

GREECE & TURKEY

Converging and Diverging Trajectories

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The constitutional ideas of Eleftherios Venizelos and Mustafa Kemal^{*}

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1. Introduction

Having spent my childhood in the island of Crete, where Eleftherios Venizelos is still the popular object of quasi-religious cult, I recall the visits to my grand-father's village and the two pictures dominating the modest single-room village house. The first one was a portrait photo of Venizelos, the second this of my uncle George, my grand-father's brother killed in 1921 during the Asia Minor campaign, "deep in Asia", as my father used to underline. In my mind, Mustafa Kemal was the evil, against whom our family hero struggled, and El. Venizelos the not far from sanctified figure leading him to battle.

This is to say that El .Venizelos and M. Kemal are usually perceived as competitive historical figures and national leaders. This is a largely accurate conclusion. E. Venizelos personified and for a short period of time made tangible the "Great Idea", the "Greece of Two Continents and Five Seas". M. Kemal led the creation of Modern Turkey, the founding moment of which was the defence against the Greek occupation of territories of the collapsing Ottoman Empire. Beyond this rivalry though as leaders of their nations in times of war confrontation, as far as the internal institutional set up of their respective countries is concerned, both El. Venizelos and Mustafa Kemal were proved to be inspired reformists. Both the so-called "civil

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modernization” of E. Venizelos and the “radical reformism” of M. Kemal, together with their ideological, economic and social dimensions, were containing a constitutional arm. It is true that the internal institutional movement was far from independent from the external effort. Actually, both El. Venizelos and M. Kemal insisted in re-establishing and modernizing their countries in order for them to be able to follow their “national destiny”, in a context of harsh antagonism among the Balkan nations on the ruins of the collapsing Ottoman Empire.

However, this article is not intending to present and compare the respective movements of venizelism and kemalism but to stick on to what was proclaimed by their leaders in the specific field of constitutional organizations of Greece and Turkey respectively. The former would rather be a task for a political scientist than for a jurist and, in my view, it is a matter worth studying on an individual (if they possess the necessary language skills) or on a collective basis.

2. An overview of the constitutional reforms undertaken by El. Venizelos and M. Kemal

Introducing the comparison between constitutional ideas and relevant constitutional initiatives by El. Venizelos and M. Kemal, we shall present basic constitutional reforms driven by the two leaders.

I. As far as El. Venizelos is concerned, his major initiative took place in his early years as prime minister of Greece. The Cretan politician was called by the Military Association – Movement of Goudi in 1909 (Goudi is an area near Athens, where a camp was located). The Second Revision Assembly who adopted the Constitution of 1911, was dominated by the Party of Liberals – the Party established by El. Venizelos.

The first major constitutional choice had been previously and ostensibly made by Venizelos from a balcony in Syntagma Square. Venizelos, although a debutant before the Athenian people, famously undertook a vivid dialog with the crowd gathered in the Square. As the reformative movement was targeting the Glyxbourg dynasty, the crowd was cheering for a Constitutional Assembly. El. Venizelos repeatedly replied that the Assembly was to be a Revision Assembly, i.e. having to amend the Constitution then in force (Constitution of 1864) without challenging the Royalty. The Constitution of 1864 introduced the semi-parliamentary system and the royalty as form of Government. The parliamentary system was later complemented with the acceptance by the King that the effective exercise of King’s privilege to appoint the

prime minister and the Government had to take into account the declared majority of the parliament.

The amendment of the Constitution of 1864 by the Constitution of 1911 included the essential topics the democratic and modernizing agenda of El. Venizelos. The main amendments were the following:

a) Broader protection of civil rights and freedoms, time restrictions were introduced in the detention of the persons facing criminal charges (article 5). According to an addition brought to article 11, associations might only be dissolved by the judiciary and not by administrative act. Though liberal it was, the Constitution of 1911 also introduced the so-called “state of siege” which might be declared in case of external threat. Under the state of siege, civil rights might be suspended.

b) The amendment made also simpler and faster, thus more effective, the legislative procedure. Regarding election process, the age limit for presenting a candidacy for legislative election was lowered to 25 years from the previous limit of 30 years. The condition of origin or actual establishment of the candidate in the electoral conscription was also abolished. This reform obviously aimed at allowing the new political personnel recruited by the Liberal Party, coming from the commercial and scientific elite concentrated in Athens to compete the old establishment dominating local political life. Despite the fact that El. Venizelos was summoned from Crete by a military movement, he did not hesitate to make vote a rule according to which members of the armed forces were obliged to resign before submitting a candidacy. A major reform concerning the ballot process consisted in introducing a judicial review. Under 1864 Constitution, the Parliament itself was competent for resolving electoral disputes. Under 1911 Constitution, a special jurisdiction, the Electoral Court was established for this purpose. The Court was constituted by Supreme Court and Appellate judges.

c) In par. a here above, we mentioned reforms aiming at broadening the constitutional protection of civil rights. The effective protection of the civil rights was completed with a series of reforms concerning the judiciary. The Constitution of 1911 re-established the Council of State empowered with the judicial review of the administrative acts. The turmoil of the years following the adoption of the Constitution did not permit the actual set up of the administrative jurisdiction, which started operating in 1929. Another major reform was the introduction of the life-time tenancy of the public prosecutors and lower – first instance judges, reform that

strengthened an essential aspect of the rule of law, the independency of the judiciary.

d) The rule of the tenancy of the public servants, i.e. of their right to remain in their place as long as their place exists, was another major reform. El. Venizelos understood that the consolidation of the State could not be achieved as long as the changing Governments had the prerogative to move and even fire public servants at their discretion; especially when such discretion was used for serving their electoral clientele.

e) We conclude this overview of the major reforms brought by the 1911 Constitution, by pointing out a subject dear to both political leaders, El. Venizelos and M. Kemal: The education and linguistic issue. Despite the fact that education and language reforms were at the core of the kemalist movement, those major reforms were not traced in the 1924 Turkish Constitution. In Greece, at the time of the parliamentary discussion on the Constitution of 1911, the quarrel between the defenders of the “proper language” (*Katharevousa*), a version of the Greek language using grammatical and syntactic forms of the Ancient Greek, and the supporters of the popular language (*dimotiki*), the language actually spoken by the people, the simple folk, was at its top. The linguistic issue summarized in a certain way the quarrel between the leading classes dominating the 19th century politics in Greece (local patrons usually large land owners, the Orthodox Church, high-ranking State and military officials, usually occupying the same functions from generation to generation) and the new commercial and well educated classes challenging the old establishment and claiming social mobility and meritocracy in public administration. The defenders of *Katharevousa* requested a constitutional provision introducing the proper language (the language in which the Constitution itself and the legislation of the State are written) as official language of the State. They also claimed for a ban of the use of popular language by the public servants both in service and their private life and activities, a way to exclude pro-popular language from the administration and send-off existing supporters of the new language especially from public schools. Venizelos accepted the first proposal and dismissed the second, resolving the issue in his proper conciliatory and pragmatic way.

The venizelian constitutional policy has two aborted essays for amendment: The first one in 1920, after the so-called national divide, i.e. the clash between the Crown and El. Venizelos on the camp to choose during the First European War. King Konstantinos, an adept of the Prussian military tradition and strength, forced twice the Prime Minister El. Venizelos, who had a pro-Entente position, to resign. In 1920,

El. Venizelos proposed a restriction of privilege conferred to the Monarch to appoint the prime minister and thus the government. The appointment had to take into account in a legally binding manner the majority of the Parliament. It is worth underlining that the clash between the republican-democratic camp and the dynasty ended to the abolishment of the Monarchy by the Constitution of 1924, a direct consequence of the fatal failure of the right-wing party in the Asia-Minor campaign. The last attempt of El: Venizelos to amend the constitution dated to 1932. The main attribute of the proposal was the enforcement of the executive power, in the event of threat against public order. An autonomous legislative competence had to be recognized to the Head of the Executive, the President of the Republic, for this purpose.

Those two unsuccessful, unfulfilled, attempts of constitutional amendment are a clear demonstration of the political practice oriented spirit of El. Venizelos. Although he was never a republican, his clash with the King led him to deprive the Monarch his essential tools for influencing and steering internal politics, i.e. the appointment of the prime minister. In 1932, despite he was a convinced liberal who had taken in the past bold measures for the individual rights protection (during his last ruling, 1928-1932, the Council of State started working, without interruption since that time), he upheld the enforcement of the executive as a remedy to the rise of the communist movement and the crisis of the parliamentary system under the pressure of the financial crisis and of the far-right extremists across Europe.

II. The constitutional output of the kemalist movement primarily consists in the Constitution of 1924, the Constitution of the New Turkish Republic founded by Atatürk. It was not only the founding text of the Republic but also practically the first Turkish Constitution. The first Constitutional text, this of 1876, was almost immediately suspended by the Sultan Abdülhamid II (1878).

The main attribute of the Constitution of 1921, the transitional constitutional Charter, towards the new Republic proclaimed in 1923 and the Constitution of 1924, was the Assembly government system. When introducing the Assembly Government System, Kemal had clear political targets fit to the circumstances of his movement: Affirmation of the National Sovereignty against the Sultan rule and affiliation of the military and bureaucratic elites with the large land owners, in order to overpass the influence of the Muslim clerk, attached to the Caliphate.

Successful war against the Greek army and the signature of the Lausanne Treaty offered external peace, necessary for the internal reconstruction.

Though strange it may appear, the fundamental principles of the kemalist ideology are not contained in the Constitution of 1924. These principles have been ratified later by the amendment of 1937, after a decade of profound reforms of the legal system and the Turkish society, an unprecedented, in the Muslim world at least, series of reforms. These principles are the republicanism, the nationalism, the populism, the state culture (*étatisme*), the reformism and the secularism.

The Constitution of 1924 maintained in principle the Assembly Government system, in line with the radical national sovereignty view of kemalism. According to article 5, both legislative and executive powers are “united and concentrated” in the hands of the General National Assembly. The executive competence is exercised through the President of the Republic. The President appoints the prime minister, who is also choosing the other members of the cabinet. The Government has to be granted with the confidence of the Assembly before assuming office and throughout of its mandates. It is worth noting that the voting right has been granted to 18-years male citizens.

The President of the Republic is elected by the General Assembly for a four-year term, equal to the legislature of the Assembly itself. He is irresponsible and inviolable. Every decision of the President had to be countersigned by the Prime minister and the competent minister. Within the chapter of the Constitution on the executive, a Council of State is introduced, as administrative dispute resolution jurisdiction. The Council of State has also consultative attributions. Its members are appointed by the General Assembly too.

The Constitution of 1924 introduces provisions and institutions proper to the constitutionalist movement of the 19th century: A list of fundamental rights for the citizens, independent judiciary, guarantees for the enforceability of the court rulings against the will of the other powers. Nevertheless, a scrutiny of the conformity of laws with the Constitution is not provided in and the Regulations are not subject as to their legality to a judicial review by the Council of State but by the General Assembly itself.

3. Comparison

Political leaders of the size of El. Venizelos and Ataturk whose presence in the history of their respective countries is marked by profound reforms usually have strong institutional ideas and they leave a bold constitutional footprint. They have the rare opportunity to implement their constitutional ideas and complement their influence on the destiny and the life of their fellow citizens with constitutional texts. It goes vice-versa though: One cannot dissociate the constitutional ideas from the constitutional practice and their political struggle and, often, manoeuvres. Nevertheless, in this paper we restrain our references to the constitutional ideas of the two leaders, as presented in the Constitutions they made National Assemblies adopt and the amendments proposed.

A major remark we have to start with is that the kemalism was a project a radical reform of the Turkish society and the institutional organization of the new State was only an aspect of that change. In contrast, in the Venizelos' mind and the agenda of the Liberal Party he founded, the Constitutional amendment of the Constitution of 1864 was in the epicentre of their agenda.

In fact, before kemalism in the late years of the Ottoman Empire there have been movements for a reform of the Sultan State. The Tanzimat reforms (1839-1876) aimed at introducing representative institutions and political rights for the nationalities inside the Empire in a so-far authoritarian regime of the Sultan. The *Yeni-Turk* movement (1908-1915) and the program of the Society for Unity and Progress aimed at revitalizing the constitutional institutions and especially the representative ones, soon after their acceptance suspended by the Sultan. The Neoturks also rejected the dominance of the western powers, especially France and Great Britain, on the Sultan power and wanted to bridge the gap in wealth and social posture between the minorities, especially Greek, Jewish, Armenian, and the Turkish and Muslim populations.

Mustafa Kemal realized that the failure of these reforms, the dismember of the Empire conducting to make the Turks from rulers to ruled population, was not only a consequence of the radical nationalisms or of the unfortunate outcome of the World War I for the Central Empires and their Ottoman Ally. Ataturk understood that reforms from above were not sufficient for saving the Empire. He realized that a reform of the society was to be put forward, in order for the people to participate and actively support a reform program. Compulsory education, language reform,

equality of the Genders, study of the western culture were essential in the kemalist movement. In his view, the State power could not endure as long as it was competed and challenged by religious authority. That's why he first dissociated the Caliphate from the Sultanate and then abolished both. Kemal had to overpass a major attribute of Muslim societies, i.e. the weak State and the strong culture, as Ernest Gellner pointed out. The Constitution of 1924 was the necessary complement for this reform, a reform more far-reaching than a simple Charter of the State powers.

Both leaders had a strong political feeling, a capacity to build temporary alliances, a facility to use their personal myth and appeal to the people in order to turn in their favour the political circumstances. Venizelos was often compromissory and less radical in the implementation of his reforms: his position on monarchy, on the language problem, on the redistribution of agricultural lands are some of the examples. Mustafa Kemal had a radical approach on the key points of his reform program: He abolished the Caliphate and the sultan rule, he cut the link between state and social affairs and the religion and he reserved a particular and superior place to Turkish nationals in the new Republic.

Their education and profession claim a stake in the explanation of this difference. Venizelos was a fine jurist and a prominent lawyer in Crete, before entering the Greek politics. Legal professionals are in a way more conservative and keener to discussion and overall approaches. Kemal was a military, a soldier since his childhood, as he attended a preparatory secondary school in Monastir. The radicalism of Kemal was nurtured by the fact that he was the winner of the Asia-Minor war and that practically he had no opposition (until 1950 and the establishment of the Democratic Party, the Republican Popular Party – CHP was the sole party of the country). Unrivalled political initiative permitted Kemal to undertake such far-reaching reforms. Venizelos on the other hand had to struggle with a furious opposition orchestrated and assembled by the Throne. He had to face poll defeats and even period of self-exile.

The very fact that kemalism was a movement born within the army and that the rebirth of the Turkish nation was subsequent to a military victory, made the intervention of the armed forces in political life acceptable for a long time even after the death of Kemal. It made this intervention and the role of the army as permanent watchdog of the institutional heritage of kemalism somehow *banal*. In Greece, it was until 1974 that the army was playing on a recurring basis a role in political affairs.

Though often there were the interventions of the army, they had been seen as an anomaly by large part of the population.

The respective educational and professional itineraries of the two leaders might also explain their different approaches as to the judicial power. Reinforcement of the judiciary was a fundamental axis of the bourgeois modernization undertaken by Venizelos. His contribution in the effective introduction of the Council of State as strong and high-level instance of judicial review of all administrative acts is broadly recognized. Kemal introduced secular courts and ended the jurisdiction of religious courts especially in affairs touching private life of the citizens. He avoided though introducing a judicial review of the laws as to their conformity with the constitution.

Following the trend of the period in western countries, both of them reinforced the executive power, without officially breaking-up with the parliamentary system. Venizelos and his camp in the Twenties were led to break-up with the Monarchy and join the Republican camp, following the national catastrophe of the Asia-Minor war largely attributed to the Dynasty and its partisans in politics and army.

4. Closing remarks

The interest of revisiting today the constitutional ideas of those great – probably the greatest – political leaders our two nations have born seems to me obvious. Our countries are passing through transitional period, facing unprecedented economic and political tensions. Petitions for political reform, sometimes seen or genuinely being counter-reforms and reactionary aspirations, are met in both coasts of the Aegean Sea.

In Greece, the core idea of venizelism, the civil modernization, aiming at building reliable, public interest-driven and thus stable institutions, at the image of mature European democracies, is still unfulfilled. The Greek political history, since the times of Venizelos, is a succession of push forwards and backlashes as to this target. Even after 40 years under the Third Hellenic Republic, such an unprecedented period of constitutional stability, political institutions face an equally unprecedented crisis of distrust and even rejection by the people, whether or not this disenchantment is due to the institutional engineering *per se* of the 1975 Constitution as amended in 1986, 2001 and 2008.

In Turkey, the kemalist heritage, though officially not in doubt, faces serious challenges and it is in core of profound divides in the political sphere and the social *corpus* as well.

In such a context revisiting both the constitutional ideas and their legal transcripts, of the founding fathers of our nations' modern eras seem essential. Much more remains to be written or told about this topic and I hope that this short paper might appear useful for today's audience for future further studies.

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