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THE POLITICS OF AMENDMENT IN THE TURKISH LEGISLATURE

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I. INTRODUCTION

A. *Studying Post-1983 Democracy in Turkey*

POST-1983 literature on Turkish politics has been dominated by the theme of redemocratization. The word "redemocratization" seems most appropriate here since Turkey has been governed by a multiparty system since 1946 except for the period of three military governments in 1960, 1971–73, and 1980–83. The most recent redemocratization attempt thus was made after 1983. Some of the works on post-1983 Turkey adopted an institutional approach. They compared the post-1983 constitutional and political-party settings with those in former decades [3] [7] [9]. Other works statistically compared voting patterns before 1980 and after 1983 [1] [2].

Studies of Turkish politics, however, may now require a more functional analysis of political institutions. Three reasons for this need can be pointed out. First, Turkey's redemocratization process in the area of election was nearing completion by 1987.[1] Now it seems time to shift our attention from the dynamics of

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[1] In the 1983 general election, the State Security Council of the military regime had the authority to reject the participation of political parties; as a result only three parties were allowed to run in the election. In the following 1987 general election, however, all the political parties were free to participate. The results of the 1987 general election is shown in the table below. The Motherland Party's absolute majority in the Parliament enabled it to legislate its bills with little interference from the opposition parties. The party had also won the majority in the 1983 general election.

1987 ELECTION RESULTS

Political Party (Ideology)	Seats Won	
	Number	%
Motherland Party (Center-right)	292	64.9
Social Democratic Populist Party (Center-left)	99	22.0
True Path Party (Center-right)	59	13.1
Total	450	100.0

redemocratization to the equilibrium of restored democratic institutions in Turkey. Second, institutional features of a political system will not tell us much about the actual functions of the system. Likewise voting patterns will not show much more than how the masses evaluate the elite. One of the most essential functions of the political system, i.e., the conversion of societal demands into government policy, thus remains outside the scope of analysis. Third, more system-functional data of Turkish democracy is needed to make Turkey comparable with other democracies.

The Turkish unicameral legislature (the Turkish Grand National Assembly, or TGNA) after 1987 may be a suitable subject for functional analysis. The three research requirements stated above seem to be met. First, the TGNA since 1987 has fully regained its institutional functions as a democratic legislature. Second, legislatures have recorded evidence of their functions in the form of minutes. It is thus not necessary to infer actual functions of a political system from its institutional features or irrelevant data. Also, among government institutions, legislatures most explicitly represent societal demands through legislators. Third, legislatures are a standardized political institution that can be compared across countries. In addition, the question of how legislatures incorporate society's demands is a general and theoretical theme of interest to all other democracies.

B. *The Turkish Grand National Assembly and Its Committees*

1. *The TGNA as a reactive legislature*

Mezey [6] in his analysis of world legislatures classified institutionalized legislatures into "reactive legislatures," including the Turkish as well as British parliaments and "active legislatures," exemplified by the United States Congress.[2]

> The reactive legislature involves itself in policy making by seeking to influence the shape of policy on behalf of those whom they represent. Because systems with reactive legislatures are dominated by strong party systems, any exercise of legislative influence in the initiation and deliberation of policy is most likely to take place in partisan areas rather than in autonomous committee areas. [6, pp. 279–80]

Although the above generalization is applicable to the General Assembly of the TGNA, the committees of the TGNA possess more independent power than do the committees of reactive legislatures, as is foreseen by Mezey. The more independent power of TGNA committees stems from their structural or procedural characteristics.

[2] Mezey's classification is based on two dimensions. One is the degree of independence of legislative institutions against nonlegislative institutions such as the executive branch of government. Reactive legislatures are more susceptible to control from nonlegislative institutions than active legislatures are. The second dimension is the degree of elite and mass support for the legislative institutions. Both the British Parliament and the United States Congress enjoy high societal support indicated by the attitudes of elite and mass publics toward the legislatures. Thus, it is the first dimension, the degree of legislative independence, that distinguishes reactive legislatures from active legislatures. Meanwhile, his discussions on uninstitutionalized legislatures, for which elite and mass support is low, were not touched upon here because they are outside the scope of this study.

2. *Committee voting*

As is explained below, the power to vote is a major source of independence for Turkish parliamentary committees.[3] Bills are sponsored either by the government or by parliamentarians. First, any bill submitted to the TGNA goes to one of the committees specializing in particular areas of law.[4] Among political parties, the seats of the committee are distributed in proportion to those of the General Assembly. Second, the committee discusses and votes on the bill text article by article. During discussion a committee member may propose to amend part or the entire article of the bill. Amendment to the original text is made if his or her amendment proposal is approved by vote. Finally, the committee puts to vote the entire text to which amendments if any have already been made. The results of discussion and voting in the committee are recorded as a "committee report."[5] The General Assembly then votes to accept the committee report, with or without amendments, or to reject it. Once the committee report that approved the bill is accepted in the General Assembly, the bill becomes law.

3. *Less party discipline in committees*

It can be generally argued that in the TGNA, party discipline is less effective in committees than in the General Assembly for institutional reasons. The strength of party discipline depends on the rules of procedure in the TGNA. The rules stipulate that in the General Assembly a parliamentarian may speak either in the name of the party group or as an individual. For each article of a bill, the number of occasions to speak is limited to one for each party group and one for all the parliamentarians. However, in the committee every member has the right to speak as an individual parliamentarian without limitation. Parliamentarians thus may speak and propose amendments in the committee more independent of party discipline than in the General Assembly.[6]

As Kalaycıoğlu explains in the quotation below, another factor contributing to less party control in the committee may be the small membership and the frequent interaction of the members:

> Political party groups seem to be more open to negotiation, and perhaps even to some compromise during commission [*sic*] proceedings. Commission meetings are not normally disrupted by the unruly behavior of members. This may be partly because commission proceedings are rarely reported in the newspapers. Thus, the legislative behavior exhibited in the privacy of commission debates differs from that manifest in the more public debates of the General Assembly. [4, p. 181]

[3] British parliamentary committees can only discuss bills.

[4] The text of the bill is distributed to the committee members at the request of the chairman or five committee members. The committee may start discussing the bill forty-eight hours after the text is distributed.

[5] The report must be sent to the General Assembly within forty-five days once the bill is submitted to the TGNA. Otherwise, the government or the sponsor of the bill has the right to ask the bill to be put directly on the agenda.

[6] Interview with Assistant Director of the Plans and Budget Committee Secretariat, June 1990, Ankara.

It will thus be worthwhile to investigate the forms and the extent of legislative activities in parliamentary committees, where more substantive negotiation seems to take place than in the General Assembly.

C. *Focus of the Study*

This study will focus on the extent to which the bills submitted to the TGNA are amended in the committees. The extent of amendment will help provide an understanding of the relative power of the legislature vis-à-vis the executive branch of government. Although learned opinion points to executive dominance over the legislature in Turkey [4], the fact that the Turkish political system is not presidential but parliamentary should also be taken into account. In other words, the degree of executive dominance must be measured in comparison with other parliamentary systems. In addition, the types of amendments, which will be explained later, will also disclose various intentions of Turkish parliamentarians in legislative activities. This research is a preliminary attempt to empirically investigate these questions.

II. METHODS

A. *Data*

The unit of analysis is the change made in the text of a bill. The main source of data for this investigation was the TGNA committee reports (*TBMM Komisyon Raporları*) compiled in the TGNA minutes (*TBMM Tutanak Dergisi*) from December 1987 to June 1989, covering the first two legislative years of the eighteenth legislative period. Excluded from this data source were those committee reports from the Accounts of the TGNA Committee, the Auditing of the Governmental Expenditures Committee, the State Economic Enterprises Committee, and the Petition Committee. The first three committees function only for the budget law. The Petition Committee is not responsible for legislation; it merely informs the government of problems raised by citizens. Eleven committees were thus left for analysis. These are the committees of Plans and Budget; Justice; Industry, Technology, and Commerce; Interior; National Defense; Health and Social Services; National Education; Constitution; Public Works, Construction, Transportation, and Tourism; Foreign Affairs; and Agriculture, Forestry, and Village Affairs.

B. *Procedure*

In order to extract the amended parts of the bill, a comparison was made between the text of the bill submitted to the committee and the text approved by the committee. Any difference between the two texts was counted as one amendment; it was therefore possible for one article in a bill to contain several amendments. By this process an amended bill was broken into units, each unit containing only one change of content. The amendments of each committee were prepared separately and placed in a folder with the proposed and the amended forms of the bill texts typed on separate pages.

The author selected three judges for every committee to have them evaluate amendments.[7] Each judge received a copy of the prepared folder for assessment. The folders for the eleven committees contained a total of 499 unitized amendments in the 99 amended bills. The judges were asked to rate the changes on a four-point scale for the importance of the amendment (1="very unimportant"; 2="somewhat unimportant"; 3="somewhat important"; and 4="very important"). The mean of the judges' scores regarding the importance of one piece of amendment gave us the index of importance.

III. RESULTS

A. *Number of Amendments*

1. *Overview*

During the years from 1987 to 1989, 227 bills were submitted to the committees either by the government, government-party parliamentarians, or opposition-party parliamentarians (Table I). Of these bills 114 (50.2 per cent) passed without amendment; 99 of the remaining bills (43.6 per cent) went through amendment; and 14 bills (6.2 per cent), all sponsored by parliamentarians of the opposition parties, were rejected by the committees.[8]

TABLE I

COMMITTEE DECISIONS ON THE BILLS

Decision	Number	%
Bills approved without amendment	114	50.2
Bills approved with amendment	99	43.6
Bills rejected	14	6.2
Total number of bills voted in the committees	227	100.0

[7] The judges were either professionals who specialized in the subject area of each committee, or had an educational background in that general area. Each folder, containing a compilation of the amendments of one committee, was judged by three different judges. Two of these judges for each committee were selected from bureaucratic lawyers in the TGNA, advisors of law in the ministry to which the bill was the most closely related, or university professors of law. The third judge for each committee was selected from master students in the Faculty of Economic and Administrative Sciences at Middle East Technical University. Since the Agriculture, Forestry, and Village Affairs Committee did not amend any bills, in total thirty judges were asked to evaluate the amendments in the other ten committees.

[8] This does not mean that all the bills that were proposed by opposition-party members were rejected. Out of the total number of bills proposed, thirty of the bills (13.2 per cent) were sponsored by government-party members, twenty-one (9.3 per cent) were sponsored by opposition-party members, and six (2.6 per cent) were jointly sponsored by parliamentarians from the three parties in the TGNA. The remainder were sponsored by the government. All the bills sponsored by the government or government-party members were accepted. Out of twenty-one bills sponsored by the opposition parties, five of them (23.8 per cent) were accepted with or without amendment and 76.2 per cent were rejected. The

TABLE II

COMMITTEES AND AMENDMENTS

Committees	Amended Bills (A)	Unamended Bills (B)	Approved Bills (A+B=C)	Amendments	Approved Articles
Plans & Budget	25	32	57	141	453
Justice	19	9	28	125	367
Indus., Tech. & Commerce	4	0	4	53	83
Interior	13	7	20	47	139
National Defense	10	7	17	35	165
Health & Social Services	6	4	10	32	70
National Education	8	3	11	29	107
Constitution	6	4	10	21	54
Public Works, Cons., Trans. & Tourism	4	11	15	10	63
Foreign Affairs	4	36	40	6	126
Agr., Forestry & Vil. Affairs	0	1	1	0	3
Total	99	114	213	499	1,630

Table II gives the committee breakdown according to the number of amendments in each committee. The number of amendments in the committee varied significantly, ranging from the largest, 141 in the Plans and Budget Committee, to the smallest, 0 in the Agriculture, Forestry, and Village Affairs Committee.

2. *Bills and amendments*

It may be hypothesized that the number of amendments in the committee is related to the number of bills submitted to the committee. The more bills submitted to a committee, the more likely amendments will occur provided that the number of articles per bill is constant across committees. The Spearman's rank-sum correlation test, however, showed that the number of amendments and the number of bills in a committee were not statistically related. This is mainly because sizable or comprehensive bills were concentrated in certain committees while piecemeal bills were concentrated in others.

In fact, the number of amendments in a committee was statistically related to the number of articles included in the bills submitted to the committee (Spearman's $r = 0.75$; $p < 0.05$). Likewise, among the amended bills, there was a meaningful

Social Democratic Populist Party, the first opposition party, proposed sixteen bills; only two of them were accepted, constituting a 12.5 per cent success rate. The True Path Party, the second opposition party, proposed five bills; three of them were accepted, giving a success rate of 60.0 per cent. All the bills that were proposed by the opposition parties and then accepted had planned to set up new administrative districts (*ilçe*).

correlation between the number of articles and the number of amendments in a bill (Spearman's $r = 0.52$; $p < 0.0001$). Moreover, the amended bills on average contained a larger number of articles than did the unamended bills. The nonparametric two-sample test (the Mann-Whitney test) showed that the average number of articles in an amended bill ($M = 11.84$) was larger than that of an unamended bill ($M = 3.84$) ($p < 0.0001$).

In sum, the statistical results seem to tell us that the larger the size of the bill, the more amendments will be made. On the other hand, the number of bills submitted to a committee did not significantly influence the number of amendments to be made in the committee. One of the important corollaries is that the average size of a bill meaningfully differed across committees. Thus, those committees with a larger number of sizable bills were more important arenas of legislative activities than other committees. (See the discussion section.)

B. *Types of Amendments*

1. *Codification*

Table III gives the numbers and the percentages of amendments by code. The author codified the amendments in order to increase the contextual richness of the findings.[9] The five codes, which are defined below, indicate the net effect of amendments.

TABLE III

TYPES OF AMENDMENTS

Type	Number	%
Increased interest	129	25.9
Reduced interest	57	11.4
Stronger executive	33	6.6
Weaker executive	28	5.6
Clarity	129	25.9
Miscellanies	123	24.6
Total	499	100.0

(i) "Increased interest": This type of amendment either increases the benefit or reduces the loss to the real or legal Turkish persons that are subject to the article

[9] The author summarized the content of each amendment into a few lines. These summaries were then classified into groups which shared similar descriptions. The number of categorical groups was originally nine, excluding the miscellanies, but was further reduced to five for the sake of simplicity. The third and the fourth types of amendments, namely, "stronger executive" and "weaker executive," were each originally divided into two groups.

Sufficient precautions were taken to minimize the arbitrariness involved in the codification process. First, committee reports usually dwell upon the reasons for amendments. These explanations were well taken into account in summarizing and characterizing amendments. Second, if the amendment is ambiguous or neutral in the nature of its change, it was put into the miscellaneous category. The original Turkish summaries from which the original nine codes (excluding the miscellanies) were constructed are available from the author.

of the law. Typical measures include relaxing the conditions for professional certification or status changes, increasing the sources of revenues or funds, and reducing charges, taxes, or penalties.

(ii) "Reduced interest": This type of amendment either reduces the benefit or increases the loss to the real or legal Turkish persons that are subject to the article of the law. Typical measures include tightening the conditions for professional certification or status changes, decreasing the sources of revenues or funds, and increasing charges, taxes, or penalties.

(iii) "Stronger executive" consists of "centralization" and "autonomous executive."

"Centralization": This type of amendment concentrates the executive powers for implementation in the relevant ministry. Typical measures include abolishing the authorities of other ministries and transferring these authorities to the relevant ministry.

"Autonomous executive": This type of amendment increases the executive authorities delegated by law. Typical measures include giving a particular ministry or public organization the authority to issue bylaws specifying the detail of the law instead of specifying the detail in the law itself. Article 124 of the Constitution stipulates that either the prime ministry, other ministries, or public institutions may issue bylaws (*yönetmelikler*) provided that they are not against current laws.

(iv) "Weaker executive" consists of "decentralization" and "controlled executive."

"Decentralization": This type of amendment either disperses the executive powers for implementation among ministries or delegates authority to lower government organs.

"Controlled executive": This type of amendment decreases the executive authority delegated by law. Typical measures include depriving the relevant ministry of the authority to issue bylaws or restricting such an authority which had been acknowledged in the original bill.

(v) "Clarity": This type of amendment gives clarity or consistency to the text without changing the substantive content. Typical explanations in the committee report include such expressions as "in view of giving clarity" (*açıklık getirilmesi bakımından*), "from the viewpoint of law-writing technicality" (*yasa tekniği bakımından*), and "in order to avoid misunderstanding" (*yanlış yorumlara yol açılmaması bakımından*) as well as "reduction" and "putting sentences in order" (*düzenleme*).

Finally, the miscellanies include those amendments which do not overtly change the group interests, implementation authorities, and those amendments the effects of which are difficult to interpret.

2. *"Increased" vs. "reduced" interests*

The "increased interest" or "reduced interest" of those who are directly affected by the law may be a good indicator of how legislative activities influence group-

TABLE IV

IMPORTANCE BY AMENDMENT TYPE

Amendment Type	Index of Importance (Mean)	Number
Increased interest	3.06	129
Reduced interest	3.26	57
Stronger executive	2.80	33
Weaker executive	3.11	28
Clarity	2.36	129

Note: Excluding miscellanies.

related interests. During the two years covered in this study, there were twice as many interest-increasing amendments ($N = 129$) as interest-reducing amendments ($N = 57$). This proportion means that the interests of those who are directly affected by the future law are more likely to be increased as a result of amendments in the committees. This does not deny the possibility that amendments which bring direct benefit to someone also bring indirect loss to others in a zero-sum situation; but the interests at stake here belong to those who are the direct object of the law.

3. *"Stronger" vs. "weaker" executive*

Any law stipulates not only the rules to be applied but also the authorities to implement them. Amendments therefore may bring about substantive changes in the power of the executive branch of government. Different motivations for amendments, however, may demand different changes in the executive authorities. On the one hand, a more efficient implementation of law may require a centralization of authority within the executive branch or an increase in the total authority accorded to the executive branch. On the other hand, a more effective representation of the constituents through the legislature and the prevention of executive domination may call for a decentralization of executive authority or a reduction in executive power as a whole. There seems no convincing reason therefore why the overall frequency of executive-strengthening amendments ($N = 33$) should be higher than that of executive-weakening amendments ($N = 28$), or vice versa.

C. *Importance of the Amendment*

Amendments may differ in importance. It is necessary therefore to find out what factors make some amendments more important than others. Here the type of amendment was assumed to be an explanatory variable of the importance of the amendment. Since the five types of amendments are distributed across committees, it may be possible to ignore the errors caused by the different scalings of different judges. Simply put, are some types of amendment more important than others?

Table IV shows that there is a perceivable difference in importance among amendment types. The means of the index of importance were statistically greater for the interest-increasing ($M = 3.06$), the interest-reducing ($M = 3.26$), the executive-strengthening ($M = 2.80$), the executive-weakening ($M = 3.11$) amendments

than for the clarity-aimed amendments ($M = 2.36$). The Mann-Whitney test when applied to the four pairs between the clarity-aimed type and each of the other types supported this finding at the 0.01 level of significance. Simply put, both interest-related and executive-related amendments can be approximately described as "somewhat important" whereas clarity-aimed amendments are "somewhat unimportant" on our ordinal scaling.

IV. DISCUSSIONS

A. *Why Are Bills Amended?: Difference by Committee*

The relatively large number of amendments, as shown in Table II, may be explained by the fact that these bills were large in size, represented by the number of articles included. The largeness of a bill indicates the widely or substantively affected interests of citizens or socioeconomic groups. Table V shows that the ten most amended bills were found in the Plans and Budget; the Justice; and the Industry, Technology, and Commerce committees.

Reasons for amending may not be particular to Turkey. First, the plans and budget committee is the most important committee in other countries as well. It examines any bills which entail government expenditures. Many of the amendments in B1 (see Table V) were related to the tax base and the tax rate. Second, B2 as well as B3 was a comprehensive bill which would bring about new professional status. Some lawyers did not want new professionals to enter their own market. Others who wanted to be official financial consultants did not like examinations and other requirements originally prescribed in the bill. These reactions to B2 and B3 were partly manifested as amendments.

The importance of the Justice Committee and Industry, Technology, and Commerce Committee may partly be a reflection of contemporary Turkish politics and economy. The Justice Committee played such an important role not only because it was the final reference for law making but also because the improvement of human rights carries a prime importance in the present Turkish political agenda (B5 and B9). Turkey's human rights concern stems from both internal factors such as redemocratization after 1983 and external factors such as the European Community's continuous criticisms of Turkey on human rights issues. The Industry, Technology, and Commerce Committee reflected the need for adjustment measures, i.e., the anti-dumping law (B4), following the pursuit of rapid economic liberalization. Also, the cooperative law was amended so that member participation in cooperative management would be facilitated (B7). Cooperative management may have become a more important issue because of the growing number of housing cooperatives generated by Turkey's rapid urbanization.

On the other hand, the relative neglect of the agricultural sector in the government's economic policy was reflected in the fact that only one bill, containing three articles, was sponsored by the government. The especially few amendments in the Foreign Affairs Committee is mainly attributed to the fact that nearly all the bills were related to the ratification of treaties and agreements signed between Turkey and other countries. The few amendments in the Foreign Affairs Com-

TABLE V

TEN MOST FREQUENTLY AMENDED BILLS

	Bills	Committee	Number of Amendment
B1:	For introducing the Education-Youth-and-Health Care Tax; for amending the Liquid Fuel Consumption Tax Law Numbered 3074, the Motor Vehicle Tax Law Numbered 197, the Finance Law Numbered 1318, the Income Tax Law Numbered 193, the Taxation Procedure Law Numbered 213, the Public Credit Collection Procedure Law Numbered 6183, and the Expenditure Law Numbered 492; and for adding some sentences to these laws	Plans & Budget	15
B2:	Of the Accountant, the Accountant-Financial Consultant, and the Official Financial Consultant*	Plans & Budget	15
B3:	Of the Accountant-Financial Consultant and the Official Financial Consultant*	Justice	14
B4:	For Preventing Unjust Competition in Import	Ind., Tech. & Com.	13
B5:	For amending the Turkish Penal Law Numbered 765, the Law for Protecting the Children from Harmful Publications, and the Press Law Numbered 1412	Justice	11
B6:	For amending some articles of the Cooperative Law Numbered 1163; and for adding two annex articles to this law*	Plans & Budget	10
B7:	For amending some articles of the Cooperative Law Numbered 1163; and for adding annex and provisional articles to this law*	Ind., Tech. & Com.	9
B8:	For adding annex and provisional articles to the Public Servant Law Numbered 657, and the Turkish Armed Forces Personnel Law Numbered 926; and for amending the provisional article of the Decree Having the Force of Law Numbered 351	Plans & Budget	9
B9:	For amending the Forest Law Numbered 6831, the Business Law Numbered 1475, the Public Road Traffic Law Numbered 2918, and the Social Security Law for Self-employed Peasants Numbered 2926; and for changing some penalties in these laws into administrative penalties	Justice	8
B10:	For amending some articles of the Bankruptcy Law; and for annulling two articles of the Banking Law	Justice	7

Note: The ten bills were coded from B1 to B10 for reference. All the bills except for B8 are government-sponsored bills. B8 is a parliamentarian-sponsored bill.

* The name of the bill changed since the bill was discussed and amended in two different committees.

mittee, according to a secretariat member of the committee, were intended either to correct mistakes in translation or to clarify the reservations clauses of treaties and agreements.

B. *Amendments as Legislative Activity*

1. *Interpreting amendments*

The amendments have been categorized into five codes and analyzed in the results section. There is a reservation, however, that should be kept in mind when interpreting these results. The type of amendment and the reason for an amendment should be conceptually distinguished. Even if an amendment is characterized as one which increases social group interests, the reason or the motive for the amendment may be dominantly technical; influencing social group interests may not have been originally intended by the parliamentarians in the committee.

This may be the case for the amedment which abolished the examination required for the promotion of personnel in the Turkish armed forces. According to a law bureaucrat in the Ministry of Defense, the nationwide integrated examination envisaged in the original bill was "technically impossible" to realize, therefore the requirement for examination was dropped from the bill. But it would be simplistic to assume that the abolition of the examination was the only alternative for the committee. Although technically motivated, that solution was chosen in preference to other alternatives such as introducing new criteria for promotion. When a solution was sought, committee members chose a solution that would be advantageous to those who would be directly affected by the new law.

2. *The ex post facto influence of social group interests*

With the above reservation in mind, it would be possible to argue that the change of social group interests brought about in the parliamentary committees was not necessarily politically motivated. An amendment may have been motivated by the need to correct technical mistakes; but as solutions were sought, parliamentarians may have chosen those solutions which tended to reflect the interests of and to marshal the support of social groups or constituents directly affected by the new law. This argument finds an analogy with Lowi's assumption that "policies determine politics" [5]. In other words, interest politics generally emerge more as reactions to the exogenous stimuli than as spontaneous activities.

3. *Intentionally influencing social group interests*

This is not to deny, however, that some amendments may have been initiated primarily to appeal to constituents or to particular social groups. While there has been no recorded evidence available to show us the reasons for amendments, some interviewed secretariat members of the praliamentary committees could clearly identify those amendments caused by lobbying (*kulis yapma*) activities of sectoral or regional groups. These results seem to attest to the at least tangible functions of the Turkish legislature in aggregating societal demands on the state.

C. *The Function of TGNA Committees*

1. *Will of the legislature*

Whereas reasons for amendments may vary, the results of amendments seem to suggest the existence of the "corporate will" of the legislature. As the data showed, the most *frequent* as well as the most *important* amendments were of the type increasing group interests. The main job of parliamentarians was to amend mostly government-sponsored bills to increase their constituents' or clientele-groups' interests. Reactive legislation thus does not necessarily mean rubber-stamp legislation. Since all the committees are dominated by the party in power, it seems more likely for government-party parliamentarians, rather than for opposition-party members, to propose amendments to be approved in the committee. According to the parliamentarians interviewed, the chances for an amendment proposal from an opposition party being approved are very slim. In other words, the major driving force for bill amendment is the loyal opposition.

2. *Loyal opposition in the Plans and Budget Committee*

The words of the chairman of the Plans and Budget Committee,[10] Yusuf Bozkurt Özal, describes the power of the loyal opposition of government-party committee members against the government, even if one takes into account that tax bills are one of the most controversial of all. Özal said, "Taxation is the TGNA's job," after the Plans and Budget Committee amended thirteen out of the total fourteen articles of a tax bill.[11] The passage of the bill had been suspended for a year and a half by government-party parliamentarians in opposition. Without being so extensively amended, the bill could not have been approved by the committee.

The Plans and Budget Committee not only introduced various exceptions and discount measures for taxpayers but also deprived the Council of Ministers of the authority to increase the tax for any income group. According to Özal, "From now on, the tax system will be changed by law, not by the Council of Ministers."[12] This episode illustrates the two main concerns of the parliamentarians, i.e., constituent interests and the autonomy of the legislature against the executive branch. The Plans and Budget Committee seems to have proven its "power of the purse" in dealing with a bill that contained some of the major issues in the society.

3. *Free-ride legislation*

The will of the legislature and loyal opposition manifested themselves, however, mainly as parliamentarian proposals to amend government bills. One of the reasons why parliamentarians rarely proposed bills of their own may be found in the

[10] The chairman, the vice chairman, the spokesman, and the secretary of a committee are elected from and by the committee members. In 1987 all these posts in the above-mentioned eleven committees were given to the Motherland Party, the party in power.

[11] *Dünya* (daily), December 14, 1990; and *Ekonomik Panorama* (weekly), December 30, 1990.

[12] *Cumhuriyet* (daily), December 13, 1990.

shortage of their material and personnel resources necessary for legislation.[13] The income of Turkish parliamentarians consists only of an appropriation which is equivalent to the salary of the highest-ranking civil servants, and a travel allowance which is half of the appropriation [11, p. 62]. Many parliamentarians complain that they cannot afford to visit their constituencies every week. Also, only one secretary is provided for every two parliamentarians.[14]

Given the shortage of needed material and personnel resources available for legislators, reactive legislation seems to be a rational response of legislators in parliamentary systems in general. Parliamentarians who want to enhance constituent interests or sectoral interests would not have to complain about difficulties in preparing a bill. They could have a "free ride" on government-proposed bills by introducing changes in the bills so that the interests of their clientele groups will be better reflected. Speaking of "free-ride legislation" is not to justify the relative supremacy of the executive over the legislature but only to highlight the pragmatic short-term solution to legislation with limited resources. Thus, free-ride legislation may not be particular to Turkey; it may be found in other parliamentary systems.

4. *Decrees vs. laws*

Lastly, the image of a muted legislature in Turkey may have been reinforced by newspapers reporting the government use of "decrees having the power of law" (*kanun hükmünde kararnameler*). Decrees are usually extraordinary decisions which regulate urgent issues. The frequent use of decrees especially in the first half of the 1980s partly reflected the urgent need for economic stabilization measures as well as administrative reforms. In addition, the Ozal government's attitude to downplay the legislature, even when extraordinary situations ceased to exist in the last half of the 1980s, also contributed to the phenomenon.

But the demise of the Motherland Party government, which had been led by Özal's successors, gave rise to a renewed respect toward the legislature. The new coalition government, which was formed in November 1991 between the True Path Party and the Social Democratic Populist Party, allows more open discussion than the previous government did among parliamentarians before intra-party as well as inter-party consensus is achieved. It does not seem likely therefore that the government will resort to decrees so frequently as before. In the coming years empirical studies of Turkish politics should direct more attention to the legislative process.

[13] In addition, the two legislative years from December 1987 to June 1989 were still at the beginning of the redemocratization process in Turkish politics. About 65 per cent of the parliamentarians in this legislative period came into the parliament for the first time [4, p. 163]. It may be expected that the lack of experience and knowledge in legislation has limited their ability to prepare bills and to represent societal interests.

[14] The poor conditions for legislators' legislation, however, are not special to Turkey. Conditions for British parliamentarians also fare poorly against those for congressmen in the United States; the salary of the former was reported to be less than one fifth that of the latter while the differences in various fringe benefits between British and American legislators were even more extreme [8, p. 306].

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