

# Ergenekon, New Pacts, and the Decline of the Turkish “Inner State”\*

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*ABSTRACT This article looks at both the direct question of the Turkish military’s changing role in Turkish politics as specifically reflected in its reaction to the Ergenekon investigation, and more broadly at the recent face of pact-making in Turkey. It explores the nature of current pacts with respect to Turkish civil-military relations, and questions whether these pacts may actually be evidence of a deeper consolidation of Turkish democracy and the emergence of a new Turkish State.*

In democratization processes, the key question with respect to democratic pacts is not their role in initiating democratic transitions but whether so-called “pacted transitions” are just another way of explaining the evolution of limited democracies. While pacts have long been considered crucial in making transitions away from authoritarian regimes,<sup>1</sup> they have also included a sense of limitation—limiting the scope of change and limiting the actors involved. While these have been considered positive attributes, particularly the restricting of pact partners to moderates on both sides,<sup>2</sup> the narrowness aspect can also be seen as perhaps contributing to one of the most criticized aspects of pacts, namely that they may prevent further democratic consolidation by “locking in” existing privileges and potentially nondemocratic practices for certain people.<sup>3</sup>

This article looks therefore not only at the direct question of the Turkish military’s changing role in Turkish politics as specifically reflected in its reaction to the Ergenekon investigation, but more broadly at the recent face of pact-making in Turkey. It explores the nature of current pacts in Turkish civil-military relations, and questions whether these pacts may constitute a moving beyond the limited and restricting pacts of early stages of democratic transition, and whether they may, in fact, be evidence of pact making for deeper consolidation of Turkish democracy. First, however, the following section turns back to

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events since the mid-1990s that seem to have rendered it possible for a potentially new kind of pacts to be made and, ultimately, for the launching of the Ergenekon investigation.

### **From 28 February to Ergenekon**

In February 1997, Turkey experienced an intriguingly new form of coup. The country had experienced “typical” interventions in 1960 and 1980, in which the military took power into its own hands. In contrast, the so-called “February 28<sup>th</sup> process” was more subtle, as absolutist<sup>4</sup> members of the military, including commanders such as Çevik Bir, tried to galvanize like-minded affiliates within the media, higher education, the business chambers, unions, and even politicians<sup>5</sup>, to block the existing government from exercising power. In essence, the military encouraged and coordinated a societal reaction against the Islamist Welfare Party-led government of Necmettin Erbakan, leading to society-wide protests against the government. It was within such a context that the military, during a National Security Council meeting on February 28, 1997, presented the government with a list of measures that the government should take. On this list were a number of items that would have been virtual political suicide for the Welfare Party to comply with (e.g. education reform requiring the extension of compulsory education for an additional three years, and thus requiring the closure of the middle three grades of the prayer leader and preacher schools). Unable to go along with or stand up against the concerted pressure in question, Erbakan was essentially forced to step down. A new government, one more palatable for the military, came to power. This indirect and obviously more subtle style of intervention led some journalists to label that intervention as a “post-modern” coup.

With respect to the unfavorable effects of the February 28<sup>th</sup> intervention, two things become clear. First, the heretofore “most trusted Turkish institution”, i.e. the military began to lose that trust among the significant portions of the society, leading to an unprecedented questioning by many of the military’s motivations and actions vis-à-vis Turkish society and politics.<sup>6</sup> Secondly, the military was exposed as no longer being the homogeneous institution it had been considered during and after the 1980 coup. February 28<sup>th</sup>’s revealing of non-hierarchical initiatives from within the military, the excessive visibility of the army’s number-two general in the Office of the General Staff, Çevik Bir, showed that the army was being pushed for such action by a strong clique within the ranks and that there was in fact a heterogeneity within the military.

Some six years after the February 28<sup>th</sup> process, this particular tendency would increasingly be displayed in different ways, and ultimately lead to unprecedented changes both in perceptions of the military and its position in Turkish politics and society as well as in the relations between the military and civilian government. Signs of the military's dividedness could be first discerned from a dual discourse evident in the military leadership. In May 2003, Hilmi Özkök, then Chief of General Staff, openly described the military's relationship with the Islamist-leaning AKP government as harmonious,<sup>7</sup> but at the same time made public declarations about the threat of regressive Islam and assured the public that the Turkish Armed Forces would monitor any such developments with utmost diligence. With these words, Özkök revealed how he and other gradualists in the military were in favor of cooperating with the civilian government, but were far from being in a position that would allow them to ignore the military's absolutist circles and their respective agenda.

Despite the top leadership's gradualist approach of cautious accommodation with the civilians and discursive balancing to calm absolutist concerns, reactions by absolutist circles did emerge from time to time. One example reflecting old-style absolutist practices occurred on November 9, 2005 in the far Eastern town of Şemdinli, when two junior officers were caught in connection with the bombing of a pro-PKK bookstore.<sup>8</sup> Rather than immediately condemning such behavior, General Yaşar Büyükanıt, who would soon thereafter replace Özkök as Chief of General Staff, declared that he knew one of the suspects and said that he was a "good boy".<sup>9</sup> The media and some civil society groups criticized Büyükanıt, stating that his comments would influence the judicial process,<sup>10</sup> and as a consequence, the impartiality of military jurisdiction would come under serious doubt.

With societal questioning of the military's involvement in improper behavior on the rise, in early May 2006, the offices of *Cumhuriyet*, Turkey's leading secularist newspaper, were bombed three times.<sup>11</sup> Later that month, the Council of State (*Danıştay*) was also attacked and a senior judge was shot dead and four others injured.<sup>12</sup> In this case, the suspect, Alparslan Aslan, stated that his action stemmed from anger over a *Danıştay* ruling forbidding teachers' wearing of headscarves in public schools.<sup>13</sup> The common assumption was that these were the acts of radical Islamists who were angered by the newspaper's staunch secularist political stance. These two events also came to reveal evidence of a divide within the military, and eventually helped lower societal trust in the military. Both the bombings and the shooting were later linked to the Ergenekon case, with the judicial claim that absolutist circles had allegedly either coordinated these attacks or at minimum

had tried to use them for persuading people that the country was facing an Islamist-based reaction or even a potential counter-republican revolutionary mobilization. The hope was that a widespread assumption of such a mobilization would have strengthened the absolutist wing of the military by discrediting the Islamist government and, by association, the gradualists in the military who were cooperating with them.

A potential flashpoint for inciting tensions between the military and civilian leaderships came about in spring 2007. With the term of President Ahmet Necdet Sezer drawing to a close, the AK party-dominated parliament would soon be electing the new president, and all expectations were that a person with an Islamist past and agenda—presumably Prime Minister Erdoğan himself—would be chosen. Due to the presidency’s critical role in matters of national security and its powers to elect members to the Constitutional Court since 1982, presidential since then elections have always been of tremendous importance to the Turkish Armed forces, and have generally swung toward someone sympathetic to the hard realm. Obviously concerned about possibly losing this critical position, the absolutist circles, in particular retired officers, cooperated with certain societal organizations in putting together mass demonstrations against the AK party government and its presumed standing regarding the presidential election. Civil society organizations such as the *Atatürkçü Düşünce Derneği* (Atatürkist Thought Association) and *Çağdaş Yaşamı Destekleme Derneği* (Association in Support of Contemporary Life), organized a massive demonstration in Ankara’s Tandoğan Square on 14 April 2007,<sup>14</sup> with the aim of protecting Republican values (e.g. secularism) and of protesting Erdoğan’s potential candidacy. Predominant among the protesters were slogans in favor of the military like, “*Orduya uzanan eller kırılın*” (Down with the hands that encroach on the army), “*Mustafa Kemal’in askerleriyiz*” (We are soldiers of Mustafa Kemal), and “*En büyük asker bizim asker*” (The greatest military is our military).<sup>15</sup>

Ultimately on April 24, Prime Minister Erdoğan nominated not himself, but foreign minister Abdullah Gül, as the AK party candidate for president. Gül's candidacy was essentially as controversial as Erdoğan’s would have been, due to the Gül’s past involvement too with two banned Islamic political parties. On April 27, with opposition parties protesting and only 353 parliamentarians present, the AKP failed to achieve a controversial quorum of 367 necessary to elect Gül as president. At this point an interesting event occurred, again ultimately revealing the divide in the military and contributing to additional skepticism among segments of Turkish society about the military’s role in Turkish politics. Late in the evening on the day of the vote, the Turkish Armed Forces

released a statement on the official website of the General Staff, stating that “...when needed, the Turkish military will declare its position in a clearly and precisely...”, essentially putting forth that the military was ready to intervene in the political process if the Islamist challenge was not contained.<sup>16</sup> While the goal appeared to be to send a reminder of the autonomy of the hard realm and inner state,<sup>17</sup> the style and indirectness brought back memories of the February 28<sup>th</sup> process, and led to the whole event later being branded by critics as an ‘*e-coup*’ attempt.<sup>18</sup> Primarily, the controversial e-statement provides more evidence of the internal divide raging at the time. Büyükanıt, the presumed author of the statement, rarely referred to it, and questions began to rise about who the actual author was, who authorized it, and under what kind of circumstances it was prepared. Personal accounts of those closely linked to the military leadership tell similar stories, that the e-statement was put together in a rushed manner, at late hours, and under the influence of pressure by absolutist circles. Ultimately, the e-statement did not lead to any actual changes in terms of the results of the presidential election, nor was it predictive of Büyükanıt’s subsequent cooperative efforts with the civilians. The e-statement appears to have been more intended therefore to satisfy absolutist demands within the military, and thus reflects the dual discourse that was necessary to establish a balance between the struggling absolutist and gradualist agendas.

Whatever the intended purpose of the e-statement, it too contributed to the military’s diminishing image. The government seized the opportunity of having been ‘victimized’ by the military via the e-coup attempt, and promptly called for elections, in a sense asking the society to judge its performance and the military’s intervention discourse. The AKP gained 46.6% of the votes—a remarkable result by Turkish electoral standards—and fairly concrete evidence of the Turkish society demonstrating its growing opposition to the military’s involvement in politics. The e-memorandum on April 27 had apparently been regarded by a significant portion of society as an excessive and inappropriate move. In this way a powerful message was sent to the absolutist wing of the Turkish military, and it seemed to strengthen the hand of the gradualists. Following the election, Büyükanıt’s and other force commanders’ public attitudes and statements on Abdullah Gül’s ultimate election to the presidential post were relatively cooperative.<sup>19</sup>

With the absolutist agenda increasingly being discredited, the previously shy gradualists became more courageous. While the Turkish Armed Forces retained its position with respect to various symbolic issues such as the ban on headscarf in the public space, on most major issues they agreed to work together with a lawfully elected president whose

legitimacy no longer seemed questionable.<sup>20</sup> Büyükanıt's speeches reveal not only his own transformation from an apparent absolutist to more of a gradualist,<sup>21</sup> but a shift in the internal divide toward the gradualists; he often spoke of the contemporary era as one of "change". He emphasized that change was "unavoidable" and, therefore, leaders must adopt a strategy of "controlled change".<sup>22</sup> This reference to the acceptance of change, an apparent cautious call to a civilianization of the armed forces, albeit in a controlled manner, was a nod to the gradualist way of thinking at the expense of the absolutist agenda. It is arguably in Büyükanıt's transforming image from, initially, an apparent absolutist, to later on a more accommodative gradualist, that most fully symbolizes the beginning of the downfall of the absolutist agenda following its peak with the February 28<sup>th</sup> process. The subsequent continued erosion of the absolutist agenda, combined with the overwhelming election results of a political elite which had the know-how and self-confidence to deal with an internally transforming military, would lead to the most controversial yet important legal case trying to eradicate the absolutist political agenda and elements from the Turkish political system—Ergenekon.

#### *The Divide in Their Own Words*

Before turning to the details of the actual Ergenekon case itself, it is important to note that more recent revelations about the internal dynamics of the military during the post-February 28<sup>th</sup> process years provide further evidence of the seriousness of the divisions within the military, beyond the dualistic discourse described above. In March 2007, the weekly journal *Nokta* published the diaries of retired Navy Commander Admiral Özden Örnek. The diaries revealed that in 2004, some top Turkish commanders were plotting a coup d'état.<sup>23</sup> The mastermind of the plot was presented as Şener Eruygur, retired Commander General of the Gendarmerie and a key suspect in the Ergenekon investigation. Örnek first denied that the diaries were his, and filed a law-suit against the journal.<sup>24</sup> One year later, in the course of the subsequent investigations, proof was provided that the diaries were in fact taken from Örnek's personal computer.<sup>25</sup> These diaries constituted the backbone of the second Ergenekon indictment, filed on 10 March 2009.

"The Coup Diaries" illustrated openly for the first time the divide within the military leadership. According to the diaries, while Şener Eruygur and İbrahim Fırtına, then Air Force Commander, both thought that a military intervention was necessary, Hilmi

Özkök, then Chief of General Staff, actively blocked such a move/ The diaries also referred to Yaşar Büyükanıt, then Vice Chief of General Staff, and İlker Başbuğ, Commander of the 1<sup>st</sup> Army, as being on Özkök's side—namely the gradualist camp. It is of course of no small significance that these two generals succeeded Özkök as the next two Chiefs of General Staff.

Ultimately, the diaries revealed not only the divide but also the serious philosophical differences that the two camps represented. The author of the diaries, Admiral Örnek himself, while sharing fellow absolutist commanders' worries about the threats secularism faced, nevertheless had doubts about whether they might not have gone too far in their toying with the idea of military intervention. Along with the Commander of the Armed Forces, Aytaç Yalman, Özden felt that the commanders should work with Özkök, no matter how willing he appeared (excessively so to their minds) to cooperate with the civilians. Örnek wrote that he was shocked by the irrationality and stubbornness of his colleague Eruygur in particular, and stressed that they had to remain within the rule of law. The diaries revealed that the crux of the absolutist/gradualist divide was based on the fundamental philosophical question of whether civilians should be given the chance to show that they can successfully deal with the problems the country faces or whether they should be removed from power and taught a lesson in how to properly conduct themselves in politics. Eruygur would later go on to lose the support of all but the most absolutist of generals and plan a coup by himself (the failed *Eldiven* [glove] Plan),<sup>26</sup> and the Ergenekon investigations would follow to attempt to cleanse not only the military but the entire system of absolutist groups.

### *Ergenekon Waves*

The Ergenekon case, which began as small scale operation by the Istanbul police department, was triggered by an anonymous telephone call by someone who stated that explosives were being stored in a house in the Ümraniye district of Istanbul. The ensuing operation uncovered 27 hand grenades, some of which, it was revealed, had been produced by the Turkish state-owned armaments factory (MKEK). Soon after, there emerged in the press arguments that the serial numbers on the MKEK-produced grenades matched with the ones used in the earlier bombings of the *Cumhuriyet* newspaper offices,<sup>27</sup> the implication being that the bombings had been false flag operations by ultranationalist secularists aimed

at discrediting Islamist groups.<sup>28</sup> The investigations that followed led to the arrest , among others, of a retired army major Muzaffer Tekin, who, it was discovered, was also associated with Alparslan Aslan, the Council of State shooter. On June 26, 2007 a second police raid discovered weapons and explosives in the house of another retired army major, Fikret Emek.<sup>29</sup> These two raids would later be called the first and second waves of the Ergenekon operation.

On 21 January 2008, the third Ergenekon wave swept up several more prominent figures: retired Brigadier General Veli Küçük, retired Colonel and head of an ultranationalist group - *Kuvva-yı Milliye* - Fikri Karadağ, retired Captain Mehmet Zekeriya Öztürk, lawyer Kemal Kerinçsiz, *Akşam* columnist Güler Kömürcü, spokesperson of Sevgi Erenerol, the Turkish Orthodox Patriarchate, Susurluk case convict Sami Hoştan, mafia leaders Sedat Peker and Ali Yasak (known as Drej Ali), and journalist and writer Ümit Oğuztan.<sup>30</sup> Linking these individuals was their staunchly secularist and nationalist stance on politics. Shortly thereafter, in February, two academics with equally secularist and nationalist views, Emin Gürses and Ümit Sayın, were also arrested.<sup>31</sup> Later on, prominent figures like Doğu Perinçek, leader of the Workers' Party, Kemal Alemdaroğlu, former rector of Istanbul University, and İlhan Selçuk, chief columnist of *Cumhuriyet* were detained.<sup>32</sup>

In July 2008, the Ergenekon operations reached a new phase, as even higher ranking figures became involved. The 6<sup>th</sup> wave saw the detaining of former Commander of the Gendarmerie, General Şener Eruygur, former Commander of the 1<sup>st</sup> Army, General Hurşit Tolon, Chairman of Ankara Chamber of Commerce Sinan Aygün, and Ankara representative of *Cumhuriyet*, columnist Mustafa Balbay. Eruygur and Tolon were ultimately arrested.<sup>33</sup>

On July 14, 2008, the first indictment was prepared by the Istanbul Prosecutor's Office, and submitted to the 13<sup>th</sup> Branch of the Istanbul Court for Serious Crimes.<sup>34</sup> The document contained 2,455 pages, and included indictments for the detainees from the first five waves. The indictment formally charged 86 suspects with “membership in an armed terrorist organization”, “attempting to overthrow the government of the Turkish Republic by use of violence and coercion”, “inciting people to armed rebellion against the

government of the Turkish Republic”, “encouraging the military to insubordination” and “inciting people to hatred and enmity”.<sup>35</sup> It further stated that the members of Ergenekon recognize their group as an embodiment of the “inner state,” and see it as acting on behalf of the nation and the state.

At the time of writing (June 2010) several waves have now passed, scores of people have been detained, and three indictments have been submitted to the court. While the early waves targeted primarily public figures in the media, academia and civil society organizations, subsequent waves have focused primarily on retired and commissioned army officers—arresting a few, detaining others, and, most recently, calling in for questioning several four star generals, and the calling in of Hilmi Özkök for information he might have been witness to during his tenure as Chief of General Staff.<sup>36</sup>

The various waves of arrests and the apparent heterogeneity of the goals of the various groups present a very complex picture. An outlining of the categories of goals may help, however, to better understand the transforming nature of civil-military relations in Turkey. In the Ergenekon case four different goals seem to have been adopted by four different groups. The first group consists largely of retired army officers who still seem to be in their pre-retirement mode of “fighting for the integrity of the country”. Since many of these figures were once involved in counter-terrorism, they appear to see themselves as undercover warriors in the “ongoing” war with the enemies and, therefore, allegedly, have gone so far as to store weaponry and ammunition for the purpose getting involved in illegal secret operations. The second group consists mainly of people who have been vocal ideologues of an absolutist agenda based on isolationism, full independence, and radical nationalism, and thus the building up of a survivalist psychology of constant fear of threats to the country and its founding ideology. This group has included primarily people from academia and non-governmental organizations. The third group has a more ‘mafia-like’ image, and includes those individuals and members of networks that seek legitimacy for themselves by entering into some kind of cooperation (ad hoc or more permanent) with the first group of retired military or security officers again in the name of “saving the country”. Under that mantle, they tend to expect political and state protection for their underground activities. Finally, the fourth group consists of elements and networks embedded within the security sector, but primarily within the military’s commanding officer circles, and who are sometimes involved in ad hoc or—allegedly—organized coalitions with the first three

groups and who design and provoke societal upheavals and mobilization, with the ultimate aim of conspiring, planning, and threatening or even attempting a governmental takeover. This is the group or force which, at the end, has constituted the primary driving force behind the absolutist presence in the Turkish hard realm—the so-called Turkish inner state. Moreover, this is the group whose destiny deeply affects the structure of civil-military relations in Turkey. Subordination or removal of this group, more than any of the others, will allow the gradualists to complete their mission of putting the military under civilian control.

The Ergenekon case, despite its controversy and faults, has succeeded in shedding light on the illegal activities of these groups and their relationships, and the resulting coup or intervention potential that emerges out of them. As a result, the need for a major transformation with respect to the role the Turkish military plays in politics and society, both psychologically and institutionally, has come to be widely accepted.

### **Pacts between the Gradualist Hard Realm and Soft Realm Elements**

The divide within the military and the aforementioned increasing acceptance of the need for restructuring the military's place in Turkish politics have made it possible for the continuing growth of informal and implicit pacts among gradualists on all sides within the Turkish political system. The gradualists—who seem to be the rising force in the military—have clearly been playing a crucial role in the revolutionary transformations taking place in Turkish civil-military relations. On the one hand, coup plans have not materialized mostly because the gradualists, by refusing to cooperate with the absolutist coup planners, have blocked such an attempt. On the other hand, the Ergenekon operation itself has materialized and continued due to the gradualists' informal and formal cooperation with the soft realm—a cooperation apparent in their not negative reactions to the arrests of retired and serving officers, and their willingness to remain respectful of the judicial process.

One example of this subtle cooperation was the so-called “Cosmic Room” incident. In the aftermath of an alleged assassination attempt of Deputy Prime Minister Bülent Arınç by two officers, the investigation led prosecutors to the so-called “Cosmic Room”, a storage facility for the military's elite Special Forces' top secret records and documents.<sup>37</sup> Prosecutors arriving at the so-called Mobilization Inspection Board at General Staff

Headquarters were initially turned away by the unit responsible for guarding the archives, referring to the legal code concerning the Cosmic Room,<sup>38</sup> which states that only a properly authorized judge can enter and take notes.<sup>39</sup> Although in previous years it would not have been possible for any judge or prosecutor to even try to have this code enforced, in this case, a civil judge was allowed by the military to enter the Cosmic Room, and continue his search for evidence for fourteen full days.

A behind-the-scenes collaboration of the soft realm and the gradualist elements within the hard realm paved the way for this judicial process to move forward and allow access to the Cosmic Room. At the time, Chief of General Staff Başbuğ and Prime Minister Erdoğan met and discussed this particular development.<sup>40</sup> Başbuğ expressed the military's determination to respect the judicial process—indicating the top military leadership's willingness to be cooperative for prosecuting any illegal activity within its ranks. For his part, Erdoğan assured him that no legal military secrets stored in the archives would be compromised. Overall, the incident of the Cosmic Room revealed that the Turkish military leadership was not going to openly resist the investigation—a sign of accommodation and cooperation that would have been unimaginable a decade earlier.

This cooperation faced a powerful test when several four-star generals were interrogated in relation to what came to be known as the “*Balyoz*” [Sledgehammer] Coup Plan. The allegations were based on documents published in the daily newspaper *Taraf* on 20 January 2010. According to the news item, a detailed coup preparation had been made by the then 1<sup>st</sup> Army Commander, General Çetin Doğan.<sup>41</sup> The alleged coup preparation plot was said to have been discussed on 4-5 March 2003 in the First Army Headquarters in Istanbul as a “Most Probable Dangerous Scenario,” as part of a regular war games simulation attended by 29 generals and 133 officers. The plan included the bombing of two mosques and the bringing down of a Turkish jet, events projected to bring about martial law and the formation of a military cabinet. After some sharply worded critical statements by AKP leaders such as Deputy Prime Minister Bülent Arınç, Prime Minister Erdoğan provided a calmer official reaction, making a sports-related analogy that he and the Chief of General Staff were “passing the ball to each other,”<sup>42</sup> implying that the soft realm and the Turkish military were working together on this issue. Later, the presence of a report signed by Başbuğ was revealed; in the report it was stated that the remarks made by Çetin

Doğan during the war games seminar were beyond the limits set for it by the Landed Forces Command in Ankara, thus implying that the High Command had disowned the rogue elements, and further implied a kind of ad hoc cooperation with the political authority of the soft realm.

## **Conclusion**

Despite all the managerial wrongdoings of Ergenekon and their at times tragic outcomes (e.g. the death in prison of a terminally ill detainee who was never convicted),<sup>43</sup> the case itself, the division in the military that it has helped to further reveal, and the informal pacts that have continued to emerge throughout the investigation, have nevertheless helped to contribute to arguably irreversible changes in the mindset of critical segments of the Turkish elite and society with respect to the role of the army in an a liberal democracy. These changes are keys not just to understanding why the military has acquiesced with the Ergenekon investigation, but also to grasping the new pattern of civil-military relations in Turkey.

As a whole, large segments of Turkish elite and society, from large and small businesspeople, lay people and intellectuals, liberals and nationalists, appear now united in their condemnation of the unaccountable, invisible “inner state”—the realm of the absolutist circles. In light of the Ergenekon investigation, those absolutists who might still be willing or courageous enough to attempt a military intervention, are now more likely to be deterred by the possibility of an eventual indictment and prosecution. Similarly, those remaining state or societal institutions (e.g. universities, the military, the judiciary, the police, NGOs), which harbor absolutist elements and might be willing to take part in actions with the deliberate intention of inciting a military takeover, would likely to have second thoughts.

There appears to have been a change in the public mindset, one signaling entry into an era in which military takeovers may no longer be feasible or even desired. This informal normative turn in the mindset of many is likely to become consolidated in the formal sphere, as legislation has been introduced to ensure democratic governance and civilian control of the military. Proposed constitutional amendments, which have been passed by the parliament and are scheduled to be voted on in a public referendum, are the main pillars of this formal threshold. The proposal includes amendments guaranteeing the privacy of personal information, making closure of political parties difficult, giving appeal rights to

military officers who have lost their jobs due to High Military Council decisions, limiting the sphere of military jurisdiction to military offences only, and reforming the Constitutional Court by empowering the Turkish Grand National Assembly to appoint four of the court members and reducing the number of military court members from two to one. Most importantly, the proposed amendments will guarantee more civilian jurisdiction over the military by designating greater independence to juridical institutions in the election of members of the Supreme Council of Judges and Public Prosecutors. If this formal threshold is passed, it will both help to consolidate civilian accountability on the one hand and to reduce the military's autonomy on the other.

The Turkish military's stand and activities during the February 28<sup>th</sup> process not only laid bare the flawed, undemocratic nature in the military's engagement with the Turkish political system, but also revealed to the public at large a carefully hidden internal divide in the military. The exposing of these flaws, added to the learned experiences of the civilian politicians from past coups and attempted interventions, helped create an environment in which formal and informal pacts were struck, in order to permanently revise the role of the military in the Turkish political system in a more democratic manner. In fact, the Ergenekon case, with its aim of eliminating the absolutist mindset and figures within the Turkish military and its extensions, became possible within this new environment and due to these pacts. Throughout the gradual post-February 28<sup>th</sup> pact-building process and the Ergenekon investigation, the gradualists within the military leadership have managed to move to the forefront of the restructuring process of the Turkish state, cooperating with the civilians in order to negotiate a "proper" placing of the military in a liberal century democracy.

Despite the criticisms of pacts in the democratic transition literature in recent years, the Turkish case seems to indicate that pacts can evolve into more sophisticated, diverse, and progressive formulations, which do not necessarily prohibit further democratic transformation. By moving beyond the old style pacts, the consolidation of democracy may be possible. In the Turkish case, early pacts between the civilians and the military were indeed reached to form a tutelary regime in which the civilians could be satisfied with their realm, but the absolutists within the hard realm would call the ultimate shots. Events of the last two decades have shown however that both parties in this original pact have diversified, evolved, and gained in experience. Most important has been the evolution and diversification within the hard realm. The maturing of this division—which became increasingly exposed after the February 28<sup>th</sup> process—made possible the formulating of

new pacts for a true democratic consolidation in Turkey. This new era of pacts seems to be one of multiplicity, in which the actors are numerous, heterogeneous and evolving—just like the new face of Turkey itself, a “new” Turkey in which the state does not own the society, but society, with all its competing elements and actors, may very well own the state.

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<sup>1</sup> Numerous authors have noted that transitions without pacts are more likely to fail, including Guillermo O’Donnell and Philippe Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*, vol. 4 (Baltimore: Johns Hopkins University Press, 1986); Terry Lynn Karl, “Dilemmas of Democratization in Latin America”, *Comparative Politics* 23(1) (1990), pp. 1-21; Adam Przeworski, *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America* (Cambridge: CUP, 1991); Adam Przeworski, “The Games of Transition”, 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, Indiana: University of Notre Dame Press, 1993); Josep Colomer, *Strategic Transitions: Game Theory and Democratization* (Baltimore: Johns Hopkins University Press, 2000).

<sup>2</sup> Daniel Friedman, “Bringing Society Back into Democratic Transition Theory after 1989: Pact Making and Regime Collapse,” *East European Politics and Societies* 7(3) (1993), pp. 482-512; Alfred Stepan, “Democratic Opposition and Democratization Theory. *Government and Opposition*”, 32 (4) (1997), pp. 657-678.

<sup>3</sup> Terry Lynn Karl, *The Paradox of Plenty: Oil Booms and Petro-States* (Berkeley: University of California Press, 1997); Philippe C. Schmitter, Twenty-Five Years, Fifteen Findings, *Journal of Democracy* 21(1) (2010), pp. 17-28.

<sup>4</sup> A divide in the Turkish military between groups we can roughly label as ‘absolutists’ and ‘gradualists’ has long persisted despite the institution’s overall hierarchical and unified structure. Moreover, the Turkish military has been the inner core of one half of a broader duality in the Turkish political system. As in other less than fully democratic countries, a complicated relationship between security and political liberalization resulted in dual-governance structures consisting of an autonomous “state” bureaucracy and a relatively newer, political “government”, which have been referred to respectively as ‘hard’ and

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'soft' realms. In this article, the focus is on the Turkish military, the inner core of the hard realm. For a comparative study on the question of dual-governance and the hard and soft realms in Turkey and Iran, see Ersel Aydın, "Governments vs. States: Decoding Dual Governance in the Developing World", *Third World Quarterly*, 31 (5), in press.

<sup>5</sup> For those in the military who wanted to intervene but not in a traditional manner, these external groups were referred to as their "unarmed forces". Ertuğrul Özkök, *Hürriyet*, December 20, 1996, "Bu Kez 'Silahsız Kuvvetler' Hal Etsin" [This Time let the "Unarmed Forces" Handle it]. Özkök attributed the phrase "unarmed forces" to an unnamed high-ranked officer. This commander was later revealed to have been Commander of the Naval Forces Admiral Güven Erkaya, one of the top architects of the February 28<sup>th</sup> process.

<sup>6</sup> An international public opinion poll company (IPSOS KMG) in conjunction with Bilgi University in Istanbul, conducted a poll in January 2010, and reported that trust for the military has fallen to 73%. <http://www.haber7.com/haber/20100117/Orduya-guven-ankette-yuzde-73e-dustu.php>

<sup>7</sup> Sedat Ergin, "Bunların Hepsisi Dedikodu" [These are all Gossip], *Hürriyet*, May 27, 2003.

<sup>8</sup> *Hürriyet*, "Astsubaylar tutuklandı" [Non-commissioned officers arrested], 29 November 2005; *Radikal* "Yargıtay: terör ayrı, askerlik ayrı" [Court of Appeals: terror and soldiery are two different matters], 17 May 2007.

<sup>9</sup> *Hürriyet*, "Büyükanıt röportajının tam metni" [Full text of the interview with Gen. Büyükanıt], 23 December 2005.

<sup>10</sup> *Akşam*, "Büyükanıt sözleriyle yargıyı etkiledi" [Büyükanıt affected the judicial process with his speech]; *Hürriyet*, "Komisyondan Büyükanıt'a Şemdinli eleştirisi" [(Human Rights) Commission (Parliament) criticizes Büyükanıt about Şemdinli case], 13 December 2005.

<sup>11</sup> *Sabah*, "Cumhuriyet'e üçüncü bomba" [A third bombing of Cumhuriyet], 11 May 2006

<sup>12</sup> *Hürriyet*, "Danıştay'a saldırı: 1 ölü, dört yaralı" [Attack on the Council of State: one dead, four injured], 17 May 2006.

<sup>13</sup> *Hürriyet*, "Danıştay üyelerini Vakıf'ın Manşetinden tanıyordum" (I knew members of the Council of State from *Vakit*'s Headlines), 22 May 2006.

<sup>14</sup> *Milliyet Online News*, "Ankara'da miting olaysız sona erdi" [Ankara demonstration ends without incident], April 14, 2007. <http://www.milliyet.com.tr/2007/04/14/son/sontur07.asp>

<sup>15</sup> "Cumhuriyet Mitingine yüzbinler akın etti" [Hundreds of thousands flock to Republican demonstrations]. <http://www.haberx.com/n/1011229/cumhuriyet-mitingine-yuzbinler-akin-etti.htm>

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<sup>16</sup> “Türk Silahlı Kuvvetleri bu tartışmalarda taraftır ve laikliğin kesin savunucusudur. Ayrıca, Türk Silahlı Kuvvetleri yapılmakta olan tartışmaların ve olumsuz yöndeki yorumların kesin olarak karşısındadır, gerektiğinde tavrını ve davranışlarını açık ve net bir şekilde ortaya koyacaktır. Bundan kimsenin şüphesinin olmaması gerekir.” Full text available on the Turkish Chief of General Staff official website, [http://www.tsk.tr/10\\_ARSIV/10\\_1\\_Basin\\_Yayin\\_Faaliyetleri/10\\_1\\_Basin\\_Aciklamalari/2007/BA\\_08.html](http://www.tsk.tr/10_ARSIV/10_1_Basin_Yayin_Faaliyetleri/10_1_Basin_Aciklamalari/2007/BA_08.html)

<sup>17</sup> See fn. 4.

<sup>18</sup> E.g. Ömer Taşpınar, “The E-Coup and Washington,” *Today’s Zaman*, June 4, 2007.

<sup>19</sup> Murat Yetkin, “Büyükanıt konuşunca” [When Mr. Büyükanıt speaks] *Radikal*, August 1, 2007.

<sup>20</sup> Fikret Bila, “Büyükanıt’ın tebrik ziyaretindeki mesajlar” [Mr. Büyükanıt’s messages at his congratulatory visit] *Milliyet*, September 11, 2007.

<sup>21</sup> For more detailed analysis of the profiles of three critical Chiefs of Staff—Özkök, Büyükanıt and Başbuğ. see Ersel Aydınli (2009), “A Paradigmatic Shift for the Turkish Generals and an End to the Coup Era in Turkey,” *Middle East Journal*, 63 (4), pp. 581-596.

<sup>22</sup> “Genelkurmay Başkanı Orgeneral Yaşar Büyükanıt’ın Harp Akademileri Komutanlığı 2007-2008 Eğitim ve Öğretim Yılı Açılış Töreni Konuşması” [Chief of Staff General Yaşar Büyükanıt’s speech at the opening ceremony of the 2007-2008 education year at the War Colleges Command]

[http://www.tsk.mil.tr/10\\_ARSIV/10\\_1\\_Basin\\_Yayin\\_Faaliyetleri/10\\_1\\_7\\_Konusmalar/2007/gnkur\\_bsk\\_harpak\\_acilis\\_konusmasi\\_01102007.htm](http://www.tsk.mil.tr/10_ARSIV/10_1_Basin_Yayin_Faaliyetleri/10_1_7_Konusmalar/2007/gnkur_bsk_harpak_acilis_konusmasi_01102007.htm)

<sup>23</sup> *Nokta*, 29 March 2007. The full text of the diaries was later reprinted in the Istanbul daily *Taraf*, on 6 July 2008.

<sup>24</sup> “Askeri Günlük Muamması” [The Mystery of the Military Diary], *Milliyet*, 14 March 2007.

<sup>25</sup> “‘Darbe günlükleri’ belgelendi” [‘Coups diaries’ are documented], *NTVMSNBC News Portal* <http://arsiv.ntvmsnbc.com/news/440513.asp>

<sup>26</sup> *Zaman*, “Eryugur’un üçüncü darbe planı 'Eldiven' deşifre oldu” [Eryugur’s third coup plan is deciphered], 8 July 2008.

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<sup>27</sup> *Hürriyet*, “Ümraniye’de ilginç izler” [Interesting signs in Umraniye], 15 December 2007; *Milliyet*, “Fitili ateşleyen bombalar” [Bombs that fused the detonator], 20 July 2008.; *Radikal*, “Ergenekon’da çok önemli gelişme” [A very important development in Ergenekon], 26 March 2008.

<sup>28</sup> Gareth Jenkins, *Between Fact and Fantasy: Turkey’s Ergenekon Investigation*, Central Asia-Caucasus Institute (SAIS: Washington, DC, 2009) p. 40.

<sup>29</sup> *Milliyet*, “Fikret Emek: Bombaları görevde kullanacaktım.” [Fikret Emek: I was going to use the bombs for the mission], 28 July 2008.

<sup>30</sup> *Milliyet*, “Büyük Operasyon” [Great Operation], 23 January 2008.

<sup>31</sup> *Milliyet*, “Ergenekon Soruşturması Üniversiteye Uzandı” [The Ergenekon Investigation has reached the University], 23 February 2008.

<sup>32</sup> *Milliyet*, “Türkiye’yi sarsan gözaltılar” [The detentions that shocked Turkey], 22 March 2008.

<sup>33</sup> *Milliyet*, “Şener Eruygur ve Hurşit Tolon tutuklandı” [Şener Eruygur and Hurşit Tolon are arrested], 6 July 2008.

<sup>34</sup> *Milliyet*, “Ergenekon iddianamesi açıklanıyor... İddianamede ne var, ne yok?” [The Ergenekon indictment is presented: What does it contain, what does it not?], 14 July 2008.

<sup>35</sup> “Ergenekon Indictment”, p. 985-986. The full text of the first indictment is available at: <http://i.milliyet.com.tr/Ergenekon/iddianame.aspx>

<sup>36</sup> *New York Times*, “30 arrested as coup case widens in Turkey”, February 2, 2009. [http://www.nytimes.com/2009/01/22/world/europe/22iht-turkey.4.19605439.html?\\_r=1](http://www.nytimes.com/2009/01/22/world/europe/22iht-turkey.4.19605439.html?_r=1)

<sup>37</sup> *Milliyet*, “Genelkurmay Başkanlığı: sekiz askeri personele gözaltı” [Chief of Staff headquarters: eight military personnel detained], 26 December 2009.

<sup>38</sup> *Radikal*, “Kozmik oda dün de arandı/ TSK: Tamamen yasal çerçevede”, [The Kozmik Room was searched again yesterday/ Turkish Armed Forces: Completely in line with legal framework], 30 December 2009.

<sup>39</sup> Code of Criminal Procedure no. 5271, Article 125.

<sup>40</sup> *Zaman*, “Genelkurmay'da 'kozmetik oda' zirvesi” [Kozmik Room summit at General Staff Headquarters], 8 January 2010.

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<sup>41</sup> *Taraf*, “İki yüzbin kişiye tutuklama” [Two hundred thousand arrests], 21 January 2010.

<sup>42</sup> CNN Turk News Portal, “Paslaşmanın perde arkasında neler var?” [What’s behind the passing the ball to each other?], 1 February 2010.

<sup>43</sup> Space limitations prohibit giving full attention to the many significant problems that have been pointed out in the conducting of the investigations, e.g. holding people under custody for long periods without starting court proceedings, holding people without informing them of the charges against them, and starting investigations against people solely on the basis of anonymously provided information. Though not discussed in detail here, these faults run the serious risk of delegitimizing the entire case regarding a coup potential in Turkey.