

The Challenge of à la Turca Presidentialism in Turkey

Ersin Kalaycioğlu*



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Introduction: Political Regime at Risk

Political life in Turkey seems to have reached another dead-end. The Turkish republican political system operates upon the presumption that legitimate political authority is based on popular rule, which is assumed to be expressed by and through the popular participation of all of its eligible voters in representative government. National and local elections and referendums have been designated as the essential pillars of popular rule through the penultimate institution of representation, the Grand National Assembly of Turkey (TBMM). It is therefore understandable that every constitution since the establishment of the republic has enshrined the principle of legislative supremacy, designating the TBMM as the institutional fount of all political legitimacy. Since Turkey moved into multi-party politics in 1945, each opposition party has rested its claim on the premise that it is the real representatives of the nation/people. The slogan of the Democrat Party (DP) in the 1946 elections, for example, was “*Yeter! Söz Milletin*” (Enough! The Nation Has the Say). More recently, Justice and Development Party (AKP) leaders and spokespersons have been voicing the argument that they are the representatives of the “national will” (*milli irade*). This would seem to reflect a distinct proclivity for a parliamentary form of representative democracy. Such might indeed be the case if Turkish politics had more room for rational thinking and less room for the ambitions of career politicians.

Electoral outcomes in Turkey are influenced by the socio-cultural fault lines that divide society into overlapping

voting blocs. Due to historical, social, political, and even economic reasons, Turkish society is deeply divided among confessional (secular versus pious Sunni Muslims), sectarian (Alevi versus Sunni Muslim), and ethnic nationalist (Kurdish ethnic nationalists versus Turkish ethnic nationalists) identities. Some of those cleavages converge and deepen the divides, and some cut across them and lessen their impact. However, the populace when left to their ideologies, interests, and cultural imperatives tend to vote for many parties. Consequently, a fragmented party system and a less fragmented but still multi-party parliamentary party system emerge to produce circumstances conducive to fragmented parliaments and coalition governments. Turkey has witnessed many coalition governments, frequently characterised by discord between the coalition partners, governmental inefficiency and even ineffectiveness. This has provided much manoeuvring room for non-elected political forces, such as the military, to influence politics. Turkish political elites have also contributed to the poor track record of coalition governments. Their rather open political debates and bargaining have left Turkish voters with the impression that cantankerous coterie of political personae are constantly bickering while the political agenda of the country is sidelined. Often political parties thus united have considered the coalition government as both a temporary nuisance, and an opportunity to strengthen their position in the government, to increase their share of the vote in the next elections and establish their own party government. Nonetheless, Turkey’s coalition governments have been able to register some notable successes, including the defeat of the terror

* Ersin Kalaycioğlu is Professor at Sabancı University’s Faculty of Arts and Social Sciences.

campaign of the Kurdish separatist PKK in the 1990s or the successful negotiations on the eligibility of Turkey for full membership in the European Union (EU) in 1999. It was coalition governments that abolished the death penalty, overhauled the civil code, and finally established the national and international economic arrangements to pull Turkey out of its worst financial crisis and recession in 2001, just before the AKP came to power. However, the die was cast for the coalition governments, and the AKP politicians and their media spin doctors have not missed the opportunity to further trash coalition governments in the eyes of the public. In fact, the ten percent national threshold of the general elections in Turkey, which had failed to stop the fragmentation of the vote in the 1990s, became the most precious vestige of the ancient regime and one that the AKP politicians struggled to keep at any cost.

Party Hegemony versus Presidentialism à la Turca

When the AKP became entrenched in power in 2002 – thanks to the ten percent threshold which delivered the AKP two thirds of the seats of the TBMM with only one third of the national vote – they claimed repeatedly that party government is the representation of the “national will” and provides governmental stability; and further, that party rule through parliamentary majority is superior to the pluralist, inclusive politics of bargaining and building compromise in coalition governments. When the economic model established by the previous coalition government continued to bear fruit with higher economic growth rates and rapid improvement of the performance of the macro economy, the AKP accredited this to itself, leading to higher support at the polls in 2007. The AKP’s increased popularity enhanced its power, enabling it to confront the military and the opposition media at the same time. Both of those forces became marginal to political decision-making. Judging that during the parliamentary election of the president the countervailing forces of the opposition were able to limit the power of the AKP government, the AKP decided to discontinue the practice of electing the president within the TBMM and submit the candidates selected by the TBMM to popular vote. A referendum on 21 October 2007 settled the matter in favour of the AKP position, and the date was set for 2014 as the first ever election of the president by popular vote.

In the years since 2007 the AKP and the other parliamentary parties failed to establish a compromise over the role of the popularly elected president, and Turkey went through the motions of electing a president by popular vote on 10 August 2014. In the meantime, the AKP tried to overhaul the constitution to augment the powers of the president and create a form of presidential regime. However by 2013 the AKP’s leader, Recep Tayyip Erdoğan, realised that American presidentialism rests on



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the idea of check and balances, limited government, and some form of political bargaining between the executive and legislative branches of the government and gives a major role to the Supreme Court. Erdoğan switched tracks and began to argue for an undefined presidentialism *à la Turca* (*Türk tipi Başkanlık*) – or in other words, a form of semi-presidentialism which would put less limits on his powers than American presidentialism. This idea, however, did not gain traction among the voters at large or even among his party ranks. Debates had made it clear that Erdoğan did not want any form of checks and balances but promoted an idea of a popularly elected leader as president, who would be accountable to the voters (nation) only. In light of Erdoğan’s appearance and style, as well as his intolerance for opposition media and social media, the president seems to be an ideal mix of the last absolutist Ottoman Sultan Abdülhamit II and an elected president embedded in the regime of what O’Donnell has called delegative democracy.¹ I propose to term this political regime in Turkey neo-Hamidianism by culture and structure.²

To complicate matters further, in December 2013 severe allegations surfaced concerning President Erdoğan (then the Prime Minister), his family members, and members of his Cabinet. Erdoğan successfully dodged the allegations, removed from office the police, prosecutors, and judges

1 Guillermo O’Donnell, “Delegative Democracy”, in *Journal of Democracy*, Vol. 5, No. 1 (January 1994), p. 55-69.

2 For a more thorough treatment of this matter see Ersin Kalaycioglu, *Turkish Dynamics. Bridge Across Troubled Lands*, Basingstoke and New York, Palgrave Macmillan, 2005, p. 128-137; or more recently Ersin Kalaycioglu, “Neo-Hamidienlik Çapulculuğa Karşı: Gezi Parkı’nın Gösterdikleri” (Neo-Hamidianism versus Marauding [Çapulculuk]), in *Suriçi’nde bir Yaşam. Toktamış Ateşe Armağan* (A Life in Suriçi. In Memory of Toktamis Ates), Istanbul, Istanbul Bilgi Üniversitesi, 2014, p. 407-416; also Ergun Özbudun, *Contemporary Turkish Politics. Challenges to Democratic Consolidation*, Boulder and London, Lynne Rienner, 2000, Chapters 3-4; and Ergun Özbudun, “Türkiye Demokratik Pekişmenin Neresinde? Demokratikleşme mi? Otoriterleşme mi?” (At What Point of Democratic Consolidation Is Turkey? Democratizing? Authoritarianizing?), in *Suriçi’nde bir Yaşam. Toktamış Ateşe Armağan* (A Life in Suriçi. In Memory of Toktamis Ates), Istanbul, Istanbul Bilgi Üniversitesi, 2014, p. 392-406.

in charge of the dossiers of the allegations, and accused them of being related to an organisation established by foreign agents and working through a cleric residing in the United States, Mr. Fethullah Gülen, parallel to the bureaucracy of the state – briefly called the “Parallel Structure.” Erdoğan was thereby able to win enough votes to evade the challenge of corruption in the local elections of 30 March 2014 as well as the presidential election of 10 August 2014. However, in the meantime he admitted having intervened in the due process of the law in contravention of article 138 of the constitution, and also having fixed a public bid in favour of a crony, in the media. The accusations of bribery directed at his former ministers also seemed to have proven not ill founded. However, the AKP government managed to have the judicial investigation on these cases discontinued, leaving a parliamentary commission as the only entity to carry out investigations. However, the cover-up does not look permanent, such that any change in the course of political events that would lead to the downfall of the AKP government could also lead to the resurrection of due process of law in the cases concerned.

The current unspoken yet simmering political regime crisis of Turkey has thus been created. Turkey has a popularly elected president who received more than 20.6 million votes, about 52 percent of the valid ballots cast. Erdoğan thus received the votes of just 37 percent of the 55 million eligible voters, among whom about 40 million (74%) cast their ballots on 10 August 2014. The president now acts as if he is still the head of the government, which is at best both legally and politically outside the bounds of his authority, though fully tolerated by the Prime Minister and the government of the AKP, whom Erdoğan personally handpicked and installed in the true spirit of any non-democratic organisation, without intra-party competition, debate or deliberation of party delegates. The role of the Turkish president has been defined in the constitution as being neither politically nor legally responsible for any decision s/he makes (article 105). Traditionally presidents did not and could not get involved in the daily affairs of the government, for they are to act as neutral arbiters (article 103) between political parties at times of crisis, and thus they are not to be aligned with one government or party policy against others. In a sense, President Erdoğan acts as if he were the popular arbitrary ruler he aspired to be, thanks to the PM Davutoğlu and the AKP majority in the National Assembly.

In a matter of a few months the 2015 national elections will produce a newly elected TBMM, another representative of the “national will.” Turkey will find itself in a situation of double-headedness where the representative of national will as the president and the representative of the national will of the TBMM will split. If the split is as wide or any wider than it is today, a conflict, clash, or even fight could be imminent. In the meantime, with the ten percent

threshold in the national elections, if the AKP could get a sufficient number of seats it may even attempt to change the constitution, which is possible with 60 percent of the parliamentary vote in favour of such an amendment. Could the AKP majority have a new constitution installed? No agreement among students of constitutional law seems to exist, though such an attempt would certainly create reactions, stress, and even overt conflict inside and outside of the TBMM.

If the events of 2015 bring about a change of leadership within the AKP, and with a newly elected leader whose authority is established independent of Erdoğan, the AKP leadership may also want to contain the president and make him act more as a statesman than as the partisan politician he seems to aspire to today. It is hard to know where such a confrontation will lead, though a similar instance between President Turgut Özal and Prime Minister Yıldırım Akbulut led to the humbling of the former in 1990. The personalities are not similar today, and the power projections of the figures involved are also considerably different. Therefore, it is not yet certain where and how such a confrontation may unfold, beyond an all-powerful president who heeds no legal bounds and a Prime Minister who acts more as a caretaker than a decision-maker.

If the AKP fails to win the majority of the parliamentary seats in the next national election, President Erdoğan will find himself in conflict with the majority in the TBMM. Turkey will move toward a divided government, which is likely to be no better than the much reviled coalition government in 2015, the double-headedness of the government will emerge as a problem, and the splitting of legitimate political authority between the legislative and executive branches of the government will become a costly business. We do not have a president who has acted in the spirit of a gentlemen’s agreement in his political career. He comes across as a street fighter portraying himself as a victim and a champion of the downtrodden of the country. Finally, the alleged criminal record of the president, unearthed by his own declarations in the aftermath of the December 2013 corruption revelations, promises to become a new agenda item in the hands of a split government, and threatens to precipitate another crisis between the president, the government and the legislature under those circumstances.

Conclusion

Turkey’s choice is between establishing a popularly elected authoritarian despot as president on the one hand and legislative supremacy (establishing a more representative election rule and a more contemporary parliamentary body, and operating within the law to practice liberal representative democracy) on the other.

So, what confronts Turkey is not a choice between presidential versus parliamentary democracy, but an electoral authoritarianism of *à la Turca* presidentialism versus some form of parliamentary democracy. Much hangs in the balance for the future of democracy, rule of law, and liberal capitalism in the next national legislative elections. The answer to whether Turkey becomes an authoritarian presidential regime albeit with a popularly elected government lies essentially in whether the AKP wins enough seats in the 2015 legislative election. This in turn depends on four conditions. One, if a sufficiently large number of voters go to the polls, then the AKP's 20.5 million votes will not enable it to win as many seats as it has right now. Secondly, if the economy continues to produce such low growth rates, the AKP vote share is not

likely to increase any further and may even diminish to a new low. Thirdly, if Turkey becomes engulfed in another period of insecurity, due to the increase in terror attacks due to the unravelling of talks with the PKK, increased ethnic Kurdish protests, a war with either Syria or Iraq the outcome of which is uncertain and promises to entail many casualties, the AKP will lose still more votes. Fourth and finally, the outcome of the elections will also depend upon the performance of the opposition parties. If any one among them can convince sufficient voters of its capability to provide better economic and security protection – and much less corruption – to large swaths of the population, that party may even win the next election.