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STUDY ON DEMOCRATIC CONTROL OF ARMED FORCES

CIVILIAN CONTROL OF THE MILITARY: WHY AND WHAT?

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Civilian control of the military centers around three crucial questions: Why to control, what to control, and how to control. The present essay will take up the first two, intricately linked, questions leaving out the third one.

The answer to the question “why” seems simple and straightforward at first sight. As many democratic theorists have pointed out, control of the military by democratically elected civilian authorities is an indispensable element of a democratic government. Thus, according to Robert Dahl, a leading democratic theorist, one of the requirements for a democracy are “institutions for making government policies depend on votes and other expressions of preference”.¹ More specifically, Larry Diamond describes one of the basic components of liberal democracy as follows: “Control of the state and its key decisions and allocations lies, in fact as well as in constitutional theory, with elected officials (and not democratically unaccountable actors or foreign powers); in particular, the military is subordinate to the authority of elected civilian officials”.²

While it goes without saying that in terms of democratic theory the military must be subject to the control of the elected representatives of the people who hold the supreme authority, in fact in many countries the military is granted certain de iure or de facto privileges, autonomies, reserved domains, and tutelary powers. This is quite common in countries which made a transition from a military-dominated authoritarian regime to a democratic government. To put it differently, these “exit guarantees” are the price paid by civilian political elites to the military for securing a peaceful transition to a democratic regime. While such guarantees can be conceived as facilitating transition to democratic regime, they may be an obstacle to the transition to a consolidated democracy. “Building a consolidated democracy”, Valenzuela argues, “very often requires abandoning or altering arrangements, agreements, and institutions that may have facilitated the first transition (by providing guarantees to authoritarian rulers and the forces backing them) but that are inimical to the second”.³ Felipe Agüero concurs that “this expansive entrenchment of the military may become a lasting legacy of the previous authoritarian period, and one that could certainly hinder the consolidation of democracy, eventually threatening its very survival”.⁴ The ensuing regimes, therefore, cannot be considered fully consolidated liberal democracies, but perhaps only “electoral democracies”, or “delegative democracies” in the sense used by O’Donnell.⁵ In Valenzuela’s words, “in some instances it is possible that democratically elected governments may succeed one another for a considerable time without reversals simply as a result of the caution of [their] leadership in not challenging actors whose power escapes democratic accountability. In this case the resulting stability cannot be equated with progress towards creating a fully democratic regime”.⁶

¹ Robert A. Dahl, Polyarchy: Participation and Opposition (New Haven and London: Yale University Press, 1971), p. 3.

² Larry Diamond, Developing Democracy Toward Consolidation (Baltimore and London: The Johns Hopkins University Press, 1999), p. 11.

³ J. Samuel Valenzuela, “Democratic Consolidation in Post Transitional Settings: Notion, Process, and Facilitating Conditions”, in Scott Mainwaring, Guillermo O’Donnell, and J. Samuel Valenzuela, eds., Issues in Democratic Consolidation: The New South American Democracies in Comparative Perspective (Notre Dame: University of Notre Dame Press, 1992), p. 58.

⁴ Felipe Agüero, “The Military and the Limits to Democratization in South America”, in Mainwaring, O’Donnell, and Valenzuela, eds., Issues in Democratic Consolidation, p. 155.

⁵ Guillermo O’Donnell, “Delegative Democracy”, Journal of Democracy, 5 (January 1994): pp. 55-69.

⁶ Valenzuela, “Democratic Consolidation in Post-Transitional Settings”, p. 59.

While civilian control of the military is a sine qua non condition for liberal democracy, the degree and type of such control vary according to the system of government, historical traditions and cultural values, and different perceptions of threat. Thus, in an American type presidential system the President, in his capacity as the commander-in-chief, is the primary agent of civilian control, whereas in a parliamentary system this task falls upon the cabinet. Both systems are compatible with full civilian control, and in either case the legislature is, and should be, another agent enhancing civilian control for a number of reasons, not the least important among which is the fact that in all liberal democracies, regardless of the type of government, the legislature has the power of the purse.⁷ On the other hand, the increasing complexity and the technical nature of security issues, the lack of expertise of most parliamentarians, time pressures on parliaments, and secrecy laws often involved in the case of security issues may limit or hinder parliamentary oversight.⁸ Furthermore, in countries where liberal democracy has not yet been fully consolidated and the elected authorities still have to grapple with the heavy legacies of the past military regime, the first priority is to establish civilian control itself; whether it is exercised chiefly by the executive or the legislature is a matter of relatively secondary importance.

Relations between civilian and military authorities have occupied the minds of a good number of scholars, Western and non-Western alike. The whole question can be summed up in a simple paradox: "Because we fear others we create an institution of violence to protect us, but then we fear the very institution we created for protection". To put it differently, "how do you ensure that your agent is doing your will, especially when your agent has guns and so may enjoy more coercive power than you do?"⁹ One of the most influential theories in this regard was proposed by Samuel Huntington in the late 1950s. In Huntington's view, what he terms "objective civilian control" maximizes military security better than liberal antimilitary, conservative pro-military, fascist pro-military, and Marxist antimilitary ideologies. Objective civilian control, in turn, can be achieved by maximizing military professionalism. "Objective civilian control is thus directly opposed to subjective civilian control. Subjective civilian control achieves its end by civilianizing the military, making them the mirror of the state. Objective civilian control achieves its end by militarizing the military, making them the tool of the state... The essence of objective civilian control is the recognition of autonomous military professionalism; the essence of subjective civilian control is the denial of an independent military sphere...The one prime essential for any system of civilian control is the minimizing of military power. Objective civilian control achieves this reduction by professionalizing the military, by rendering them politically sterile and neutral. A highly professional officer corps stands ready to carry out the wishes of any civilian group which secures legitimate authority within the state".¹⁰ As Feaver aptly summarizes, Huntington's causal chain is as follows: "autonomy leads to professionalization, which leads to political neutrality and voluntary subordination, which lead to secure civilian control".¹¹

While Huntington's logic seems to be compelling, it leaves a number of points open to question. Most importantly, there seems to be a tautological character in the entire argument. Thus, maximizing military professionalism is seen as the means to secure objective civilian control, and military professionalism is defined as voluntary subordination to civilian authorities. Perhaps to save the argument from total tautology, we may say that here Huntington sees a

⁷ On parliaments' role in the civilian oversight of the military, see Parliamentary Oversight of the Security Sector: Principles, Mechanisms and Practices (Geneva: Geneva Center for the Democratic Control of Armed Forces-Inter-Parliamentary Union, 2003).

⁸ Ibid., p. 19.

⁹ Peter D. Feaver, "The Civil-Military Problematique: Huntington, Janowitz, and the Question of Civilian Control", Armed Forces and Society, Vol. 23, No.2 (Winter 1996), pp. 149-50.

¹⁰ Samuel P. Huntington, The Soldier and the State: The Theory and Politics of Civil-Military Relations (New York: Vintage Books, 1964), pp. 83-84.

¹¹ Feaver, "The Civil-Military Problematique", p. 160.

trade-off between military autonomy and military's voluntary subordination to civilian authorities. In return for the recognition of an autonomous sphere of action for the military, the military adopts a politically neutral standing and voluntarily executes the commands of legitimate civilian authorities. But even such an explanation leaves many questions unanswered. First of all, what are the limits of military's autonomy? Does it include, for example, the exclusive decision-making power regarding its education and socialization patterns, personnel appointments, production and procurement of arms, budget priorities etc.? Secondly, what if the civil authority's will conflicts with the professional opinion of the military? Can we say that civilians always have a right to be wrong?¹² Thirdly, can the concept of military professionalism be reduced only to obedience to civilian authorities? Are there not other elements of professionalism such as expertise, an *esprit de corps*, "a sense of self-esteem and moral worth?"¹³ Is it not possible for a military to be highly professional in terms of most of these criteria, and yet to develop distinct political attitudes and even to meddle in political affairs? Comparative research shows that armies "that look professional by most measures have still conducted coups or otherwise subverted civilian authorities".¹⁴

Turkey provides a good case for testing many of the above theoretical considerations. A full analysis of the Turkish case is beyond the scope of this paper. However, certain points are worth emphasizing that may be of interest for comparative analyses.

First of all, Turkey's historical traditions and cultural values favor an important political role for the military. Historically, the military have acted as the prime agent for modernization since the mid-nineteenth century, a role continued and enhanced during the early decades of the Republic. Culturally, Turkish people have always had a deep respect for and trust in the armed forces. This is supported by the findings of a good number of recent opinion surveys. A 1997 national survey showed that the armed forces were the most trusted institution with a confidence score of 88, much ahead of the police (44 percent), the courts (43 percent), religious institutions (40 percent), public bureaucracy (36 percent) and political parties (-40 percent). Calculated in a slightly different way, 94 percent of the respondents expressed their confidence in the military as opposed to only 30 percent for political parties.¹⁵

Secondly, although Turkey has had a multi-party democracy for sixty years, her democratic process was interrupted thrice in 1960, 1971, and 1980 (four times if one considers the so-called 28 February process a soft or post-modern coup). Even though the interim military regimes did not last long and the military relinquished their authority to the civilians on their own will, each time the departing military regimes extracted important exit guarantees (privileges, immunities, tutelary powers and reserved domains) that gave them a strong say in the ensuing civilian regime.¹⁶ Among the exit guarantees granted by the 1982 Constitution, one may cite the election of the coup leader General Evren as the President of the Republic, the strengthening of the National Security Council (originally created by the 1961 Constitution) composed of the

¹² *Ibid.*, p. 154.

¹³ Morris Janowitz, *The Professional Soldier: A Social and Political Portrait* (Glencoe, Ill.: The Free Press, 1971), p. 440.

¹⁴ Feaver, "The Civil-Military Problematique", 164. I was among the early critiques who pointed out to this possibility in the Turkish case: Ergun Özbudun, *The Role of the Military in Recent Turkish Politics* (Cambridge, Mass.: Harvard University Center for International Affairs, Occasional Papers in International Affairs, November 1966), p. 8.

¹⁵ Yılmaz Esmer, "Birbirimize Güvenmiyoruz" (We Don't Trust Each Other), *Milliyet* (daily), 8 April 1997; also his, *Devrim, Evrim, Statüko: Türkiye'de Sosyal, Siyasal, Ekonomik Değerler* (Revolution, Evolution, and Status quo: Social, Political, Economic Values in Turkey) (Istanbul: TESEV, 1999), pp. 42-43.

¹⁶ Ergun Özbudun, *Contemporary Turkish Politics: Challenges to Democratic Consolidation* (Boulder and London: Lynne Rienner Publishers, 2000), pp. 105-117; Ergun Özbudun and Serap Yazıcı, "Military Regimes' Extrication from Politics: Exit Guarantees", in Aleksandra Jasinska Kania and Jacek Raciborski, eds. *Narod-Władza-Spoleczenstwo (Nation-Power-Society)* (Warszawa: Scholar, 1996), 325-40. Ümit Cizre Sakalioğlu, "The Anatomy of the Turkish Military's Political Autonomy", *Comparative Politics*, vol.29, no.2 (January 1999), pp. 151-66.

chief-of-the-general staff, force commanders, and a number of ministers; the transformation of the rest of the National Security Council into a Presidential Council for a period of six years; a strengthened veto power by the President over constitutional amendments for a period of six years; the exclusion of the decisions of the Supreme Military Council from judicial review; immunity from civil and criminal responsibility for members of the National Security Council and all those who acted on their commands; the irreversibility of the laws passed by the Council (although they could be changed by parliament, their constitutionality could not be reviewed by the Constitutional Court), etc. Thus, the 1982 Constitution established a partial or controlled democracy with strong tutelary powers for the military.

Consequently, an important dimension of the recent democratization and constitutional revision processes has been to establish some degree of civilian control over the military. No doubt, this process was strongly motivated by Turkey's prospects of accession to the EU; but it was also a response to the people's growing demands for a more liberal democracy. Two significant steps in this direction were the adoption of comprehensive constitutional amendments in 2001 and 2004, in addition to a number of other legislative reform packages called "harmonization laws" designed to harmonize Turkish legislation with the EU's Copenhagen political criteria.¹⁷

One of the most important constitutional amendments adopted in 2001 was the one that increased the number of the civilian members of the National Security Council so as to give them a clear majority and underlined the advisory character of its decisions. Furthermore, the Seventh Harmonization Package adopted in 2003 took several steps to civilianize the Secretariat of the Council. Thus, while according to the original text of the law the Secretary-General shall be appointed from among high-ranking military officers, now he can also be a high level civilian bureaucrat. In fact, since August 2004, this post has been filled by a civilian. Also, the frequency of the Council meetings was changed from once a month to once in two months. The seventh package furthermore lifted the secrecy clause regarding the by-laws of the Secretariat and deprived the Secretariat from most of its executive powers. Another reform accomplished by the 2001 constitutional revision was to open the laws passed during the National Security Council regime (1980-83) to the review of constitutionality by the Constitutional Court by repealing the Third paragraph of the Transitional Article 15 of the Constitution.

The 2004 constitutional amendments took further steps toward civilianization. Thus, the expenditures of the armed forces were put under the revision of the civilian Court of Accounts, the military member on the Board of Higher Education was eliminated, and the State Security Courts were abolished. These controversial courts, created in 1973 to try cases involving the security of the state, were mixed courts composed of civilian and military judges and public prosecutors. They were civilianized by the constitutional amendment of 1999, and totally abolished in 2004.

Thus, the recent constitutional and legislative reforms seem to have eliminated a large part of the semi- authoritarian legacy of the National Security Council regime, so much so that the European Commission concluded that Turkey has "sufficiently satisfied" the Copenhagen political criteria and the European Council decided on 17 December 2004 to start accession negotiations with Turkey. It should be added here that even the less than fully democratic text of the original 1982 Constitution provided that the Chief-of-the-General Staff shall be appointed by the President of the Republic upon the proposal of the Council of Ministers, that the Council of Ministers is responsible to the Grand National Assembly for the maintenance of national security and the preparation of the armed forces for the defence of the country (Act. 117), and that the defence budget was subject to the approval of the Assembly just like those of the any

¹⁷ For a detailed analysis of these constitutional and legislative reforms, see Ergun Özbudun and Serap Yazıcı, Democratization Reforms in Turkey (1993-2004) (Istanbul: TESEV, 2004).

other department of government. These lead one to conclude that, from a de jure point of view, there is no question that Turkish armed forces are subject to the control civilian authorities.

It is commonly agreed, however, that the de facto situation is quite different from the de jure one. In reality, Turkish armed forces enjoy a political autonomy and influence much beyond what is normal in a Western democracy.¹⁸ The Turkish military enjoys complete institutional autonomy with regard to its military doctrine, education, appointments and promotions, arms production and procurement, and budgetary priorities. Although defence budget is subject to parliaments approval, it is always adopted by acclamation without any real debate. The military's autonomy, however, is not limited only to institutional autonomy, but also extends into the area of political autonomy. Thus, while the National Security Council is theoretically and constitutionally only an advisory body, in reality most of the important issues, including those without relevance to national security, are discussed in the Council and its recommendations carry great political weight. Military commanders often make political statements on domestic and foreign policy issues, sometimes conflicting with those of civilian authorities. The most recent of these frictions involved the possibility of Turkey's negotiating with the Northern Iraqi Kurdish regional authorities about ending the PKK's terrorist activities. While the Prime Minister Erdoğan and the Foreign Minister Gül seem to favor such negotiations, the Chief-of-the-General Staff Yaşar Büyükanıt categorically rejected it. When Erdoğan dismissed Büyükanıt's comments as his personal opinions, the Chief-of-the-Staff office reacted the next day stating that Büyükanıt's comments represented the "institutional views" of the military, not his personal opinions.¹⁹ Such conflicting statements are not exceptional in Turkish politics.

To analyze the roots of the civil-military conflict and the active political role of the Turkish military lies beyond the scope of this study. In brief, however, such roots are to be found in the age-old cleavage between military- bureaucratic and elected civilian elites. The military see themselves as the guardians of the secular and unitary state and the chief agent of Turkey's modernization project.²⁰ Such tutelary attitudes lead them to see the civilian political institutions and actors as unstable, inefficient, careerist, populist, imprudent, corrupt, and irresponsible. This can be described as an "antipolitical, rather than above-political" attitude. "The military standards produce an impasse for the regime by conceiving the articulation and mediation of interests and resolution of conflicts by political parties and interest groups as disruptive". Consequently, while the Turkish military accept the legitimacy of democracy and civilian rule in

¹⁸ There is a considerable amount of academic writing on the political role of the Turkish military: Cizre-Sakallıoğlu, "The Anatomy of the Turkish Military's Political Autonomy"; Ümit Cizre, "Problems of democratic governance of civil-military relations in Turkey and the European Union enlargement zone", European Journal of Political Research, vol. 43 (2004), 107-25; Ümit Cizre, "Demythologizing The National Security Concept: The Case of Turkey", Middle East Journal, vol. 52, No. 2 (Spring 2003), 213-29; Pinar Tank, "Turkey as a 'Special Case' for the EU: Will the Generals Retreat from Politics?" Security Dialogue, vol.32, no.2 (2001), 217-30; Aylin Güney and Petek Karatekelioğlu, "Turkey's EU Candidacy and Civil-Military Relations: Challenges and Prospects", Armed Forces and Society, vol. 31, No.3 (Spring 2005), 439-62; Metin Heper and Aylin Güney "The Military and Democracy in the Third Turkish Republic", Armed Forces and Society, vol. 22, No. 4 (Summer 1996), 619-42; Aylin Güney, "The Military, Politics and Post-Cold War Dilemmas in Turkey", in Kees Koonings and Dirk Kruijt, eds., Political Armies: The Military and Nation Building in the Age of Democracy (London and New York: Zed Books, 2002), 162-75; Turkish Civil-Military Relations and the EU: Preparation for Continuing Convergence (Center for European Security Studies, November 2005); Ümit Cizre, ed., Almanac Turkey 2005: Security Sector and Democratic Oversight (İstanbul: TESEV and Geneva Center for the Democratic Control of Armed Forces, September 2006); Tanel Demirel, "Civil-Military Relations in Turkey: Two Patterns of Civilian Behavior Towards the Military", Turkish Studies, Vol. 4, no. 3 (Autumn 2003), 1-25; Tanel Demirel, "Soldiers and Civilians: The Dilemma of Turkish Democracy", Middle Eastern Studies, Vol. 40, no. 1 (January 2004), 127-50; Tanel Demirel, "The Turkish Military's Decision to Intervene: 12 September 1980", Armed Forces and Society, Vol.29, no. 2 (Winter 2003), 253-80; Tanel Demirel, "Lessons of Military Regimes and Democracy: The Turkish Case in a Comparative Perspective", Armed Forces and Society, Vol.31, no. 2 (Winter 2005), 245-71.

¹⁹ Vatan (daily), 2 March 2007; Milliyet (daily), 2 March 2007.

²⁰ Ergun Özbudun, "State Elites and Democratic Political Culture in Turkey", in Larry Diamond, ed., Political Culture and Democracy in Developing Countries (Boulder and London: Lynne Rienner Publishers, 1994), pp. 189-210.

principle, since 1983 it “has used legal/ constitutional, historical/cultural, and structural reasons and mechanisms to retain its privileged position in issuing demands, policy suggestions, and warnings on political matters”.²¹

Also enhancing the political influence of the Turkish military are their perceptions of domestic threats. The military are particularly sensitive to Islamist and Kurdish- separatist movements which they see as their “red lines”. In their view, the unitary nation-state and a secular system of government are the unalterable characteristics of the Turkish Republic and the very essence of the Kemalist Revolution. Therefore, as long as these threat perceptions persist, the military cannot be expected to relinquish their guardianship role and their privileges associated with it.

On the other hand, the Turkish military are extremely unlikely to stage a coup unless their red lines are seriously threatened. Even a 28 February style disguised intervention is quite unlikely. This does not mean, however, that they will not retain their privileges and continue to influence politics in more subtle ways in the short and medium run. As Huntington aptly observes, “the threat of military intervention comes from militaries that are politically weak; the legacy of military privilege comes from militaries that are politically strong”.²² The Turkish government today finds itself in the familiar political dilemma described by Diamond and Plattner: “On the one hand, civilian supremacy requires reducing military prerogatives and restricting the military to a much narrower, defense-centered professional mission. On the other hand, political stability requires keeping civil-military conflict to a minimum. Reducing military prerogatives and power almost invariably generates conflict between civilian and military authorities; thus it is difficult to maximize both these goals simultaneously”.²³

²¹ Cizre-Sakallıoğlu, “The Anatomy of the Turkish Military’s Political Autonomy”, p. 153, p. 156.

²² Samuel P. Huntington, “Reforming Civil-Military Relations”, in Larry Diamond and Marc F. Plattner, eds., Civil-Military Relations and Democracy (Baltimore and London: The Johns Hopkins University Press, 1996), p. 10.

²³ “Introduction”, Diamond and Plattner, eds., Civil-Military Relations and Democracy, XXIX-XXX.