

**Presidentialism *à la Turquie*: Turkish Democracy Hanging
in the Balance**

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The Turkish political stage, which never fails to constantly churn out new political drama populated with fascinating characters and dotted with unexpected turns and twists, offers yet again another dramatic development within the ruling Justice and Development Party (AKP) that railed the country's political establishment at the beginning of this month. On the 5th of May, the Turkish prime minister, Ahmet Davutoğlu announced that he is leaving office, thereby confirming media speculation of a fall out between him and the party's founder and strong-man Recep Tayyip Erdoğan.¹ This event happened after the AKP's executive board stripped Davutoğlu of his authority to appoint provincial party leaders while he was on an official visit to Qatar. On the 22th of May, in an extraordinary congress, the party has elected the transport minister, Binali Yildirim, chairman and thus a new Prime minister.² This latest episode is an expression of the political roller coaster set in motion by the insistent and aggressive bid made by Erdoğan to secure a complete hold on the reigns of the Turkish government.

Since ascending to the office of the prime minister, Davutoğlu has been generally toeing Erdoğan's line and publically adulating him. However, he showed an independent, if timidly expressed, position on a number of issues and took his own initiatives. The refugee deal signed with the European Union, for instance, is his pet project while Erdoğan was not completely sold to it. The Guardian lists the management of the economy, the resumption of the peace talks with the outlawed Kurdistan Workers' Party (PKK), the handling of opposition members, dissenting academics and journalists, the issue of corruption within the government and the AK party, and the refugee deal signed with the EU as main policy areas on which both Erdoğan and Davutoğlu showed differences.³ However, the straw that broke the back of their relationship was the

¹ Hurriyet Daily News (2016), Davutoğlu stepping down as Turkish PM, AKP to hold snap congress, retrieved from: <http://www.hurriyetdailynews.com/davutoglu-stepping-down-as-turkish-pm-akp-to-hold-snap-congress.aspx?PageID=238&NID=98766&NewsCatID=338>

² Aljazeera (2016), Erdoğan loyalist elected leader of AK Party, retrieved from: <http://www.aljazeera.com/news/2016/05/erdogan-loyalist-elected-akp-leader-turkey-160522051504462.html>

³ The Guardian (2016), Turkish PM Davutoğlu resigns as President Erdoğan tightens grip, retrieved from: <http://www.theguardian.com/world/2016/may/05/ahmet-davutoglus-future-turkish-prime-minister-balance>

growing international stature that Davutoğlu came to garner lately especially as the result of his involvement in brokering the refugee deal and his not so passionate position vis-à-vis the presidential system for which Erdoğan and his loyal cohorts are campaigning aggressively. Determined to establish an absolute control over the Turkish political system *à la Putin* and redraw the constitution to allow the president to wield executive power, it is something beyond the pale for Erdoğan to have an assertive boy in the room.

Changing the constitution to accommodate for a president with a powerful latitude of executive power has been the latest political barricade Erdoğan is storming in a bid to be an omnipotent Big Brother. In fact, changing the current constitution is something on which everybody within the otherwise divided Turkish political ecosystem agrees, albeit for different reasons. Being the product of a brutal military junta, which came to power to crack down on political violence and “terror organizations” of the left and right in 1980, many constitutional experts take issue with the flawed mechanism by which it came to life and its failure to guarantee civil rights. The military officers and their bureaucratic bedfellows watered down the provisions for civil and political rights and came up with a more restrictive constitution “designed to shield the Turkish state from the turbulent democratic politics of the years between 1960 and 1980.”⁴ Reflecting on these problems, Sami Selçuk, the former head of the Turkish Supreme Court of Appeals, aptly quipped that “Turkey has a constitution but is not a constitutional state.”⁵ So far, there have been many efforts to strengthen the democratic aspect of the constitution. Many aspects of the original text has been changed. Especially, the European Union accession negotiations,

⁴ Scharefe P. (2015), Erdoğan’s presidential dreams, Turkey’s constitutional politics, *Origins*, Vol. 8, issue 5, retrieved from: <http://origins.osu.edu/article/erdo-s-presidential-dreams-turkey-s-constitutional-politics/page/0/0>

⁵ Özpek, B. (June, 2015), “Political Parties and Constitution Making Before the 2015 Elections in Turkey”, Vol. IV, Issue 6, pp. 6-14, Centre for Policy and Research on Turkey (ResearchTurkey), London, Research Turkey. Retrieved from: <http://researchturkey.org/political-parties-and-constitution-making-before-the-2015-elections-in-turkey/>

which picked momentum in the late 1990's, stimulated crucial amendments. Non-partisan efforts were made to bring Turkish law in line with European norms.⁶

The campaign for changing the constitution hyped in the run up to the 2011 and 2015 parliamentary elections. In the 2011 parliamentary campaign, the necessity of a wholly new constitution was agreed upon by all four major parties: the AKP, the secularist CHP, the ultra-nationalist MHP, and the pro-Kurdish BDP.⁷ Deliberating distancing itself from its presumed association with the military, the CHP joined its nemesis, AKP, in calling for a greater civilian oversight over the Turkish military and pushed for a new constitution guaranteeing full democratic freedoms. Initially, everybody got on board. A Constitutional Reconciliation Commission was created with equal representation for the four major parties on the model of previous committees. Substantial progress was made in composing the early articles concerning general civil rights. However, the facade of consensus immediately collapsed due to the irreconcilable desire of the parties to remake the constitution in their own image. The Kurdish question and the issue of presidential system raised by the AKP proved to be serious bottlenecks. The ultra-nationalist MHP dug deep in its 'united-Turkey' political trench, whereas the pro-Kurdish BDP wanted to see a new constitution ensuring, at least, Kurdish autonomy. All of the opposition parties vehemently opposed AKP's proposal for a presidential system for fear of a 'majoritarian dictatorship' that such system can occasion. For this reason, the Turkish political landscape returned to its divided default mode and the all-parties constitutional reform collapsed at the end of 2013.⁸

Historically, the president in Turkey does not wield too much of a power. He is largely ceremonial and should behave in a non-partisan manner. However, the 1982 constitution

⁶ Scharefe P.(2015).

⁷ Ibid.

⁸ Ibid.

provides a relatively wide leeway for the president to exercise some real authority. It made the presidency “more than ceremonial but less than executive.”⁹ It allows him to make a wide range of appointments, including all members of the Constitutional Court and many university administrators. In a crisis, the president was granted the right to rule by decree. In practice, however, this power has not been used, and Turkey’s parliamentary system has remained intact.¹⁰ It is obvious that the constitutional straight jacket would not be suitable for Erdoğan’s larger-than-life presence in the contemporary Turkish politics. He is too ambitious to be satisfied with the largely symbolic and non-partisan role it stipulates for him. Therefore, despite restrictions, he remains as partisan and powerful as ever. He pulls the string within the AKP and the government, and every internal and external policy of major significance is made or approved by him. Furthermore, he wants to convert this de facto power to de jure and he and his cadres are campaigning hard to realize this despite the negative repercussions it might have for the deamocratic health of the country.

Even though, Erdoğan and his spin doctors have not yet come up with the full details of the terminus and content of what they call a system of presidentialism *à la Turque* (Türk tipi Başkanlık), the gist of their proposal is the establishment of a presidential system with a very strong single executive and little or no constitutional constraints. The sanitized rationale for this kind of system is to create an “efficient” government and “avoid double-headedness.” Erdoğan reasons that such a system would ensure “absolute instability” and prevent a “bureaucratic oligarchy” from implementing legislation and regulations.¹¹ There goal for a more stable political system is not completely without merit. Turkey is deeply divided along confessional, sectarian and ethnic fault lines. And as witnessed throughout its turbulent republican life, the

⁹ Özsoy, Ş. (February, 2016), Erdoğan’s long-standing struggle for a Turkish type of presidential system, Presidential Power, retrieved from: <http://presidential-power.com/?p=4495>

¹⁰ Ibid.

¹¹ Ibid.

existing parliamentary system has reflected its socio-cultural and religious fractures. The jostling for power among the secularist and religious conservatives and the ethnic-centered and ultra-nationalist parties has often rendered the system ineffective and fragmented. It has produced a number of unstable coalition governments frequently characterised by discord between the coalition partners. This in turn has opened an opportunity for the military, which has historically assumed the role of the protector of the secularist legacy of the Republic's founding father, Kemal Atatürk, to intervene and manoeuvre the system. Considering this, attempting to tailor the constitution to make it palatable for stable and effective government is not bad in itself. However, the frontal attack Erdoğan and his party have been waging against the private media, the bizarre legal harassment and political witch hunt of dissidents and journalists, the cavalier attitude towards human rights, the confrontational handling of minority issues, such as the Kurdish question and the religious right of the Alevis, send a clear signal for people in the opposition that the bid for presidential system is the final war drum for the creation of a full-fledged authoritarian government. In fact, if not checked, the proposed change might signal a kiss of death for what has been largely hailed as "the Turkish model of democracy" which purportedly shows the compatibility of a religiously inclined party and liberal political system.