

Turkish Parliamentary Experience

Review of the Parliamentary Experience of Turkey from Ottoman to Republic Periods¹

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Received- Accepted: 23.09.2019-02.12.2019

Research Article

Abstract

Turkish parliamentary tradition with a history of 140 years, no doubt is a result of challenging periods which roots extending to the history of the Ottoman Empire. Tanzimat reforms as well as Constitutional Monarchy periods (known as I. and II. Meşrutiyet) crowned with the National Liberation Movement initiated the new political regime in Turkey and formed a parliamentary institution that call now the Turkish parliament or the Grand National Assembly of Turkey. The analysis of the historical evolution of the Turkish parliamentary experience along with its parliamentary functions and activities will provide us valuable information on politics and socio-historical development of the Turkish state. Certainly, the unique characteristics of Turkish society and Turkish history, as well as parliamentary transformations at the global level along with political developments affecting the parliamentary tradition makes a Turkish parliamentary experience noteworthy to be analyzed. Social structure, bureaucracy and traditions of every society or political entity define the role of a parliament in the certain political system. The social and political structure gives important information on the organization and behaviour of the parliament as well as parliamentary functions provide first-hand data on features and characteristics of the society reciprocally. This study is a brief historical account of the Turkish parliament as a representative institution. The main goal of this research is to provide an analytic review of the Turkish parliamentary experience and parliamentary evolution without debates on pro and contras of parliamentary or presidential systems. There are two matching features in our research approach in this study. First, we will focus on and outline the historical evolution process of the Turkish parliamentary experience. Second, we will look for descriptive information to enrich our general understanding of the parliamentary workings. The historical analysis method will be applied to conduct this research. The method was described by sociologist and political scientist Theda Skocpol. The historical analysis method aims to develop and improve descriptive and reasonable hypothesizes on institutions as nation-states.

Keywords: Turkish parliament, Turkish parliamentary experience, meclis.

Türk Parlamento Deneyimi

Osmanlı'dan Cumhuriyet'e Türk Parlamento Deneyimi Üzerine İnceleme

Öz

Türkiye'nin 140 yıllık parlamento geleneği, sırasıyla Tanzimat reformları, I. ve II. Meşrutiyet dönemleri ve Ulusal Kurtuluş Hareketi'nin bir ürünüdür. Kuşkusuz ki, Türk toplumunun kendine özgü özellikleri ve parlamento ve parlamentarizmin evrensel düzeyde geçirdiği dönüşümlerin Türkiye'ye yansımaları, parlamenter geleneğe çeşitli düzeylerde etki eden siyasal gelişmeler gibi faktörler, Türk parlamento deneyiminin evrelerini araştırmaya değer kalmaktadır. Parlamentonun siyasal sistem içindeki yeri toplumsal yapı, işleyiş ve gelenekler gibi faktörlerce belirlenmektedir. Toplumun yapısı parlamentonun yapı ve davranışına dair bilgi veriyorsa, parlamentonun işlevi de toplumun nitelikleri hakkında bilgi verebilmektedir. Parlamentonun analizi hem toplumsal yapıya etki eden bileşenlerin birinin analizi olmaktadır hem de toplumsal yapının parlamento üzerindeki etkinin incelenmesi olmaktadır. Araştırmanın amacı Türk parlamento deneyimi üzerine analitik değerlendirme niteliğinde bir çalışma ortaya koymak olmuştur. Bu çalışmada parlamenter veya başkanlık sistemlerini kapsayan tartışmalara yer verilmemiştir. Bu makaledeki yaklaşımımız birbiriyle kesişen iki özelliğe sahip olacaktır. Öncelikle Türkiye'nin parlamento deneyiminin tarihî seyrine dikkatimizi yoğunlaştıracağız. Daha sonra parlamentoların işleyişi üzerine genel anlayışımızı zenginleştirmek ve bağımlı değişkenlerin tanımlarını hazırlamak için kaynak çalışmalara bakılacaktır. Ele alınan bu çalışmada tarihî analiz veya tarihi inceleme metodu kullanılmıştır. Sosyolog ve siyaset bilimci Theda Skocpol tarafından tarif edilmiş olan bu metot, ulus-devlet gibi makro-üniteleri tamamlayan enstitüler üzerine deskriptif ve anlamlı hipotezler üretmeye yardımcı olmaktadır.

Anahtar Kelimeler: Türk parlamentosu, Türk parlamento deneyimi, meclis

¹ This article is analyzed by two reviewers and it is screened for the resemblance rate by the editor. (Bu makale iki hakem tarafından incelenmiş ve editör tarafından benzerlik oranı taramasından geçirilmiştir)

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Introduction

A parliament plays an important role in every modern state in the framework of the traditional theory of separation of powers – between executive, legislative and judiciary powers. The institution emerged as a result of the free elections, it declares the will of the people and the self-government of the public is conducted through parliament (Beetham (ed.), 2006, p.4). However, parliaments carry out paradoxical feature in themselves. Because, it derives its roots from Medieval times but despite this characteristic, the parliament exists in every modern political system nowadays. Notwithstanding to be mentioned with representative democracy and democratic regimes, we see parliaments in authoritative states with clear dictator regimens too (Lowenberg, 1971, pp.1-5).

The role and virtue of every specific parliament in the political system are determined and defined by factors such as social structure, functioning and political traditions. If the socio-political structure of the specific society gives us crucial data on parliamentary organization and activity, parliamentary proceedings also should give information on the characteristics of the specific society. It is argued that the analysis of the parliament has vice versa effect and becomes an analysis of the elements which affects social structure at the same time and studies an impact of the social structure on the parliament (Hatipoğlu, 2007, p.95). In an era of representative democracy, the main thought of representative democratic government is to entrust elected bodies with rights to make choices in the name of people for a restricted period (Esaiaasson and Heidar, 2000, p.2).

Elections are on the top amidst fundamental inalienable rules to determine executives and governors and to give them legitimacy in the modern democracies. Thus, elections are the legitimate means of indirect participation. People determine those who will govern them through this mechanism. Representatives came by-elections establish a group of people which mean to be trustworthy and initiate an institution to be called a “parliament” or “legislative organ” (Beetham, 2006, pp.1-11) or “Mejlis” in Turkish (Develioğlu, 1993, pp.594-595). Through the parliaments, people declare their wills and thoughts indirectly. In this way, if we want to understand the functions and work of representative politics, we have to ask important questions related to the parliament which is an arena where choices are made by representatives and delegates. These questions are quite simple but crucial; How parliament works? Why does parliament work in this way or another? What are the results of the parliament's work?

Traditionally, according to the theory of separation of powers parliamentary studies concentrates on the legislative organ of the government which is one of the three judicial powers of the government. Definition of the legislative function proposes two criteria: *criterium materiel and criterium formel* - to set apart from the executive and judicial branches (Gözler, 2000, pp.357-360). According to *criterium materiel* argued by constitutional jurist Leon Duguit, the work of legislative function is to establish and state rules or proceed general, regular and not personal actions. According to *criterium formel* that argued by jurist Raymond Carre de Malberg, every proceeding of the legislative organ, which is under name of the law or in a form of law is always is a law and carries a power of law without negotiations (Özbudun, 2005, p.94). In all representative regimes, irrespective of

the government system, there are three fundamental functions of a parliament such as making laws, control government and approval of a state budget. Also, there are other functions and powers given by constitutions to parliaments and it varies from country to country. It is noted an increase in importance of parliaments in modern societies when laws gain more value, thus masses affected from parliaments enlarge and therefore public life became more sensitive to the new laws in a progressive rate (Koçer, 1993, p.20).

The beginning hypothesis of this work defines parliament as the most distinctive as well as a prominent institution among other social institutions. Important decisions which directly affect future generations of a given society such as the distribution of national resources which effect nation in the long period, adopt in a parliament. As a result of social and public changes, political decisions assigned to representative processes and replacement of collapsed monarchies with organs such as parliaments where collective decision making is held, parliaments became the most prominent institution in the political systems. The spread and prevalence of political involvement made parliaments the main arena of fights of clashed political powers (Soysal, 1964, p.10).

The primary goal of this research is to state an analytical evaluation of Turkish parliamentary experience. It does not contain any debates and arguments related to presidential or parliamentary systems. Our working approach in this research has two cross-matching characteristics. A) Firstly, it concentrates on the historical evolution and development of Turkish parliament. B) Secondly, to enrich our general understanding of parliamentary proceedings and to prepare efficient definitions, first-handed sources will be used to be supplied by with meaningful and descriptive information.

The deductive technique of research methodology was applied during the literature screening of the subject. Various problems have been revealed during the literature screening on researches and works about parliament in Turkey. The important issue here which we find as an insufficiency is that existing works elaborate parliaments just from a single perspective or two while it needs more wide research approach. The historical research analysis was used which defined by sociologist and political scientist Theda Scospol. This method provides us meaningful and descriptive hypotheses on institutions, which complete macro-unites such as nation-states.

Parliamentary Experience during the Ottoman Period

There are four distinct periods in the long history of Turkey, which they had their own different characteristics in the consequences of which the modern Turkish parliament was established in outturn. The first period is the Tanzimat or known as a period of reforms. It followed by the 1st and the 2nd Constitutional Periods and the last period is the National Resistance Movement or known as the Turkish War of Independence (Ahmad, 2006, pp.25-67).

An imperial decree of Tanzimat mandated on 3 November 1839 stated that its goal is to develop and improve not just religion and state but the nation and people in distinction to ideas and perceptions in previous periods of the Ottoman Empire. It is noteworthy that the principles of legitimate government and counselling to committee councils stated in the mandate became the first sign of search of a constitutional state and turned to

parliamentary regime afterwards. Connotation of a need for new rules and councils and resolution committees for decision-making is the most distinctive characteristic of the Tanzimat mandate. That is how the Ottoman Empire shows its aim to create and initiate a political structure under the rule of law (Eraslan and Olgun, 2006, p.22). It required re-structuring the state and modernizing all government institutions during the Tanzimat period (1839–1876). The main goal assigned by some groups in the government and politics was to prepare basic laws in the political framework and to make a declaration of a constitution according to the European model and to announce a parliamentary regime of the state (Beydilli, 2013, p.430). Defined as an “embryo” of the parliament (Davison, 1977, p.14) - *Şura-yi Devlet* which was a beginning form of the Council of State (Danıştay) initiated in 1868 (Eraslan and Olgun, 2006, p.25). The most important development started by the mandate was institutionalization and initiation of councils and special committees as well as courts in peripheral areas of the empire (Akyıldız, 2013, p.249). The peripheral councils in various provinces became leading pioneers and played an important role during the transition to the parliamentary system of the Turkish state (Ürekli, 2002, p.343). There was a lot of factors forced the initiation of the Council of State. One of them for sure was an implementation of a principle of separation of powers stated in the Constitutional regulations of 1865 and 1867 and trip to Europe of Sultan Abdulaziz. Furthermore, a principle of separation of powers was implemented in legislative and juridical issues in the provinces and it was a time to bring it to the centre of the empire. Under the lights of experiences from procedures held in provinces, advantages of separation of powers have been accepted mentally (Çora, 2015, pp.53-62).

The Constitutional Commission founded after the crowning of Sultan Abdulhamid (1876-1909) had an agreement on three articles mentioned below. There is the foundation of the national council; instead of restriction appointment, elections of all members of the council to be 1 representative for 50.000 men; delegates should accept themselves as Ottoman representatives, not as regional or religious delegates. Delegates will represent not just Muslims but all national and regional subgroups and all citizens will be accepted as *Ottomans* indifferently to the race, ethnicity or religion. All Ottoman citizens will be equal in front of the laws and in receiving public services (Davison, 2004, p.161). Declaration of the Constitution on 23 December 1876 at the premises of the Ottoman Porte known as Bab-ı Ali started constitutional monarchy period of the Ottoman Empire called Meshrutiyet. The term of Meshrutiyet began in use since the second half of the XIX century in the Ottoman political literature correspondingly to the “constitutional and parliamentary caliphate-monarchy regime” (Hanioglu, 2004, p.388). Announcement of the Constitution was due to internal and external reasons, however, we can see it as a natural process followed by the Tanzimat reforms (Aydın, 2001, p.329). The constitution or Kanun-i Esasi was prepared after a long analysis of constitutions of Belgium (1831) and Prussia (1851) and consisted of 12 parts and 119 articles. However, the Kanun-i Esasi was a typical monarchial constitution. The head of executive power was the monarch, legislative functions were dependent of the monarch, the jurisdiction of parliamentary dissolution was in hand of the monarch and therefore competencies of the parliament were restricted (Çora, 2015, pp. 135-136). Nonetheless, the Constitution of 1876 is an official beginning of the modern political system in Turkey. The Constitution relatively restricted absolute power of the monarch and by this

provided protection to the new Ottoman bureaucracy. This was the voice of the intention of the newly emerged middle classes to converse state governance to the functional bureaucracy. Secondly, the Constitution tried to regulate basic constructive changes have held since the 1800s (Karpat, 2007, p.9).

Envisaged by the Constitution 1876, the parliament or General Assembly (Meclis-i Umumi) started its work and consisted of two chambers. The first chamber Meclis-i Ayan consisted of those members appointed directly by the monarch, while the second chamber of the parliament was elected by the ordinary people and known as Meclis-i Mebusan (Akyıldız, 2003, p.245). According to regulation which determined the procedure of elections and requirements needed for deputies to be elected, for Meclis-i Mebusan "Totally 130 seats, 80 of them for Muslims and 50 of them for non-Muslims were reserved. To be orderly citizen, to be above 25 years old, to know the official language of the state, to be a resident where elected, not to be sentenced, to have property" were basic conditions to participate to elections. However, there were no rights to elect and be elected for women at the Constitution (Ertem, 2010, p.7).

Upon announcement of the II Constitutional Period, the parliament started to work again after the opening ceremony on 17th December of 1908. In this period some constitutional changes have held and Meclis-i Ayan gains a right to propose new laws and amend and modificate old ones. The parliament went through an effective legislative process. Election laws have been evolved and prepared a basic for 1908, 1912, 1914 and 1919 elections. In addition to, it played an important role in dethroning of Sultan Abdulhamid II along with constitutional changes and issued important legislative acts and proceeds to control the government effectively with expressing the motion of censure (Akyıldız, 2003, p.247).

The majority of young people, who went to Europe for education after the 1830s and became known as "New Ottomans", started to be called as "Young Ottomans" later and gain their fame as intellectuals who seek to solve for social and political dilemmas in the parliamentary system. These intellectuals who studied in Europe and had a chance to learn and analyze constitutional dynamics in West naively thought to prevent the fall of the Ottoman Empire by application of parliamentary system (Ürekli, 2002, p.344). By these reasons, a parliamentary experience of the Ottoman period of Turkey was not a natural result of social and political needs and development as it was in the European continent but looked more like a struggle of a handful of educated and enlightened ones to keep alive a "sick man of Europe". And as we see afterwards Sultan Abdulhamit closed the parliament after 10 months of its work at the first occasion and suspended the Constitution. His acts supported thoughts that the parliament in the Ottoman state was not an outcome of natural political evolution but was more like an artificial instrument to maintain the state. That is why; Sultan Abdulhamit's parliament is widely known as "a puppet show to give the liberal and democratic appearance to his regime and to provide false popular support and juridical validity to all his plans" (Lewis, 1998, p.166). Thereby, parliamentary experience in the Ottoman period of Turkey started in 1839 with the Tanzimat reformative period and ended by the II Constitutional Period of Meshrutiyet. In general, reforms of the XIX century and parliamentary trials started with high expectations a strong fundament which resulted in the initiation of the modern parliament in Turkey.

Parliamentary Experience during the Republic Period

“Sovereignty belongs to the nation unconditionally”³

The fourth and the last period of establishment of a modern parliament in the history of Turkey is a National War of Independence. Turkish war of independence started as a national movement to resist foreign occupation and to defend a nation against foreign forces. It is an epic period in Turkish history which shows us the strength of the people of Turkey and crowned with the announcement of the Turkish Republic.

Acceptance of the National Pact along with merge of the Union for the Defense of Law in Anatolia and Rumelia at congresses in Erzurum (23.07–7.08.1919) and Sivas (4–11.09.1919) is a turning point in the political history of Turkey (Karpas, 2007, p.23). In the analytic framework of the Turkish parliamentary history, manifestation of the national will or common will of people as a source of authority of any kind could be accepted as a beginning era of the foundation of the modern Turkish parliament. After the dissolution of the Parliament in March of 1920, the Grand National Assembly of Turkey (TBMM) founded on 23rd of April of 1920 in Ankara together with the old members of the Parliament and new ones elected by the Union for the Defense of Law in Anatolia and Rumelia. The Constitution of 1921 (*Teşkilat-ı Esasiye Kanunu*) put all the latest advances to the legislative basis since the beginning of the national movement against foreign occupation started on 15th May of 1919 until April of 1920 (Karpas, 2007, p.25).

This first convocation was a culmination of parliamentary power in Turkish political history (Koçer, 1993, p.49). The Grand National Assembly of Turkey has been functioning without interruptions since founding time to nowadays except the term between 12th September of 1980 when the Parliament had been terminated by National Security Council (*Milli Güvenlik Konseyi*) of the Turkish Armed Forces until re-opening by-elections dated on 6 November 1983 (Ahmad, 2006, p.214).

If to analyze the Turkish parliament through the constitutional context we need to look at four major periods: 1921, 1924, 1961 and 1982 Constitutions. Although it was a short constitution with only 24 articles adopted on 20 January 1921 *Teşkilat-ı Esasiye* brought crucial changes to the Turkish constitutional system. During this period, the Turkish Grand National Assembly was equipped with extraordinary powers which included legislative, executive and judicial powers in addition to the management of the war. In the period of the National Struggle, the Assembly (TBMM) has gathered the legislative and executive powers in its hands by displaying a quintessence of parliamentary government. Ministers were elected by parliament and amended on demand, nevertheless, the Council of Ministers had no legal weapon to use against parliament and no presidential institution had yet been created (Köybaşı, 2007, p.25).

After the victory of the National War of Independence, radical arrangements such as abolitions of the Sultanate and the Caliphate, acceptance of Ankara as the capital city and proclamation of the Republic, prepared the basis for the preparation of a new constitution. In 1924, the Council of Law presented a draft proposal of a

³ The first article of the Constitution of Turkey declared in 1921.

new constitution to the Assembly. The first nine articles of the 1921 Constitution, which underwent various changes, constituted a basis of the new constitution. However, provisions in these articles were put in a logical order and many new provisions were added (Şavklı, 2011, p.118). The 1924 Constitution which adopted on 20 April consisted of 105 articles contains provisions on the parliamentary system. These were specified in articles no.5 and no.7 of the Constitution that the use of executive authority will be realized through the President and the Council of Ministers appointed by him along with executive and legislative powers belong to the Assembly. In addition to articles, no.41 and no.44 of the Constitution stipulate that the President is irresponsible and that the government works according to the rules of modern parliamentary systems (Köybaşı, 2007, pp.26-27).

The governance of the Democratic Party came to its end on May 27, 1960, when the military seized power. After the overthrow of the DP Government, the country, which was administered under the leadership of the National Unity Committee (MBK) for a while entered a period of reduced military activity. One of the important steps has been taken in this context is the establishment of the Constituent Assembly. This assembly can be considered as a kind of experience of a bicameral system for Turkish democracy. It was decided to initiate the Constituent Assembly by a law adopted on 13 December 1960 and amending the Provisional Constitution of 12 of June. The Constituent Assembly will prepare the new constitution and election law as soon as possible and will transfer the governance to the newly elected Grand National Assembly of Turkey on 29 October 1961 at the latest, shall exercise its authority to supervise the legislative and executive organs according to the basis of the law (Özgişi, 2012, p.44-45).

The reasons and conditions that forced the Military Intervention on May 27 at the same time was a founding source for the Constitution of 1961 (Tanör, 2012, p.364). Works on the new constitution were started at the end of the military intervention. Representation of all social groups except the Democratic Party was ensured in the Constituent Assembly, which worked for 4.5 months for the construction of the new Constitution (Akin, 2010, p.367). In the result, on 9 July 1961, the new Constitution was submitted to the referendum. Due to the negative conditions of the representation, a public vote was applied to balance the situation or, more specifically, to eliminate the lack of representation. The new Constitution brought many important changes particularly taking into consideration conditions of the specific period (Dunbay, 2013, p.134). The most important of these revisions was the fact that the Constitution 1961 introduced the principles of “superiority of the constitution” and “the provisions of the Constitution are the basic legal rules that bind legislative, executive and judicial bodies, administrative authorities and individuals”(Tanör, 2012, p.21).

With the coup d'etat on 12 September 1980, a new two-wing constituent parliament was established instead of the terminated bicameral parliament. These wings were the Advisory Council and the National Security Council. The Constitution 1982 also was prepared after a military intervention as well as the previous Constitution 1961. Although the internal dynamics that lead to the preparation of both constitutions shared similar characteristics, the Constitution 1982 is different from the Constitution 1961 in many aspects. According to some academicians, those rights albeit to a limited extent, that conforms with the conceptions of democracy brought by the Constitution 1961 were regarded as “luxury” and those aspects of the constitution that were found suitable for

democracy have been eliminated (Tanör, 2012, p.146).

Nowadays, when the transition to the presidential regime has been taking place, it has been even discussing whether there was a parliamentary regime in the Turkey Republic. However, considering the stages of historical development, and giving rights to facts, there is no need to negotiate the historical existence of a parliamentary regime in Turkey furthermore. However, the abandonment of the bicameral parliamentary system and unification of the Turkish parliament under a single camera, and a fact of the more centralized executive power are allowed some academicians to use the terms of “clunky presidential government (Duran, 1988, p.19)” or “weakened parliamentarism (Özbudun, 2005, p.323)”.

As we have seen, the modern Turkish parliament was initiated after the National War of Independence and changed in 1921, 1924, 1961 and 1982. The Grand National Assembly of Turkey continued its works uninterruptedly except for a short time after the military coup of 12 September 1980. The political dynamism in the Turkey Republic undoubtedly has been influencing the Turkish parliament and enabled the development of its characteristics. Thus, on the contrary to arguments of some scholars, it has ceased to be an imported institution of socio-political development of continental Europe. Vice versa, the Turkish parliament is a functional representative institution and developed own parliamentary experience.

Conclusion

It is important to study historical basis, functions and activities of the parliament as an institution representing the people and people's will, to accurately understand the social structure, functioning, political traditions and dynamism of the Turkish state. Undoubtedly, parliament plays a more decisive role than other basic social institutions as an organ that has the competence to make decisions and determine the fate of society. Confronting questions about how parliaments work and seeking answers to them, enables us to understand how politics work in various countries.

The length of time from Tanzimat reforms including I and II Constitutional Monarchy periods until the National War of Independence was discussed to understand the historical development of the Turkish parliament. The Tanzimat Mandate of 1839 enabled the Ottoman state to made decisions and govern using assemblies and councils. The most important development for the Turkish parliament was the formation of the Council of State and initiation of advisory assemblies in peripheral regions of the empire, as well as central and provincial assemblies. The constitutional and parliamentary reign of the Ottoman state which began in 1876 was a natural continuation of the Tanzimat reforms. Thus, following the proclamation of the Constitution, the General Assembly was established and the Turkish parliamentary tradition was initiated. The parliament underwent an effective legislative process and important laws were enacted along with the development of the election laws after the II Constitutional Monarchy announced.

The Republican period of the Turkish modern parliament began to work after the adoption of the National Pact after the National War of Independence. All developments had held during the time between convocation of the Grand National Assembly of Turkey in 1920 and the Constitution adopted in 1921, placed

within the legal framework. Military coups of 1960 and 1980, in addition to constitutional arrangements, shaped the Turkish parliamentary experience and have proved that the Turkish parliament is a real instrument with a real power to determine Turkish politics.

Political systems have been questioned since ancient times and it is a *constantia* of all times and regimes. Debates over necessity and viability of parliamentary institutions have been ongoing since the last century among jurists and political theorists. Despite their widespread claims that parliament lost its basic institutional principles and the idea of parliament was bankrupted the parliamentary institute has been functioning since its emergence in medieval times. It is noteworthy to stress here that the representation of people through parliament is important for modern democracies and parliament is still an indispensable tool in bringing together, coordinating and representing different social interests and social layers.

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