim (1921-2016)**, 4th Edition, İstanbul: Metis, 2016, pp.41 and Bülent Tanör, **Osmanlı-Türk Anayasal Gelişmeleri**, 25th Edition, İstanbul: Yapı Kredi, 2015, p.402.

separately and symbolizes the considerable ‘separation of powers’, all power concentrates at military bureaucracy as an executive body. And all regulations were done because of the protecting the state. However, although the Constitution of 1961 stressed the executive once more, it was not enough to provide powerful executive and caused to critical juncture in 1970s. Moreover, on the basis of rights and freedoms (from article 10 to article 62), the Constitution of 1961 gives wide coverage to rights theoretically and individual is taken consideration quietly by pushing the state into the background. Thus, these regulations were tried to be broken down with the constitutional regulation in 1970s which will be mentioned below.

On the basis of institutional relations among the powers, The Constitution of 1961 regulated legislative structure as bicameral: The Senate of Republic and National Assembly (Article 63). General duties of the legislative body are listed in article 64. According to it, legislative is able to enact, change and repeal a law. It is able to meeting and approving budgetary proposal. It is prerogative of coining money, confirming the amnesties, pardons and death penalties (article 64). On the basis of dual executive (president and prime minister), the person who is elected as president is severed his connection with his party and terminated his membership of GNA (article 95) (it will be changed in Presidential System). The president of the Turkish Republic is in the chair the Council of Minister, dispatches Turkish representatives to foreign states and receives the representatives of them, confirm and publish international treaties and conventions, able to commute the sentences of some convicted individuals (article 97). He is not responsible for his actions (article 98) (right of president will be much more increased in 1982 later (article 104)).⁴¹⁹ Although non-accountability of president symbolizes parliamentary system, it was actually first step to increase prerogatives of the executive which is historical tendency.

Military bureaucracy composes third wing of executive. Firstly, the basic rule of the parliamentary system, military should be hinged upon either civil authority which means party-government as a second body of the executive or Council of Ministers but in 1961 and 1982, military bureaucracy was even more superior than the civil authority

⁴¹⁹Constitution of the Turkish Republic, Sadık Balkan, Ahmet E. Uysal and Kemal H. Karpat (trans.), 1961, <http://www.anayasa.gen.tr/1961constitution-text.pdf> (25.01.2019).

because it has autonomy.⁴²⁰ In this regard, The National Security Council (NSC) is settled within the Constitution as a part of Council of Ministers's section (article 111). Secondly, the other basic rule of parliamentary system is that Chief of General Staff is hinged on and responsible to the elected Minister of National Defence. However, article 104 says that "The Chief of the General Staff (CGS) is appointed by the President and responsible to the Prime Minister in the exercise of his duties and powers"⁴²¹ not to the Minister of National Defence; which means CGS is commissioned just like a minister. Thirdly, The Constitution of 1961 integrated National Security Council (NSC) into the state structure. Generally, military bureaucracy passes its opinions on Council of Minister via Minister of National Defence in parliamentary system but it was created quasi-military institution that was composed of high-ranking commanders and elected ministers in 1961 in order to strengthen the executive and provide centralization.

Firstly, quasi-military council is a high conseil d'état that was formed in 1961 by NUC and composed of Ministers, The Chief of the General Staff and armed forces' representatives. "*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 NSC shall communicate the requisite fundamental recommendations to the Council of Ministers with the purpose of assisting in the making of decisions related to national security and coordination* (Article 111)."⁴²² However the sentence of "communicate...with the purpose of assisting..." was changed as "recommended" in 1971 and promoted in 1982; which all are incremental adjustments of the prerogative of executive body.

Secondly, The Office of Commander in Chief as an institution was connected to The Prime Minister's Office and increased its autonomy by legitimizing it by the constitution because article 110 determinates its authority. According to it, "The Chief of the General Staff shall be appointed by the President of the Republic upon his nomination by Council of Ministers and his duties and powers shall be regulated by law." Being appointed by the president availed CGS to gain supra-governmental

⁴²⁰ Taha Parla, *Türkiye'de Anayasalar: Tarih, İdeoloji, Rejim (1921-2016)*, 4th Edition, İstanbul: Metis, 2016, pp.77.

⁴²¹ Constitution of the Turkish Republic, Sadık Balkan, Ahmet E. Uysal and Kemal H. Karpat (trans.), 1961, <http://www.anayasa.gen.tr/1961constitution-text.pdf> (25.01.2019).

⁴²² Constitution of the Turkish Republic, Sadık Balkan, Ahmet E. Uysal and Kemal H. Karpat (trans.), 1961, <http://www.anayasa.gen.tr/1961constitution-text.pdf> (25.01.2019).

structure which means that CGS easily checked and protected the military regime by keeping away from the governmental staff and executive based on military was tried to be centralized considerably.⁴²³

Thirdly, Senate of Republic was institutionalized in order to provide political stability because settled institutions were able to provide continuance the order when rapid governmental change occurred.⁴²⁴ So, The Constitution of 1961 formed and entrusted authority to The Senate on December 13, 1930. According to article 92, Senate of the Republic was entitled on enacting the law and investigates the laws as appellate institution. Moreover election of the Senate was differentiated from the general elections because if undesired party wins the election, Senate will operate as a check mechanism.⁴²⁵ According to the Constitution, “Senate of the Republic is composed of 150 members who are elected by general ballot and 15 members (‘contingency senates’) who are appointed by the President. Moreover, members of the NUC and old Presidents of the Turkey are accepted as ‘ex officio’ members of the Senate. Period of office was determined as 6 years but 1/3 majority of them is elected as biennial (article 70, 73).” Thus, regime was highly institutionalized within the framework of centralization because all these members pieced together in order to protect the regime, check the parliament and provide political stability.

Fourthly, election system had also influential to provide stability in these times. Election threshold in each district was implemented with the ‘D’hondt System’. D’hondt System is one of the proportional representation system and method of highest averages. It purposes to distribute seats to the parties roughly in proportion to their number of votes.⁴²⁶ However in the election of 1961, Turkey implemented this system with the election threshold. This threshold varies by size of electoral districts. According the threshold, if a party couldn’t get passing grade in electoral district, it couldn’t get deputy even if it gains majority of the votes. By doing this, threshold affect

⁴²³ Suavi Aydın and Yüksel Taşkın, **1960’dan Günümüze Türkiye Tarihi**, 3rd Edition, İstanbul: İletişim, 2015, p.92.

⁴²⁴ Cem Eroğul, **Türk Anayasa Düzeninde Cumhuriyet Senatosunun Yeri**, Ankara University Faculty of Political Science Press, 1977, p.9.

⁴²⁵ Suavi Aydın and Yüksel Taşkın, **1960’dan Günümüze Türkiye Tarihi**, 3rd Edition, İstanbul: İletişim, 2015, p.93.

⁴²⁶ Emine Yavaşgel, **Temsilde Adalet ve Siyasal İstikrar Açısından Seçim Sistemleri**, 2nd Edition, Ankara: Nobel, 2014, pp.122-123.

the distribution of the seats in the parliament and provides political stability institutionally.⁴²⁷

Fiftly, to spread nationalist and partriotic thoughts within the society and to keep state within a uniformity ans to form a norm-based structure, intelligentia class evolved out of intelligentsia club was in 1961 was formed in 1970 under the leadership of İbrahim Kafesoğlu. According to article 2 and 3 of code of the class, intelligentsia class was formed in order to promote national culture and conscience; in order to raise generations adopted national ideal and to make several conferences, seminars and other activities to realize and spread these aims. The class incorporated different kind of names such as Süleyman Yalçın, Ali Fuat Başgil, Arif Nihat Asya, Tarık Buğra, Necip Fazıl Kısakürek etc. The class supported unitary and national state tried to promote transcendental state understanding and used as a tool especially in 1980s as a part of Right-Kemalism in order to holding society together. In this regard, Evren said that “secularism is not irreligousness, when do we oppose your religios beliefs, ı am also a son of hodja and ı know what religion means”.⁴²⁸The important thing in here is that, in order to survive transcendental state tradition, Evren tried to compound the state with the values of the society by according it within the Kemalism.

Sixtly, The Constitutional Court that was formed in order to provide rights and freedoms incrementally transformed a mechanism provided to keep military regime and protect the state. With the article 152, “The laws and by-laws or their provisions which have been invalidated by the Constitutional Court for unconstitutionality, shall become void from the date of the decision.”⁴²⁹Meanwhile, superiority of the parliament was destroyed because the Constitutional Court has gain power on exercising sovereignty. Thus besides preserving the rights and freedoms, the Constitutional Court had operated in 1961-1980 as the ‘guardian of the state’ especially on the issue of closing the opposition parties, on limiting the freedom of thoughts and protecting the ideological

⁴²⁷M. Yavuz Sabuncu, “Seçim Barajları ve Siyasal Sonuçları”, **Anaya Yargısı Dergisi**, Vol.23, 2006, pp.191-197, p.192.

⁴²⁸ Fatma Yurttaş Özcan, Bir Aydın Hareketi Olarak Aydınlar Ocağı ve Türk Siyasetine Etkileri, Sakarya Üniversitesi, Sosyal Bilimler Enstitüsü, 2011, p.95 and p.117, <file:///C:/Users/iibf/Downloads/279191.pdf> (02.03.2019) and Aydınlar Ocağı, Amacımız, <http://aydinlarocagi.org/amacimiz/> (03.03.2019).

⁴²⁹Constitution of the Turkish Republic, Sadık Balkan, Ahmet E. Uysal and Kemal H. Karpat (trans.), 1961, <http://www.anayasa.gen.tr/1961constitution-text.pdf> (25.01.2019).

structure of the regime (Kemalism)⁴³⁰ because several new parties (both left wing, right wing, religious fundamental groups) was opened thanks to political liberalization of the Constitution of 1961. However, increasing power of the left wing parties and groups were not approved by the military and they were subjected to constraints by National Security Organization (NSO), which was taken the place of Law Enforcement Agency (LEA) in 1965. Especially in 1966-1967, leftist professors were dismissed in schools and universities, street struggles started to rise, there were ideological struggle among the parties.⁴³¹ Memorandum of 1971 was consequence of this instable period and military demanded government to stop anarchy and implement reforms within the framework of Kemalism and if not, then military will seize control of the state. Military arrested thousands of leftist and religious activists, closed the some political parties (Such as Turkish Worker Party and National Order Party), and proclaimed martial law in order to provide state authority once again. Because civil politics had been continued and new government was formed after coup (Nihat Erim government), this memorandum was called as civil coup for some.⁴³² Once more again, state authority tried to be provided in order to prevent political instability.

With the Memorandum of 1971, totally 44 articles was changed in the constitution and fundamental rights and freedoms started to be limited again, autonomy of the universities, press and television was terminated. According to article 22, freedom of press could be prevented and limited in order to protect unity of state, public order and security of the nations. With the regulation of 1973, special State Security Court was formed as a new institution (article 136) and composed of one president, four original member, two reserve member, one prosecutor and required deputy prosecuting attorney which were appointed among judge, public prosecutor and military judge. The main aim of forming this institution was to provide security and authority of the state within the framework of democratic order.⁴³³ However, Memorandum of 1971 did not produce a permanent solution. According to Karpas, the main reason of this is that 1971 was not able to gain any influential political support within the parliament. Thus,

⁴³⁰ Suavi Aydın and Yüksel Taşkın, **1960'dan Günümüze Türkiye Tarihi**, 3rd Edition, İstanbul: İletişim, 2015, p.95.

⁴³¹ Erik Jan Zürcher, **Modernleşen Türkiye'nin Tarihi**, 29th Edition, İstanbul: İletişim, 2014, p.367.

⁴³² Kemal Karpas, **Türk Siyasi Tarihi: Siyasal Sistemin Evrimi**, 5th Edition, İstanbul: Timaş, 2014, pp.296-298.

⁴³³ T.C. Anayasasının 30, 57, 136, 138 ve 148'nci Maddelerinin Bazı Fıkralarının Değiştirilmesi ve 2 Geçici Madde Eklenmesi Hakkında Kanun, 1973, <https://anayasa.tbmm.gov.tr/docs/1961/1961-6/6-degisiklik.pdf> (27.01.2019).

integration couldn't be achieved among legislative and executive (as military) because parties (even the RPP because RPP though that military intervention caused RPP to not able to win the elections) challenged with the intervention of the military.⁴³⁴ In this context, we should also take consideration the Rustow's comment again. According to Rustow, political problems in 1970s were consequence of extreme rights, so transcendentalist state was fallen behind and instrumentalist state was taken a step further and it was not able to bring positive feedback. State was not influential and integrated; centralization (monopolization of power) couldn't be achieved. Thus, political instability increasingly continued in between 1970-1980.

During the 1970s, political violence among leftist-rightist groups, economic crisis (OPEC crisis, deficit problems and dependent industry in Turkey), and fear of religious fundamentalism were just cold facts of the crisis and provoked the political instability increasingly⁴³⁵ but in the background instrumentalist state played a considerable role on aggravating the crisis and caused on unintended consequences. Besides these, election system had also influential in these period. On the basis of durability of government, election system created considerable institutional problem in 1970s because D'hondt System was implemented without threshold in the election of 1969, 1973 and 1977.⁴³⁶ While the system increased the number of parties in parliament in order to provide justice in representation, but it did not enable single party to achieve majority. Consequentially 12 different governments were formed within the period of 1970-1980.⁴³⁷ In addition to these institutional problems, the crisis of presidential elections in 1980 caused to deadlock the relationship between executive-legislative because president couldn't be elected within 6 months and 112 sessions.⁴³⁸⁴³⁹ According to article 95, president could be elected by two-thirds majority for first two ballots and if not, absolute majority shall be sufficient but required majority and participation couldn't be provided.⁴⁴⁰ Thus, military used this deadlock to legitimate their sezarist solution because this was new hegemonic crisis and parliament was not able to

⁴³⁴ Kemal Karpat, **Türk Siyasi Tarihi: Siyasal Sistemin Evrimi**, 5th Edition, İstanbul: Timaş, 2014, pp.299.

⁴³⁵ Erik Jan Zürcher, **Modernleşen Türkiye'nin Tarihi**, 29th Edition, İstanbul: İletişim, 2014, pp.385-387.

⁴³⁶ Emine Yavaşgel, **Temsilde Adalet ve Siyasal İstikrar Açısından Seçim Sistemleri**, 2nd Edition, Ankara: Nobel, 2014, pp.165-169.

⁴³⁷ Kemal Karpat, **Türk Siyasi Tarihi: Siyasal Sistemin Evrimi**, 5th Edition, İstanbul: Timaş, 2014, p.350.

⁴³⁸ Erik Jan Zürcher, **Modernleşen Türkiye'nin Tarihi**, 29th Edition, İstanbul: İletişim, 2014, pp.388.

⁴³⁹ Yüksel Taşkın, **Siyaset; Kavramlar, Kurumlar ve Süreçler (Ed.)**, İstanbul: İletişim, p.317.

⁴⁴⁰ T.B.M.M Tutanak Dergisi, Vol.1, No:19, 25.03.1980, p.178-181.

<https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/t19/c019/tbmm19019007.pdf> (18.01.2019).

overcome this political instability.⁴⁴¹ In this context, the Constitution of 1961 and then period of 1970s can be called as quasi-critical juncture for not able to be formed a real transcendental state but this juncture was also overcome with sezarist operation of the military. Consequentially, NSC made a coup to save the state and provide reorder and founded the Constitution of 1961 which was seen as inadequate to keeping the executive powerful. Powerful executive reared up in the Constitution of 1982. All these instable period may be commented as institutional shortages of The Constitution of 1961 because The Constitution was not enough for Turkish strong state understanding. In this context, constitution draft prepared in 1960 by the Faculty of Political Science of Ankara University may be influential to understanding the weakness of The Constitution of 1961. According to the draft “executive is a tradition for Turkish political history and this tradition is not a coincidence but is an intrinsic necessity created national interests because social, cultural and economic developments in Turkey are based on the decisions and activities of political institutions. Thus, in such a country, expectations of society from the political power (or a leader) are greater than the Western counties. Therefore, weak and unstable executive may cause to regime crisis because executive fails short of the expectation of the society and fails to make quick decisions which all may cause to unintended/non-democratic consequences in the future.” Moreover according to the draft, “political problems in Turkey up to now were not stemn from the powerful executive but lack of inspection. In this regard, inspection can be made via opposition parties in parliament, influential judgement and elections”.⁴⁴² So, the draft can be examined as a foresight of the unstable period of 1970s and then military intervention in 1980.

3.2.2.2. The Period of 1982 and 2017

3.2.2.2.1. The Constitution of 1982

The basic differences between Constitutions of 1961 and 1982 are classified by Taha Parla. Firstly, superiority of legislative has started to be weakened in 1961 while it

⁴⁴¹ Fuat Keyman, **Liberalizm, Devlet, Hegemonya**, 1st Edition, İstanbul: Everest, 2002, p.6 and Mehmet Yetiş, “Hegomonik Kriz Koşullarında Başkanlık Sistemi”, İhsan Kamalak (Ed.) in **Yarı Başkanlık Sistemi ve Türkiye: Ülkeler Deneyimler ve Karşılaştırmalı Analiz** (289-320), 2nd Edition, İstanbul: Kalkedon, 2014, p.306.

⁴⁴² Ankara University Political Science Faculty and Administrative Science Institute, **Siyasal Bilgiler Fakültesi İdari İlimler Enstitüsü’nün Gerekçeli Anayasa Tasarısı ve Seçim Sistemi Hakkındaki Görüşü**, Ankara: Ajans Türk Press, 1960, pp.66-70.

was destroyed in 1982 totally. Secondly, president was irresponsible body in 1961 while it was given exceptional powers in 1982. Thirdly, judiciary was relatively independent in 1961 while it was also hinged upon executive in 1982. This caused to shift away from both superiority of legislative and also party-government to superiority of military bureaucracy as much more powerful constitutional executive body.⁴⁴³ So, legislative and executive powers were separated quietly than parliamentary system envisions and transcendental character of the state was quietly increased. According to Taşkın, the coup of 1980 and its ideological reformation as a right wing Kemalism refers to the searching of a new kind of ‘state-alise’ (or nationalise) because left wing Kemalism of the Constitution of 1961 was tried to be transformed under the control of conservative state (right wing Kemalism) by rasping the extremist outputs of the 1961 in order to form more uniformed ethical community and powerful state (or Demirel put it as ‘authoritative democracy’).⁴⁴⁴

After the coup, The Chief of General Staff Full General Kenan Evren was declared as head of the state (1982-1989). On the basis of government, a new cabinet under the presidency of Bülent Ulusu was designated but the basic roles of the cabinet were to execute the decisions that were taken in NSC and to give an advice to the Council. NSC tried to centralize whole country by separating it 13 different zone of martial law that was governed by the generals.⁴⁴⁵ During the process from the coup to reformation of multi-party system (1983), 669 codes, 90 legislative decrees, 76 ministerial and 3 notices of NSC (totally 838 code) were enacted. All these regulations symbolized the rehabilitation of the state by strengthening the executive. So, new constitution was required for this rehabilitation. However, at first, new electoral law was required to be published because old electoral law lost its validity and according to this, all political parties repealed.⁴⁴⁶ The main aim of NSC was to prevent politicization of

⁴⁴³ Taha Parla, **Türkiye’de Anayasalar: Tarih, İdeoloji, Rejim (1921-2016)**, 4th Edition, İstanbul: Metis, 2016, p.62.

⁴⁴⁴ Yüksel Taşkın, “12 Eylül Atatürkçülüğü ya da Bir Kemalist Restorasyon Teşebbüsü Olarak 12 Eylül”, Tanıl Bora and Murat Gültekingil (Ed.), in **Modern Türkiye’de Siyasal Düşünce** (570-583), 6th Edition, İstanbul: İletişim, 2009, p.570 and p.573.

⁴⁴⁵ Suavi Aydın and Yüksel Taşkın, **1960’dan Günümüze Türkiye Tarihi**, 3rd Edition, İstanbul: İletişim, 2015, pp.326-327.

⁴⁴⁶ Milli Güvenlik Tutanak Dergisi, Cilt.4, 16 October 1981, p.417,

https://www.tbmm.gov.tr/tutanaklar/TUTANAK/MGK_/d01/c004/mgk_01004075.pdf (29.01.2019).

Advisory Council (AC) in order not to create instability again. Thus, new constitution and new electoral law were able to be prepared now.⁴⁴⁷

The main idea of new constituent assembly composed of NSC and AC was that the more powerful legislative, the more political deadlock in parliament. Thus with the increasing authority of presidency, the system was highly shifted away from classical parliamentarism.⁴⁴⁸ According to Aydın and Taşkın, if president and prime minister govern the state in a similar political vein, legislative will be weaker. If not, the possibility of deadlock among executive-legislative increases because resolution process is obstructed. In such a crisis, presidential system may be founded as a solution because system itself is founded guilty. This was reason that presidential system has been suggested especially since 1980s⁴⁴⁹ because new constitution was prepared with the anxiety for political instability and it was not already accordant with parliamentarism. It was just like a patch and transcendental state was tried again to be provided even by sacrificing the system itself.

On the basis of executive, article 104 says that “president is head of the state. He provides the execution of the Constitution and functioning of the body of the state orderly and conformably. On the basis of his duties, he publishes the laws; he can send laws back to the GNA to be re-examined; he applies to Constitutional Court for cancellation of all laws, statutory decrees and bylaw of GNA; he designates and dismisses the deputies and ministers; he submit constitutional amendments to public referendum; he makes a decision on for renewal of general elections; he appoints the Prime Minister and members of Council of Ministers; he ratifies and publishes international treaties; he represents the Office of the Commander-In-Chief of the Turkish Armed Forces; he appoints the Chief of the General Staff; he presides at National Security Council and assembly it; he declares martial law; he ratify all decrees by Council of Ministers; he appoints the Chairman and members of the Senate Supervision Council; he selects university presidents and members of High Education

⁴⁴⁷ Suavi Aydın and Yüksel Taşkın, **1960’dan Günümüze Türkiye Tarihi**, 3rd Edition, İstanbul: İletişim, 2015, pp.332.

⁴⁴⁸ Taha Parla, **Türkiye’de Anayasalar: Tarih, İdeoloji, Rejim (1921-2016)**, 4th Edition, İstanbul: Metis, 2016, pp.62-63 and Yusuf Tekin, **Başkanlık Sistemi ve Kuvvetler Ayrılığı Tartışmaları**, 1st Edition, İstanbul: Kesit, 2015, p.48.

⁴⁴⁹ Suavi Aydın and Yüksel Taşkın, **1960’dan Günümüze Türkiye Tarihi**, 3rd Edition, İstanbul: İletişim, 2015, p.335.

Council; He selects the members of Constitutional Court.”⁴⁵⁰ With the quite comprehensive article, head of the state acquires authorities not only on executive but also on legislative and judiciary extensively. As Taha Parla put it, emerged structure is not ‘powerful executive’ but ‘the system of superiority of executive’ that was centralized within the presidency and this kind of authority is absent even in some presidential regime and is not accordant with parliamentary system.⁴⁵¹ For example, in parliamentary system, Prime Minister requests the renewal of election from the President but here, President is able to renew it directly. As another example, although President is still irresponsive organ which means there is contra-signature, article 105 says that “No presidential decree or order signed by the president directly may be challenged at any court including the Constitutional court”⁴⁵²; this kind of power is not included in even presidential system.⁴⁵³

On the basis of legislative body, according to article 7, legislative power belongs to the GNA which means that Senate of Republic/bicameral legislature was abolished. The prerogatives of the legislative are listed in article 87. There are some differences from the Constitution of 1961 such as; GNA is able to supervise Council of Ministers and declaring the war and deciding on announcement of pardons and amnesties excluding people who are listed in article 14.⁴⁵⁴ This is also constitutional limitation against prerogatives of legislative because article 14 draws a frame for transcendental state and stresses indivisible integrity of the state.

On the basis of rights and freedoms, the Constitution of 1982 determines it as ‘fundamental rights and duties’. The emphasis of ‘duties’ refers people who are accountable to the state not to society. The fundamental rights and freedoms was quietly limited because military thought that the more freedoms, the less powerful authority of

⁴⁵⁰ The Constitution of Republic of Turkey (1982), Erhan Yaşar(trans.), 1982, <http://www.anayasa.gen.tr/1982Constitution-1995-3.pdf> (01.02.2019).

⁴⁵¹ Taha Parla, **Türkiye’de Anayasalar: Tarih, İdeoloji, Rejim (1921-2016)**, 4th Edition, İstanbul: Metis, 2016, p.73.

⁴⁵² The Constitution of Republic of Turkey (1982), Erhan Yaşar (trans.), 1982, <http://www.anayasa.gen.tr/1982Constitution-1995-3.pdf> (01.02.2019).

⁴⁵³ Taha Parla, **Türkiye’de Anayasalar: Tarih, İdeoloji, Rejim (1921-2016)**, 4th Edition, İstanbul: Metis, 2016, pp.74-77.

⁴⁵⁴ The Constitution of Republic of Turkey (1982), Erhan Yaşar (trans.), 1982, <http://www.anayasa.gen.tr/1982Constitution-1995-3.pdf> (01.02.2019) and Taha Parla, **Türkiye’de Anayasalar: Tarih, İdeoloji, Rejim (1921-2016)**, 4th Edition, İstanbul: Metis, 2016, p.67.

the state.⁴⁵⁵ Therefore, all authority was institutionalized within the executive. On the basis of Berki's classification, transcendental state has already supported that human belongs to ethical community and have some duties to state. In this context, swapping the concept of 'freedom' in the Constitution of 1961 for 'liberty' in the new constitution may be seen another transcendental initiative because concept of 'freedom' (*özgürlük* in Turkish) refers to rights in general and symbolizes other institutions to gain autonomy from the state in specific while concept of 'liberty' (*hürriyet* in Turkish) generally means the duties of society to the state in order to form an ethical community.⁴⁵⁶

To strengthen the executive, state was supported with the other subsidiary institutions either. This is also necessary to provide centralization (or monopolization of power). Firstly, NSC has increased its role incrementally. According to Aydın and Taşkın, NSC was influential de facto power and functions just like an executive. Especially during 1990s, meeting of NSC took precedence of even Council of Ministers.⁴⁵⁷ According to article 118, "The Council of Ministers shall give priority consideration to the decisions of NSC concerning the measures that it deems necessary for the preservation of the existence and independence of the State, the integrity and indivisibility of the state...and the organization and duties of General Secretariat of NSC is regulated by law" which means that article 111 of the Constitution of 1961 was re-enforced constitutionally in favor of NSC/Executive.

Secondly, The State Supervision Council (SSC) was formed to provide stable, orderly and productive ruling. The institution is bound up with the Presidency and their members are appointed by the President.⁴⁵⁸ According to Parla, it is a constitutional mechanism that state can easily control and limit the society because it supervises and investigates not only public institutions but also professional organizations, industrial unions, employer organizations, associations and foundations.⁴⁵⁹ Besides these,

⁴⁵⁵ Mahmut Çekiç, "1982 Anayasası'nın Hükümet Sistemi Açısından Değerlendirilmesi", **Uyuşmazlık Mahkemesi Dergisi**, Vol.7, 2016, pp.456.

⁴⁵⁶ Yüksel Taşkın, "12 Eylül Atatürkçülüğü ya da Bir Kemalist Restorasyon Teşebbüsü Olarak 12 Eylül", Tanıl Bora and Murat Gültekinil (Ed.), in **Modern Türkiye'de Siyasi Düşünce** (570-583), 6th Edition, İstanbul: İletişim, 2009, p.578.

⁴⁵⁷ Suavi Aydın and Yüksel Taşkın, **1960'dan Günümüze Türkiye Tarihi**, 3rd Edition, İstanbul: İletişim, 2015, p.335.

⁴⁵⁸ T.C. Resmi Gazete, Kanunlar(2443), 01.04.1981, p.2, <http://www.resmigazete.gov.tr/arsiv/17299.pdf> (02.02.2019).

⁴⁵⁹ Taha Parla, **Türkiye'de Anayasalar: Tarih, İdeoloji, Rejim** (1921-2016), 4th Edition, İstanbul: Metis, 2016, p.74.

according to article 108, “The Armed Forces and judicial organs are outside of the jurisdiction of the SSC”⁴⁶⁰ which was also the determinant of autonomy and power of NSC because these organs were directly under the control of president.

Thirdly, election system is also one of the main determinants of political stability because government should also be stable in order to prevent coalitions. Thus, election system was again changed by providing the uniformity among the institutions but at first formation of political parties was limited with the articles 68 and 69.⁴⁶¹ According to these, “political parties may not be in conflict with indivisible integrity of the state and some groups like students and civil servants may not get into the political party.” Moreover, all newly established parties should be approved by NUC with the legislative electoral law of 2839 enacted on June 10, 1983. While, election system was doing without threshold in 1970s, double threshold was implemented in 1983. According to article 33 of election law, D’Hondt System will be implemented by 10% threshold countrywide and each district has its own threshold, either.⁴⁶² By doing this, the principle of justice in representation was kept quietly in background to provide stability in the state. As results of these, only three parties could get into the election in 1983 and ANAP won the votes of majority (%45.1) and one-party regime could be formed again.⁴⁶³

Fourthly, cultural dimension of restoration policies (or norm-based structure of transcendental state) was still tried to be provided by the doctrine of Turkish-Islamic synthesis of ‘Aydınlar Ocağı’ and various institutions in this direction such as Atatürk Supreme Council for Culture, Language and History (ASCLH), Turkish Radio and Television Association (TRT), Council of Higher Education (CHE) and etc. In this regard, Evren asserted that “corrupted institutions of the Turkish Republic will be reorganized and if necessary, we will close and reopen the same institutions”⁴⁶⁴ in order

⁴⁶⁰ Türkiye Cumhuriyeti Anayasası (1982), <https://anayasa.tbmm.gov.tr/docs/1982/1982anayasas%C4%B1ilkmetin/kanundmc06502709.pdf> (01.02.2019).

⁴⁶¹ Türkiye Cumhuriyeti Anayasası (1982), <https://anayasa.tbmm.gov.tr/docs/1982/1982anayasas%C4%B1ilkmetin/kanundmc06502709.pdf> (01.02.2019).

⁴⁶² T.C. Resmi Gazete, Milletvekili Seçim Kanunu (2839), 13.06.1983, <http://www.resmigazete.gov.tr/arsiv/18076.pdf> (03.02.2019).

⁴⁶³ Emine Yavaşgel, *Temsilde Adalet ve Siyasal İstikrar Açısından Seçim Sistemleri*, 2nd Edition, Ankara: Nobel, 2014, p.170.

⁴⁶⁴ Yüksel Taşkın, “12 Eylül Atatürkçülüğü ya da Bir Kemalist Restorasyon Teşebbüsü Olarak 12 Eylül”, Tanıl Bora and Murat Gültekinçil (Ed.), in *Modern Türkiye’de Siyasal Düşünce* (570-583), 6th Edition, İstanbul: İletişim, 2009, p.578.

to strengthen their ties with the state and produce statist culture within the framework of transcendental state understanding and '*Aydınlar Ocağı*' was an institutional initiative to provide this kind of solidarity.

All these institutions gave powerful authority to the executive (strong leader) and this kind of power has continued to be used by Turgut Özal when he became a president in 1989. Leader ruling even was influential on the appointment of Prime Minister because according to Aydın and Taşkın, Yıldırım Akbulut was a manageable candidate for Özal. Thus, if both of the executive has a similar view, then legislative will be weaker as it is said before. Meanwhile, even system was still called as parliamentary system; he implemented a kind of semi-presidential system as de-facto because he managed not only institution of presidency but also Prime Ministry, Foreign Affairs and other state institutions in a body.⁴⁶⁵ Quota deputyship was another institution in those times and implemented in 1987 and 1991 election in order to provide transcendental representation and political stability.⁴⁶⁶ According to law of political parties in 1986, a political party gained 5, 6 and 7 deputies in an electoral district, may have quota member. Thus, political party that had votes of majority gained extra member. Moreover this quota member was not subjected to district threshold which means that ruling party gains more authority and may easily institutionalize the state under one-man.⁴⁶⁷ In here, there may a critic about the consequence of the 1987 and 1991 elections because 1991 couldn't end up with one party ruling although same institutional mechanisms were implemented. However, in here there was another institutional factor and institutional integration is quietly influential; polarization of political party system in Turkey. Moreover, with the referendum of 1987, politicians banned from politics in 1980 reentered politics and this caused many parties to be formed.⁴⁶⁸ In addition, district threshold was also decreased to provide more democratic

⁴⁶⁵ Suavi Aydın and Yüksel Taşkın, **1960'dan Günümüze Türkiye Tarihi**, 3rd Edition, İstanbul: İletişim, 2015, pp.372-374.

⁴⁶⁶ Erol Tuncer, "Türkiye'de Seçim Uygulamaları Sorunları Işığında Temsilde Adalet Yönetimde İstikrar İlkelerinin İşlevselliği, **Anayasa Yargısı**, Vol.23 (2006), pp.167-182, p.174.

⁴⁶⁷ T.C. Resmi Gazete, Kanun:3270, 15.04.1986, http://www.resmigazete.gov.tr/arsiv/19079_1.pdf (03.02.2019) and Hasan Buran, **Seçim Sistemleri ve Türkiye için Yeni Bir Seçim Sistemi Önerisi**, Ankara: Siyasal, 2005, pp.121-124.

⁴⁶⁸ Şule Özsoy Boyunsuz, **Dünyada Başkanlık Sistemleri**, İmge: Ankara, 2017, p.42.

regime. Consequently, unity of powers was destroyed again in 1990s because of the coalition parties.⁴⁶⁹

1990s were the years that political, religious and economic problems were quietly appeared. On the one hand, PKK (Kurdistan Worker's Party) has increased its terrorist activities in Turkey and only in between 1984-2000, more than 30.000 people died in the struggle. Economically, foreign debt incrementally increased in those times. For example, it reached more than 67 billion dollars in 1993 and inflation was approximately at the level of 54, 7 % which all ended up with devaluation.⁴⁷⁰ On the other hand, increasing power of Islamist Welfare Party (WP) inflamed the concern among military. 'Kudüs Gecesi' (The night of Jerusalem) was one of the inflammatory factors that was concluded with '28 February 1997 post-modern coup'.⁴⁷¹ Thus, NSC published political package in order to protect secularism and closed the WP.⁴⁷² Beside the economic and religious factor that caused to instability, coalition governments entailed the state into the instable process deeply. So, 12 governments were founded within 10 years. Moreover, the problems between president and prime minister caused to government crisis (E.g. The crisis of Ecevit and Sezer in 2001⁴⁷³) which means that both of executives have not the same view and there was not uniformity among the institutions within the state.⁴⁷⁴ These all factors can't provide transcendental state tradition by definition. However, this unstable period finished by JDP's (Justice and Development Party) coming to power alone in 2002 and this oneness especially contributed JDP to actualize the economic policy swiftly and influentially in order to dissolve economic problems away.⁴⁷⁵ After the 2002 election, only two parties got the passing the threshold of 10 % (JDP and RPP) but although JDP gained 34% votes of majority, it acquired the 66% seats of parliament. Moreover, election system seemed as if two-party system, government of JDP based on stable majority within the parliament

⁴⁶⁹ Emine Yavaşgel, **Temsilde Adalet ve Siyasal İstikrar Açısından Seçim Sistemleri**, 2nd Edition, Ankara: Nobel, 2014, p.172.

⁴⁷⁰ Suavi Aydın and Yüksel Taşkın, **1960'dan Günümüze Türkiye Tarihi**, 3rd Editio, İstanbul: İletişim, 2015, pp.395-402.

⁴⁷¹ Erik Jan Zürcher, **Modernleşen Türkiye'nin Tarihi**, 29th Edition, İstanbul: İletişim, 2014, p.431.

⁴⁷² Aydınlik, "28 Şubat Kararları Neydi?", 13.04.2018, <https://www.aydinlik.com.tr/28-subat-kararlari-neydi-turkiye-nisan-2018-2> (04.02.2019).

⁴⁷³ Suavi Aydın and Yüksel Taşkın, **1960'dan Günümüze Türkiye Tarihi**, 3rd Edition, İstanbul: İletişim, 2015, p.457.

⁴⁷⁴ Fatih Aytekel, "Hükümet Dönemleri", Netdata, 2015, <http://www.netdata.com/netsite/8f03114e/hukumet-donemleri?p=2> (10.02.2019).

⁴⁷⁵ Suavi Aydın and Yüksel Taşkın, **1960'dan Günümüze Türkiye Tarihi**, 3rd Edition, İstanbul: İletişim, 2015, p.475.

and relationship between executive and legislative seemed intra-party relation which means that separation of powers became meaningless and executive gained strength much better. This kind of government provides rapid and productive period of study. Moreover, in such a government, dissolution mechanism of the parliamentary system will be almost impossible because of the majority of the parliament.⁴⁷⁶ So, one more time, Turkey handled with its problems with ‘oneness’ that provide to institutionalize the state into executive. As Taha Parla put, there is an indivisible sovereignty, integrated nation and authoritarian leadership which was accepted by both military and civilians because this understanding composes political culture of Turkey which derives from ‘transcendentalness’. That is why even coups are accepted as necessary.⁴⁷⁷

3.2.2.2.1.1. Debates on Transition to Presidential System in Turkey

Parliamentary system, which was a conducive factor of debates on government systems in Turkey, came to an end with the referendum on April 2017 and presidential system was started to be implemented. However, demand on transition to presidential system or government change in general can be traced back to long before.

Debates on government system in Turkey can be traced back to the 19th century when ‘Young Ottomans’ started to support parliamentary democracy by keeping monarchy in safe but limited and since 1876 parliamentary system has predominated Turkish government system. However parliamentary system that was seen as a solution to save the state in 19th century has been started to be criticized on the grounds that ‘Turkish state structure is not compatible with parliamentary system’. It was also asserted that ‘parliamentary democracy is in crisis of representation and legitimacy, so existing system is responsible for political instability’.⁴⁷⁸ In this context, reasons of the search for government system in Turkey can be divided as pre and post 1961 because according to Turan, reasons of preferences on government system are different for these periods. If 1909 is accepted as the beginning of parliamentary system within the

⁴⁷⁶ Şeref İba, Türkiye’de Parlamenter Rejimin işleyişi Açısından 3 Kasım 2002 Seçimlerinin Sonuçları, **University of Ankara Journal of Political Science**, Vol.58, No.2, pp.97-116, pp.104-106, p.110-114.

⁴⁷⁷ Taha Parla, **Türkiye’de Anayasalar: Tarih, İdeoloji, Rejim (1921-2016)**, 4th Edition, İstanbul: Metis, 2016, pp.152-154.

⁴⁷⁸ Atilla Güney, “Sonuç Yerine: Türkiye’de Başkanlık Sistemi Neden Tartışılıyor” İhsan Kamalak (Ed.), in **Yarı Başkanlık Sistemi ve Türkiye: Ülkeler Deneyimleri ve Karşılaştırmalı Analiz** (415-433), 2nd Edition, İstanbul: Kalkedon, 2014, pp.418-419.

framework of constitutional monarchy, it should be examined that following the Balkan Wars and World War I, Ottoman Empire already dispersed which ended up with the removal of sultanate by GNA gathered both executive and legislative authority on it. Even after the transition to multi party system, this times election system helped to be re-formed the powerful executive. Thus, pre-1961 referred to the period of stable executive but after the 1961, search for government system was about the problems of the system itself such as election crisis of president, dual executive, governmental instability and coalition governments⁴⁷⁹ but all of these problems have been also tried to be resolved by strengthening the executive. However, the first formal debates on government system started in 1970s via critical column written by Burhan Felek in 1970. According to Felek, “Turkish state tradition has always institutionalized into ‘one-man’ and Atatürk was most apprehender of this structure. Therefore, presidential democracy and one-man authority protected the state and comprehended its importance should be formed in order to ensure the order.”⁴⁸⁰ The other critical column came from the Kasım Gülek in 1970. According to him, “Turkish nation desires good-humored but authorized and stable state. This kind of state within the democratic regime can be possible with presidential system.”⁴⁸¹ However, the most influential debate brought in public’s agenda was realized when Turgut Özal became a president. Thus, the issue of whether presidential system can be a solution to political stability initiated conflictual debates on government system in Turkey.

When Turkey moved into multi-party system again in 1983, the basic problem in Turkish politics was conflict between president and prime minister. When Özal became a prime minister in 1983, he had generally complained about the extensive authority of the president (Evren). However when Özal became a president in 1989, he realigned his ideas, even founded president’s authority insufficient and offered presidential system.⁴⁸² This was actually new institutionalist behavior because state structure of Turkey affected Özal’s ideas and created new kind of policy preference. Özal passed his

⁴⁷⁹ Hilmi Can Turan, Government Systems Discussions in Republic of Turkey, **The West East Institute**, International Academic Conference Proceedings, Boston, USA, 2016, pp.192-202, pp.195-196.

⁴⁸⁰ Burhan Felek, “Bu Ultra Demokrasi Nereye Varır”, *Milliyet*, 23 May 1970
<http://gazetearsivi.milliyet.com.tr/Arsiv/1970/05/23> (15.02.2019).

⁴⁸¹ Mete Akyol, “Gülek Cumhurbaşkanını Halkın Seçmesini İstiyor”, *Milliyet*, 20 December 1970,
<http://gazetearsivi.milliyet.com.tr/Arsiv/1970/12/20>

⁴⁸² Atilla Güney, “Sonuç Yerine: Türkiye’de Başkanlık Sistemi Neden Tartışılıyor” İhsan Kamalak (Ed.), in **Yarı Başkanlık Sistemi ve Türkiye: Ülkeler Deneyimleri ve Karşılaştırmalı Analiz** (415-433), 2nd Edition, İstanbul: Kalkedon, 2014, p.425 and Hasan Celal Güzel, “Başkanlık Sistemi Tartışılıyor: Dosya”, *Sabah*, 3 January 2005,
<http://arsiv.sabah.com.tr/2005/01/03/siy101.html> (11.02.2019).

opinion on presidential system in “32nd Day Programme” of Mehmet Ali Birand. According to Özal, cabinet ministers should be elected out of parliament because both ministers and deputies have anxiety for election but they take charge in different part of the state which may provoke them to be poles apart. Thus, ministers should resign from the deputyship and executive power should only belong to the president.”⁴⁸³ In addition to Özal, Demirel also passed his opinion on presidential system in 1998. According to him, head of the state and head of the government should be institutionalized into strong leader because president should be powerful and dissolve the parliament in order to provide political stability. Demirel articulated these ideas just after the consensus of Yılmaz-Baykal on early election and he says ‘if parliament can’t elect a prime minister and form a government then executive should be formed by the people’.⁴⁸⁴

Debates on presidential system became re-inflamed with the Erdoğan’s expression in 2003. Erdoğan asserted that presidential system is more ideal government system for Turkey because interventions of legislative on executive causes to deadlock. Thus, deputies shouldn’t keep going on as minister as well.⁴⁸⁵ In the context of politicians (Özal, Demirel and Erdoğan), starting point of them on presidential system is the desire to strengthen the authority of executive in order to prevent political instability. In this regard, tension between executive and high-ranking bureaucrats is also important effect on this desire because high-ranking bureaucrats are only appointed with the suggestion of prime minister but by the president. Thus, dual executive has generally caused to divergence on the appointment. The tension between president and prime minister became clearly apparent within the period of Ahmet Necdet Sezer because liability of high-ranking bureaucrats appointed by irresponsible president belongs to responsible prime minister.⁴⁸⁶ Apart from the justification of politicians on presidential system, more systemic analysis is generally made by academicians such as Kalaycıoğlu, Özbudun, Üskül, Hekimoğlu and Kuzu.

⁴⁸³32. Gün Arşivi, “Turgut Özal Başkanlık Sistemini Anlatıyor”, 21 February 2017, <https://www.youtube.com/watch?v=UF8eQ4q9z-U> (11.02.2019).

⁴⁸⁴A Haber, “Süleyman Demirel: Başkanlık Sistemini Getirmeliyiz”, 20.03.2017, <https://www.ahaber.com.tr/webtv/gundem/suleyman-demirel-baskanlik-sistemini-getirmeliyiz> (12.02.2019) and Cemal Altan, “Türkiye’de Erken Genel Seçimleri Etkileyen Faktörlerin İncelenmesi”, *Sosyal ve Ekonomik Araştırmalar Dergisi*, Vol.8, No.16 (2009), pp.142-158, p.157.

⁴⁸⁵Hürriyet, “Erdoğan: Başkanlık Sistemi Benim Arzumdur”, 20 April 2003, <http://www.hurriyet.com.tr/gundem/erdogan-baskanlik-sistemi-benim-arzumdur-141506> (12.02.2019).

⁴⁸⁶Atilla Güney, “Sonuç Yerine: Türkiye’de Başkanlık Sistemi Neden Tartışılıyor” İhsan Kamalak (Ed.), in *Yarı Başkanlık Sistemi ve Türkiye: Ülkeler Deneyimleri ve Karşılaştırmalı Analiz* (415-433), 2nd Edition, İstanbul: Kalkedon, 2014, p.427.

According to Kalaycıoğlu, presidential system has tended to systemic deadlock because both elected president and elected parliament may see itself as the representor of ‘national will’. Longevity and rigidity of period of office makes difficult people to call president to account and so, street protests may increase. Presidential system is seemed like a ‘zero-sum game’ and opposition is excluded if executive and legislative composes of the same party. Moreover, although presidential system may provide government stability in the context of durability of government, it may also cause to political instability because of tension between opposition and ruling party and of street protest.⁴⁸⁷ Kalaycıoğlu asserts that under these circumstances, presidential system is not applicable for Turkey and existing system can’t be accepted as parliamentary system because authority of president is quietly higher than parliamentary system envisions.⁴⁸⁸

According to Özbudun, presidential system is supported in Turkey as two reasons. One of them is that presidential system provides powerful, stable and compatible executive while the other is that presidential system provides influential and independent legislation. Namely, first one aims at powerful executive while the other aims at powerful legislative and both of them are not possible at the same time. Thus, it contains contradiction within itself and has lacked of mechanism to solve deadlock between executive and legislative. Besides this, although presidential system may be accepted as more democratic and stable system because of elected president within the specific period, rigidity of period of office, feature of zero-sum game and tendency to polarization regards political instability as possible. On the other hand, tradition of one-man authority in Turkey should be limited by parliamentary system. Thus, Özbudun asserts that presidential system is not applicable for Turkey and politicians’ desire on it boils down to their personal interest.⁴⁸⁹ In this respect, Özbudun quoted Erdoğan speech that “we have not to implement the American type presidential system; we can form our own system. This system refers to leadership system which symbolizes the government

⁴⁸⁷Ersin Kalaycıoğlu, “Başkanlık Rejimi: Türkiye’nin Diktatörlük Tehdidiyle Sınavı”, in **Başkanlık Sistemi (13-29)**, Türkiye Barolar Birliği: Ankara, 2005, pp.26-27.

⁴⁸⁸Sabah, “Başkanlık Sistemi Tartışılıyor: Dosya”, 3 January 2005, <http://arsiv.sabah.com.tr/2005/01/03/siy102.html> (15.02.2019).

⁴⁸⁹Ergun Özbudun, “Başkanlık Sistemi Tartışmaları”, Başkanlık Sistemi”, in **Başkanlık Sistemi (105-111)**, Ankara: Türkiye Barolar Birliği, 2005, p.summerized and Sabah, “Başkanlık Sistemi Tartışılıyor: Dosya”, 3 January 2005, <http://arsiv.sabah.com.tr/2005/01/03/siy102.html> (17.02.2019).

system implemented in our ancient tradition.”⁴⁹⁰ This kind of view has already born the stamp of historical institutionalist perspective.

According to Üskül, presidential system is problematic because of two reasons. Firstly, it tends to dictatorship because executive power is institutionalized into strong leader especially when parliament and executive compose of the same party. Secondly, opposition can't work efficiently in presidential system because legislative can't oppose to executive and power of the president can't be balanced. Besides these, presidential system is more problematic for Turkey because state tradition comes from absolute monarchy. Thus, political culture of Turkey can easily transform the presidential system into the 'elected sultanate' together with the effect of powerful authoritarian leadership. Moreover, if presidential system produces political stability in U.S.A., reason should also be sought in party system because only two parties represent the powerful system and they are not totally different from each other but Turkey's multi-party system with its anti-democratic intra-party discipline have a risk to be decreased the power of opposition parties even more and system tends to the bossism.⁴⁹¹

According to Hekimoğlu, debates of the presidential system on the basis of political stability are greatly well-directed issue because 2002 election in Turkey set an example of pseudo stable government. Although JDP gained the majority of votes by a narrow margin, it acquired most of the seats in the parliament. So, this situation created problem of 'justice in representation'. Although the Constitution of 1982 aimed at powerful executive, Turkey witnessed instable period of 1990s because the coup created fragmented party system and non-institutionalized several parties become involved in parliamentary system; which all caused to non-self-governing democracy. In this context, presidential system may solve these problems and provides powerful-stable executive. Besides these, Turkish state tradition has been used to experience de facto presidential system/powerful executive both in the period of Ottoman Empire and also in the period of one-party system in Turkish Republic (1923-1946). Moreover, if

⁴⁹⁰Ergun Özbudun, "Başkanlık Sisteminin Olası Tehlikeleri", Cem Akış (Ed.), in **Kritik Kavşak: Parlamenter Sistem-Başkanlık Sistemi** (61-76), First Edition, İstanbul: Koç University Press, 2015, p.74.

⁴⁹¹Atilla Güney, "Sonuç Yerine: Türkiye'de Başkanlık Sistemi Neden Tartışılıyor" İhsan Kamalak (Ed.), in **Yarı Başkanlık Sistemi ve Türkiye: Ülkeler Deneyimleri ve Karşılaştırmalı Analiz** (415-433), 2nd Edition, İstanbul: Kalkedon, 2014, p.428 and NTV, "Başkanlık Sistemi Seçilmiş Sultanlıktır", 11 January 2005, <http://arsiv.ntv.com.tr/news/304623.asp> (17.02.2019).

Turkey wants to be full member of EU, then it should pass to presidential system as a ‘governing democracy’.⁴⁹²

According to Kuzu, superiority of parliamentary system was generally supported in early democratic countries because it was seen as a mechanism to limit the King’s power and to provide rights and freedoms. However incrementally, executive has seen as a motor of the state and it was necessary to provide rights and freedom. Thus, now powerful executive is generally supported by most of the world because presidential system should be seen as a solution to prevent coalition government and provide permanent stable state. In this context, Duverger stressed and Kuzu quotes that well-disciplinized party system has not already enabled to operate separation of powers because majority party has a handle on both executive (government) and legislative. Moreover, according to Kuzu, superiority of executive has been a historical path for Turkey. In this regard, Constitution of 1961 was not able to keep at this path sufficiently and caused to coup of 1982.⁴⁹³ In this regard, Evren also asserted that “if we would continue with ‘The Contitution of 1961’, we hadn’t been successful because keeping executive in the background is the greatest weakness of 1961. Thus, president should be fully entitled in order to sustain the state powerful.”⁴⁹⁴ Consequentially, Kuzu believes that Turkey with its rooted state tradition sits well with presidential system.

The debates on presidential system gained momentum when the election of president came to a deadlock in 2007. Although office period of Ahmet Necdet Sezer was out of the date on 16th of May, the new president couldn’t be elected because of the discrepancy in the 102nd article of The Constitution of 1982. This discrepancy was suggested firstly by Karacan.⁴⁹⁵ According to him, for the election of president, two-third majority of total member number is also valid for quorum for meeting. Thus, Abdullah Gül who gained 357 votes couldn’t win the election and election was annulled

⁴⁹² Radikal, “Başkanlık Sistemi Gerekli”, 23 January 2006, <http://www.radikal.com.tr/yorum/baskanlik-sistemi-gerekli-769628/> (17.02.2019) and Atilla Güney, “Sonuç Yerine: Türkiye’de Başkanlık Sistemi Neden Tartışılıyor” İhsan Kamalak (Ed.), in **Yarı Başkanlık Sistemi ve Türkiye: Ülkeler Deneyimleri ve Karşılaştırmalı Analiz** (415-433), 2nd Edition, İstanbul: Kalkedon, 2014, p.429.

⁴⁹³ Burhan Kuzu, **Her Yönü İle Başkanlık Sistemi**, 1st Edition, İstanbul: Babıali, 2011, pp.48-60 and Sabah, “Asıl Bu Sistem Kral Yaratıyor”, 3 January 2005, <http://arsiv.sabah.com.tr/2005/01/04/siy101.html> (18.02.2019).

⁴⁹⁴ Kenan Evren, 1 Kasım 1982 İzmir Speech, <https://www.youtube.com/watch?v=WQMHkuaXKOW> (18.02.2019).

⁴⁹⁵ Cem Eroğul, “2007 Cumhurbaşkanlığı Seçimi Bunalımından Çıkarılabilecek Dersler”, **Ankara Üniversitesi SBF Press**, Cilt.62, No:3, pp.167-181, p.170.

by the constitutional court.⁴⁹⁶ Moreover, military publicized e-memorandum after the annulment of election in order to threaten the JDP because according to them, JDP violated the state rules and its secular structure.⁴⁹⁷ However JDP decided to hold an early election and gained 47% votes of majority in general election (22 June 2007) and then Gül became the new president.⁴⁹⁸ However, after this presidential crisis, JDP regulated in 101st article of the constitution and according to it, “president shall be elected by the people”⁴⁹⁹ and Erdoğan became the first elected president in 2014.

Besides the 2007 crisis, Erdoğan speech in 2010 was also influential effect on debates of presidential system because he indicated that “if people support us, then the issue of presidential system may be added to parliament agenda”.⁵⁰⁰ The next day, Baykal (the party leader of RPP) started to criticize the presidential system and the debates became inflamed again. Consequentially, JDP presented the proposal of presidential system to the Constitutional Conciliation Commission (CCC) in 2012.⁵⁰¹

3.2.2.2.1.2. Transition to Presidential System

Presidential system (Cumhurbaşkanlığı Sistemi in Turkish) refers to a government structure that executive and legislative are elected separately by the people; and president entrusted with ordinance power by presidential system’s nature draws its strength and legitimacy directly from the people as head of the state.⁵⁰² Transition to presidential system was completed on April 16, 2017 because 18 new articles were accepted via referendum in order to pass to presidential system. In this way authority of policy making is directly given to executive but extensive realm of authority of executive is main determinant for presidential system in the context of the separation of powers theory. In this regard, regulated article 104 says that, “political rights and

⁴⁹⁶ Habertürk, “Köşk Seçiminde Anayasadaki Püf Nokta”, 16 December 2006, <https://www.haberturk.com/gundem/haber/10439-kosk-secimindeanayasadaki-puf-nokta> (18.02.2019).

⁴⁹⁷ Hürriyet, “Genelkurmay’dan Çok Sert Açıklama”, 29 April 2007, <http://www.hurriyet.com.tr/gundem/genelkurmaydan-cok-sert-aciklama-6420961> (18.02.2019).

⁴⁹⁸ Habertürk, “Abdullah Gül 367 Şartı ve 27 Nisan engelini aşı aşı Çankaya Köşkü’ne Çıktı”, 7 August 2014, <https://www.haberturk.com/gundem/haber/977543-abdullah-gul-367-sarti-ve-27-nisan-engelini-asa-asa-cankaya-koskune-cikti> (18.02.2019)

⁴⁹⁹ T.C Resmi Gazete, Türkiye Cumhuriyeti Anayasasının Bazı Maddelerinde Değişiklik Yapılması Hakkında Kanun (5678), 16.06.2007, <https://anayasa.tbmm.gov.tr/docs/1982/1982-14/14-degisiklik.pdf> (18.02.2019).

⁵⁰⁰ Dünya, “Başkanlık Sistemi Gündeme Gelebilir”, 19 April 2010, <https://www.dunya.com/gundem/baskanlik-sistemi-gundeme-gelebilir-haberi-111621> (18.02.2019).

⁵⁰¹ Salih Bayram, “Türkiye’de Başkanlık Sistemi Tartışmaları: Algılar, Argümanlar ve Tezler”, **SETA Report**, 2016, p.14.

⁵⁰² Haluk Alkan, **Kurumsal Yaklaşım Işığında Yeni Siyasetin Analizi: Cumhurbaşkanlığı Sistemi**, 1st Edition, Ankara: Liberte, 2018, p.39.

duties' and 'fundamental rights and duties' cannot be put in order by the Presidential decree. Presidential decree shall not be enacted in matters which are envisaged to be regulated exclusively by the law.⁵⁰³ However, this means that, presidential decree can be enacted on economic and social rights and freedoms which encapsulate extensive realm of authority. Moreover, regulated article 119 says that during the period of state of emergency, president has ordinance power without being subject to limitations determined in article 104.⁵⁰⁴ Besides these, president exclusively can appoint and discharge the vice-presidents, ministers and top executives (article 104); form a department of ministry and regulate it (article 106); regulate the duties and department of Secretariat of NSC (article 118); form a public legal personality (article 123); assign the Chief of The General Staff (article 117); and have an authority on SSC (article 108).⁵⁰⁵ Although executive is entrusted with extensive authority, supervision mechanisms (except motion of censure) of legislative on executive has been sustained. However, when it was deeply analyzed these supervision mechanisms such as parliamentary inquiry, investigation, question and general debate, being trial of president is complicated. For example, while old article 105 says that "president may be charged with treason submitted by no less than one third of the membership and by decision of a vote no less than three quarters of membership, regulated article 105 says that president may be charged with treason submitted by absolute majority of total member number. This law is also valid for parliamentary investigation against deputies and vice-presidents. Moreover, motion of censure was dismantled in the new system (article 106) and parliamentary and written questions was started to be use only against vice-presidents and deputies.⁵⁰⁶ If it is considered that responsible president in the new system may represent to responsible and powerful prime minister in the old system, then this kind of implementation creates a strong executive that can not be interrogated

⁵⁰³T.C. Resmi Gazete, Türkiye Cumhuriyeti Anayasasında Değişiklik Yapılmasına Dair Kanun Teklifi (6771), 21.01.2017,

<https://anayasa.tbmm.gov.tr/docs/1982/1982-19/KanunTeklifiMetni2-1504Esas.pdf> (19.02.2019).

⁵⁰⁴T.C. Resmi Gazete, Türkiye Cumhuriyeti Anayasasında Değişiklik Yapılmasına Dair Kanun Teklifi (6771), 21.01.2017,

<https://anayasa.tbmm.gov.tr/docs/1982/1982-19/KanunTeklifiMetni2-1504Esas.pdf> (19.02.2019).

⁵⁰⁵Haluk Alkan, **Kurumsalci Yaklaşım Işığında Yeni Siyasetin Analizi: Cumhurbaşkanlığı Sistemi**, 1st Edition, Ankara: Liberte, 2018, p.45.

⁵⁰⁶The Constitution of the Republic of 1982, Erhan Yaşar (trans.), 1997, <http://www.anayasa.gen.tr/1982Constitution-1995-3.pdf> (01.01.2019) and

T.C. Resmi Gazete, Türkiye Cumhuriyeti Anayasasında Değişiklik Yapılmasına Dair Kanun Teklifi (6771), 21.01.2017,

<https://anayasa.tbmm.gov.tr/docs/1982/1982-19/KanunTeklifiMetni2-1504Esas.pdf> (19.02.2019) and Haluk Alkan, **Kurumsalci Yaklaşım Işığında Yeni Siyasetin Analizi: Cumhurbaşkanlığı Sistemi**, 1st Edition, Ankara: Liberte, 2018, pp.52-53.

by the parliament.⁵⁰⁷ In addition to this, although new presidential system in Turkey does not permit president -who elected two consecutive years- to be re-elected after a certain term-break, it allows president to be re-elected if parliament decides the renewal of the election in the second period of the president, then president can become a candidate for the third time (article 116)⁵⁰⁸ which corresponds a time period more than 10 years. Another discrepancy is on the appointment of the ministers. According to regulated article 106, ministers and vice-presidents shall be appointed only by the president but in parliamentary system and even presidential system in U.S.A., ministers shall be designated by president but with the approval of Senato or Parliament.⁵⁰⁹ According to Altan, all these regulations result from the responsible president because irresponsible and powerful president of The Constitution of 1982 may bring about double-legitimacy problem which may cause the political instability and deadlock. Thus, being president furnished with full authority is fair enough for responsible president and also influential way to prevent deadlock.⁵¹⁰

Preventive checks and balances mechanism for deadlock is determined with three ways in the new presidential system of Turkey. First one is on budget which is seen as supervision mechanism of legislative over executive. In this context, regulated article 161 says that “temporary budget law shall be enacted if the budget law is expired. If the provisional budget law is also not enacted, the budget law of the previous year shall be applied until the new budget law is adopted.” The other supervision mechanism is simultaneous election in order to harmonize the executive and legislative (article 77). However, this kind of regulation brings critics in its wake because harmonization among the executive and legislative may correspond with the superiority of the executive which may also mean ‘covered parliamentarism’ because ideology of the majority of parliament and president may be the same. Thirdly, regulated article 116 gives to the president the right to rescind the parliament and renew the election and if

⁵⁰⁷ Türkiye Barolar Birliği, “Anayasa Değişikliği Teklifi’nin Karşılaştırılmalı ve Açıklamalı Metni”, http://anayasadeğişikligi.barobirlik.org.tr/Anayasa_Degisikligi.aspx (20.04.2019)

⁵⁰⁸ T.C. Resmi Gazete, Türkiye Cumhuriyeti Anayasasında Değişiklik Yapılmasına Dair Kanun Teklifi (6771), 21.01.2017,

<https://anayasa.tbmm.gov.tr/docs/1982/1982-19/KanunTeklifiMetni2-1504Esas.pdf> (19.02.2019).

⁵⁰⁹ Haluk Alkan, **Kurumsal Yaklaşım Işığında Yeni Siyasetin Analizi: Cumhurbaşkanlığı Sistemi**, 1st Edition, Ankara: Liberte, 2018, p.77.

⁵¹⁰ Haluk Alkan, **Kurumsal Yaklaşım Işığında Yeni Siyasetin Analizi: Cumhurbaşkanlığı Sistemi**, 1st Edition, Ankara: Liberte, 2018, p.84.

parliament decides the renewal of the election, it is required the two-third of majority.⁵¹¹ This kind of regulation may also seen as mechanism to provide political stability because decision of rescind the parliament of president or decision on renewal the election of parliament is improbable. In the context of simultaneous election, conceivably no one cuts one's own throat. Moreover, while decision of parliament is required the two-third of majority, president is able to rescind the parliament freeally; which all may refer to superiorty of executive.

CONCLUSION

Parliamentary system seen as causative factor of debates on government system in Turkey and ended up with the referendum on April 2017 has been constantly interrupted by the crisis arisen out of unstable governments since the multi-party system in 1946. Within this period election systems, constitutional regulations and military interventions were seen as the mechanism to provide political stability. All these debates gathered speed when presidential election came to gridlock in 2007. As becoming the democratization movements the main topic of debates after 1970s, the issue of new constitutional regulations and democratic regime have started to be discussed in political literature. In this context, historical new institutionalism presents comprehensive government system analysis; by focusing on constitutional-institutional preferences and political structure; and by examining the issue of how institutional design affects the political consequences. HI asserts that institutions resist the change (path dependency) but there may be also change (critical juncture) when sufficient internal and external pressure occurs and when old political preferences are seen as inadequate. In this regard, the issue of 'whether presidential system in Turkey refers to critical juncture (or not)' and the question of 'why presidential system was chosen or tried to be chosen and why political stability has been pursued in Turkey' are examined in this thesis within the framework of historical new institutionalism.

⁵¹¹Haluk Alkan, **Kurumsalci Yaklaşım Işığında Yeni Siyasetin Analizi: Cumhurbaşkanlığı Sistemi**, 1st Edition, Ankara: Liberte, 2018, pp.108-109 and Cahit Özkan, **Tarihi, Siyasi ve Hukuki Yönleriyle Cumhurbaşkanlığı Modeli**, 1st Edition, İstanbul: DBY, 2017, p.151

While most of the politicians and academicians started to re-examine the advantages and disadvantages of presidential system for Turkey, they may ignore the underlying reason of the presidential tendency within this process. In this context, understanding of what political stability/instability is and how the path dependency of Turkey is determined give clues in the direction of the thesis. In literature, political stability is generally analyzed within the determinants of free election, pluralist governance, absence of political violence, government longevity, social welfare, constitutional regime, and legitimacy and reconciliation mechanism while political instability is generally measured by political violence, unemployment rate, uprising, government reshuffle and so on so forth. However, with the framework of historical new institutionalism, each institution has its own institutional character and its own definition of political stability/instability. In this regard, this thesis takes the Badie and Birnbaum's definition in hand as the main measurement for political stability in Turkey. According to them, decreasing role of the state in society with strong state understanding causes political instability. Thus, role of the state (or 'stateness' of the Turkey) is examined within the framework of transcendental state tradition.

Transcendental state is characterized as; it has statist orientation; human belongs to ethical community and have duties to state; politics composes of leadership and education; Law reflects the collective wisdom and will of the citizen (uniformity); There is uniformity between the institutions; Collective heroism and state sovereignty is so important; It tends toward monarchy but it is seen in democratic regime; and it tends to central authority to provide political stability. Within these perspectives, the thesis takes the transcendental state tradition in hand as 'path dependency' from the Ottoman Empire to the Turkish Republic. In this regard, especially tendency to leader ruling or strong leader direct us to examine powerful executive in Turkey. From this point of view, constitutional documents are examined as an influential determinants on state tradition.

There is quite continuity between Ottoman state tradition and Republican Turkish state tradition with regards to the state understanding based on collective heroism and state sovereignty by taking politics in hand as something consisting of leadership and education of society. Thus, people are educated with idealistic principles in order to serve their own state but under the guidance of the leader. From this point of

view, leadership (Sultan) and ‘adab philosophy’ in the Ottoman state tradition show similarity with the leadership in early republican period and Kemalist principles. Further to that, this strong state tradition has even continued after significant developments -which may be called as critical juncture- such as abolition of caliphate and sultanate or proclamation of the republic because what provides the continuity of state tradition is strong belief that state must exist powerfully –which is regarded as transcendental state understanding-. And this kind of belief has also shaped the constitutional documents by trying to set politically centralized state structure (monopolization of power).

Ottoman Empire -had the characteristic of that state institutionalized into the sultanate- sets already a precedent for leader ruling as by nature of absolutist state. Although this sultan-based state structure was tried to be changed by Charter of Alliance, The Imperial Edict of Gülhane, The Imperial Rescript, The Tanzimat Reform Era and The Constitution of 1876, these movements can be called as oligarchic tendency within the bureaucracy because state has always been sacred institution. There is nothing new under the sun; the only changing thing is who the state is. Thus, tendency towards strong leader has generally tried to be pursued because centralization is seen generally as monopolization of the powers; which all are seen as preventive mechanism for political instability or solution to the political crisis. This kind of salvage operation of the state has gained lock-in feature and constitutions within this process have also been used as value-based, endogenous tools to save the state. In this regard, article 113 reveals the strong state and strong leader understanding because according to this, the Sultan had the authority to expel someone he saw as dangerous to the Empire in order to keep state powerful. Besides this, 1909 amendments are considered as a factor reducing the Sultan’s power, it is examined as oligarchic tendency within the bureaucracy and strong state tradition has been still tried to be kept because Ottoman Empire was in difficult situation; lost many territories. Thus, it was believed that Sultan couldn’t protect the state power and real solution lied down the state based on parliamentary system but parliament itself was under the leadership of CUP in the background. Meanwhile, parliamentary system was used in those times a tool to save the state but under the control of CUP. However, after the failure of CUP, mission to save the state was undertaken by Mustafa Kemal and his fellow fighters. In this regards, it is worth of note that assembly government system in those times (1921-1923)

shouldn't confuse us on the basis of tradition of powerful executive because assembly government actually moved just like an executive within the period of single party system. And what is more, single-party system had already directed the system through state understanding based on the superiority of executive because there is no opposition party. However, after the multi party system (1946), powerful executive became more crucial because transcendental state tradition or strong leader was quietly and easily possible with the executive wing. Therefore, the system allowed the superiority of executive was tried to be preferred. Although, the system was called as parliamentary system, the constitution gave more authority to the executive than parliamentary system envisions. From this point of view, the Constitution of 1961 is generally examined as a document that reduced the power of executive. However, in this document, NUC appeared as one of the executive body and article 4 of the Constitution of 1961 says that "nation shall exercise its sovereignty through the authorized agencies". 'Agencies' in this document gave more authority to the executive bod. Moreover, according to article 11, NSC was settled as a part of Council of Minister's section. Besides, although Chief of General Staff (CGS) should have hinged on elected Minister of National Defence, article 104 says that "CGS is appointed by the President and responsible to the Prime Minister" which means CGS is commissioned just like a minister and this powerful executive understanding was increased further in the Constitution of 1982. However, when we compare the Constitution of 1982, the Constitution of 1961 can be examined as cleavage for 'historical path' in order not to strengthen the executive enough and not to leave enough space for the state to protect itself. Thus, the constitution of 1982 transformed the parliamentary system on behalf of the powerful executive.

Debates on presidential system has begun especially in 1980s and seen as tool to legitimate the existing system because presidential implementation within the parliamentary system has often caused to political crisis and gridlock between the legislative-executive. Thus, presidential system provides the transcendental state on a more legitimate ground and political stability is desired to be kept via this kind of state. However, nowadays JDP has the votes of majority within both parliament and executive. If another party gains the majority of parliament, then is presidential system able to prevent probable executive-legislative crisis? In such a case, presidential system may be given up or power of the opposition may be decreased via election system or constitutional regulations because presidential system can not solely provide politically

stable state. Main determinant of political stability in Turkey is transcendental state tradition as a path dependency. Thus, which government system can form a best form of transcendental state, it will be preferred in the future. In this regard, presidential system cannot refer to critical juncture; it still represents the signal of transcendental path of Turkey.

BIBLIOGRAFY

Books

- Ahmad, Feroz. **The Turkish Experiment in Democracy 1950-1975**, London: C. Hurst, 1977.
- Alkan, Haluk. **Kurumsalcı Yaklaşım Işığında Yen Siyasetin Analizi: Cumhurbaşkanlığı Sistemi**, First Edition, Ankara: Liberte, 2018.
- Anderson, Perry. **Lineages of the Absolutist State**, London: NLB, 1974.
- Ankara University Political Science Faculty and Administrative Science Institute. **Siyasal Bilgiler Fakültesi İdari İlimler Enstitüsü'nün Gerekçeli Anayasa Tasarısı ve Seçim Sistemi Hakkındaki Görüşü**, Ankara: Ajans Türk Press, 1960.
- Atatürk, Mustafa Kemal. **Nutuk II**, 9th Edition, İstanbul: Türk Devrim Tarihi Enstitüsü Milli Eğitim Press, 1969.
- Atay, Falih Rıfkı. **Baş Veren Inkılapçı**, Cumhuriyet Press, 1997.
- Aydın Mehmet S. and others, **Küreselleşme, İslam Dünyası ve Türkiye**, İstanbul: İSAV, 2002.
- Aydın, Suavi and Yüksel Taşkın. **1960'dan Günümüze Türkiye Tarihi**, 3rd Edition, İstanbul: İletişim, 2015.

- Badie, Bertrand and Pierre Birnbaum. **The Sociology of the State**, Arthur Goldhammer (Trans.). Chicago: University of Chicago Press, 1979.
- Ball, Alan and Guy Peters, **Çağdaş Siyaset ve Yönetim**, İstanbul: Yayın Odası, 2007.
- Berkes, Niyazi. **Türkiye’de Çağdaşlaşma**, Doğu Batı: İstanbul, 1979.
- Berkes, Niyazi. **Türkiye İktisat Tarihi**, 1st Edition, İstanbul: YKY, 2013.
- Beydeba. “Bir Varmış Bir Yokmuş”, **Kelile ve Dimne**, Sadık Yalsızuçanlar, (Trans.), İstanbul: Lacivert, 2016.
- Bogdanor Vernon. **Blackwell’in Siyaset Bilimi Ansiklopedisi**, Bülent Peker (trans.), First Edition, Ankara: Ümit, 1999, pp.179-184.
- Buran, Hasan. **Seçim Sistemleri ve Türkiye için Yeni Bir Seçim Sistemi Önerisi**, Ankara: Siyasal, 2005.
- Capoccia, Giovanni. “Critical Juncture”, Orfeo Fioretos, Tulia G. Falletti and Adam Sheingate (Ed.), in **The Oxford Handbook of Historical Institutionalism**, Oxford: Oxford University Press, 2016, 1-32.
- Collier, R. B. and D. Collier. **Shaping The Political Arena: Critical Junctures, the Labour Movement, and Regime Dynamics in Latin Amerika**, Indiana: University of Notre Dame Press, 2002.
- Cox, Richard (Ed.). **Second Treatise of Government**, John Locke, Illinois: Harlan Davidson Press, 1982.
- Çaha, Ömer. **Aşkın Devletten Sivil Topluma**, İstanbul: Gendaş Kültür, 2000.
- Çavdar, Tefvik. **Türkiye’nin Demokrasi Tarihi: 1839-1850**, First Edition, Ankara: İmge 1995.
- Davison, Roderic H. **Essays in Ottoman and Turkish History, 1774-1923: The Impact of The West**, Texas: University of Texas Press, 1990.
- Demirel, Tanel. “Türk Silahlı Kuvvetlerinin Toplumsal Meşruiyeti Üzerine, Ahmet Insel and Ali Bayramoğlu (Ed.), **Bir Zümre Bir Parti Türkiye’de Ordu**, 6th Edition, İstanbul: Birikim, 2004, 344-381
- Easton, David. **The Analysis of Political Structure**, New York: Routledge, 1990.
- Ergüder, Üstün. “Başkanlık mı, Parlamenter Sistem mi?”, Cem Akaş (Ed.), in **Kritik Kavşak: Parlamenter Sistem-Başkanlık Sistemi**, First Edition, İstanbul: Koç University Press, 2015, 127-140.
- Eroğul, Cem. **Türk Anayasa Düzeninde Cumhuriyet Senatosunun Yeri**, Ankara University Faculty of Political Science Press, 1977.

- Eyüboğlu, Ercan. “Fransa: Parlamenter Bir VI. Cumhuriyet’e Doğru”, İhsan Kamalak (Ed.), in **Yarı Başkanlık Sistemi ve Türkiye**, Kalkedon: İstanbul, 2014, pp.112-192.
- Fioretos, Orfeo, Tulia G. Falleti and Adam Sheingate. “Historical Institutionalism in Political Science”, Orfeo Fioretos, Tulia G. Falleti and Adam Sheingate (Ed.), in **The Oxford Handbook of Historical Institutionalism**, Oxford: Oxford University Press, 2016, (1-32).
- Giddens, Anthony. **Sosyal Teorinin Temel Problemleri**, First Edition, İstanbul: Paradigma, 2005.
- Gözler, Kemal. **Türk Anayasa Hukuku Dersleri**, 4th Edition, Bursa: Ekin, 2007.
- Gözler, Kemal. **Anayasa Hukukunun Genel Esasları**, 5th Edition, Bursa: Ekin Press, 2014.
- Gözler, Kemal. **Anayasa Hukukuna Giriş: Genel Esaslar ve Türk Anayasa Hukuku**, 26th Edition, Bursa: Ekin, 2017.
- Gramsci, Antonio. **Selection From the Prison Notebooks**, Quintin Hoare and Geoffrey Nowel Smith(trans.), 11th Edition, New York: International Publishers, 1971.
- Grofman, Bernard. The Federalist Papers and the New Institutionalism: An Overview, Bernard Grofman and Donald Wittman (Ed.), in **The Federalist Papers and the New Institutionalism**, New York: Agathon Press, 1989, pp.1-7.
- Güney, Atilla. “Sonuç Yerine: Türkiye’de Başkanlık Sistemi Neden Tartışılıyor” İhsan Kamalak (Ed.), in **Yarı Başkanlık Sistemi ve Türkiye: Ülkeler Deneyimleri ve Karşılaştırmalı Analiz**, 2nd Edition, İstanbul: Kalkedon, 2014, pp.415-433.
- Hacip, Yusuf Has. **Kutadgu Bilig**, Reşit Rahmeti Arat (Trans.), İstanbul: Milli Eğitim, 1947.
- Hayward, J.E.S. and Berki, R.N. **State and Society in Contemporary Europe**, Oxford: Martin Robertson, 1979.
- Hekimoğlu, Mehmet Merdan. **Anayasa Hukukunda Karşılaştırmalı Demokratik Hükümet Sistemleri ve Türkiye**, Ankara: Detay Press, 2009.
- Heper, Metin. **Türkiye’de Devlet Geleneği**, Ankara: Doğubatı, 2015.
- Heper, Metin. **Türk Kamu Bürokrasisinde Gelenekçilik ve Modernleşme: Siyaset Sosyoloji Açısından Bir İnceleme**, İstanbul: University of Boğaziçi Press, 1977.
- Heywood, Andrew. **Politics**, Third Edition, New York: Palgrave, 2007.

- Hobbes, Thomas. **Leviathan**, Semih Lim (trans.), 14th Edition, İstanbul: Yapı Kredi Press, 2012.
- Horowitz, Donald D. “Demokratik Sistemlerin Karşılaştırılması”, Cem Akas (Ed.), in **Kritik Kavşak: Parlamenter Sistem-Başkanlık Sistemi** First Edition, İstanbul: Koç University Press, 2015, 31-38.
- Ikenberry, G. John. **After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order After Major Wars**, Princeton: Princeton University Press, 2001.
- Immergut, Ellen M. “Historical-Institutionalism in Political Science and the Problem of Change”, (Ed. Andreas Wimmer and Reinhart Kössler), in **Understanding Change: Models, Methodologies and Metaphors** Palgrave-Macmillan, 2006.
- İnalcık, Halil. **Devlet-i Aliyye: Osmanlı İmparatorluğu Üzerine Araştırmalar-I**, 56th Edition, İstanbul: Kültür, 2016.
- Kaboğlu, İbrahim Ö. **Anayasa Hukuku Dersleri: Genel Esaslar**, 5th Edition, İstanbul: Legal, 2009.
- Kaçmazoğlu, H. Bayram. “Türkiye’de Siyasal Fikir Hareketleri ve İktidar Sorunu”, Ertan Eğribel and Ufuk Özcan (Ed.), **Bilim Sosyolojisi: Bilim Tarihi ve Yöntem**, İstanbul: Kitabevi, 2007, pp.56-71.
- Kahraman, Sevilay. “Avrupa Bütünleşmesi Kuramları: 1980 Sonrası” Belgin Sariye Akçay and İlke Göçmen (Ed.), in **Avrupa Birliği: Tarihçe, Teoriler, Kurumlar ve Politikalar**, Seçkin, 2016-3, (131-160).
- Kalaycıoğlu, Ersin. “Başkanlık Rejimi: Türkiye’nin Diktatörlük Tehdidiyle Sınırı”, **Başkanlık Sistemi**, Türkiye Barolar Birliği: Ankara, 2005, pp. 13-29.
- Karadağ, Ahmet. **Osmanlı’da Cumhuriyet’e Türkiye’de Siyasal Hayat** (Ed.), 2nd Edition, İstanbul: Bilsam, 2015, p.23.
- Karpat, Kemal H. **Osmanlı’dan Günümüze Kimlik ve İdeoloji**, 3rd Edition, İstanbul: Timaş, 2009.
- Karpat, Kemal H. **Osmanlı’da Değişim, Modernleşme ve Uluslaşma**, First Edition, Ankara: İmge, 2006.
- Karpat, Kemal. **Türk Siyasi Tarihi: Siyasal Sistemin Evrimi**, 5th Edition, İstanbul: Timaş, 2014.
- Kazamias, Andreas M. **Education and the Quest for Modernity in Turkey**, Chicago: University of Chicago Press, 1960.

- Keyman, Fuat. **Liberalizm, Devlet, Hegemonya**, 1st Edition, İstanbul: Everest, 2002.
- Kılıçbay, Mehmet Ali. **Doğu'nun Devleti Batı'nın Cumhuriyeti**, 2nd Edition, Ankara: İmge, 2001.
- Kınalızâde Ali Efendi, **Ahlâk-i Alâî**, İstanbul: Kervan.
- Kinross, John Balfour. **Atatürk: Bir Milletin Yeniden Doğuşu**, Necdet Sander (trans.), Altın Kitaplar, 1999.
- Köker, Levent. "Kemalizm/ Atatürkçülük: Modernleşme, Devlet ve Demokrasi", Tanıl Bora (Ed.), in **Modern Türkiye'de Siyasi Düşünce: Kemalizm-Cilt2** 6th Edition, İstanbul: İletişim, 2009, (97-111).
- Kuzu, Burhan. **Her Yönü İle Başkanlık Sistemi**, 1st Edition, İstanbul: Babıali, 2011.
- Lewis, Bernard. **The Emergence of Modern Turkey**, 2nd Edition, Oxford: Oxford University Press, 1968.
- Lijphart, Arend and at all, **Çağdaş Demokrasiler: Yirmibir Ülkede Çoğunlukçu ve Oydaşmacı Yönetim Örüntüleri**, Ergun Özbudun and Ersin Onulduran(trans), Ankara: Yetkin, 1997.
- Lijphart, Arend. **Patterns of Democracy: Government Forms and Performance in Thirty Six Countries**, New Haven: Yale University Press, 1999.
- Lipset, Seymour Martin. "Siyasal Kültürün Merkeziliği", Cem Akas (Ed.), in **Kritik Kavşak: Parlamenter Sistem-Başkanlık Sistemi**, First Edition, İstanbul: Koç University Press, 2015, 39-43.
- Linz, Juan J. "Başkanlık Sisteminin Tehlikeleri", Cem Akas (Ed.), in **Kritik Kavşak: Parlamenter Sistem-Başkanlık Sistemi**, First Edition, İstanbul: Koç University Press, 2015, pp.11-30.
- Linz, Juan J. **Totalitarian and Authoritarian Regimes**, London: Lynne Rienner, 2000.
- Mardin, Şerif. **Türkiye'de Toplum ve Siyaset: Makaleler I**, Mümtaz'er Türköne and Tuncay Önder (Ed.), 6th Edition, İstanbul: İletişim, 1997.
- Mardin, Şerif. **The Genesis of Young Ottoman Thought: A Study in the Modernization of Turkish Political Ideas**, Syracuse University Press, 2000, p.135.
- Mazıcı, Nurşen. 27 Mayıs Kemalizmin Restorasyonu mu?, Tanıl Bora and Murat Gültekingil (Ed.), in **Modern Türkiye'de Siyasi Düşünce-Cilt2**, 6th Edition, İstanbul: İstanbul,2009, (555-569).

- Montesquieu. **Kanunların Ruhu**, Berna Günen (trans.), First Edition, İstanbul: Türkiye İş Bankası Kültür Press, 2017.
- Moore, Barrington. **Diktatörlüğün ve Demokrasinin Toplumsal Kökenleri**, 2nd Edition, Ankara: İmge, 2003.
- Nizamü'l Mülk. **Siyasetname**, Mehmet Taha Ayar (trans.), 9th Edition, İstanbul: Kültür, 2016.
- Nohutçu, Ahmet. **Anayasa Hukuku**, Ankara: Savaş, 2015.
- Özbudun, Ergun. **Türk Anayasa Hukuku**, 5th Edition, Ankara: İnönü University, 1998.
- Özbudun, Ergun (Ed.). **Anayasa Hukuku**, 1st Edition, Eskişehir: Anadolu University, 2012.
- Özbudun, Ergun. “Başkanlık Sisteminin Olası Tehlikeleri”, Cem Akış (Ed.), in **Kritik Kavşak: Parlamenter Sistem-Başkanlık Sistemi** First Edition, İstanbul: Koç University Press, 2015, pp.61-76.
- Özdemir, Hakan. **Yüz Soruda Hükümet Sistemleri**, Ankara: Seçkin, 2018.
- Özkan, Cahit. **Tarihi, Siyasi ve Hukuki Yönleriyle Cumhurbaşkanlığı Modeli**, 1st Edition, İstanbul: DBY: 2017.
- Özsoy Boyunsuz, Şule. **Dünyada Başkanlık Sistemleri**, 1st Edition, Ankara: İmge, 2017.
- Parla, Taha. **Türkiye’de Anayasalar: Tarih, İdeoloji, Rejim (1921-2016)**, 4th Edition, İstanbul: metis, 2016.
- Peters, B. Guy. **Institutional Theory in Political Science: The New Institutionalism**, London and New York: Pinter, 1999.
- Pierson, Paul. “Big, Slow-Moving, And Invisible: Macrosocial Processes in the Study of Comparative Politics”, James Mahoney and Dietrich Rueschemeyer (Ed.), **Comparative Historical Analysis in the Social Sciences** , Cambridge: Cambridge University Press, 2003, pp.177-207.
- Pitkin, Henna Fenichel. **The Concept of Representation**, Berkeley and Los Angeles: University of California Press, 1967.
- Poggi, Gianfranco. **Devlet: Doğası, Gelişimi ve Geleceği**, Aysun Babacan (trans.), 4th Edition, İstanbul: University of Bilgi Press, 2014.
- Porta, Donatella Della and Michael Keating. “How many approaches in the social sciences? An Epistemological introduction”, D.Della Porta and Michael Keating

- (Ed.), in **Approaches and Methodologies in the Social Sciences: A Pluralist Perspective**, Cambridge: Cambridge University Press, 2008, pp.118-138.
- Powell, Walter W. , and Paul J. DiMaggio. **Institutionalism in Organizational Analysis**, London: The University of Chicago Press, 1991.
- Sanders, Elizabeth. “Historical Institutionalism”, R. A. W. Rhodes, Sarah A. Binder and Bert A. Rockman (Ed.), **The Oxford Handbook of Political Institutions**, New York: Oxford University Press, 2001, pp. 39-55.
- Sargut, A. Selami and Özen, Şükrü (Ed.). **Örgüt Kuramları**, Second Edition, Ankara: İmge, 2010.
- Sartori, Giovanni. **Comparative Constitutional Engineering: An Inquiry into Structures, Incentives and Outcomes**, London: Macmillan, 1994.
- Sartori, Giovanni. **Karşılaştırmalı Anayasa Mühendisliği Yapılar, Özendiriciler ve Sonuçlar Üzerine Bir İnceleme**, Ergun Özbudun (trans.), Ankara: Yetkin, 1997.
- Scott, W. Richard. **Institutions and Organizations: Ideas, Interests, and Identities**, Fourth Edition, United States of America: Sage, 2014.
- Schwartz, Thomas. “Publius and Public Choice”, Bernard Grofman and Donald Wittman (Ed.), in **The Federalist Papers and the New Institutionalism**, Agathon Press: New York, 1989, pp.31-39.
- Shaw, Stanford J. and Ezel Kural Shaw. **History of the Ottoman Empire and Modern Turkey, Volume II: Reform, Revolution and Republic: The Rise of Modern Turkey (1808-1975)**, Cambridge: Cambridge University Press, 1977.
- Shugart, M.S. and Carey, J.M. **Presidents and Assemblies Constitutional Design and Electoral Dynamics**, 1st edition, Cambridge: Cambridge University Press, 1992.
- Skocpol, Theda. **States and Social Revolutions: A Comparative Analysis of France, Russia and China**, Cambridge: Cambridge University Press, 1979.
- Skocpol, Theda. **Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States**, Boston: The Belknap Press of Harvard University, 1992.
- Steinmo, Sven. “Historical Institutionalism”, D.Della Porta and Michael Keating (Ed.), in **Approaches and Methodologies in the Social Sciences: A Pluralist Perspective**, Cambridge: Cambridge University Press, 2008, pp.118-138.

- Tanör, Bülent. **Kurtuluş Kuruluş**, 6th Edition, İstanbul: Cumhuriyet, 2004.
- Tanör, Bülent. **Osmanlı-Türk Anayasal Gelişmeleri**, 25th Edition, İstanbul: Yapı Kredi, 2015.
- Taşçı, Deniz and Erdemir, Erkan (Ed.). **Örgüt Kuramı**, Eskişehir: Anadolu Üniversitesi, 2013.
- Taşkın, Yüksel. **Siyaset; Kavramlar, Kurumlar ve Süreçler** (Ed.), İstanbul: İletişim.
- Taşkın, Yüksel. “12 Eylül Atatürkçülüğü ya da Bir Kemalist Restorasyon Teşebbüsü Olarak 12 Eylül”, Tanıl Bora and Murat Gültekingil (Ed.), in **Modern Türkiye’de Siyasi Düşünce**, 6th Edition, İstanbul: İletişim, 2009, (570-583).
- Tekin, Yusuf. **Başkanlık Sistemi ve Kuvvetler Ayrılığı Tartışmaları**, 1st Edition, İstanbul: Kesit, 2015.
- Teziç, Erdoğan. **Anayasa Hukuku**, 7th Edition, İstanbul: Beta, 2001.
- Thelen, Kathleen, Sven Steinmo and Frank Longstreth. **Structuring Politics: Historical Institutionalism in Comparative Analysis**, Cambridge: Cambridge University Press, 1992.
- Timur, Taner. **Osmanlı Kimliği**, İstanbul: Hil, 1986.
- Timur, Taner. **Osmanlı Toplumsal Düzeni**, Fourt Edition, Ankara: İmge, 2001.
- Timur, Taner. **Osmanlı Devletinin Kuruluşu ve Yükselişi**, Fourt Edition, Ankara: İmge, 2001.
- Tunçay, Mete at all (Ed.). **Türkiye Tarihi 4: Çağdaş Türkiye Tarihi (1908-1980)**, İzmir: Cem, 2018.
- Tunçay, Mete. **Türkiye Cumhuriyetinde Tek Parti Yönetiminin Kurulması (1923-1931)**, Ankara: Yurt, 1981.
- Uluşahin, Nur. **Anayasal Bir Tercih Olarak Başkanlık Sistemi**, Ankara: Yetkin, 1999.
- Uyar, Hakkı. **1923’ten Günümüze CHP Tüzükleri Üzerine Genel Bir Değerlendirme**, İstanbul: Tüses, 2000.
- Varlık, M. Bülent. “Ülkü: Halkevleri Mecmuası”, Tanıl Bora and Murat Gültekingil (Ed.), in **Modern Türkiye’de Siyasi Düşünce: Kemalizm-Cilt2**, 6th Edition, İstanbul: İletişim, 2009, (268-271).
- Vural, İpek Eren. “Siyasal İstikrarın Parlamenter Kökenleri: İngiltere Örneği Üzerine Bir Derleme”, Yarı Başkanlık Sistemi ve Türkiye, İhsan Kamalak(Ed.), in **Yarı Başkanlık Sistemi ve Türkiye**, İstanbul: Kalkedon, 2014, pp.41-78.

- Wood, Allen W (Ed.). **Hegel: Elements of the Philosophy of Right** (trans. H.B. Nisbet), 8th Edition, Cambridge: Cambridge University Press, 2003.
- Yavaşgel, Emine. **Temsilde Adalet ve Siyasal İstikrar Açısından Seçim Sistemleri**, 2nd Edition, Ankara: Nobel, 2014.
- Yetiş, Mehmet. “Hegemonik Kriz Koşullarında Başkanlık Sistemi”, İhsan Kamalak (Ed.), in **Yarı Başkanlık Sistemi ve Türkiye**, İstanbul: Kalkedon, 2014, (289-322).
- Zürcher, Erik Jan. “Kemalist Düşüncenin Osmanlı Kaynakları”, Tanıl Bora (Ed.), in **Modern Türkiye’de Siyasi Düşünce-Cilt 2**, 6th Edition, İstanbul: İletişim, 2009, (44-55).
- Zürcher, Erik Jan. **Modernleşen Türkiye’nin Tarihi**, 29th Edition, İstanbul: İletişim, 2014.

Articles and Academic Dissertations

- Ake, Claude. “A Definition of Political Stability”, **Comparative Politics**, Vol.7, No.2 (January 1975), pp.271-283.
- Akgün, Seçil Karal. “Ellinci Yılında 27 Mayıs Hareketi ve 1961 Anayasasının Türkiye’de Anayasal Kültürün Oluşumundaki Rolü”, **Mülkiye**, Vol. 34, No.267 (2010), pp.145-166.
- Akşin, Sina. “Birinci Meşrutiyet Meclis-i Mebusanı”, **Ankara University Political Science Faculty Journal**, Vol. 25, No.1 (1970), pp.19-39.
- Aytaç, Murat. “Temsil, Adalet ve İstikrar”, **Ankara University Journal of Political Science Faculty**, Vol.38, No.1 (2014), pp.11-38.
- Barber, N.W. “Prelude to the Separation of Powers”, **Cambridge Law Journal**, Vol.60, No.1 (March 2001), pp.59-88.
- Bulmer, Simon J. “New Institutionalism and Governance of the Single European Market”, **European Journal of Public Policy**, Vol.5, No.3 (1998), pp.365-389.
- Buran, Hasan. “Siyasal Rejim Sınıflamalarının Yeniden Gözden Geçirilmesi Üzerine”, **University of Süleyman Demirel Journal of Faculty of Economics and Administrative Sciences**, Vol.14, No.1 (2009), pp.69-97.

- Burgess, Susan R. "Beyond Instrumental Politics: The New Institutionalism, Legal Rhetoric, & Judicial Supremacy", **The University of Chicago Press**, Vol.25, No.3 (Spring 1993), pp.445-459.
- Capoccia, Giovanni and R. Daniel Kelemen. "The Study of Critical Junctures: Theory, Narrative, and Counterfactuals in Historical Institutionalism", **World Politics**, Vol.59, No.3 (April 2007), pp.341-369.
- Checkel, Jeffrey T. "Social Construction and Integration", **Journal of European Public Policy**, Vol.6, No.4 (1999), pp.545-560.
- Clayton, Cornell and May, David A. "A Political Regimes Approach to the Analysis of Legal Decisions", **The University of Chicago Press**, Vol. 32, No.2 (Winter 1999), pp.233-252.
- Çelik, D. Burak. "Ulusal Kurtuluş Savaşı Döneminde Anayasal Gelişmeler ve 1921 Anayasası"(Master thesis), Ankara University Political Science Institute, 2002.
- Çilliler, Yavuz. "Türk Siyasal Hayatında Devlet ve Hikmet-i Hükümet Geleneği", **Mustafa Kemal University Journal of Social Sciences Institute**, Vol.13, No.34 (2016), pp.416-430.
- Demircioğlu, Fatih. "Kurumsal Bir Gelenek Olarak Tarihsel Kurumsalcılık ve Uluslararası İlişkiler", **Bilecik Şeyh Edabali University Journal of Social Sciences Institute**, Vol.3, No.1 (June 2018), pp.179-199.
- Ethington, Philip and Eileen McDonagh. "The Eclectic Center of the New Institutionalism: Axes of Analysis in Comparative Perspective", **Cambridge University Press**, Vol.19, No.4 (Winter 1995), pp.467-477.
- Fiorina, Morris. "Rational Choice and the New Institutionalism", **The University of Chicago Press Journals**, Vol. 28, No.1 (Autumn 1995), pp.107-115.
- Garret, Geoffrey and George Tsebelis. Institutional Critique of Intergovernmentalism, **International Organization**, Vol.50, No.2 (Spring 1996), pp.269-299.
- Greifand, Avner and David D. Laitin. "A Theory of Endogenous Institutional Change", **American Political Science Review**, Vol.98, No.4 (November 2004), pp.633-652.
- Grofman, Bernard and Scott L. Feld. "Rousseau's General Will: A Condorcetian Perspective", **The American Political Science Review**, Vol.82, No.2 (June 1988), pp.567-576.

- Hall, Peter A. and Rosemary C.R. Taylor. "Political Science and the Three New Institutionalism", **Political Studies**, Vol.44, No.5 (December 1996), pp.936-957.
- Helfstein, Scott. "New Institutionalism and Evolution of Terrorist Organizations", **Public Administration Review**, Vol. 69, No.4 (July-August 2009), pp.727-739.
- Hira, Anil and Hira, Ron. "The New Institutionalism: Contradictory Notions of Change", **American Journal of Economics and Sociology**, Vol.59, No.2 (April 2000), pp.267-282.
- Hurwitz, Leon. "Contemporary Approaches to Political Stability", **Comparative Politics**, Vol. 5, No.3 (April 1973), pp. 449-463.
- İba, Şeref. Türkiye'de Parlamenter Rejimin işleyişi Açısından 3 Kasım 2002 Seçimlerinin Sonuçları, **University of Ankara Journal of Political Science**, Vol.58, No.2, pp.97-116.
- İnalçık, Halil. "Osmanlı Hukukuna Giriş: Örfi Sultani Kanunları ve Fatih'in Kanunları", **Ankara University Political Science Faculty Press**, No.12 (1958), pp.102-126.
- Kalkan, Buğra. "Yeni Kurumsal Siyaset", **Gaziantep University Journal of Social Sciences**, Vol.14, No.3, (2015), pp. 559-583.
- Kaymal, Cansu. "Başkanlık Sistemi ve İstikrar Arasındaki İlişki", **Strategic Public Management Journal**, Vol.3, No.6 (2017), pp.150-167.
- Koelble, Thomas A. "The New Institutionalism in Political Science and Sociology", **Comparative Politics**, Vol. 27, No. 2 (January 1995), pp.231-243.
- Krasner, Stephen D. "Approaches to the state: Alternative Conceptions and Historical Dynamics", **Comparative Politics**, Vol.16, No.2, (January 1984), pp.223-246.
- Linz, J. Juan. "The Perils of Presidentialism", **Journal of Democracy**, Vol.1, No.1, (Winter 1990), pp. 51-69.
- March, James G. and Olsen, Johan P. "The New Institutionalism: Organizational Factors in Political Life", **The American Political Science Review**, Vol.78, No.3 (September 1984), pp.734-749.
- Mardin, Şerif. "Center-Periphery Relations: A Key to Turkish Politics", **Daedalus**, Vol. 102, No.1, Post Traditional Studies (Winter 1973), pp.169-190.
- Margolis, J. Eli. "Understanding Political Stability and Instability", **Civil Wars**, Vol.12, No.3 (September 2010), pp. 326-345.
- Nettl, J.P. "The State as a Conceptual Variable", **World Politics**, Vol.20, No.4 (July 1968), pp. 559-592.

- Oğuz, Ahmet. “Birinci Meşrutiyet Meclisi’nin Kapatılmasının Sonuçları Üzerine”, **Nevşehir Barosu Dergisi**, Vol.1, No.1 (March 2014), pp.41-67.
- Örs, Birsen. “Siyasal Temsil”, **University of Istanbul Political Science Faculty Journal**, Vol.35 (October 2006), pp.1-22.
- Özcan, Fatma Yurttaş. Bir Aydın Hareketi Olarak Aydınlar Ocağı ve Türk Siyasetine Etkileri, Sakarya Üniversitesi, Sosyal Bilimler Enstitüsü, 2011.
- Page, Scott E. “Path Dependence”, **Quarterly Journal of Political Science**, Vol.1, No.1 (2006), pp.87-115.
- Pierson, Paul. “Increasing Returns, Path Dependence, and the Study of Politics”, **The American Political Science Review**, Vol.94, No.2 (June 2000), pp.251-267.
- Pollack, Mark A. “Delegation, Agency, and Agenda Setting in the European Community”, **International Organization The MIT Press**, Vol.51, No.1 (Winter 1997), pp.99-134.
- Robertson, David Brian. “The Return to History and New Institutionalism in American Political Science”, **Cambridge University Press**, Vol.17, No.1 (Spring 1993), pp.1-36.
- Rustow, Dankwart A. “Turkey’s Travails”, **Foreign Affairs**, 58, 1979.
- Sabuncu, M. Yavuz. “Seçim Barajları ve Siyasal Sonuçları”, **Anaya Yargısı Dergisi**, Vol.23, 2006, pp.191-197.
- Searing, Donald D. “Roles, Rules, and Rationality in the New Institutionalism”, **The American Political Science Review**, Vol.85, No.4 (December 1991), pp.1239-1260.
- Selznick, Philip. “Institutionalism “Old” and “New””, **Administrative Science Quarterly**, Vol.41, No.2, (June 1996), pp. 270-277.
- Shuman, Mark C. and Edelman, Lauren B. “Legal Rational Myths: The New Institutionalism and the Law and Society Tradition”, **Law and Soc. Inquiry**, Vol.21, No.4 (Autumn 1996), pp.903-941.
- Şahin, Güneş. “Chp Parti Müfettişlik Raporları’na Göre Kırşehir’de Siyasi, Sosyal Ve Ekonomik Hayat”, **Çanakkale Araştırmaları Türk Yılığı**, Vol.14, No.21 (Fall 2016), pp.79-108.
- Turhan, Mehmet. “Meclis Hükümeti (Konvansiyon Kuramı)”, **Ankara Üniversitesi SBF Dergisi**, Vol.46, No.1 (1991), pp.453-463.

- Yamaç, Müzehher. “ İlk Anayasa (1876 Kanun-i Esasi), **Balkan Journal of Social Sciences**, Vol.3, No.5 (2014), pp. 54-68.
- Zaslavska, Olga O. “ The Role of Political Traditions in the Mechanics of Political System of Modern Ukraine”, **Eastern Review**, No.3 (2014), pp. 39-50.
- Zucker, Lynne G. “Institutional Theories of Organization” **Annual Review of Sociology**, Vol.13 (1987), pp.443-464.

Official Documents, Statements, Interview, Online Resources

- A Haber, “Süleyman Demirel: Başkanlık Sistemini Getirmeliyiz”, 20.03.2017, <https://www.ahaber.com.tr/webtv/gundem/suleyman-demirel-baskanlik-sistemini-getirmeliyiz> (12.02.2019).
- Akyol, Mete. “Gülek Cumhurbaşkanını Halkın Seçmesini İstiyor”, *Milliyet*, 20 December 1970, <http://gazetearsivi.milliyet.com.tr/Arsiv/1970/12/20>.
- Altan, Cemal. “Türkiye’de Erken Genel Seçimleri Etkileyen Faktörlerin İncelenmesi”, **Sosyal ve Ekonomik Araştırmalar Dergisi**, Vol.8, No.16 (2009), pp.142-158.
- Aydınlar Ocağı, Amacımız, <http://aydinlarocagi.org/amacimiz/> (03.03.2019).
- Aydınlık, “28 Şubat Kararları Neydi?”, 13.04.2018, <https://www.aydinlik.com.tr/28-subat-kararlari-neydi-turkiye-nisan-2018-2> (04.02.2019).
- Aytekel, Fatih. “Hükümet Dönemleri”, Netdata, 2015, <http://www.netdata.com/netsite/8f03114e/hukumet-donemleri?p=2> (10.02.2019).
- Bayram, Salih. “Türkiye’de Başkanlık Sistemi Tartışmaları: Algılar, Argümanlar ve Tezler”, **SETA Report**, 2016.

- Bell, Stephen. "Institutionalism: Old and New", [Electronic Version] *The University of Queensland*, 2002.
- Breuning, Marjike and Ishiyama, John T. "Neoinstitutionalism", [Electronic Version] *Encyclopedia Britannica*
<https://www.britannica.com/topic/neoinstitutionalism> (December 10, 2018).
- Cemiyetler Kanunu, 28.6.1938, p.413.
<https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d05/c026/tbmm05026082.pdf> (20.12.2018).
- Çekiç, Mahmut. "1982 Anayasası'nın Hükümet Sistemi Açısından Değerlendirilmesi", **Uyuşmazlık Mahkemesi Dergisi**, Vol.7, 2016.
- Dünya, "Başkanlık Sistemi Gündeme Gelebilir", 19 April 2010,
<https://www.dunya.com/gundem/baskanlik-sistemi-gundeme-gelebilir-haberi-111621> (18.02.2019).
- Dünya Bülteni, Demokrasiye Doğru Bir Adım: 12 Temmuz Beyannamesi, 12.06.2013,
<https://www.dunyabulteni.net/tarihten-olaylar/demokrasiye-dogru-bir-adim-12-temmuz-beyannamesi-h266949.html> (12.12.2018).
- Evren, Kenan. 1 Kasım 1982 İzmir Speech,
<https://www.youtube.com/watch?v=WQMHkuaXKOw> (18.02.2019).
- Felek, Burhan. "Bu Ultra Demokrasi Nereye Varır", *Milliyet*, 23 May 1970
<http://gazetearsivi.milliyet.com.tr/Arsiv/1970/05/23> (15.02.2019).
- Gözübüyük, Şeref and Suna Kili. **Türk Anayasa Metinleri: 1839-1982**, Ankara University Political Science Faculty Journal, No.496 (1982),
<https://anayasa.tbmm.gov.tr/1876.aspx> (07.01.2019).
- Güzel, Hasan Celal. "Başkanlık Sistemi Tartışılıyor: Dosya", *Sabah*, 3 January 2005,
<http://arsiv.sabah.com.tr/2005/01/03/siy101.html> (11.02.2019).
- Habertürk, "Köşk Seçiminde Anayasadaki Püf Nokta", 16 December 2006,
<https://www.haberturk.com/gundem/haber/10439-kosk-secimindeanayasadaki-puf-nokta> (18.02.2019).
- Habertürk, "Abdullah Gül 367 Şartı ve 27 Nisan engelini aşı aşı Çankaya Köşkü'ne Çıktı", 7 August 2014,
<https://www.haberturk.com/gundem/haber/977543-abdullah-gul-367-sarti-ve-27-nisan-engelini-asa-asa-cankaya-koskune-cikti> (18.02.2019).
- Hürriyet, "Genelkurmay'dan Çok Sert Açıklama", 29 April 2007,

- <http://www.hurriyet.com.tr/gundem/genelkurmaydan-cok-sert-aciklama-6420961> (18.02.2019).
- Hürriyet, “Erdoğan: Başkanlık Sistemi Benim Arzumdur”, 20 April 2003, <http://www.hurriyet.com.tr/gundem/erdogan-baskanlik-sistemi-benim-arzumdur-141506> (12.02.2019).
- Ikenberry, G. John. “History’s Heavy Hand: Institutions and the Politics of the State”, 1994, The University of Pennsylvania,
- Kalaycıoğlu, Ersin. “Anayasalar Hakkında Bir Not” [Electronic Version] *Sarkaç*, 2017, <https://sarkac.org/2017/03/anayasalar-hakkinda-bir-not-ersin-kalaycioglu/> (14.11.2018).
- Milli Güvenlik Tutanak Dergisi, Cilt.4, 16 October 1981, p.417, https://www.tbmm.gov.tr/tutanaklar/TUTANAK/MGK_/d01/c004/mgk_01004075.pdf (29.01.2019).
- Mutlu, Sevdâ. “Tek Parti Döneminde Parti-Devlet Bütünleşmesine Bir Örnek: Dilek Sistemi”, **Atatürk Araştırma Merkezi Dergisi**, No:86 (July 2013), pp.53-102.
- NTV, “1950: Seçim Sisteminde bir değişmeme öyküsü”, 24 April 2011, <https://www.ntv.com.tr/turkiye/1950-secim-sisteminde-bir-degismeme-oykusu,zKMj8ORkokaEYzfFUGIG9g>
- NTV, “Başkanlık Sistemi Seçilmiş Sultanlıktır”, 11 January 2005, <http://arsiv.ntv.com.tr/news/304623.asp> (17.02.2019).
- Örmeci, Ozan. “Türk Devlet Geleneği”, **Uluslararası Politika Akademisi**, 11 August 2015, <http://politikaakademisi.org/2015/08/11/turk-devlet-gelenegi/> (25.12.2018).
- Özbudun, Ergun. “Başkanlık Sistemi Tartışmaları”, Başkanlık Sistemi”, in **Başkanlık Sistemi** (105-111), Ankara:Türkiye Barolar Birliği, 2005.
- Radikal, “Başkanlık Sistemi Gerekli”, 23 January 2006, <http://www.radikal.com.tr/yorum/baskanlik-sistemi-gerekli-769628/> (17.02.2019)
- Sabah, “Başkanlık Sistemi Tartışılıyor: Dosya”, 3 January 2005, <http://arsiv.sabah.com.tr/2005/01/03/siy102.html> (15.02.2019).
- Sabah, “Başkanlık Sistemi Tartışılıyor: Dosya”, 3 January 2005, <http://arsiv.sabah.com.tr/2005/01/03/siy102.html> (17.02.2019).
- Sabah, “Asıl Bu Sistem Kral Yaratıyor”, 3 January 2005, <http://arsiv.sabah.com.tr/2005/01/04/siy101.html> (18.02.2019).

- Turan, Hilmi Can. Governmentt Systems Discussions in Republic of Turkey, **The West East Institute**, International Academic Conference Proceedings, Boston, USA, 2016, pp.192-202.
- The Constitution of the Turkish Republic, Sadık Balkan, Ahmet E. Uysal and Kemal H. Karpat (trans.), 1961, <http://www.anayasa.gen.tr/1961constitution-text.pdf> (25.01.2019).
- TBMM Zabıt Ceridesi, 1960, p.212,
<https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d11/c013/tbmm11013058.pdf> (10.01.2019).
- T.C Resmi Gazete, Kanunlar: Military code of 211, 9 January 1961, p.2998,
<http://www.resmigazete.gov.tr/arsiv/10702.pdf> (10.01.2019).
- T.C. Resmi Gazete, Geçici Kanun (1), 12.6.1960,
<http://www.resmigazete.gov.tr/arsiv/10525.pdf> (25.01.2019).
- T.C. Resmi Gazete, Kanunlar:157, 16.12.1960),
<http://www.resmigazete.gov.tr/arsiv/10682.pdf> (25.01.1919).
- T.C. Anayasasının 30, 57, 136, 138 ve 148'nci Maddelerinin Bazı Fıkralarının Değiştirilmesi ve 2 Geçici Madde Eklenmesi Hakkında Kanun, 1973,
<https://anayasa.tbmm.gov.tr/docs/1961/1961-6/6-degisiklik.pdf> (27.01.2019).
- T.B.M.M Tutanak Dergisi, Vol.1, No:19, 25.03.1980, p.178-181.
<https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/t19/c019/tbmm19019007.pdf> (18.01.2019).
- Türkiye Büyük Millet Meclisi Başkanlığı, 1909, <https://anayasa.tbmm.gov.tr/1876.aspx> (29.01.2019).
- Türkiye Büyük Millet Meclisi Başkanlığı, 1921,
<https://anayasa.tbmm.gov.tr/docs/1921/1921ilkmetin/1921-ilkhali.pdf> (07.01.2019).
- Türkiye Büyük Millet Meclisi Başkanlığı, 1921, <https://anayasa.tbmm.gov.tr/1921.aspx> (07.01.2019).
- Türkiye Büyük Millet Meclisi Başkanlığı, 1921, <https://anayasa.tbmm.gov.tr/1924.aspx> (08.02.2019).
- Takrir-i Sükun Kanunu, 1925,
https://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc003/kanuntbmmc003/kanuntbmmc00300578.pdf (12.12.2018).

- The Constitution of Republic of Turkey (1982), Erhan Yaşar (trans.), 1982,
<http://www.anayasa.gen.tr/1982Constitution-1995-3.pdf> (01.02.2019).
- T.C. Resmi Gazete, Kanunlar (2443), 01.04.1981, p.2,
<http://www.resmigazete.gov.tr/arsiv/17299.pdf> (02.02.2019).
- Türkiye Cumhuriyeti Anayasası (1982),
<https://anayasa.tbmm.gov.tr/docs/1982/1982anayasas%C4%B1ilkmetin/kanundmc06502709.pdf> (01.02.2019).
- T.C. Resmi Gazete, Milletvekili Seçim Kanunu (2839), 13.06.1983,
<http://www.resmigazete.gov.tr/arsiv/18076.pdf> (03.02.2019).
- Tuncer, Erol. “Türkiye’de Seçim Uygulamaları Sorunları Işığında Temsilde Adalet Yönetimde İstikrar İlkelerinin İşlevselliği, **Anayasa Yargısı**, Vol.23 (2006), pp.167-182.
- T.C. Resmi Gazete, Kanun:3270, 15.04.1986,
http://www.resmigazete.gov.tr/arsiv/19079_1.pdf (03.02.2019).
- T.C. Resmi Gazete, Türkiye Cumhuriyeti Anayasasının Bazı Maddelerinde Değişiklik Yapılması Hakkında Kanun (5678), 16.06.2007,
<https://anayasa.tbmm.gov.tr/docs/1982/1982-14/14-degisiklik.pdf> (18.02.2019).
- T.C. Resmi Gazete, Türkiye Cumhuriyeti Anayasasında Değişiklik Yapılmasına Dair Kanun Teklifi (6771), 21.01.2017,
<https://anayasa.tbmm.gov.tr/docs/1982/1982-19/KanunTeklifiMetni2-1504Esas.pdf> (19.02.2019).
- T.C. Resmi Gazete, Türkiye Cumhuriyeti Anayasasında Değişiklik Yapılmasına Dair Kanun Teklifi (6771), 21.01.2017,
<https://anayasa.tbmm.gov.tr/docs/1982/1982-19/KanunTeklifiMetni2-1504Esas.pdf> (19.02.2019).
- The Constitution of the Republic of 1982, (Erhan Yaşar(trans.)), 1997,
<http://www.anayasa.gen.tr/1982Constitution-1995-3.pdf> (01.01.2019).
- T.C. Resmi Gazete, Türkiye Cumhuriyeti Anayasasında Değişiklik Yapılmasına Dair Kanun Teklifi (6771), 21.01.2017,
<https://anayasa.tbmm.gov.tr/docs/1982/1982-19/KanunTeklifiMetni2-1504Esas.pdf> (19.02.2019).
- T.C. Resmi Gazete, Türkiye Cumhuriyeti Anayasasında Değişiklik Yapılmasına Dair Kanun Teklifi (6771), 21.01.2017,

<https://anayasa.tbmm.gov.tr/docs/1982/1982-19/KanunTeklifiMetni2-1504Esas.pdf> (19.02.2019).

Türkiye Barolar Birliği, “Anayasa Değişikliği Teklifi’nin Karşılaştırılmalı ve Açıklamalı Metni”,

http://anayasadegisikligi.barobirlik.org.tr/Anayasa_Degisikligi.aspx

(20.04.2019)

<https://espace.library.uq.edu.au/view/UQ:9699/Institutionalism.pdf> (June 26, 2018).

https://scholar.princeton.edu/sites/default/files/HistorysHeavyHand_0.pdf (12.11.2018).

http://www.tbmm.gov.tr/develop/owa/tbmm_internet.arama?q=anayasalar (11.10.2018).

32. Gün Arşivi, “Turgut Özal Başkanlık Sistemini Anlatıyor”, 21 February 2017,

<https://www.youtube.com/watch?v=UF8eQ4q9z-U> (11.02.2019).

