

A different form of assemblarism: the Turkish Constitution of 1924

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Abstract: *Una diversa forma di assemblarismo: la costituzione turca del 1924* - Within the European constitutional discourse of the 1920s and 1930s, this essay delves into the profound characteristics, historical context, and ramifications of the 1924 Constitution. This constitutional framework introduced a distinctive form of assemblarism, strategically positioning it within the parliamentary arena as a structural concept, while deviating from conventional parliamentarism solutions, particularly from a rationalized perspective. The 1924 Constitution prioritized harnessing the newfound centrality of the Grand Assembly, a real and proper assemblarism at unique party, as the primary mechanism for safeguarding and championing the secular and republican tenets of Kemalism, rather than engaging in a better definition of the optimal form of government for the new political-system. As a consequence, the Constitution only partially aligned Turkey with Western democracies because, fundamentally, it eroded the core principle of liberal-democratic constitutionalism—the equilibrium and separation of powers — fundamentally rooted in pluralistic values.

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1. Introduction

Turkey, which celebrates the centenary of its foundation and thus of its 1924 Constitution, has always been a very interesting political-institutional laboratory on democracy for scholars; rather, in some aspects, is difficult to not admit that it is still until today properly of a very relevant, an until open experiment to continue to study.¹

This evaluation emerges considering that Turkey is an order that has traversed the last hundred years, always poised, in a never-ending oscillation, between living the democratic model fully and to the opposite experimenting those typical of authoritarian-type tensions and propensities. This quest for stability, between democratic reforms and ancient traditions, has developed by trying to keep as firm and steady as possible its anchorage to democratic institutions, despite the nature of a state straddling the East and the West, with a geopolitical position that has always been strategic for the world.

¹ See (in Italian) the recent volume: V.R. Scotti, *La Turchia di Erdogan*, Bologna, Il Mulino, 2022.

These democratic institutions found their foundation first of all thanks to the Constitution of 1924 which, by suppressing the Caliphate, allowed Kemal Atatürk to be elected as the first President of the Republic, definitively opening Turkey, thanks to the new secular and republican Constitution, to political modernization, thus overcoming the Ottoman constitutional ideologies and thus leading Turkey into that democratic path increasingly founded - and in part still already to be founded - on a social, popular, broad, deep, shared consensus.

This essay delves the fundamental traits, historical context, and impacts of the Turkish Constitution of 1924 on the trajectory of Turkish political development. In particular, it sheds light on the dynamics and significant aspects of the 1924 Constitution regarding the form and the structure of the government, particularly in the context of the European constitutional discourse during the 1920s and 1930s. A very relevant period because it coincides with the wave of constitution-making processes that unfolded at the conclusion of World War I, marked by the dissolution of the Central Empires (German, Austro-Hungarian, Russian, and Ottoman).²

2. The Turkish Constitution of 1924: A Turning Point in Turkey's Political Evolution

To identify some general elements on the constitutional landscape and political background, it is necessary to underline that the Turkish Constitution of 1924 stands as a landmark document in Turkey's history, because it signifies a momentous shift in the political landscape following the establishment of the Republic of Turkey.

Enacted under the visionary leadership of Mustafa Kemal Atatürk, the constitution reflects the aspirations of a nation emerging from the shadows of the Ottoman Empire, striving to embrace modernity, democracy, and secularism. With this text, in fact, an attempt was made to achieve a difficult balance between the elements of Christian legal civilization and those of Turkish Muslim culture, evidently trying to hold them together in the transformations that democratic modernity, at the beginning of the 20th century, was highlighting.

Fundamental law of Turkey from 1924 to 1961, the Constitution of 1924 replaced the Constitution of 1921 and remained in force until the 1960 coup d'état, following which it was replaced, as we said, by the 1961 Constitution. During this period, it served as the basis for many fundamental changes that attempted to transform Turkey into a modern, secular and democratic republic.³

² For a contemporary general debate of scholars on the “Centenary of the Turkish Constitution”, see the articles published in the Forum of IACL-AIDC (Link: <https://blog-iacl-aidc.org/centenary-of-the-turkish-constitution>).

³ The Constitution of 1924 was amended seven times in total, two of which can be considered modal amendments. The most important amendments were as follows: (a) Secularism was first introduced with the 1928 amendment to the constitution of 1924, which removed the provision declaring that the "religion of the state is Islam"; (b) with the amendment of December 5, 1934, women's rights to vote and be elected to parliament were recognized; (c) in 1937, the second article of the constitution was

The historical context within which the 1924 Constitution emerged was one of profound transformation. The once-mighty Ottoman Empire had crumbled, giving way to the birth of the Republic of Turkey in 1923 under the leadership of Mustafa Kemal Atatürk.

Atatürk, with a vision to reshape Turkey into a modern, secular, and democratic state, recognized the imperative of a constitution that would serve as the cornerstone for the new republic's political structure.

Therefore, the 1924 Constitution represented a departure from the political framework of the Ottoman era, replacing the Islamic Caliphate with a secular republic. The document laid the foundation for a parliamentary system, featuring a unicameral Grand National Assembly as the supreme legislative body.

In particular, Atatürk's unwavering commitment to secularism was codified in the constitution, severing the ties between religion and the state while establishing a framework to safeguard individual rights and freedoms.

A pivotal element of the 1924 Constitution was its emphasis on the principles of nationalism and citizenship. It underscored the concept of Turkishness, reflecting Atatürk's vision of a cohesive nation free from the divisive elements that had characterized the Ottoman Empire. This emphasis on Turkish nationalism aimed to foster a shared identity among the diverse ethnic and religious groups within the new republic.

The 1924 Constitution also ushered in significant social and legal reforms. Granting women the right to vote and run for office marked a groundbreaking step toward gender equality. Furthermore, the constitution facilitated the establishment of a contemporary legal system based on Western principles, supplanting the traditional Islamic legal codes.

Despite its progressive aspects, the 1924 Constitution encountered challenges and underwent revisions over the years. Political instability and external threats, including World War II and its aftermath, led to amendments and the adoption, as we marked, of a new Constitution in 1961. Nevertheless, the principles of secularism, nationalism, and democracy articulated in the 1924 Constitution continued to shape Turkey's political landscape for decades to come.

In conclusion, the Turkish Constitution of 1924 occupies a distinctive place in the nation's history, symbolizing a critical phase in its journey toward modernity and democracy. Atatürk's foresighted leadership and dedication to reform paved the way for a constitutional framework that embraced secularism, nationalism, and individual rights. The legacy of the 1924 Constitution endures in the subsequent political developments of Turkey, leaving an enduring imprint on the nation's commitment to democratic governance and the principles of a modern state⁴.

amended, and the secularism was explicitly upheld in the second article of the Turkish Constitution. The values of republicanism, nationalism, populism, statism and reformism were also enshrined in this Constitution. For a first reading of the Constitution of 1924, see a "classical": E. Mead Earle, *The New Constitution of Turkey*, in "Political Science Quarterly", Vol. 40, n. 1, 1925, pp. 73-100.

⁴ On the political-constitutional evolution in Turkey, see in general: E. Özbudun, *The Constitutional System of Turkey: 1876 to the Present*, London, Palgrave Macmillan; 2011; E. Kaya. *Secularism and State Religion in Modern Turkey: Law, Policy-Making and the Diyanet*, London, I. B. Tauris, 2018. M. Hakan Yavuz, *Secularism and Muslim Democracy*

3. The form of government of the Turkish Constitution of 1924 in the turmoil of the European constitutional-making of Twenties

In the context of the European constitutional-making discourse during the 1920s and 1930s, the general debate of the scholars was dominated to discover around the most authentic characteristics of the parliamentary regime.

Indeed, at that time, the constitutional doctrine had portrayed parliamentary government as a system based, in a productive and useful way, on the harmonious balance of “centres of political force”. In particular, in the first half of the 20th century, Robert Redslob and Georges Burdeau had proposed a similar interpretive scheme, which has influenced heavily the scholar’s debate in the constitutional-making process of that time.

Briefly, for Redslob, every constitution has a 'vital force', which gives impetus to the overall constitutional organism and regulates its harmonious functioning. This principle or vital force concerns above all the way in which the legislative and executive powers act upon each other; for him, the parliamentary regime ensures that a condition of balance and a bond of mutual interdependence is established between them.

However, the mechanism that ensures the balance of parliamentary government does not operate so well in Redslob because it does not accurately describe either the dualist logic of 19th-century parliamentarianism, because it misunderstands the relationship between the revocation of the cabinet and the dissolution of parliament.⁵

Similarly, Georges Burdeau in 1932 described the parliamentary regime as a balanced arrangement that balances several centres of power placed on an equal footing: 'the very essence of parliamentarism is the dualism and collaboration of powers', he said.⁶

This is the result of the combination and joint operation of the following elements: 'the irresponsibility of the head of state, the responsibility of ministers, the right of dissolution and the right of parliamentary control'.

For Burdeau, in sum, not only the legislative and the executive are distinct functions, but also, since the former can defy the latter and the latter can dissolve the former, each will be induced to exercise its functions by seeking the cooperation of the other.

Georges Burdeau, however, in describing the indispensable conditions of such a balanced dualistic arrangement, evokes the decisive role of a third organ: the head of state. Therefore the balanced dualism between legislative and executive power thus rests on the interplay established not between two, but between three organs: the parliament (unicameral or bicameral), the government and the head of state. Hence the famous formula: 'two powers,

in Turkey, Cambridge, Cambridge University Press, 2009; See also usefully: E. J. Zürcher, *Turkey: A Modern History*, I.B. Tauris, London, 3rd Edition 2004.

⁵ For a first sketch of Redslob’s point of view, see: R. Redslob, *Le Régime parlementaire: étude sur les institutions d'Angleterre, de Belgique*, Marcel Giard, Paris, 1924.

⁶ See: G. Burdeau, *Le régime parlementaire dans les constitutions européennes d'après-guerre*, Paris, 1932 (trad. it. di S. Cotta, *Il regime parlamentare nelle costituzioni europee del dopoguerra*, prefazione di M. S. Giannini, Edizioni di Comunità, Milano 1950).

three organs', which in Burdeau's view encapsulates 'all the complexity of the parliamentary system'.

4. A different form of assemblarism

Within this intellectual debate and in this conceptual framework, the Turkish Constitution of 1924 had a very important and remarkable function because it has brought Turkey closer to western-style constitutionalism, secularizing it against any return of the Ottoman Empire. It has presented a model of Constitution very peculiar, a form of government - a sort of assemblarism in a parliamentarism - very different to the potential similar of the French tradition of the Third Republic which has operated during in that time⁷.

How we can interpret this peculiar Turkish assemblarism in a parliamentarism?

From my perspective, this constitutional experiment of 1924 is possible to define marking three general main points.

The first point is that, in this different form of assemblarism in parliamentarism, all sovereign powers of the nation, executive and legislative, as been possible only around the main argument which has realized the Turkish constitutional revolution: the kemalism as a common institutional and political doctrine. In fact, under the kemalism perspective, the sense of the Constitution and its form of government was and should been based on one nation, one assembly, one party: against any sort of separation and balancing of powers.

Therefore, with a unicameral Grand National Assembly, the Constitution of 1924 it not represent, certainly, a proper example of constitutionalism and parliamentarism according to the better tradition of the theory of the separation and the equilibrium of the powers knows and promotes from the "classics", but the Kemalist regime, with the supremacy of the parliament, in reality has outlined a different assemblarism, presenting a different new way of it, despite, for instance, to the French tradition of the Third republic of assemblarism.

The difference is based on the main argument of the Constitution: separate the new Turkey to old Empire, and use the principle of secularization as the main value and principle – in the Redlob's view – to maintain unified the Institutions, starting from the Parliament, which has been the real and perfect solution as "the" most relevant institutional bastion to protect, defend, maintain and promote the principle of the Kemalist revolution: the secularization.

In sum, the Parliament in the text of the Constitution was and was been be the driving-Institution to pursue a political goal: bringing the Turkey closer to western-style constitutionalism, secularizing it against any return of the Ottoman Empire. All in the Parliament, nothing out of it.

⁷ See: A. Le Pillouer, *La notion de régime d'assemblée et les origines de la classification des régimes politiques*, in *Revue française de droit constitutionnel*, n. 2, 2004, pp. 306-329. See also: F. Burdeau, *La troisième République*, Paris, Montchrestien, 1996. At the same time, very relevant is what mark, on this topic, René Capitant (see: R. Capitant, *Régimes parlementaires (1930)*, in R. Capitant, *Écrits constitutionnels*, Paris, Editions CNRS, 1982).

Thus, the first republican Constitution, approved on 20 April 1924, is in perfect continuity with the Constitutional Manifesto of 1921 and brings Turkey even closer to Western-style constitutionalism; it consists of 105 articles (without a Preamble and divided into six parts) and is inspired by the French 1875 form of assembly government, as well as the Polish 1821 form. As underlined, everything is based on the *Türkiye Büyük Millet Meclisi* - the Grand National Assembly of Turkey, GNAT: which is a single-chamber body, elected by universal male and female suffrage, that cannot be dissolved except by the will of the majority of the deputies. Specifically, not only the article 31 delegates to the Grand Assembly the responsibility of choosing the President of the Republic, elected from its members, for a renewable four-year term, but the key departure from the 1921 Manifesto lies in the 1924 Constitution's differentiation between legislative and executive powers. Within this structure, the executive authority is held by a collective entity consisting of the Council of Ministers and the President of the Republic, who collaborate in its exercise alongside the Prime Minister. The government is subject to stringent oversight by the Assembly, which retains the ability to scrutinize it at any juncture. Significantly, the executive lacks the authority to dissolve Parliament in any manner.

The Assembly's substantial powers are further reinforced by Article 26, for which «The Grand National Assembly itself executes the holy law; makes, amends, interprets and abrogates laws; concludes conventions and treaties of peace with other states; declares war; examines and ratifies laws drafted by the Commission on the Budget; coins money; accepts or rejects all contracts or concessions involving financial responsibility; decrees partial or general amnesty; mitigates sentences and grants pardons; expedites judicial investigations and penalties; executes definitive sentences of capital punishment handed down by the courts.»

Therefore, we can underline that the strategic role played by the Grand National Assembly is based on the necessity to collect all the political, cultural and social instances in a singular institution to modernizing the country in a western sense, so as to favor the consolidation of a new national identity, distinct from the Ottoman heritage. In sum, the objective was trying to emerge for a principle - possibly divorced from the Islamic tradition - that could act as a glue for the new society: this element was, very clearly, the kemalism, which was summarized in the new political representation expressed in the Grand National Assembly and in the powers that the Assembly had received.

Ultimately, the primary challenge faced by the emerging Turkish ruling class was the establishment of a new constitution and new institutions to defend and protect the new political doctrine: the Kemalism as a tool to establish the separation between the state and religious denominations, signifying a departure from the Ottoman religious tradition within constitutional law. In fact the Kemalism in the Grand Assembly played a crucial role in this endeavor by seeking to enshrine, with the new political representation and very relevant powers attributed to that institution, the principle of secularism, which was officially codified, by the way, only in 1937.

The second notable aspect is that this represented a form of “assemblearism” without succumbing to the pitfalls of the classical

assemblerism regime, as observed in the French tradition of the Third Republic.⁸

While adhering to the logic of parliamentarism, the Assembly embraced a distinctive form of assemblerism, differing from the French model established in 1875 and, more significantly, avoiding, in a different way, its subsequent degenerations.

This Assembly served a specific purpose: the consolidation of a new national identity separate from the Ottoman legacy. Unlike the French system, which at times witnessed an unbalanced and asymmetrical misunderstanding of the separation of powers, particularly evident since the Mac Mahon case of May 1877, the Turkish Assembly was not designed to perpetuate itself for its own sake. Instead, its focus was on the foundational task of shaping a new national identity.

In essence, while embodying an assemblerist reality, it diverged significantly from the conventional understanding of assemblerist—a term typically associated with the unbalanced perpetuation of power seen in certain historical instances, notably in the French context.

The aim of the Grand Assembly was not and has not been, for a long time, to make governments rise and fall within a stable governmental instability, so typical of the French experience, but rather to keep every governmental activity under control with respect to the “Kemalist parameter”, i.e. with the intention of preserving and maintaining the country's transformation towards democracy in such a way as to encourage a secular, open, republican idea for all Turks. The Grand Assembly therefore did not seek the 'centrality of parliament' in a Raymond Carré de Malberg reading⁹, but rather supported it, practiced it and realized it insofar as in that parliamentary centrality where marked the sense of a cultural revolution, before being political or juridical, which had to be realized on a daily basis in the choices of the government. In this sense, the Government, every Government, had to be kept strictly under control, that is, authorized and measured step by step in its choices.

This peculiar characteristic made the Grand Assembly a true unicum in the parliamentarism of the time, even though it concretely realized an assemblerism in a parliamentarism similar in its effects to that stigmatized in the French experience, as mentioned, of the Third Republic. Yet, we underline again, these are two similar but different forms of assemblerism, as they rest on two very different argumentative principles.

Consequently, and it is the third point that, from my perspective, is necessary to remark, can be useful questioning if this political and constitutional choice – this very peculiar parliamentarism, based and founded on the Grand Assembly - has brought Turkey really more closer to western democracies, and their democratic evolution; or, otherwise, on the contrary, it held back a better potential democratic transition, which could have been experienced if other constitutional paths had been chosen, e.g. by adopting the direct election of the President of the Republic by the people,

⁸ For a general perspective on this topic, see the notable volume of Paul Bastid: P. Bastid, *Le gouvernement d'Assemblée*, Paris, Éditions Cujas 1956. And also, usefully: F. Goguel, *La politique des partis sous la IIIe République*, Paris, Seuil, 1946

⁹ See: R. Carré De Malberg, *Contribution à la théorie générale de l'État*, Paris, Sirey, 1922.

as it is today in the Turkish presidential model. A vehicle, which is certainly of strong polarization, that would nevertheless perhaps have better stabilized Kemalism as a political doctrine and would have better incentivized the transition to a more orderly and correct view, at least according to the classificatory criteria of the tradition of constitutionalism, of the democratic model.

Indeed, the consolidation of power within a single institution—the Grand Assembly—through the new Constitution, while facilitating the rightful emergence of the democratic focal point around Parliament, only partially proved pivotal in anchoring everything in a democratic way. This approach aimed to hinge the strengthening and implementation of the principle of secularism on this institution. However, in doing so, it unintentionally stripped away a fundamental tenet of liberal-democratic constitutionalism—the balance and separation of powers, inherently pluralistic in values.

In fact this interpretation of the role of institutions, particularly the parliamentary one, could operate effectively only as long as the assembly, with its almost omnipotent status, exclusively fulfilled the monolithic and unambiguous function directed by Kemal—strengthening the principle of secularism. Beyond this singular - although relevant - purpose, the assembly, by legislative design, found itself constrained: a limitation very significant in itself for a state in the process of formation after the demise of the Ottoman Empire.

Hence, as the transition from parliamentarism to an all-encompassing assemblarism unfolded, it inevitably opened the proverbial 'Pandora's box' of differences, ushering in social pluralism and in a new asset of political parties, as for instance the great scholar Maurice Duverger has proved¹⁰.

This shift – the transition to a multi-party system took action in 1946 -brought about a political and party system that was no longer with a single party, exclusively Kemalist, but also inherently diversified, embracing a spectrum of values and principles beyond the original framework. And, inevitably, this particular form of parliamentarism—the Kemalist assemblarism embodied by the Grand Assembly as delineated in the 1924 Constitution—succumbed to internal collapse, mirroring the fate of another variant of parliamentarism assemblarist, notably that of the Third Republic in France, albeit for different reasons.¹¹

In essence, setting aside differences and nuances, the 1924 Constitution effectively achieved its primary objective: fostering cultural divergence from the Ottoman Empire by embracing the principles of secularism and Kemalism, thanks also to another influential factor such as the military.

¹⁰ Unlike parties of internal origin, as electoral organisations developed by the elites of liberal censorious parliaments, parties of external origin emerged outside parliamentary institutions and then gained access to them with the establishment of universal suffrage. The classification of parties on the basis of their origin is by M. Duverger, see: *Les partis politiques*, Paris, Puf, 1951.

¹¹ See, Y. Altuğ, *The Development of Constitutional Thought in Turkey*, in A. Evin, (eds) *Modern Turkey: Continuity and Change*, Schriften des Deutschen Orient-Instituts. VS Verlag für Sozialwissenschaften, Wiesbaden, 1984.

However, the 1924 Constitution incorporated very little of the constitutional discourse prevalent in the 1920s and 1930s, notwithstanding this period was notable for significant contributions from constitutional law scholars to rationalize the political factors in a new specific constitutional provisions, like for instance Boris Mirkine-Guetzévitch, who delved into studies on parliamentary rationalization¹², and Georges Burdeau, whose earlier works explored the dynamics of the balance of power.

Regrettably, the Turkish Constitution failed to fully acknowledge what, later, in an Italian perspective of constitutional doctrine analysis, two great scholars, Leopoldo Elia and Giuliano Amato, emphasized: the substantial influence of the party-political system on the institutional framework and its consequential impact on conditioning the institutional structure.¹³

Therefore, as assemblarism evolved, unavoidably Turkey gradually lost its initial “monolithic and monocratic” momentum around the kemalism, fractured by a just as much as inevitable party pluralism. Nonetheless, that choice to mark the centrality of the Grand Assembly effectively laid the foundation for the establishment of the state: a decisive fact, and one that cannot be forgotten, because it was the precondition for a truly democratic transition.

5. Some Concluding remarks

In summary, the 1924 Constitution introduced a distinct form of assemblarism, positioning this governance model within the parliamentary debate as a structural concept but deviating from the typical solutions of parliamentarism, particularly from a rationalized perspective.

Therefore, while this form of government, with its assemblarism, played a crucial role in the creation of the state, it did not actively contribute to the evolution of constitutionalism. The Constitution of 1924 in fact appeared less concerned with addressing the question of “what is the best form of government for our system.”; it was more focused to use the new centrality of the Grand Assembly as the best engine to defend and promote the laic and republican way marked by the Kemalist doctrine. And not something more.

At the same time, this form of assemblarism effectively averted the pitfalls of the French assemblarism parliamentarism, but it faltered when its core principle—Kemalism—succumbed to the pressures of political pluralism. Consequently, the Constitution only partially brought Turkey closer to Western democracies because, in the end, it weakened and devitalized the very principle at the heart of liberal-democratic constitutionalism—the balance and separation of powers, inherently

¹² See: B. Mirkine-Guetzevitch, *Les nouvelles tendances du droit constitutionnel*, Paris, Giard, 1931.

¹³ The rules on the form of government are deliberately "open-ended [...] susceptible to being qualified by the party system and supplemented by the conventional rules that apply to it". See L. Elia, *Governo (forme di)*, in Enc. dir., vol. XIX, Milan, Giuffrè, 1970. And see: G. Amato and F. Clementi, *Forme di Stato e forme di governo*, II ed., Bologna, Il Mulino, 2012.

pluralistic in values. An issue that, in fact, one hundred years after that constitutional text, still seems to be at the heart of the Turkish political-constitutional debate, which has never definitively settled.

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