

PRESIDENTIAL ELECTIONS AND POLITICAL PARTIES
IN TURKEY

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ABSTRACT

The aim of this study is to explain the strong office of the presidency in the parliamentary system in Turkey in the post-1980 period with particular reference to the presidential election crisis that acquired significance in Turkish politics in the aftermath of the 1960 coup.

The aim of this thesis is to clarify certain concepts such as electoral system, political system, social structure, military influence and parties stability, which are important for understanding the recent "presidential election crisis debate" in contemporary Turkish politics.

OZET

Bu calisma, parlamenter sistemde Cumhurbaskanligi makaminin guclendirilmesini aciklamayi ve bu cercevede 1980 sonrasi Turkiye'sinde, ozellikle de 1960 ihtilalinden sonra onem kazanan Cumhurbaskanligi secim krizi sorunsalini aydinlatmayi amacliyor.

Inaniyorumki, bu calismada yer alan secim sistemi, siyasal sistem, toplumsal yapi, askeri etki ve partilerin istikrarlilik gibi kavramlarin tanimlanmasi Turk siyasetinde son yillarda gundemdeki yerini koruyan Cumhurbaskani secim krizi tartismalarini anlamamiza yardimci olacaktir.

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CONTENTS

INTRODUCTION -----	1-2.
Chapter One : -----	4-10.
The Structure of the executive power in the Parliamentary system	
Chapter Two : -----	12-30.
The Position of the President in the Parliamentary, Presidential and Semi-presidential Systems	
(2.1) The Case of United States of America -----	14-17.
(2.2) The Case of France -----	17-23.
(2.3) The Case of Britain -----	23-26.
Conclusion -----	26-27.
Chapter Three : -----	32-54.
The Experience of Parliamentarism From 1920 to 1991	
(3.1) The Constitution of 1924 -----	33-35.
(3.2) The Constitution of 1961 -----	35-41.
(3.3) The Constitution of 1982 -----	41-48.
Conclusion -----	48-50.

Chapter Four : ----- 56-72.

Political Parties Suggestions on

Presidential Elections

(4.1) Presidential Elections From 1950 to 1960 ----- 56-57.

(4.2) Presidential Elections From 1960 to 1980 ----- 57-63.

(4.3) Presidential Elections From 1980 to 1989 ----- 63-68.

Conclusion ----- 68-70.

CONCLUSIONS ----- 73-76.

INTRODUCTION

I believe that the discussions about the office of a strong presidency are related to the 1982 Constitution. This discussion demands the study of a powerful presidency in the Turkish parliamentary system. In other words, the question that I will be explaining is if the president's having some real powers as the head of the executive contradicts with the parliamentary system.

My aim in this thesis is to clarify certain arguments about the strong office of the presidency in order to generate a better understanding of a powerful president in the Turkish parliamentary system.

In order to understand a strong presidency within the context of our political system, I am going to explain the structure of the executive power in the first chapter. I will also explain the concept of a strong office of the presidency in the parliamentary system.

In the second chapter, which will be theoretical one, I will explain the basic characteristics of presidential, semi-presidential and parliamentary systems. In explaining these three types of political systems, I will give one example of each political system. For the presidential system, I will use the example of the United States of America. For the semi-presidential system, the example of France, and for the parliamentary model, the example of the United Kingdom. Furthermore, I am going to compare and contrast these systems

with each other in order to understand the strong office of the presidency in our parliamentary system in a more comprehensive manner.

In the third chapter, I will explain the basic characteristics of Turkish parliamentarism. I will also explain the role presidents have played within our Turkish parliamentary system. Moreover, I will study Turkish presidents in relationship to the 1924, 1961 and 1982 Constitutions. Furthermore, I will try to explain why the 1982 Constitution created such a strong office of the presidency. I will also explain whether or not the strong office of the presidency contradicts to the parliamentary system.

In the fourth chapter, I will explain presidential elections in relation to the political parties. I will study as follows:

- * Presidential elections from 1950 to 1960. I will study the suggestions of Democratic Party (DP) and Republican People's Party (RPP).

- * Presidential elections from 1960 to 1980. I will explain the suggestions from the Justice Party (JP) and the Republican People's Party (RPP).

- * The Presidential elections of 1982 and 1989 will be considered as concerning all political parties.

Consequently, I will explain to what extent political parties would like to see a strong presidency in our Turkish parliamentary system. Political parties's suggestions will also help us to understand the strong office of the presidency in Turkish parliamentarism, better.

Chapter 1

The Position of President in the
Parliamentary System.

In this chapter, I will explain the structure of the executive power in the parliamentary system. Moreover, I will discuss the concepts of a strong office of the presidency and a powerful president in the parliamentary system. The executive power is structurally separated into two categories, one is monism and the other is dualism.

A) Monist Executive

In the Monist Executive system, executive power is wholly dependent on one organization. This organization may be composed of one person or of a council. An example of the first case is the American presidential system in which all executive power is vested in by one person. This does not mean that the president can use all of his or her powers independently. It means that she or he dispenses his or her powers through himself or herself and his or her appointed secreteries.¹ Another example is Switzerland, where the executive power is dispensed through a federal council. Their president is not elected by the nation. Thus, the system is not a presidential system. On the other hand, the president has powers because he is elected by the federal council and he is the member of it.² The president's power, therefore, does not come from the office of the presidency, but rather it comes from his election by the federal council.

B) Dualist Executive

Executive power is shared by the president, the prime-

minister, and ministers. A dualist executive system has the characteristics of a parliamentary system. Ozbudun states that in the dualist executive system, the government and the council of ministers rather than the president, are responsible to the legislature. In addition, he explains that the dualist executive system can be separated into two categories. On the one hand, the president may have more power than the council of ministers, as in the French case. On the other hand, the council of ministers may have more power than the president in Germany, Italy and the Scandinavian countries. Executive power is dualistic in the Turkish parliamentary system because Article 8 of the 1982 Constitution gives executive power to the president and council of ministers.³ Discussions have arisen as to what extent the 1982 Constitution created a strong office of presidency. The problem is whether or not it conflicts with the parliamentary system.

In the parliamentary systems, the office of presidency has sometimes been strengthened and sometimes weakened. Some of the presidents have had more powers than the constitution, while some others have had less powers due to the constraints of the system. The position of the president in parliamentary systems can be separated into two categories regarding the constitutional arrangements, one being strong and the other being weak. These categories arise from differences in the constitutions and social structures of the individual countries.

In the strong office of the presidency model, the president has an active role in the system. The presidents of

France, Austria, Ireland, Iceland, Finland and Portugal have more powers than the council of ministers because the president is elected by their nations. However, the president may have less power in actual practice. According to Lijphart, if a president is elected by a nation, he can have power, but it may not be sufficient for a powerful presidency.⁴

According to Erdogan, the presidents in Finland and Portugal share their powers with the government. Moreover, the presidents of Austria, Ireland and Iceland have symbolic powers like England's Queen. Therefore, their systems are parliamentary systems. French presidents of the Fifth Republic, on the other hand, have used more powers as in the semi-presidential system.⁵

I believe that the strong office of the presidency does not contradict with the parliamentary system. Even if the president is elected by his nation, the system may not conflict with parliamentarism. Lijphart states that the French president has had the most power if he has had the majority party in the National Assembly. On the other hand, if the opposition party comes to power, he has had to relinquish his real power to the prime-minister. Whenever this happens, the French presidential system would be transformed to a parliamentary system.⁶

However, the president can still play more than an arbitrator role and he can have more powers than the constitution gives him if the president is supported by a political party and if there is a strong relationship between the party in power and the president. In this case, a powerful president may

conflict with the parliamentary system because the president may, in practice, use more powers than allocated due to a political engagement with the party in power. The main problem is therefore to explain when and how the president's role conflicts with the parliamentary system. However, the office of presidency can be powerful due to the following circumstances: traditional conditions, constitutional situations, social structures, the composition of the parliament and to some extent the particular president's personality.

In the weak office of the presidency model, the president's powers are mostly symbolic because the president's⁷ decrees are signed by the prime-minister and ministers involved. The 1961 Constitution of Turkey created a symbolic president on the one hand, on the other hand, the 1982 Constitution created a strong office of the presidency.

Since the establishment of the Turkish Republic, Turkey has had a strong parliamentary system, but considerable power has, at most times, resided in the office of the president. Presidential elections, therefore, have been important in our political system. They have sometimes led to crises in the system which have resulted in military coups. Zafer Uskul states that although the 1982 Constitution gives more powers to the president, he can not use them independently so as to place⁸ obstacles in our parliamentary system. The power of the president is related to political circumstances, including the personality of the incumbents and the strengths and weaknesses of

prime minister, cabinet and Assembly. From 1920 to 1960, Turkish presidency was invariably combined with the leadership of the majority party. Although President Turgut Ozal was elected by the parliament, he wanted to exert his own personal influence on the presidency. This was because he was supported by his own party. This relationship gave him greater power to do this. On the other hand, giving more powers to the president may lead to crises in the execution because of the president personality and the character of the electoral system. The question arises from our presidential elections as to what extent we will elect the president in order to prevent the crisis and in what manner. According to 1982 Constitution, president has both ordinary and extra-ordinary powers. In times of emergency, he can be allowed to arm himself with extra-ordinary powers, but only after consultation, with the prime-minister and the chairman of the Assembly. The emergency power of the French 1958 Constitution was taken as a model. "To provide a basis of legitimacy for these extra-ordinary powers, it was proposed that the president should be elected by a two-tier method on the nomination of the Assembly".⁹ This raises the question that whether or not we created a truly presidential system in the changes which resulted in the 1982 Constitution. It is stated that the president is separated from the Assembly and is elected directly by the nation without the Assembly's involvement in nomination or in providing a candidate from its own body. However, as to whether or not the system is important can be argued when the president is allowed

to have extra-ordinary powers. Giving more powers to the president does not necessarily mean that the executive power is then shared in two responsible heads.

According to Kirca, Toker, and Akyol, the powers of the president in the 1982 Constitution are more similar to the presidential and semi-presidential systems.¹⁰ On the other hand, in seeking to strengthen the presidential powers within the parliamentary system, the proposals were suggested in order to place a new stress on pluralism. General Kenan Evren stated that the presidency had to be more than a matter of protocol and must have functions beyond merely signing decrees.¹¹ Moreover, Dodd explained that the main long-term remedy to Turkey's political troubles would be to provide enhanced power to the president by changing the constitution. On the other hand, if the president is chosen by the electorate, this may open a road to dictatorship because of the resulting absence of strong countervailing institutions.¹²

I believe that 1982 constitution aimed to strengthen the office of presidency in order to prevent crises similar to the ones which occurred before 1980. Since 1950, a multi-party system has been established in Turkey. If there are no stable parties and if the parties can not form a government, the office of presidency necessarily needs to be strengthened because the president must play an arbitrator's role between the parties forming the government or call for new elections. Otherwise, the political crisis may increase.

NOTES

(1) Ergun Ozbudun, Turk Anayasa Hukuku, Yetkin Yayinl., 2nd. edt., Ankara 1989, p.285.

(2) Arend Lijphart, Cagdas Demokrasiler, Transl. Ergun Ozbudun and Ersin Onulduvan. Turk Demokrasi Vakfi ve Siyasi Ilimler Dernegi Ortak Yayini. Sanem Matb. Ankara, pp 56-58.

(3) Ergun Ozbudun, Turk Anayasa Hukuku, p.286.

(4) Arend Lijphart, Cagdas Demokrasiler, p.58.

(5) Mustafa Erdogan, 1982 T.C. Anayasasina Gore Cumhurbaskaninin Hukuki Durumu, Doktora tezi. Kamu Hukuku Ana Bilim Dali. Ankara Universitesi Sosyal Bilimler Enstitusu. 1987, pp 19-21.

(6) Arend Lijphart, Cagdas Demokrasiler, p.51.

(7) Mustafa Erdogan, 1982 T.C. Anayasasina Gore Cumhurbaskaninin Hukuki Durumu, p. 22.

(8) Zafer Uskul, Turkiye'nin Anayasa Sorunu, Afa Guncel Olaylar Dizisi 4, Subat 1991, Istanbul, pp 46-51.

(9) C. H. Dodd, The Crisis of Turkish Democracy, North Yorkshire, The Eothen Press, 1983, p.67.

(10) Coskun Kirca, Milliyet, 27 Haziran 1990. Metin Toker, Milliyet, 2 Eylul 1990. Taha Akyol, Tercuman, 8 Kasim 1990.

(11) C. H. Dodd, The Crisis of Turkish Democracy, p. 69.

(12) Ibid. , p.83.

Chapter 2

The Position of the President in
Parliamentary, Presidential and
Semi-presidential Systems.

The main purpose of this theoretical chapter is to define the basic characteristics of the presidential, semi-presidential and parliamentary systems. I will explain the differences between the various democratic regimes regarding a strong office of presidency in order to better understand the strong office of the presidency in our parliamentary system. In explaining these three types of political systems, I will give one example for each political system. For the presidential model, I will use America; for the parliamentary system, the United Kingdom; and for the semi-presidential system, France. Moreover, I will try to compare and contrast these systems with each other, and more specifically, I will try to analyze the strengths and the weaknesses of each system.

Political systems, party systems and electoral systems are all determined by political and cultural structures of their individual societies. Therefore, any political system can be authoritative or democratic, and which of these results depends partially on the structure of the society involved.

Being a democratic society is not wholly related to the structure of its party system, but rather to what extent the party in power governs its society. In other words, what are the tools that the executive branch of government uses in governing?

The center of political authority in any state lies in the executive branch of government. Decisions are made for the people as to how they will more easily live, become educated, stay healthy and find employment better in their society.

Hague and Harrop classified political systems as either limited or absolute types of an executive. Both the presidential and parliamentary systems are taken into account within the limited type of executive. In the parliamentary system, the president is chosen through the parliament. On the other hand, in the presidential system, the president is independent of the state because he is elected directly by the nation, therefore the president is the head of the executive, and serves independently from the legislature.¹

Both the presidential and parliamentary systems have limited executives which are based on a system of checks and balances. For instance, the president in the American system can make treaties, nominate ministers and judges of the Supreme Court, but the confirmation of the Senate is needed. Although the president can veto legislative bills, this decision can be overridden by a two-thirds majority of the Congress. In the parliamentary system, the president's decrees are signed by the prime-minister and minister concerned. This shows that the power of the president is counterbalanced by some political institutions.

On the other hand, if there is a political engagement between the president and the people, and no strong political institutions to counterbalance the power of the president, the president can exercise greater power and the executive rule can become absolute rather than limited as in the case of America. Hague and Harrop therefore stated that the president can rule the

society as an absolute monarch if there are no strong political institutions as in Third World countries.²

(2.1) THE CASE OF UNITED STATES OF AMERICA

United States of America (U.S.A) was a territory of thirteen colonies in the late eighteenth century. The population was mostly pre-industrial and agricultural. Communication between the colonies was poor and travel was slow. The colonies had never been a united group because of British domination. Therefore, they had been independent from each other.

United States of America is constituted such that the independent states were firstly established within a confederation. Then they were established in a federation. Therefore, American society is individualistic. There are many different regional groups who have independent states. Each state has its own legislative and executive branch.³

Their presidential system was established by a constitutional assembly in Philadelphia, in 1787. According to this Constitution, executive power is given to the President. The President is elected in three steps. In the first, each party determines its own presidential candidate. In the second, each state determines delegations who will elect the president by general vote. In the third, these delegations elect the president. This shows that the president is elected by the nation.⁴ The nature of the election gives their president important power and prestige as opposed to Congress. For instance, the president is entitled to have his own people in his

cabinet so that the cabinet, in this sense, is the president's official family. The members of the American cabinet called as secreteries and are appointed by the president. They are separate
5
from Congress.

According to Article 1 of U.S.A Constitution, all legislative powers shall be vested in a House of Congress of the United States, which shall consist of a Senate and House of Representatives. The House of Representatives shall be composed of members chosen every second year by the people of the different states. The Senate of the United States shall be composed of two senators from each state for six years, and each
6
senator shall have one vote.

The executive power is vested in the president of the United States. To be a president is determined by the majority votes in U.S.A. The president is the commander, the chief of the Army and Navy of the U.S.A. The President makes treaties, nominates ministers, appoints ambassadors and judges of the Supreme Court and all other higher officals of the United States government. On the other hand, the House of Congress may vest the appointment of such inferior officers, as they think proper in the president alone, in the courts of law, or in the heads of departments. The president, vice president and all civil officers of the United States can be removed from the office as the result of high crimes and or impeachment.

In The United States of America, the relationship between the legislative and executive branches of government is

characterized by a system of checks and balances. Therefore, the judiciary, legislative, and executive powers are all distributed between the different state's organs. The separation of powers does not mean that the legislative and executive branches of government serve separately from each other. It is rather the judiciary branch which is more independent compared to the others.⁷

According to Dickinson, checks and balances between the state's organs were mentioned firstly by Polybius and second by Machiavelli who called it a "mixed government theory". According to this theory, there are three pure systems; monarchy, aristocracy and democracy. If any part of the government does not mix with the other, each of them will be transformed; such as from monarchy to despotism, from aristocracy to oligarchy and from democracy to public government. In order to prevent these transformations, states must include each part in their system. In this case, monarchical and democratic organs will check aristocratic organs to prevent their transformation into oligarchy. Moreover, aristocratic and democratic organs will⁸ check the monarchical to prevent a transformation to despotism. Although the executive, legislative and judiciary branches were separated from each other, the aim of 1787 American Constitution was not to create separation of powers. It was rather suggested that they share power by checks and balances. Therefore, the president is the head of the executive. He is not the head of legislature or judiciary. They are independent organs.

As can be seen, there are two main factors in the American Presidential system. The first one is that the president and Congress are separated from each other. Therefore the executive does not have any responsibility to the legislative branch. The President can be removed from office only by election or by impeachment for high crimes. On the other hand, the President can not dissolve Congress. The second factor is that president is elected by the nation and, therefore, he has powers as its executive official. Executive powers are given to the President through delegations from Congress and by the consent and agreement of the judges of the Supreme Court.

(2.2) The Case of France

During the mid's 1955, the Fourth Republic was very unstable because the president was a figurehead and the prime-minister was dependent on the unstable coalitions of the multi-party parliamentary system. Moreover the country suffered from internal conflicts over its involvement in colonial wars in Indochina and Algeria. In 1958, it was impossible to form a viable cabinet. According to De Gaulle, the chief problem was the weakness of the executive, the prime-minister. His aim was to provide balance between the powers of the president and the powers of the prime-minister. In 1958, a semi-presidential system was established by Charles De Gaulle within the Constitution of the Fifth Republic.

The French presidential system is similar to the European parliamentary system because Article 68 of the French

Constitution states that the president is not responsible to the legislature. However, according to Article 19, presidential decrees shall be signed by the prime-minister and ministers concerned. On the other hand, the French presidential system is similar to the American presidential system because Article 16 of the Constitution gives extra-ordinary powers to the president who executes them by himself without any restrictions. Moreover, the president is elected by the nation. So, the French presidential system is a mixture of an American and European type of parliamentary system.⁹

Although Lijphart classified the French system as within the American type of presidential case,¹⁰ Hague and Harrop classified it as one of the intermediary cases of the limited executive.¹¹ Moreover, Duverger explains the three types of semi-presidential system as follows. " The president can be a figurehead or he may be all powerful or he can share his power with parliament ".¹² Furthermore, he sees the president in France as a powerful one.¹³ Duverger suggests that; " De Gaulle did not want to depend on party politicians within parliament. He rather liked to enter into a dialogue directly with French people who, in his view, had more common sense than ordinary politicians. De Gaulle saw himself as France's father figure, looking after his country men. If he explained what had to be done in the higher national interest to the men and women of France, he was sure that they would trust and follow him".¹⁴

De Gaulle was in power from 1958 to 1969. During those

years, he acted as a powerful monarch. Although Pickles states that " the government is directed by the prime-minister who appoints and dismisses his colleagues and is responsible to the parliament and therefore, the character of the French presidentialism is as similar as a parliamentary system" , ¹⁵ De Gaulle in reality exercised greater powers.

De Gaulle believed in the high authority of the president who was directly elected by the nation. He became the chief policy maker. Many important decisions were made by him alone, therefore, critics raised the question whether there was still a democracy or not. Instead of these great powers of the presidency, De Gaulle did not establish a dictatorship because he had legitimate power. The French people were grateful that he saved the country from the chaos of the Fourth Republic and restored order. He legitimized his policies and his interpretation of the Constitution by the support of the nation. So, the legitimacy of the system was primarily due to a kind of direct relationship which existed between the president and the people. Popular referendums were made in electing politicians and the president directly. These referendums gave the greatest power to the president's personality. By using popular referendums, De Gaulle tried to bypass parliament and appeal directly to the citizens. In the early years of the Fifth Republic, parliament had no power, whereas the president had the most power because he was elected by the nation and his majority party was in power. The role of the parliament was very limited.

The Article 16 gives large powers to the president if the institutions or the Republic, the independence of the nation, the integrity of its territory or the fulfillment of its international commitments are threatened.¹⁶

After De Gaulle, presidents have had similar powers in France and the presidency is still the most powerful institution. It is important that the majority party should be supported by the president's choice. This situation, therefore, did not cause a Constitutional crisis until 1986.

President Mitterand's party lost its majority in the March 16th 1986, parliamentary elections. Although socialists had the largest party in parliament (37%), they lost their absolute majority. The combined strength of the two parties of the right, the Rally for the Republic (RPP) and the Union for French Democracy (UDF), was also short of an absolute majority, but with the help of the splinter parties of the right, they had enough strength to control the National Assembly (41%).¹⁷ The French Constitution offers no clear means of resolving such a crisis between the president and parliament over the prime-ministership. Mitterand chose to invite Jacques Chirac, leader of RPP, the largest party of the right, to form a new cabinet. This was the first time in the history of the Fifth Republic that the president and the prime-minister have come from opposite political parties.¹⁸

Duverger stated that " there is a similarity between the French experience of cohabitation and divided government in

the United States, when the presidency is held by one party and one or both Houses of Congress are held by the other party".¹⁹

On the other hand, according to Pierce, there is a difference between cohabitation in France and divided government in the United States. In America, there is a power-sharing between the president and the House of Congress whereas, in France, there is no cooperation between the president and the prime-minister or between the president and the legislative majority.²⁰

Turhan states that there are two different thoughts about the cohabitation in France. If the government is given to different ideologies and to different practices of two people, this may result in a crisis in the system. Secondly, if there is no clear right and left polarization, there will be no great conflicts in the system. After the president's party lost its majority in the 1986 parliamentary elections, Socialist president, Francois Mitterand and a conservative National Assembly had to cohabit. This was the first time the National Assembly reduced the powers of the presidency. Under cohabitation, Jacques Chirac concentrated on domestic affairs and Mitterand on foreign policy.²¹

The cohabitation demonstrated the respective powers of the president and the government. According to Gaffaney, the president's powers remained considerable because the prime-minister was chosen by the president and the president's authority to dissolve the National Assembly became a major factor

in the political process.

Although Article 12 of French Constitution allows the president to dissolve the National Assembly, to do this, the president must consult the premier and the president of the Assembly. Moreover, the president choses the prime-minister in a limited way because the majority of the parliament must approve the prime-minister chosen by the president.²³ Because of these features, French presidentialism is a limited type of an executive branch.

The main problem in the French political system is that there are two executive powers. The president is chosen by the nation, therefore, he is responsible to the nation and not to the parliament. The prime-minister is chosen by the parliament, therefore, he is responsible to the parliament. This dualism may lead to crises in the system. Moreover, from De Gaulle to Mitterand, there was no problem in the system because the president's party was in power. On the other hand, in 1986, the electoral system was changed in that a proportional system was accepted. According to this system, many smaller parties were allowed to participate in the parliament. This meant that the president's powers were reduced in the parliament. For example, it became very diffucult to dissolve the National Assembly. Although cohabitation is brought about to prevent a political crisis in the system, this may lead to more crises because of the dualist character of the executive branch. For instance, the president can preside over the Council of Ministers. On the other

hand, Chirac, as a premier, was able to overcome this by holding unofficial meetings from which the president was excluded.

I think French presidentialism is different from the parliamentary system for three reasons. The powers of the president are increased which is similar to the presidential system; for example, the president is elected by the nation and he uses emergency powers by himself. The president has real executive power which conflicts with that of the parliament. Moreover, both the legislative and executive branches are separated from each other. This leads to interference between the parliamentary and presidential systems.

(2.3) The Case of Great Britain

This parliamentary system emerged as a result of a gradual decrease in the monarch's power accompanied with an increase in the power of the parliament in England. The parliamentary system is based on the idea of balance between the executive and the legislative branches of government.

According to the parliamentary system, the executive branch has two heads; the President and the prime-minister. The president can be elected from the parliament or he can take the presidency by inheritance, as a Queen or King. The president is the symbol of the unity of the nation and has symbolic powers. The president's main role is to control the balance between the legislative and the executive and to play the role of an arbitrator when necessary. On the other hand, the real head of the executive is the prime-minister and his cabinet who are

responsible to the parliament.

Steiner explains the head of State in two forms: one is a monarch, the other is an elected president. England's case shows the best functions of a monarch in a modern European democracy.²⁵

In feudal times, the system and power of the King were stronger in that he had the power to appoint and dismiss the prime-minister. Thus, the monarch ruled the country. Then, it was transformed into a limited monarchy, and from a limited monarchy to a parliamentary system.

In the parliamentary system, the England monarch appoints the prime-minister, but this appointment is merely a formality because the prime-minister is elected by the results of an election for the House of Commons. The Queen opens the first session of parliament with a speech. This speech is written by the prime-minister, who uses it to announce the new government's program.²⁶

Although the monarch is the head of the state, the powers of the monarch are very limited. Many acts are performed by the Queen, but in reality all governmental decisions are made by the prime-minister or the cabinet.²⁷

Steiner stated that " the British Queen is a celebrity. The Queen is a symbol that helps hold the British Nation together. British citizens can look up to their Queen; they can admire her; they can identify with her. They find a bond with the past in the royal family; because this same family has been

identified with the fate of Britain for many centuries".²⁸

Kingdom stated that the Queen in Britain has powers, but they are generally exercised on the advice of the prime-minister. They include appointing the government patronage; legislation, emergency powers and dissolving parliament. The Queen does not vote and she does not express partisan opinions on the issues of the day.²⁹

According to Lijphart, the weakness and the strength of both the parliamentary and presidential systems are as follows; (1) Instability of the executive in the parliamentary system. (2) The problem between legislative and executive in the presidential system.³⁰

The executive in the presidential system is stable because the president who is the head of the state, is elected for a defined term. On the other hand, if the parliament does not contain a majority party or if it is constituted by many parties, the executive power will be unstable because the coalition may easily be broken. Moreover, unstable parties in the parliament can not make a stable coalition leading to a stable government.

Lijphart stated that the President, who is the head of the executive, is elected by the nation in the American system. The President is independent from the legislature. This may lead to a crisis between the executive and legislative branches because it is very difficult to remove a president from his office except by impeachment.³¹

I think that the weakness of parliamentary system is

the instability of the executive. If the parties in the parliament are stable, the executive will be stable. The weakness of presidential system comes from the relationship between legislative and executive branches. This problem can be solved by the President, who cancels the Assembly and calls a new election.

In conclusion, the president is elected by parliament in the parliamentary system, whereas, he is elected by the nation in the presidential system. Although the head of state is the president in the parliamentary system, he does not have any real powers. So, the executive power has two heads; one is that the president is not responsible to the parliament and therefore, all decisions of the president are signed by the prime-minister and ministers concerned. The other is that the prime-minister, is responsible to the parliament. In the presidential system, however, the president is both the head of State and head of the executive.

I believe that since the 1958 election, French presidents have had more power as in the presidential system. Article 16 has given greater power to the presidents. Article 12 gives the president the ability to dissolve the National Assembly. Moreover, the presidents of France are elected by their nation. This shows that French presidentialism is similar to American presidentialism. This is because French presidents are supported by the majority party in the parliament. However, the president lost his majority in parliament during the 1986 parliamentary election. So, he had to cohabit with the opposition

party in parliament. This meant that the president's powers were reduced. The French executive branch has changed in that the prime-minister also has some real executive powers. This dualism may create political crises in the system because the president is not above politics as in the parliamentary system.

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Chapter 3

The Experience of Turkish Republic's
Parliamentarism From 1920 To 1991

The aim of this chapter is to explain Turkey's experience of parliamentarism. In this, I will discuss the role that presidents have played in the Turkish parliamentary system. Moreover, I will discuss the reasons why, through the 1924 Constitution, Ataturk and Inonu were so dominant. Also I will explain the differences between the 1924, 1961 and 1982 Constitutions. Executive powers have been differentiated as well as strengthened. I will therefore try to explain the reasons why a strengthened presidency or powerful president is needed in view of the 1982 Constitution. Moreover, I will explain whether or not there is a relationship between the 1982 Constitution and the 1958 French presidentialism. This will help us to understand whether or not we have developed a semi-presidential system.

It is crucially important to say that the most important characteristics of Turkey's experience of parliamentarism is the crisis of the presidency. The office of the president has been under the control of military leaders until 1989. The only exception is Celal Bayar. On the other hand, he played an important role during the independence war which gave him a military image. Moreover, presidents had more powers in reality than they had in the Constitutions. Therefore, it is arguable whether this parliamentary system is in congruence with the Turkish social reality. Most of the Turkish presidents have come from the military tradition, and they had been the guardian of the Turkish Republic. Both Ataturk and Inonu had legitimate authority. Therefore, they both had a great power. The cases of

As the Turkish Republic was established in 1923, Turkey began to turn from the conventional system to the parliamentary form of government. Parliamentary system was accepted by the 1924 Constitution. According to this system, the president had a very limited power and the presidency was a symbolic office. The president may preside over the National Assembly on ceremonial occasions.⁶

The president has no power to dissolve the Assembly. The president's decisions have to be signed by the prime-minister and related ministers. So, there was a supremacy of the National Assembly in the 1924 Constitution. The powers between the legislative and executive branches seem to be separated. However, the president is elected by the National Assembly for a period to coincide with the Assembly's term. This gives partisan character to the presidency.⁷

Moreover, Tachau stated that "the president of the Republic was the political leader. Ataturk was the president and the leader of Republican People's Party (RPP). Inonu was an eternal chief. Additionally, the term of president was identical with that of the parliament and that he was elected from among members of parliament. This made the political cohesion between president and parliament possible. Thus with the election of a heavily democratic parliament in 1950, the founding leaders of the party, Celal Bayar, who became the president, and Adnan Menderes, who became prime-minister, played an active role in the parliament".⁸

Ataturk and Inonu contributed to the legitimacy of the military's influence in Turkey. This has resulted in a crisis in the election of the presidents in Turkey since 1960.

At the beginning, Turkish system was called a conventional system. According to this system, "both executive power and legislative authority resided in the Grand National Assembly. This system had earlier been adapted by 'La Convention¹ Nationale' during the French revolution". The government was to be in the hands of the Assembly whose president was exofficial² the president of the council of ministers. This conventional system was lasted from 1921 to 1924. Dodd stated that "The Grand National Assembly had both executive and legislative power and that the government was the government of the Grand National Assembly. The Council of Ministers elected one of their members as president"³. According to Turhan, this conventional system is similar to the parliamentary system and it is diffucult to differentiate, because ministers take a vote of confidence from the Assembly in both systems. As a result, the most important characteristic of conventional system is to bring executive power⁴ and legislative authority together within the National Assembly. Therefore, the unity of powers was accepted in accordance with the legislative.

According to the 1921 Constitution, ministers were appointed and dismissed by the Assembly. These ministers,⁵ therefore, performed the Assembly's policies.

(3.1) The Constitution of 1924

According to Harris, Ataturk established a parliamentary government whereas he ruled Turkey as an autocrat. In other words, from 1920 to 1940's, Turkey was governed by a kind of a military dictatorship, because, he banned other political parties and there was only one party which he called as the RPP. He was supported by his own party. For this reason, Ataturk played an important role, though the presidency had only symbolic powers, according to the Constitution.⁹

The main characteristic of the 1924 Constitution was that the office of the president had to be a party member and therefore, the president remained as a member of the Grand National Assembly. As can be seen the 1924 Constitution was similar to the 1921 Constitution in which there were no separation of powers. Any decree or law had to be approved by the legislative authority. On the other hand, there was an effort to separate the legislative and executive powers on the basis of the president's power as stated in the 1924 constitution.

Although the aim of the 1924 Constitution was to create a powerful National Assembly, the 1961 Constitution aimed to create a weakened Assembly.

(3.2) The Constitution of 1961

Ozbudun states that the executive power was the same in both the 1924 and 1961 Constitutions. Although Article 5 of the 1924 Turkish Constitution gives the executive power to the National Assembly, this article was made due to the influence of the National Independence tradition. Article 7 of the 1924

Constitution, on the other hand, gives the executive power to the president.¹⁰ I think that the executive power is not the same in both the 1924 and 1961 Constitutions because The Grand National Assembly had the right to dissolve the government in the 1924 Constitution. However, the executive power did not have any right to dissolve the Assembly in 1961 Constitution. This indicates that the executive power was under the control of legislation in the 1924 Constitution. Although there seemed to be a conflict between Article 5 and Article 7 of the 1924 Constitution, this conflict did not lead to any crisis in the system because of the party membership of the president.

According to Dodd, the form of presidency in the 1961 Constitution differs from that of the 1924 Constitution in that the aim of the 1961 Constitution is to make an arbiter president in the political struggle. The Article 97 of the Constitution saw the president as an integrity of the Turkish nation. His longer term of office and his ineligibility for reelection make him more distant from the Assembly. For this reason, the party membership¹¹ condition of the presidency was removed.

I believe that the president had symbolic powers and therefore, the real executive branch of government was headed by the prime-minister and related ministers. The aim of the 1961 Constitution was to make the president the representative of the unity of the nation.

According to Weiker, the aim of the 1961 Constitution was to separate the presidency from party politics by giving a

seven-year term, limiting the incumbent to one term, and requiring that he disassociate himself from his party and his status as a member of the Assembly or Senate.¹² It is seen that the 1961 Constitution aimed to make the presidency a neutral office and a ceremonial figurehead as in other parliamentary systems.

My opinion is that the office of presidency is strictly determined in the 1961 Constitution as compared to the 1924 Constitution. Although the 1924 Constitution did not seek any qualifications except membership in the Grand National Assmby, the 1961 Constitution had many for those seeking to become president. According to Article 95, the president was to be elected for seven-years by a two-thirds majority of the National Assembly. If no candidate received the required two-thirds on the first two ballots, a simple majority sufficed thereafter. The president was chosen from the Assembly and he had to be at least forty years old. The president could not be elected for two times and he had to remove himself from his political party for the term of his presidency.¹³

Although the president's powers were very limited according to Article 98 of the Constitution, the president had some special powers. Article 92 of the 1961 Constitution gave the right of veto to the president and if used, it could only be overridden by the National Assembly by simply re-enacting the legislation. Moreover, Article 108 of the Constitution declared that the president may dissolve the legislature, if the

government has been unseated twice within the previous eighteen¹⁴ months and thereafter receives a vote of no confidence. Article 99 gives the president responsibility for punishing treachery and personal crimes. The president can be overridden by a two-thirds of the National Assembly.

It seems that presidents played a more active role in the choice of a prime-minister than the formal constitutional rules allow. Normally, the choice of prime-minister is simple. The leader of the majority party is appointed as prime-minister by the president. On the other hand, in conditions where a coalition government is necessary, the situation becomes more complex and it becomes very difficult for the president to choose a prime-minister.

There was political instability between the parties in constituting a new government because no party came to power by itself. Twenty-one governments were established during the years 1961 and 1980.¹⁵ People did not rely on the parliamentary system because coalition governments were formed for a long period, but lasted very short periods, in those times, the president was able to exercise considerable discretion in the designation of a new prime-minister. For example, President Cemal Gursel used his discretion in favor of Ismet Inonu and President¹⁶ Cevdet Sunay used his discretion in favor of Suleyman Demirel.

The discussions about governmental instability have been used as arguments in favor of strengthening the executive branch of power. In other words, if the executive branch does not

have any power or it only has symbolic power, the political system may lead to political instability. However, Dodd stated that governmental instability is related to the electoral system. The most important characteristic of a stable government is having disciplined parties. In other words, political parties must have discipline in the parliamentary system. If there is a polarized pluralism in the political scene, it leads to instability in which no party may come to power. In order to have a stable government in a parliamentary system, the system must base on the parties' disciplines and parties' majorities without strong polarizations. If there is political polarization, this may lead to a breakdown of major parties in the system. In this case, it will be difficult to make a stable coalition as well as a stable government.¹⁷ As Tachau asserted " under conditions of political stability, the president of the Turkish Republic was intended to be a ceremonial figurehead who was politically neutral and impartial, but who represented the continuity of the state and the unity of the nation. Under conditions of instability, on the other hand, he could become a conduit for bargaining and negotiation among political functions".¹⁸

In my opinion there are two reasons underlying the fact that Turkish presidential elections created crises in the political system. On the one hand, the presidential elections have mostly been under the control of the military. On the other hand, they have not been elected from the National Assembly.

There were three presidents who were elected out of the Assembly between 1961 and 1980. General Cemal Gursel, former head of the National Unity Committee, held the office from 1961 to 1966 untill he was taken ill and then General Cevdet Sunay, Chief of the General Staff, took the office until the 1973. Admiral Fahri Koruturk, who was a diplomat, after he retired from the Navy in 1960 and had been a senator since 1968, took the office of presidency until 1980. He was the first president who did not directly represent either the ruling party or the armed forces. Moreover, he did not play an active role because of his lack of an independent political base. He is, therefore, considered to be the weakest Turkish president in Turkey's political structure.

There were eight governments which tried to form a coalition between 1973 and 1979. The political crises, as well as political violences, did not come from the weak execution of the 1961 Constitution. These all rather came from the nature of the electoral system. I think that electoral systems are the most important socio-political apparatus between individuals and groups to determine their life-styles. Additionally, elections are the most effective force for changing social structures because citizens vote to be governed by a particular political party and that party has power, rule, judgment and authority. A society in which large segments are strongly alienated from the general population, at the same time that they are not geographically isolated, probably will be able to employ a proportional technique. " It is used to designate the various

electoral devices which aim to secure a legislative body¹⁹ reflecting with more groups in the electorate". On the other hand, if a population has no deep internal conflicts, then the society probably will be able to employ a majority technique. Therefore, the electoral system is dependent on the general character of the social structure. A proportional representative system was accepted in the 1961 election. It had two aims; One was to give the equality of franchise, the other was to support equal representation. I think that proportional representative system led to political crises in the system because the parties were polarized. There was no stable coalition due to the instabilities of the various parties. Those unstable parties could not make any agreement in electing a president. This resulted in political instability in the system which brought on the 1980 coup.

(3.3) The Constitution of 1982

In this section of this chapter, I will try to explain the basic characteristics of the executive according to the 1982 Constitution. Additionally, I will discuss whether the 1982 Constitution is in congruence with the parliamentary system. Moreover, I will try to explain whether or not the 1982 Constitution has any similarity with the 1958 French semi-presidentialism.

The 1982 Constitution aimed at strengthening the office of presidency as opposed to the 1961 Constitution.²⁰ According

to Turhan, a powerful president is not suitable to the
parliamentary system.²¹ If the responsibilities are given to
the president, he has to be responsible. This situation creates
conflict with the parliamentary system. The main problem is that
although the parliamentary system requires an impartial
president, the 1982 Constitution gives substantial powers to the
president. My opinion is that the 1982 Constitution aimed to
strengthen the executive power in order to avoid the instability
in the pre-1980 period. On the other hand, it is difficult to say
that the executive powers in the 1982 Constitution contradict
with the parliamentary system. Giving substantial powers to the
president can only be concluded by looking at the interpretation
of the Constitution as a whole.

According to Article 101 of the 1982 Constitution, the
president of the Republic shall be elected for a term of seven
years from those members of the Turkish Grand National Assembly
who are forty years of age and graduated from an institution of
higher education. The difference between the 1961 and the 1982
Constitution is that the president is eligible to be elected from
the parliament and if there is a written motion supported by at
least one-fifth of the total members of the National Assembly.²²

The discussions about a powerful president mostly come
from Article 104 of the 1982 Constitution. Ozdemir stated that
the 1982 Constitution created a model of similar to that of 1958
French presidentialism.²³ Moreover, Parla said that the 1982
Constitution created a presidential system.²⁴ Uskul, on the

other hand, argues that 1982 Constitution created the parliamentary system, whereas President Ozal violated that system.²⁵ In Article 104 of the 1982 Constitution, the powers²⁶ of the president are defined as follows:

Responsibilities relating to legislation:

To deliver the opening address of the National Assembly of Turkey on the first day of the legislative year if he deems it necessary,

To summon the National Assembly of Turkey to meet if necessary,

To promulgate laws,

To return laws to the Assembly to be reconsidered,

To submit laws relating to amendment of the Constitution to referendum,

To appeal to the Constitutional Court for the annulment in part or entirely of certain provision of laws, decrees having force of law, and the rules of procedure of the Assembly on the grounds that they are unconstitutional in form or in content,

To call new elections for the Assembly.

Responsibilities relating to the executive functions:

To appoint and dismiss ministers at the prime-minister's request,

To preside over the Council of Ministers,

To meet the Council of Ministers under his chairmanship whenever he deems it necessary,

To send representatives of the Turkish State to foreign

states and to receive the representatives of foreign states,
To ratify and promulgate international treaties,
To represent the office of the Commander-in-Chief of
the Turkish Armed Forces on behalf of the Assembly,
To decide to use the Turkish Armed Forces,
To appoint the Chief of the General Staff,
To call the National Security Council to meet,
To preside over the National Security Council,
To proclaim martial law or state of emergency and to
issue decrees having force of law, in accordance with the
decisions of the Council of Ministers under his chairmanship,
To sign decrees,
To commute the sentences of, or to pardon, certain
individuals on grounds of chronic illness, infirmity or old age,
To appoint the members and the chairman of the State
Supervisory Council,
To ask the State Supervisory Commission to undertake
studies, research or supervisory activities,
To appoint the members of the Higher Education Council,
To appoint rectors of universities.

Responsibilities relating to the judiciary:

To appoint the members of the Constitutional Court,
one-fourth of the members of the Council of State, the Chief
Public Prosecutor and the Deputy Chief Public Prosecutor of the
High Court of Appeals, the members of the Military High Court of
Appeals, the members of the Supreme Military Administrative Court

and the members of the Supreme Council of Judges and public prosecutors.

The President of the Republic shall also exercise powers of the election and appointment, and perform the other duties conferred on him by the Constitution and laws.

We can see clearly that the office of presidency is far from having symbolic powers. The question arises as to whether or not the president can use these powers by himself or whether these powers will be used by the prime-minister and related ministers. In other words, the question is whether these powers will be used by the president because he is the head of the State or because he has real executive powers.

My objective is to study the powers of the president by not only looking at Article 104, but also by looking at how these powers can be understood by others as a whole. Article 105 of the 1982 Constitution defines the president's responsibilities as follows; All presidential decrees shall be signed by the prime-minister and the minister concerned. Therefore, they are responsible for these decrees. Moreover, the President of the Republic is responsible only for impeachment or high treason.²⁷

The basic characteristic is of our parliamentary system that all executive power is given to the prime-minister and ministers concerned. On the other hand, it requires an impartial president. Article 105 creates an impartial president, because decisions of the president shall be signed by the prime-minister and ministers concerned.²⁸ Moreover, Article 105 limits the

powers of the president. It is therefore possible to say that although Article 104 gives more powers to the president, these powers are limited. Article 104 is not in conflict with the parliamentary system. It rather tries to determine the president's situations and to what extent and in what manner he will use his given powers.

Article 108 of the Constitution has created many discussions about the executive power that the president has, such as large powers to control the institutions of society.²⁹ Article 108 of the Constitution states that "State Supervisory Commission that shall be empowered upon the discretion of the president to conduct investigations and research into, and supervision of all public bodies and organizations share more than half of the capital, public professional bodies, employers' associations, and labor unions at all levels, and charitable associations and foundations".³⁰ Ozbudun argues that the aim of the State Supervisory Commission is to gather knowledge about all public bodies for the president.³¹

I think that Article 108 is not in conflict with the parliamentary system. Moreover, the president does not have power to control the society. The State Supervisory Commission can not make any decision about public bodies and the members of that institution have no authority for doing so.

According to Ozbudun, the 1982 Constitution does not depart from classical parliamentarism although some of the president's powers are similar to the French presidential system.

Article 109 of the 1982 Constitution gives power to the president to appoint the prime-minister. Moreover, Article 116 gives power to the president to call the Turkish Grand National Assembly in order to have new general election. Article 175 of the Constitution gives power to the president to present³² constitutional change to public referendum if necessary.

I believe that it is beneficial for the president to elect the members of those institutions because these institutions must be void of politics. Moreover, the president should choose the members to be head of State.

Even though the 1982 Constitution may seem to be similar to the 1958 French Constitution in some respects, there are many differences in terms of the usage of the articles. According to Dodd, Article 104 of the French Constitution gives the president the power to proclaim martial law. For him, emergency powers give the president extra-ordinary powers in that he has the right to dismiss the prime-minister, to postpone elections and to issue regulations having the force of law. However, the president is allowed to have these powers after he consults with the prime-minister and the Chairman of the Assembly. The emergency powers are taken from the French 1958³³ Constitution as a model. On the other hand, Erdogan argues that in the 1958 Constitution the French president is the only person allowed to make decisions during the time of emergency. He states that in the 1982 Constitution the president has emergency powers only after consultation with the prime-minister and the

Chairman of the Assembly. In other words, the President can not³⁴ make any decision during time of the emergency by himself.

French presidents elected since the 1962 French Constitution, have had greater powers. Ozbudun stated that if the president was not elected by nation, the system could not be separated from the parliamentary system. The French Constitution did not accept presidential system, because the Council of Ministers was responsible to the National Assembly. Moreover, the president did not have the only executive power as in the presidential system. Executive power, on the other hand, was shared between the president and the Council of ministers. The Fifth French Republican Constitution therefore created a mixed³⁵ system between the presidential and the parliamentary systems.

In conclusion, the 1982 Constitution does not depart from the parliamentary system because it created a strong office of presidency to prevent crises in the system. The government is responsible to the parliament. According to Article 112, members of the Council of Ministers are responsible and every minister shall be responsible for the actions and activities of his subordinates. In other words, minister's responsibilities are clearly explained in the Constitution.

According to Duran, ministers and the prime-minister are responsible to the president. The president can force the prime-minister to resign from his office. Moreover, the president has to rely on the ministers. Otherwise, the president may elect the deputies as ministers in spite of a lack of confidence. He,

therefore, can call for a new election after he has waited
36
fourty-five days.

I believe that there is no article that shows both the prime-minister and ministers are responsible to the president. Article 109 of the 1982 Constitution stated that the president shall be empowered to terminate the term of office of a minister upon the proposal by the prime-minister. So, this article gives power to the prime-minister not to the president. Moreover, there is no article which demands that the prime-minister resign from the prime-ministry if he has votes to form the government. Additionally, the president has to elect a new Council of Ministers if there is a lack of confidence. Otherwise, there may be crisis in the system.

Article 105 of the Constitution does not give any responsibility to the president except in the area of high crimes. Therefore, all presidential decrees must be signed by the prime minister and ministers concerned. The exceptions are given in Article 104 that the president uses powers because of the head of the State.

According to Article 108 of the 1961 Constitution, elections can be called by the president after consultation of the Chiefs of the Assembly and the proposals of the prime-minister. However, this article created crises between 1973 and 1980 because there were unstable parties in the parliament. The 1982 Constitution therefore aimed at giving more powers to the president to call for general elections. Article 116 of the 1982

Constitution stated that in cases where the new Council of Ministers can not be formed within 45 days, or if the newly-formed Council of Ministers failed to receive a vote of confidence, the president, in consultation with the Chairman of the National Assembly, was empowered to call new elections.³⁷

It is seen that the president's responsibilities determined as to what extent he can call a new election. This article therefore is not in conflict with the parliamentary system. It, on the other hand, allows the president to call for new elections if no party can form a government.

My opinion is that the problem is not the 1982 Constitution. The 1982 Constitution neither demands us to allow the semi-presidential nor the presidential system. The most important difference between the French Constitution and the 1982 Turkish Constitution is that the president is elected by the nation in the French case. Whereas, the president is elected by the parliament in the 1982 Constitution. According to Uskul, the problem in the 1982 Constitution, comes from the personality of the president.³⁸ If the electoral systems are in agreement as to how they will participate as political parties in the parliament, the president will be elected by an agreement of those parties resulting in no crisis in the system.

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CHAPTER 4

Political Parties Suggestions about
Presidential Elections

The aim of this chapter is to explain Turkish presidential elections in relationship to our political parties. I will try to discuss to what the political parties would like to see in the president of Turkey. In other words, which type of system would the political parties like to bring in, in order to elect the president of Turkey? In trying to answer this questions, the Turkish case will be explained under the titles of the following headings;

- Presidential elections during the years 1950 to 1960. I will elaborate the Democratic Party (DP) and Republican People's Party (RPP)'s suggestions about the elections of the president.

- I will illuminate the Justice Party (JP) and RPP's suggestions about the presidential elections between the years 1960 and 1980.

- Presidential elections of 1982 and 1989 will be considered from the viewpoint all political parties.

(4.1) Presidential Elections Between 1950 and 1960

Turkish multiparty system came into the political arena in 1950 when the DP came into power. The RPP wanted to elect Celal Bayar as the President. According to Ozdemir, there were two reasons for Bayar being President. Bayar would cease being the leader of the DP. Moreover, the executive power would be carried out by the prime-minister and ministers concerned,¹ reducing Bayar's powers. Although some of the DP deputies did not accept him, Bayar was accepted by a majority to be the

2
president.

Both the DP and RPP elected Celal Bayar as President on 22 May, 1950. He served as President from 1950 to 1960. There are two important facts about President Celal Bayar. He is the first civilian president of our Turkish Republic. Secondly, the executive power was not headed by one person alone. It was shared by the president, the prime-minister, and ministers concerned.

(4.2) Presidential Elections Between 1960 and 1980

After the 1960 Coup, the RPP wanted to elect General Cemal Gursel as President, who was the leader of the 1960 coup. This coup was made in opposition to the DP. Cemal Gursel saw the chaos in our society and the crisis in the system.³

In the JP, Ragip Gumuspala, who was its leader, wanted to become president. Although some of the JP deputies supported Ragip Gumuspala, many others supported Prof.Dr. Ali Fuat Basgil. He, on the other hand, was suppressed by both the military, the RPP and some of the DP deputies because the military stated that if the parties would not elect General Gursel there would be another coup. The Political parties had to be forced to agree with each other to elect General Gursel as president. Cemal Gursel was elected as president on 26 October 1961. It is seen that this presidential election was controlled by the military.⁴

The JP came in power in 1965. During those years, President Cemal Gursel was ill. He went to U.S.A due to his

illness. Discussions arose as to an election of a new president, whether Ibrahim Sevki Atasagun who was the leader of the Senate, or General Cevdet Sunay would be a president. Suleyman Demirel who was the leader of the JP, did not agree to Atasagun becoming president.⁵ Although the JP wanted to elect Ali Fuat Basgil in the 1961 presidential election, they did not want to elect him in the 1966 election. The reason was that the JP saw that Basgil's election would lead to military intervention.⁶ Both the military and the mass-media supported the election of Cevdet Sunay as the President. Ilhami Sancar, who was the deputy of RPP, stated that Sunay was an exceptional statesman. They were pleased to support the bid of Cevdet Sunay to become president.⁷ He was elected on 28 March 1966 because of the agreement of both the JP and the RPP.

During the 1973 presidential election, there were two courses of events for the JP either they would be defeated from the parliament or they would have success within the parliament. Because the military had defeated the DP in 1960 and it also had defeated the JP which was the continuation of the DP, in 1971, Suleyman Demirel JP did not want to elect any member of the military.

During the 1973 presidential election, both the RPP and the JP agreed on Muhittin Taylan's nomination, who was the chief of the constitutional court. He was not a senator. In principle, he should have been a senator before he was a candidate for president. President Sunay did not accept Muhittin

Taylan as quota senator because he wanted Faruk Gurler, who was the chief of the general staff, to be president.⁸ After the veto of the president about Taylan, the JP and the RPP could not agree on who to elect president. Discussions arose as to the question of whether the parliament or the nation would elect the president. The JP proposed to a national election.⁹ The RPP, on the other hand, stated that if the people could elect the president, his powers naturally would be increased. Then a crisis would occur.¹⁰ Before the presidential election, some of the retired generals and officers who were defeated during the 1971 memorandum, joined the JP. This meant that the JP was more powerful.¹¹ The JP proposed to elect Koruturk as President. Fahri Koruturk was a retired vice-admiral, and a soft person, who was the chief of the presidential quota, between the military and political parties.

During the 1973 presidential election, the RPP had a very young leader, Bulent Ecevit. He aimed to establish democracy, and he wanted the military to return to its bases.¹² Some deputies of the RPP wanted to elect Gurler as President, Ecevit, on the other hand, did not accept him. Although the JP proposed Tekin Ariburun, Sabit Osman Avci, Ihsan Sabri Caglayangil, and Hasan Dincer as president, Ecevit on the other hand, did not make any agreement with any of them. After Admiral Fahri Coker met with Ecevit, he accepted Koruturk and when the RPP agreed on Koruturk, both the JP and the RPP elected him as president on 7 April 1973.

At the end of the 1970s, there was a substantial unrest in Turkish society. Terrorist movements had increased and many people were being killed. Moreover, there was a polarization between the parties in parliament. The Chief of the General Staff, Kenan Evren and other commanders made a publication at the New Year which stated that there was a crisis in the society and political parties had to agree to end these crises.¹³ This message spurred all the political parties to work together to solve the crises and elect a president. In March 1980, some newspapers wanted the RPP and the JP to join together during the election of the president.¹⁴ However, it was very difficult for political parties to act together due to the polarization of the parties. Additionally, the election of the president was based on secret votes. Parties could not know whether all their deputies might support any person to be president or not.

Despite the JP failure to agree on any member, the RPP called on the other parties to agree on one person. The RPP stated that if parties could not elect the president, the crises would increase. We must, they said, therefore, agree to elect a president as soon as possible.¹⁵

The JP did not want to make any agreement with the RPP, the Nationalist Action Party (NAP) or the National Salvation Party (NSP). There were some reasons why the JP did not want to make any agreement, although the NAP and the NSP made a coalition with the JP. If the JP had been able to make an agreement,

probably their candidate would not have been elected. It was important for the JP not to prolong the election of the president because, the chief of Republican Senate, Ihsan Sabri Caglayangil, would have continued to stay on to be president when the new one was elected. Therefore, the JP wanted to propose early general elections or that the president should be elected by the nation in order to elect its candidate.¹⁶ On the other hand, the constitution did not accept the JP's proposition about the election of the president by the nation due to the existing system.¹⁷

Although the presidential election was prolonged by the JP, the RPP tried to elect the president as soon as possible. Ecevit proposed the election of the president in group meetings as follows;

- The president should be elected by the RPP.

- The RPP could give votes to a candidate of another party if he was suitable to the RPP.

- Any deputy of the RPP could be a candidate in the presidential election.¹⁸

The aim of Ecevit was to support a candidate who was congruable to all the parties. He was not interested in any one person who came from military or civilian life. The first candidate of the RPP was Muhsin Batur. He was the Commander of the Air Force. He was one of the members of the 1971 memorandum. Ecevit, on the other hand, did not want to support Batur. After the suggestions of deputies of the RPP, Ecevit accepted Batur.¹⁹

Muhsin Batur lost in the first presidential election. The NSP, on the other hand, put pressure on the RPP for Batur to run again. It is controversial that the NSP supported Batur to be a candidate. When the constitution prohibited Erbakan's party (Milli Nizam Partisi), Batur allowed Erbakan to establish the NSP. The aim was to divide the JP's votes.²⁰ Although the NSP supported Batur to be president, some of the deputies of the RPP did not give their votes to Batur. Therefore, he lost his second presidential election.

Despite Cahit Karakas, who was the chief of the Grand National Assembly, Sirri Atalay who was the senator, Admiral Kemal Kayacan wanted to be a candidate for the presidency, they could not be elected due to the cliques within the party.²¹

According to Ozdemir, the JP prolonged the presidential election because Demirel wanted to see his president from the parliament. Moreover, he wanted an early general election for JP's benefit. If he was elected as prime-minister, he would promise to solve the problems of the Turkish people, such as terrorism and the election of the president. Additionally, if he could go to the election as the opposition party, he would want laws from the nation in order to help those problems.²² The RPP, on the other hand, proposed an agreement to elect the president as soon as possible, because Bulent Ecevit saw that the parties were polarized, terrorism was increasing and the military was giving messages for the politicians together. Moreover, he proposed to make a coalition government with the JP

and the NSP instead of having his deputies form the oppositions.

I believe that the controversies between the JP and the RPP led to an increase in the crises in the system as much as in the society. These political parties could not elect a president neither could the government prevent terrorism in the society. The presidential crises helped to polarize the political parties and fragment the society. The only way to solve those problems was to invite the military.

A military coup was made on September 12, 1980 in order to end the political crises in the system. The chief of the General Staff, Kenan Evren came to power. His aim in the 1982 Constitution was to prevent presidential crises as had happened in the past. He aimed to create a strong presidential office. According to General Evren, "the presidency has to be more than a matter of protocol and must have functions beyond merely signing decrees. He also expressed the view that the judiciary and the executive should not harm each other."²⁴

(4.3) Presidential Elections Between 1980 and 1989

The Constitution was made in 1982. Both General Evren as the president and 1982 constitution were accepted by the nation. This was the first time that the president had been elected by general vote.

During the 1989 presidential election, discussions arose as to whether the president should be elected by the nation or by the parliament. The Motherland Party (MP) came to power in the 1983 parliamentary election. The party's vote total

decreased from 1983 to 1989. Whereas, there were no great changes about the deputies within the party, Turgut Ozal, who is the leader of the MP, wanted to be president. Discussions however increased concerning the question of whether or not Ozal's presidency would be suitable for the Turkish parliamentary system.

According to the True Path Party (TPP), the president must be elected by the nation, therefore, a constitutional changes must be made.²⁵ The General Administrative Committee criticized Ozal so much that the people did not accept Ozal as prime-minister. How would he be accepted by the nation as their president?²⁶ Moreover, the Vice-general president, Esat Kiratlioglu explained that they would not participate in the presidential election if Ozal wanted to be a candidate.²⁷

According to the National Endeavour Party (NEP), the parliament should not elect a president because it is not constituted by popular support. Alparslan Turkes, who is the leader of the NEP, stated that the president should be elected by the nation and if this is not accepted, the president should be elected by the parliament after the early general elections.²⁸ Muharrem Semsek, who is the vice-general president, stated that if the MP elected the president, it would result in a political crisis in the system.²⁹ The NEP did not want to change the parliamentary system. The party would like to see a legal parliament.³⁰ According to the NEP, the parliament is mostly constituted of deputies of the MP. It is illegal because it

received 36.2% of the total votes in the 1987 parliamentary election and it received 292 seats of the 450 seats total. Therefore, the president should not be elected by the parliament.

Selcuk Sonmez, who is the vice general secretary of the Democratic Left Party (DLP), stated that the party would be opposed to the president if he were elected by the nation.³⁰ DLP wanted the president to be elected from the parliament. Bulent Ecevit, who is the leader of DLP, opposed Ozal. He stated that Ozal wanted to bring in a sultanate if he were elected.³¹

The leader of the Welfare Party (WP), Necmettin Erbakan,³² said that the president should be elected by the nation. Moreover,³³ he forecasted a crisis in the system if Ozal was elected. According to WP, the president should be elected after the early general election, and, the president must have a national consensus.³⁴

In the Social Democrat Populist Party Assembly, (SDPP) many deputies wanted to resign in order to prevent Ozal's presidency. On the other hand, Deniz Baykal, who is the general secretary,³⁵ opposed those resignments. Both the TPP and Deniz Baykal stated that if the MP wanted to elect the president before the early general election, they would not participate.³⁶ Although the TPP proposed a constitutional change about the president election,³⁷ both the MP and the SDPP did not accept it. Despite Erdal Inonu, who is the leader of the SDPP, not accepting the resignations in order to prevent Ozal's presidency,

deputies of the SDPP, such as Ethem Cankurtaran, Ahmet Ersin, Erdal Kalkan, Mehmet Mogultay, Tayfur Un, Salih Sumer, Riza Yilmaz, Omer Ciftci, Ekin Dikmen and Adnan Ekmen, stated that every ways could be possibly accepted in order to prevent Ozal's presidency.³⁸ Ozal's candidacy for President was discussed by the SDPP Organization as to whether or not they would go to the referendum. 23% of the provincial organization of the total 47% wanted to go to the nation, whereas, 24% of them wanted to stay in the Assembly.³⁹ The deputies and all provincial organizations⁴⁰ allowed Erdal Inonu to make the decision. Inonu did not want the deputies to leave the National Assembly because it was their duty.⁴¹ Additonally, the vice-president of the SDPP group, Hasan Fehmi Gunes explained that the Grand National Assembly was legal. So, the SDPP would participate in the National Assembly after the presidential election.⁴² The aim of the SDPP was to elect the President from the parliament. On the other hand, SDPP does not see Ozal's presidency as legal.

According to Motherland Party (MP), the president should be elected by the parliament. Prime-minister Turgut Ozal made surveys about the election of the president and he explained that 95% of the MP would support him to be president.⁴³ Although some of the deputies such as Mukerrem Tascioglu, Kaya Erdem, Necmettin Karaduman and their groups did not want Ozal to be president, they explained they would agree if Ozal still wanted to be president. When Ozal explained his presidency, most of the deputies of MP supported him, and he was elected by the

deputies of the MP on 31 October 1989. I believe that he was elected legally. On the other hand, he used more powers than the constitution allows. For example, Ozal appointed Yildirim Akbulut as the prime-minister, whereas, the deputies of the MP⁴⁴ opposed his appointment. Moreover, Necmettin Karaduman, who was the deputy of MP, said that Article 101 of the constitution demands an impartial president and, if the president does not behave impartially, it may create political crises in the system.⁴⁵

I think that 1989 presidential election did not create a crisis in the system, even if other parties could not participate in that presidential election. Opposition parties proposed early general elections because the Motherland Party had received 36.2% of the total votes in the 1987 parliamentary election. They criticized that the 36.2% of the votes could not elect a president. Moreover, the MP had decreased rapidly in local elections. Opposition parties stated that if the president could be elected by the MP, he would be illegal. They proposed a constitutional change as to how to elect a new president.

On the other hand, Ozbudun, Aksoy, Aldikacti and Mustafaoglu stated that the presidential election did not need to be changed.⁴⁶ Ozal was elected legally as president by the parliament. Additionally, his election was not in conflict with the parliamentary system. Although some of the opposition parties proposed to elect the president by national vote, they stated that the president's powers should be reduced because

those powers do conflict with the parliamentary system.

My opinion is, on the other hand, that presidential powers will be increased if the president is elected by the nation. In this case, the system may lead to crises by creating a very powerful president. The problem is related to the electoral system and not the election of the president. If the electoral system is changed to allow equal participation for all parties, the parliament will truly represent the whole society.

In conclusion, since the establishment of the Republic of Turkey, presidential elections have been a source of conflict between the political parties and the military. In other words, the political parties have been forced to elect a president who does not oppose the military. Presidential elections did not create the crises up to the 1961 Constitution. One reason is that both presidential and parliamentary elections had been made at the same time. The other reason is that there was always a very powerful party in power.

There was no problem for both Ataturk and Inonu because they had legal authorities. They established the Republic of Turkey. Additionally, they were fathers as well as national heroes. Although there was a problem for the RPP in electing a president in 1950 because the RPP did not want to accept Celal Bayar as both the head of the party and the head of the executive power, this problem was solved after Bayar was elected as president and Adnan Menderes as prime minister. It is important to say that this was the first time in Turkey that the executive

power had been shared between two people. Moreover, Celal Bayar was the first civilian president of Turkey. No crisis resulted from the presidential elections from 1950 to 1960. In the 1961 presidential election, the Chief of the General Staff, Cemal Gursel had to use force on the political parties to become elected. Even though the parties would liked to have elected the president from within the parliament, the military forced the political parties to elect General Cevdet Sunay in 1966. Despite the fact that both General Faruk Gurler and General Cevdet Sunay wanted to be president in 1973 election, political parties elected retired Admiral Fahri Koruturk by an agreement. Although political parties wanted to elect the president in 1980, they could not come to an agreement on any one person to be president due to the polarization of political parties which resulted in military coup.

The new 1982 constitution aimed to create a strong office of the presidency. One reason was to prevent political crises in the system. The president should be an arbitratory if necessary. and he must have some power in order to balance the legislative and executive branches of government. Both the 1982 Constitution and Chief General Staff, Kenan Evren's presidency were accepted by the nation. It was the first time the president was elected by our nation.

My opinion is that the office of presidency must be powerful in order to prevent the crises in the parliamentary system. On the other hand, if the president can be elected by

the nation, even if the office of presidency is powerless, the president can act as a very powerful executive as seen in France in 1958 with its presidential system. The controversies of 1989 increased as the question of whether the president would be elected by the nation or by the parliament. Although the TPP, WP and NEP proposed the election of the president by the nation, the MP, SDPP and DLP wanted to elect the president from the Grand National Assembly. The discussions have continued since Ozal was elected as President. The question is whether Ozal has legal authority or not. I believe that Ozal was legally elected by the parliament and his election is not in conflict with the parliamentary system. The strong office of presidency is necessary to prevent crises. It leads neither to the semi-presidential system nor to the presidential system. Ozal could have used more powers because his party was in power. This is not a constitutional problem. I think that if the political parties determine their candidates before the election term, parties should have more time to discuss the candidates. So, they can easily make an agreement on whom should be elected president. This can also be possible if the military does not interfere in the determination of the candidates and there are stable parties in parliament.

NOTES

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(2) Ibid. , pp 78-85.

(3) Cumhuriyet, 19 Ekim 1961.

(4) Hikmet Ozdemir, Devlet Krizi, p.94.

(5) Milliyet, 23 Mart 1966.

(6) Hikmet Ozdemir, Devlet Krizi, pp 140-143.

(7) Hurriyet, 17 Subat 1966.

(8) Hikmet Ozdemir, Devlet Krizi, p.179.

(9) Cumhuriyet, 3 Nisan 1973.

(10) Hurriyet, 4 Nisan 1973.

(11) Hikmet Ozdemir, Devlet Krizi, 199-201.

(12) Ibid. , p.205.

(13) Hurriyet, 3 Ocak 1980.

(14) Cumhuriyet, 2 Mart 1980. Gunaydin, 14 Mart 1980.

(15) Hurriyet, 22 Mart 1980.

(16) Hikmet Ozdemir, Devlet Krizi, pp 268-273.

(17) Ibid. , pp 283- 284.

(18) Hurriyet, 23 Mart 1980.

(19) Hikmet Ozdemir, Devlet Krizi, p.305.

(20) Ibid. , p.301.

(21) Ibid. , pp 310-312.

(22) Ibid. , p.283.

(23) Ibid. , p.314.

- (24) Ibid. , p.69.
- (25) Cumhuriyet, 9. 8. 1989.
- (26) Gunes, 23. 10. 1989.
- (27) Hurriyet, 25. 8. 1989.
- (28) Tercuman, 9. 4. 1989.
- (29) Turkiye, 13. 8. 1989.
- (30) Turkiye, 12. 11. 1989.
- (31) Cumhuriyet, 19. 10. 1989.
- (32) Hurriyet, 8. 4. 1989.
- (33) Hurriyet, 22. 10. 1989.
- (34) Cumhuriyet, 17. 10. 1989.
- (35) Milliyet, 28. 7. 1989.
- (36) Hurriyet, 10. 5. 1989.
- (37) Cumhuriyet, 24. 8 1989.
- (38) Tercuman, 1. 10. 1989.
- (39) Milliyet, 26. 10. 1989.
- (40) Milliyet, 23. 10. 1989.
- (41) Turkiye, 24.10. 1989.
- (42) Hurriyet, 31. 10. 1989.
- (43) Tercuman, 18.10. 1989.
- (44) Milliyet, 10. 11. 1989.
- (45) Gunes, 9. 11. 1989.
- (46) Tercuman, 28. 10. 1989.

CONCLUSION

The most important characteristics of Turkish parliamentarism is the crisis of the presidency. In any Turkish presidential election, public opinion, parliament, military and mass-media look forward to having a president like Ataturk in Cankaya.

Presidential elections have resulted in crises in the system. This is because political parties could not make agreements due to the intra-party cliques and the interference of the military. I believe that presidential election crises can be discussed in three areas:

- *The influence of the military
- *The conduct of the political parties
- *Candidates are not determined at first

I think that the military has always wanted to determine the candidate for the presidency and his election. The military has become the only authority to choose the president and the parliament has been forced to approve the president. For instance, both General Ismet Inonu in 1938 and General Cemal Gursel in 1961 put forward by the General Staff and they were approved by the parliament. Moreover, the military forced political parties and mass-media to elect General Cevdet Sunay, who was out of the parliament in 1966. During the 1973 presidential election, parties had to make an agreement about Admiral Koruturk who came from the military.

There have been presidential elections which didn't

have military influence. Celal Bayar, who was the leader of the Democrat Party, became president three times between 1950 and 1960 and the military was defeated in those elections. Moreover, the 1989 presidential election was also made without the influence of the military.

My opinion is that the most important reason for military to enter politics comes from the conduct of the political parties. For instance, the political parties had to be forced by the military to elect General Cemal Gursel in 1961. On the other hand, there was no reason for the Justice Party to elect General Cevdet Sunay in 1966. Moreover, there was no reason for the political parties to prolong the election of the president during the 1980 presidential election. Although there was no influence of the military in the 1980 presidential election, the political parties could not put up a civil candidate who could beat the retired commander. Additionally, the political parties could not make any agreement to elect the president. Each party wanted to elect its own candidate. After the intra-party cliques are added to election of the president, the parliament can never elect a new president.

I believe that the determination of the candidates should be made earlier in order to prevent political cliques. Parties should discuss and public-opinion should be gathered about every candidate. These all will make it easier for the parliament to elect a new president.

My aim in this thesis was to argue that the strong

office of the presidency does not contradict with the parliamentary system. I, first of all, explained the presidential election in different democratic systems in order to understand the strong office of the presidency in the parliamentary system better.

I believe that the Fifth French office of the presidency has been strengthened in order to prevent political crises in the Fourth Republic. The Fifth French presidentialism is not in conflict with the parliamentary system if the extraordinary powers are not given to the president to use by himself, and if the president is not elected by the nation.

Since the establishment of Turkish Republic, presidents already have played a more active role than the Constitution has allowed. One reason is that the presidents have come mostly from the military. The second reason is that the president has been supported by his party.

Although the office of presidency was differentiated from the party character in the 1961 Constitution, it has been dominated by the military. Moreover, political parties have not determined president freely due to military interference and intra-party cliques. Many parties such as True Path Party, Welfare Party and National Endeavour Party want to elect the president through referendum. It is noteworthy that the president can use more powers than the Constitution allows, if he is elected by the nation. This system may then change towards the semi-presidential or presidential system.

I think that the office of presidency in Turkey should not be symbolic. On the other hand, the presidents should not play a more active role than the Constitution allows because this may lead to a crisis in the system. The office of the presidency should have functions beyond merely signing decrees. Additionally, the office should be strengthened because the president should be able to act as an arbitrator when necessary.

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