

The Role of the Military in the Constitution-making Process as a part of Democratic Transition: *The Comparative Cases of Turkey and Egypt*

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Abstract: The role of the military in the politics in the developing or so-called “Third World” countries has always been fundamental in order to comprehend the historical process of democratization movements in these countries. To be able to fully grasp the politics, particularly democratic transitions, in the Middle East, it is indispensable to look at the role of the military within the transition process. However, because the democratic transition processes involves different practices, in my research paper, I will focus on the role of military within the constitution-making processes in order to narrow down my research. I have chosen the constitution-making process because, as argued by Özbudun, constitution-making, especially during democratic transitions, is an excellent opportunity to build political institutions that will enjoy broad support from society and its political elites. Both the constitution-making process and its outcome are crucial aspects of the transition to and consolidation of democracy. In this regard, in this study, I have chosen to study Egypt and Turkey comparatively in terms of their military involvement in the constitution making process. It should be noted that in both Turkey and Egypt, previous constitutions were made directly by the military or under military influence through various means, which I will evaluate in my research paper in detailed way. I have chosen these two countries due to two reasons. My initial inspiration is derived from that currently, these two significant countries of the region are in the constitution-making process. When we look at current situation of Turkey, it can be argued that Turkey is in constitution-making process, which is supposed to be totally civilian without the influence of the military. On the other hand, in terms of Egypt, it is argued that following to the Arab Spring, Egypt’s new constitution will be the roadmap

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to a second republic that most Egyptians hope will be free from the tyranny, corruption, and nepotism, which were the trademarks of Egypt's political life. The second reason is that despite the fact that Egypt and Turkey differ from each other in terms of longevity of their democratic experiences, the militaries of two countries demonstrate some core similarities, which is noteworthy in terms of comparing the two. Considering all of these, the aim of this study is to see how the military can be a part of the political system, especially in the making of constitution, and to understand the current situation and changing position of the militaries in these countries.

Keywords: Constitution, Egypt, Turkey, Democratic Transition

1. Introduction

Third World political systems have been characterized by the dominance of policy-implementing institutions, including the military and the bureaucracy, over policy-making structures such as legislature, political parties and formal interest groups (Bill and Springborg, 2000: 168). The role of the military in the politics in the developing or so-called "Third World" countries has always been fundamental in order to comprehend the historical process of democratization movements in these countries. At this point, it is necessary to note that there are few major regions of the world where the military has played as prominent and profound political role as in the case of Middle East. To be able to fully grasp the politics, particularly democratic transitions, in the Middle East, it is indispensable to look at the role of the military within the transition process. However, because the democratic transition processes involves different practices, in my research paper, I will focus on the role of military within the constitution-making processes in order to narrow down my research. I have chosen the constitution-making process because, as argued by Özbudun, constitution-making, especially during democratic transitions, is an excellent opportunity to build political institutions that will enjoy broad support from society and its political elites. Both the constitution-making process and its outcome are crucial aspects of the transition to and consolidation of democracy (Özbudun and

Gençkaya, 2009: 1) To put differently, writing a democratic constitution is central to the transition from authoritarianism to democracy (Hamad, 2012: 2).

In this regard, in this study, I have chosen to study Egypt and Turkey comparatively in terms of their military involvement in the constitution making process. It should be noted that in both Turkey and Egypt, previous constitutions were made directly by the military or under military influence through various means, which I will evaluate in my research paper in detailed way. I have chosen these two countries due to two reasons. My initial inspiration is derived from that currently; these two significant countries of the region are in the constitution-making process. When we look at current situation of Turkey, it can be argued that Turkey is in constitution-making process, which is supposed to be totally civilian without the influence of the military. On the other hand, in terms of Egypt, it is argued that following to the Arab Spring, Egypt's new constitution will be the roadmap to a second republic that most Egyptians hope will be free from the tyranny, corruption, and nepotism, which were the trademarks of Egypt's political life (Hamad, 2012: 51). The second reason is that despite the fact that Egypt and Turkey differ from each other in terms of longevity of their democratic experiences, the militaries of two countries demonstrate some core similarities, which is noteworthy in terms of comparing the two. Considering all of these, the aim of this study is to see how the military can be a part of the political system, especially in the making of constitution, and to understand the current situation and changing position of the militaries in these countries.

2. Theoretical Framework

There have been many different models and patterns that have been structure to indicate the level or degree of political involvement that a respective military has. However, it is true to say that the literature on the role of military in the constitution making process is quite rare. For this reason, I will put emphasis on Eric Nordlinger's three models of political involvement of the military, which helps me to locate my comparative study in a theoretical framework. Nordlinger, in his book, has presented three models of political involvement of the military. The first of these is that the military acts as

“moderators”. In this model, the military does not take full control but exercises a “veto power” from behind the scenes. When and only if the civilian authorities are unable to accord with the wants of the military does the military execute a “displacement coup”, which is done to bring a more easy to shape civilian group to power. The reasons behind or the goals of the military is mainly to “preserve the status quo, maintain the balance of power among contending groups, enforce the political and constitutional ground rules and ensure political order and governmental stability” (Nordlinger, 1977: 22).

Secondly, the other military regime is referred to as a “guardian” regime. Guardians are similar to moderators with the slight difference that they will displace the civilian governors when they feel it is necessary and openly assume control of government. They too are as conservative as “moderators” are (Nordlinger, 1977: 25).

The third type of military regime suggested by Nordlinger is the “ruler” type. This is the type which is the most ambitious, as its ultimate aim is not only to control government but also make basic changes to significant aspects of the political, economic, and even social system. Nordlinger points out “praetorian rulers... commonly believe that... high powered investment, and modernization programs are required to bring about steady economic growth... Repression is generally more extensive... Polity, economy and society are to be penetrated from above” (Nordlinger, 1977: 26).

Although the military promises to leave power in the hands of the civilian once their goals are achieved it is moderators and guardians that are more likely to do this as their goals are of a modest nature. Furthermore, the ruler type, however, stay in place for much longer. It is difficult to estimate which category Egypt and Turkey lie in as it could be argued that during different periods of time, the military act at a different level, which will be discussed in the following parts of the paper. Rather, it can be argued that in both Egypt and Turkey the military has been heavily involved in politics, through different means and practices with the aim of maintaining a particular regime or ideology in power. After presenting the historical background of the military involvement in both Egypt and Turkey, I will try to locate them in this framework in order to highlight their evolving situations from past to the present.

3. The Characteristics of Military in Turkey and Egypt

Before introducing the role of military in constitution-making in both Turkey and Egypt, firstly, the very characteristics of militaries of two countries should be presented. It should be said that the militaries of Egypt and Turkey have demonstrated some core similarities despite their significant differences, which is noteworthy in terms of comparing the two. In this respect, I will highlight three important characteristics of both Turkish and Egyptian militaries, which affect the very attitudes of them towards the constitution-making issue. These characteristics are basically their economic interests, their commitments to certain values and mechanisms to ensure the influences of the military in politics.

Initially, in terms of their economic interests, it is necessary to note that the both Turkish and Egyptian militaries, which have already engaged within the existing political regimes, have held some economic assets. Having had the powerful economic background, the militaries have provided self-sufficiency and autonomy, which has strengthened their position. Historically, in Egypt, especially after Free Officers consolidated their power in 1954, state-led development became a cornerstone of economic policy (Cook, 2007: 19). The officers have developed significant economic interests in relation to the state. With Anwar Sadat coming to power in 1970, his “opening” policy has led the members of the military and economic elite to benefit mutually from themselves. In addition, in the early 1980s, the military establishment has been one of the most important entities of Egypt through having the significant portion of manufacture of weapons, electronics, consumer goods, infrastructure development, various agribusinesses as well as services in the aviation, tourism and security sectors. Despite the privatization of economy throughout 1990s and 2000s, it should be mentioned that the military has remained as important actor in the Egyptian economy through maintaining its self-sufficient structure.

In Turkey, the officers of military have also maintained significant economic interests. Historically, the Turkish General Staff has had a compelling interest in the health of certain companies and sectors of the economy. For example, the military established OYAK (Army Mutual Aid Associa-

tion) in 1961, which was designed as an insurance system and means of obtaining subsidized mortgages and other loans for the officer corps and civilian employees of the Ministry of National Defense (Cook, 2007: 27). The article one of law of OYAK (law number: 205) stated that; “The Armed Forces Mutual Assistance Foundation was founded to be bound to the Ministry of National Defense, and to provide members of Turkish Armed Forces with social assistance set out herein... The Foundation shall be subject to provisions of private law under this Law, and shall become a corporate body with financial and administrative autonomy” (Demir, 2010: 4). However, it is said that in contrast to its initial mission statement (to be only a pension fund), OYAK has become a conglomerate consisting of vast holdings with activities including insurance, investment banking, automotive, petroleum, iron-steel, and cement industries, tourism, food marketing. In addition, for almost a decade, OYAK has been ranking in the top-three conglomerates in the country, and despite its persistent denials, it has continued to enjoy several unique and generous sets of subsidies from the state including tax exemptions, and legal protection that are enjoyed only by public offices (Demir, 2010: 5). Lastly, besides the military’s OYAK-related activities, the Turkish General Staff’s historical autonomy in the realm of weapons procurement has allowed the senior command to direct contracts toward a number of favored domestic and foreign firms, further reinforcing the military’s abiding interests in particular sectors and firms operating in the Turkish economy (Cook, 2007: 21). To sum up, it is true to say that in both Egypt and Turkey, military is economically powerful, which supports their role in politics. At the same time, it should be noted that their economic role determines the very attitude of them toward constitution making process due to protecting their own privileges in the political and economic system.

Secondly, the other important characteristics of the militaries of Egypt and Turkey should be presented, their commitment to certain values. In Turkey and Egypt, the military has derived its legitimacy from nationalist narratives that place the officers at the center of struggles against colonialism, external aggression and the realization of national will (Cook, 2007: 28). Both two militaries have showed again and again the importance of

these particular accounts through not only their discourse but also their willingness to take risks to suppress alternative narratives. In addition, it is necessary to note that both Turkish and Egyptian armies have been identified as the guardians of political regimes.

When we look at Egypt specifically, throughout the 1950s, the cornerstone of the ideas that military lays upon was nationalism. Accordingly, the military has developed a rhetoric in which it conceived of itself as the vanguard of a vast movement of the Egyptian masses seeking national freedom and dignity. The nationalist account of the Egyptian armed forces, for instance, revolves around the following stylized version of contemporary Egyptian history: “In 1952, the military toppled an alien and corrupt dynasty. Four years later the armed forces heroically defended Egypt’s independence when it repelled the Israeli, British, and French invasion of 1956. The loss of Sinai in 1967 was the result of Israeli aggression and came at a time when one-third of the armed forces was fulfilling its Pan-Arab duty in Yemen. The heroism of the officers and soldiers of Egypt’s military made the Crossing of the Suez Canal possible in October 1973 successfully restoring Egypt’s collective national honor and ultimately its land. The Egyptian military is the guarantor of domestic stability and a source of regional stability” (Cook, 2007: 28). In this respect, it is true to say that there is a discourse of achievement and heroism, which is related to a political mission. In addition to nationalism, the modernization of the country as a part of nation-building was regarded as one of the most significant values that the Egyptian military has committed to. In this regard, it is necessary to note that the military officers who founded contemporary Egypt were all modernists in the sense that they considered themselves to be great modernizing forces-vanguards of society- imbued with organizational capacity and the technology of the West (Cook, 2007: 15). At this point, it is true to say that Egyptian military has maintained its political role and its privileged position in society through its discourse on nationalism, unity and modernization.

Similar to Egyptian military, historically, Turkish military has privileged position in society due to its role during the national independence struggle. In addition, Turkish military has its own nationalist account, which is related to the principles of Kemalism- secularism, democracy, modernization,

unity and cultural affiliation with the West (Cook, 2007: 30). In other words, it is necessary to note that the Kemalist vision of Turkey's Westernization has an important role in determining the political behavior of the Turkish military. At the same time, for the officers, and for the rest of the Westernized elite in Turkey, modernization meant Westernization. Thus, they have concluded that an important component of Westernization was democracy. However, they have favored "rational democracy", that is, taking democracy as an intelligent debate among the educated for the purpose of deciding upon the best policy option (Heper and Güney, 2000: 636). They have considered the salvation of Turkey as a democratic as well as secular state. In order to complete this mission, The Turkish military has seen itself as the guarantor and guardian of those principles in the sense that it has intervened when it has seen a threat- perceived or real- to them. Throughout the Republican history, in order to protect those principles against different threats such as leftists, Islamists and Kurdish separatists, the military has needed to intervene in the politics. In addition, Atatürk's legacy was the transformation of Turkey into a well-respected member of the Western club of nations. As a result, the military has also espoused this objective through, for instance, membership in NATO, a solid military alliance with the United States, and an association with the European Economic Community (Ülgen, 2011: 7). Overall, it is significant to note that both Egyptian and Turkish militaries has demonstrated similarities in terms of their commitment to values such as nationalism and modernization. When one looks at those values discussed above, it is easier to understand why the militaries in these countries intervene in the politics.

Lastly, it is appropriate to look at the mechanisms that military use to ensure its influence in politics. In other words, it is necessary to examine the vehicles that are used to allow the military to be a part of the civilian decision making process. Firstly, it is true to say that there are similarities in both Egypt and Turkey with respect to the military being a part of the civil political system in a formalized manner. However, their mechanisms demonstrated some differences, which will be elaborated in the following.

When one looks at Egypt specifically, it is true to say that unlike Turkey, other than the role of defending the state, subsequent Egyptian constitutions

included very little detail about the military's role in politics (Hamad, 2011: 53). However, while the armed forces received little attention in previous constitutions, the general's imprint on Egyptian politics has always been deep and widespread. In terms of their influence in politics, it should be reminded that Egypt's four presidents came from the ranks of the armed forces. In addition, what is important to note is the high number of ministers within the establishment had military background. Compared to Nasser, Mubarak governments had fewer ministers with military background (Ayubi, 1989: 3). There is also a National Defense Council that is included in the Armed Forces section of Chapter vii Article 182, but, as mentioned above, the amount of importance given to the Council as a constitutional institution is not very much. However, it should be argued that the military in Egypt works more in practical terms than in an efficient institutionalized way. In addition, while the trend of direct military participation in politics has been on the decline since 1967, it should be mentioned that the army continued to be a powerful political institution and an economic powerhouse (Hamad, 2011: 53). When we look at the situation during the uprisings that led to the ousting of Mubarak, the stature and public support of the officers grew as result of their support to mobilization against government. Many Egyptians saw the army as a main pillar of state stability and national security. The Supreme Council of the Armed Forces, Egypt's governing junta since Mubarak's departure, has tried to seize its elevated position to institutionalize military power in the impending the second republic. (Hamad, 2011: 53) Currently, it is true to say that the military is trying to institutionalize its position through constitutional ways, but Egyptian people stands against the army in order to create a totally civilian constitution.

In terms of Turkey, firstly, Steven Cook argues that there is "Turkish model" in which after intervening in the politics, the military has returned government to the civilians back (Cook, 2011: 1). At this point, it is important to add noteworthy discussion of Sinan Ülgen, pointing out that "The Turkish military, unlike the Egyptian one, has never produced an officer who stayed in power for decades. There has been no Turkish Augusto Pinochet, Francisco Franco, Antonio de Oliveira Salazar, Gamal Abdal Nassar or Mubarak" (Ülgen, 2011: 7). In Turkey, the military has main-

tained its influence in more institutionalized way than Egypt. For instance, the new regime that was established with the 1960 coup was provided with a more institutionalized channel for the access of the topmost political authority by the military through the National Unity Committee (Tachau and Heper, 1983: 23). Despite return power to a freely elected civilian government, the NUC remained as one of the chambers of the bicameral Constituent Assembly. Therefore, the military's influence was strongly felt in the making of the constitution and afterwards (Özbudun, 2000: 54). By the 1970s, the military in Turkey was closely involved in politics through a veto over civilian authorities. With the 1982 constitution, the military has gained larger role with the National Security Council. The NSC is not only important on paper, for instance it has its place in the constitution, but it has also become the focus point of what the political agenda is or will be. It is true to say that the military has transferred the power to elected civilian institutions but it has obtained important powers, privileges and immunities as a price. As a result, it should be said that the military in Turkey, has institutionalized its power through establishing National Security Committee and National Security Council. In order to maintain its influence, in the constitution making, the military has protected its position in legalized way, which is different from Egypt case. The current situation of the Turkish military and its eroding role in politics, especially after 1990s, will be discussed in the following part of the paper.

4. The Role of the Military in the Constitution-Making Process

4a. The Case of Turkey

In terms of Turkish experience, Ergun Özbudun argues that “no picture of contemporary Turkish politics would be complete without a discussion of the military, which, since its first intervention in 1960, has been one of the most important actors in the country's politics” (Özbudun, 2000: 105). In other words, to be able to fully understand the Turkish politics and the democratic transition in Turkey, it is vital to examine the role of the military in the Turkish politics. In this regard, Ümit Cizre Sakallıoğlu argues that the Turkish military enjoys a strong degree of military autonomy

(Sakallıoğlu, 1997: 151). It is true to mention that military has intervened in the politics for three different times in 1960, 1971 and 1980 and put pressure on a government to resign in 1997. In addition to overthrow the elected governments, the military has also been involved in the constitution-making and amendment processes after the interventions.

Historically speaking, it is important to note that none of the three Republican constitutions of Turkey was made by a freely chosen and broadly representative constituent or legislative assembly through a process of inter-party negotiations and compromises (Özbudun, 2012: 39). The 1924 constitution was made by an essentially single-party legislative assembly almost totally dominated by the People's Party. In addition, the 1961 and the 1982 Constitutions were both products of military interventions. Within their making process, the military committees that have carried out the coups- the National Unity Committee in 1960 and the National Security Council in 1980- have played a predominant role. For both constitutions, it is true to say that the military have obtained important powers, privileges, and immunities, which have been challenged later by the civilian governments. To begin with the 1960 coup, it is true to say that the military committee- the National Unity Committee that took power was intent on a return to civilian rule, once a new and democratic constitution was adopted. At first, the Committee charged a group of law professors with the preparation of a constitutional draft (Özbudun and Gençkaya, 2009: 14). Then, a law was adopted by the NUC on 13 December 1960 in order to prepare the new constitution, through establishment of a bicameral Constituent Assembly, of which one chamber was the NUC itself. In the making of the 1961 constitution, the supporters of overthrown Democrat Party was totally excluded. As a result, it is necessary to note that despite its liberal nature, the 1961 constitution was the result of military intervention, which was done in accordance with the interests of the military.

When we look at the 1971 and 1973 constitutional revisions, it is obvious to see the military as a decision-maker in this process. The National Security Council, an advisory body created by the 1961 constitution and composed of some ministers and the highest commanders of the armed forces, gave the military a legitimate voice in the formulation of national

security policies (Özbudun, 2000: 56). On 12 March 1971, the military forced Justice Party government to resign without taking power directly. They formed a new non-elected government with the head of Nihat Erim. The constitutional revisions were also made under the non-elected government of the military, which obviously supports the strong military role in the constitution making and amendment process.

The other important military involvement in the constitution making process is the making of the 1982 constitution. It should be said that in contrast to the 1961 Constituent Assembly, the powers of the two chambers were excessively unequal. The NSC had the final say over the draft prepared by the Consultative Assembly, with no mechanism to resolve the differences of opinion between the two bodies. In addition, the 1982 Constitution has reflected the authoritarian, statist and tutelary mentality of its founders (Özbudun, 2012: 6). The military founders of the Constitution had very little trust in civilian politicians and they designed a constitution that would limit the area of civilian politics as much as possible. When one looks at how the military has preserved its position in the system through constitutional way, it is appropriate to say that the constitution established a number of tutelary institutions designed to check the powers of the elected agencies and to narrow down the space for civilian politics. One of the most important institutions was the Presidency of the Republic, in which Kenan Evren directly elected with the constitutional referendum. The Board on Higher Education, the strengthened National Security Council and the judiciary were among the institutions that were directly or indirectly under the tutelage of the military (Özbudun, 2012: 7).

In the following years, the strong role of the military in the constitution was challenged through various means. Starting from 1987, the constitution has gone through 17 amendments. In order to improve the liberal-democratic standards in the constitution, amendments were done by the civilian governments. Unlike the amendments before 1987, the constitutional amendments of the 1990s, as well as those of 2001 and 2004 were accomplished through a process of intense inter-party negotiations and compromises and adopted by strong majorities in parliament (Özbudun, 2012: 9).

What is important to mention is, besides the constitutional amendments

between 1987-1995, the EU influence on the constitutional amendments between 1998-2006. It is important to say that the EU harmonization packages has influenced the democracy in Turkey in the sense that it strengthened the civilian control over the constitution vis-à-vis the military. For example, not only international pressures but also domestic pressures called for reform in the State Security Courts. These courts were originally introduced into the Turkish legal system by the constitutional amendments of 1973 to deal with offences committed against the integrity and unity of the State with its territory and nation, the liberal democratic order and the Republic, through the mixed courts composed of civilian and military judges (Özbudun and Gençkaya, 2009: 46). At this point, the European Court of Human Rights has consistently found Turkey in violation of Article 6 of the European Convention of Human Rights in cases involving the SSCs, on the grounds that the military members of such courts did not enjoy the same independence and tenure guarantees as their civilian counterparts. Through this support both domestically and internationally, constitutional amendments were done against the SSCs. It is difficult to cover all the amendments done through EU harmonization. However, it should be said that the military role in the constitution has started to erode with the EU harmonization packages and it supported the democratization process in Turkey especially after 1999. In other words, it is argued that the EU-required reforms have considerably reined in the power and influence of the Turkish General Staff (Cook, 2007: 139). At this point, it should be said that EU harmonization is important in the defining the eroding role of the military, especially in the constitution making process, which makes Turkey special compared to Egypt.

In addition, it is significant to note that with AKP government, there are constitutional amendments in order to make 1982 constitution more civilized and democratic with the eroding role of the military and state elites. However, it should be mentioned that there are challenges against AKP by the military. For example, although the EU reforms had brought Turkey more in line with democratic norms and practices, public declarations of political significance by military leaders in 2006 and 2007 demonstrated the continuing influence of the Armed Forces on public affairs. On April 27, 2007, the Chief of General Staff General Yaşar Büyükanıt's encroach-

ment on the presidential election through an “electronic ultimatum” was a blatant example of the continuing political role of the Turkish Armed Forces (TAF). That ultimatum of General Staff, however, was promptly and strongly refuted by the government. The landslide victory of the AKP in the general election of July 2007 consolidated the legitimacy of the government even further (Karaosmanoğlu, 2008: 254). As Ergun Özbudun points out, “current arrangements are perfectly compatible with European standards” (Özbudun, 2012: 12). With the referendum to change the constitution, AKP is preparing to establish new constitution. Not only AKP but NGOs and other communities except military are preparing their commitment to new constitution. It is arguable to what extent there will be a reconciliation between different groups, which should be discussed in another place. What is important here is that unlike other constitutions, the military has any role in the new constitution making process.

4b. The Case of Egypt

This being said about Turkish case, now it is appropriate to have a look at the Egypt case in terms of civil-military relations. To start with, in Egypt, there is the strong military that affected the democratic transition period in the country. In 1952, a group of predominantly midlevel Egyptian army officers undertook a coup ending the Albanian-Ottoman dynasty that had ruled Egypt since 1805. From that time, political power was concentrated within a Revolutionary Command Council comprising the leading nine to twelve Free Officers in which Nasser was the undisputed leader of the body. Within this revolution, Officers constructed their new order including economic and social reforms that regulate the society. In 1956, the first constitution of postmonarchy era was approved in which Egypt was defined as “democratic republic”. However, it should be said that the Officers has established a system in which it has institutionalized their own rule. With the success of the Free Officers, Egypt entered into an era of constitutional uncertainty until the end of Nasser’s reign in 1970. During this period, Egypt had three different constitutions (1956, 1958, and 1964) and six different constitutional proclamations. It is safe to say that legality received little attention from Nasser and his legions. Egypt went through a much

more stable constitutional cycle with Sadat's ascendancy to power in 1970. Anwar Sadat issued the 1971 (permanent) Constitution, which remained in effect until it was revoked in 2011. This constitution was amended on three different occasions: 1980, 2005, and 2007. It should be said that in 1980, there were five amendments to the 1971 constitution, which included the familiar themes of democracy and social justice as well as the constitutional recognition of the multiparty system (Cook, 2007: 68). In 2005, the Egyptian constitution was once again amended. The constitutional changes provided for multi-party presidential elections, which have seen as important step toward deepening democracy. Overall, despite the amendments that tried to make constitution more effective, it is fair to say that Egypt has not gone through a democratic transformation as in the case of Turkey.

In terms of military involvement in the constitution making process, it is true to say that previous Egyptian constitutions included very little detail about the military's role in politics. However, the generals' imprint has been deep and widespread such as four presidents coming from the ranks of the armed forces (Hamad, 2012: 53). Despite the support for the army with the ousting of Mubarak, people have started to demand for civilian government, which is supposed to be more democratic. In order to do this, the constitution-making process in the Egypt has started. Although it is assumed to be a civilian constitution, generals seek to influence the writing of the constitution to guarantee three main objectives: ensure the institutional autonomy of the armed forces away from the elected officials and particularly the parliament; maintain the army's financial independence and the privileges of senior staff with minimal intervention from the state; and safeguard a voice in the policy making process through the establishment of a national security council with strong military membership (Cook, 2007: 53). It is obvious that the military is trying to maintain its influence through more institutionalized way, which is different from the past experiences. At this point, it is true to say that through maintaining its influence, military does not want to establish a totally civilian constitution in Egypt, which is challenged by the people. The SCAF has been trying to influence the selection of the constituent assembly that will draft the new constitution. It is because the generals worry that a democratic constitution might institutionalize civilian control over the

military for the first time since the establishment of the Republic. (Cook, 2007: 54) However, it should be mentioned that Egyptians have demonstrated their opposition to military as a part of politics in Tahrir Square, which seem as a problem for the democratization of the country.

What is interesting to note is that the generals are keen to create a constitutional system that mirrors the Turkish constitutional arrangements before the democratization reforms in the recent years, initiated partly under the incentives created by the EU process (Cook, 2007: 57). At this point, it should be said that the military has tried to maintain its privileged position as in the case of National Security Council, influencing the politics in constitutional way. For example, a military officer, General Shaheen declared that “We want a model similar to that found in Turkey... Egypt, as a country, needs to protect democracy from the Islamists, because we know that these people do not think democratically.” However, it is ironic that in the current Turkish example, the role of military in politics has started to erode. As pointed out by Hamad, what the army officer intended by the Turkish model, was not its latest version, but the pre-AKP model that undermined Turkish democracy for decades (Hamad, 2012: 58). At this point, it can be said that if military achieves to institutionalize its position constitutionally, it can be argued that Egypt will become as Turkey before the EU harmonization period, which is not good for the smooth democratization. On the other hand, if Egypt achieves to establish a constitution without the influence of the military and in harmonization with all diversity, at the same time, it will take a unique step toward democratization, which Turkey has not achieved yet.

Concluding Remarks

In this paper, I have tried to highlight the underlying similarities and explicit differences in the way in which the military can be a part of the constitution making process, comparing Egypt and Turkey. I have specifically tried to indicate the many and various incidents that have occurred in both countries, to show distinctively and historically just how Turkish and Egyptian army have become involved in the constitution making process as a part of democratic transition.

As an overall argument, it can be clearly argued that both Egypt and

Turkey have possessed a system that is given legitimacy through the respective constitutions, for the military to act under a specific ideology, using the various vehicles and mechanisms to regularly and continuously be a part of the decision making process. However, in Turkish case, we see how the role of military has eroded constitutionally with EU harmonization process. On the other hand, in Egypt, it is clearly seen that there is a struggle between the military and people on the constitutional role of the military.

In terms of theoretical side of the issue, As Nordlinger has mentioned, “A moderator military is one that executes a displacement coup, when and only if the civilian authority is unable to accord with the wants of the military, with the main goal being to preserve the status quo, maintain a balance of power among contending groups and enforce political and constitutional ground rules to ensure political order and governmental stability” (Nordlinger, 1977: 22). It can be said that Nordlinger would argue, both the military in the Egypt and Turkey could be termed as moderator military when compared to other typology of the militaries. However, it can be true for Turkey before EU process and Egypt before the Arab Awakening. The reason is that these countries have challenged against the military rule that they have despite having used different ways to achieve their goals.

***Author’s Note:** This article was written before overthrown President Morsi was elected. A lot of things have changed in Egypt but the idea that military should not involve in the constitution-making process for the sake of smooth democratic transition is still valid.*

Özet: Üçüncü Dünya ülkeleri siyasal sistemleri, yasama, siyasi partiler ve resmi çıkar grupları yerine, ordu ve bürokrasi gibi kurumsal siyasi yapıların egemenliği ile karakterize edilmiştir. Gelişmekte olan, ya da sözde “üçüncü dünya” ülkelerinde ordunun siyasetteki rolünü anlamak, bu ülkelerde demokratikleşme hareketlerinin tarihsel süreci iyi okuyabilmek için elzemdir. Bu noktada belirtmek gerekir ki, ordunun siyasette derin ve önemli rol oynadığı en önemli bölgelerden biri Ortadoğu’dur. Bu makalede, Ordunun siyasetle olan ilişkisini Türkiye ve Mısır örneklerini karşılaştırarak inceleyeceğim. Bu çalışma, ordunun teknik olarak sivil yönetimlerin olduğu ülkelerde nasıl yö-

netimde önemli bir aktör olarak var olduğunu ortaya koymayı amaçlamaktadır. Bu konuda çalışma yapılmasının en önemli nedenlerinden biri, Mısır ve Türkiye'nin demokrasi deneyimi açısından farklılık göstermelerine rağmen, iki ülkenin orduları arasında incelenmesi önemli olan benzerliklerin olmasıdır. Diğer önemli neden ise, Steven Cook'un belirttiği gibi iki ülke ordusunun da "Yönetmeden Hükmeden Ordular" olup, ülke siyaseti içinde önemli yere sahip olmalarıdır. Tüm bunlar göz önüne alındığında, bu çalışmanın amacı, gerek tarihsel çalışmalar gerekse günlük gelişmeler ışığında, ordunun Mısır ve Türkiye'de mevcut ve değişmekte olan siyasal rolünü anlamlandırmaktır.

Anahtar Kelimeler: Anayasa, Mısır, Türkiye, Demokratik Geçiş.

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