

# 4

## Turkey as an Electoral Democracy

This chapter demonstrates that Turkey can be treated as a democracy, as it meets the minimum standard. The minimum level of democracy is generally called polyarchy (Dahl 1971), procedural democracy, or electoral democracy. Electoral democracy, the phrase most commonly used at present, exists when competitive elections are held periodically under universal suffrage. As long as electoral procedures are competitive and fair, the consequences are not questioned. This concept is the conventional wisdom for empirical analysis since it is difficult to both debate and to realize substantive democracy that emphasizes equality as a result of such procedures. In this chapter, the first section discusses the objective conditions that make Turkey an electoral democracy. Second, the development of Turkey's democracy over the past fifty years is briefly reviewed. The third section accounts for various versions of the electoral system in Turkey that have been applied in various circumstances.

### 4.1. Competition and Participation in Turkey

Since 1950, Turkey has satisfied the minimal criteria of electoral democracy, or polyarchy in effect. Dahl's widely accepted criteria on polyarchy (1971) basically consist of (1) public contestation and (2) political participation. The first criterion was met in 1950 with the holding of a free and fair general election that brought about a change of government for the first time since the establishment of the republic in 1923. In only six out of the fifteen elections from 1946 to 2002 did the same party become the first party as in the previous election (Table 4-1). Competitive elections thus have been practiced in Turkey for the last half century.

It is true that Turkey experienced direct and indirect military interventions in 1960, 1971, and 1980.<sup>1</sup> The primary aim of those interventions, however, was not the

TABLE 4-1  
GENERAL ELECTIONS AND CHANGE OF GOVERNMENT, 1946–2002

General Election	Incumbent(s) after the Election	First Party <sup>a</sup>
		○: Same as the Last ●: Different from the Last
1946	CHP	○
1950	DP	●
1954	DP	○
1957	DP	○
1961*	CHP, AP	●
1965	AP	●
1969	AP	○
1973	CHP, MSP	●
1977	CHP	○
1983*	ANAP	●
1987	ANAP	○
1991	DYP	●
1995	ANAP, DYP	●
1999	DSP	●
2002	AKP	●

Source: Compiled by the author.

\* Transition elections after military rule (1960–61 and 1980–83).

<sup>a</sup> The first parties are the same as the incumbents after the general election with the exception of the first party in the 1995 election, the RP.

establishment of an undemocratic regime but rather to restore order in a dysfunctional democracy. Bureaucratic-authoritarian regimes that took power in other relatively developed democracies in the Third World lasted seven years on two occasions (1966–73 and 1976–83) in Argentina, 21 years (1964–85) in Brazil, 17 years (1973–90) in Chile, and 12 years (1973–85) in Uruguay. In Turkey, the military rule lasted one year during the 1960–61 period and three years for the 1980–83 period while the 1971 indirect “intervention by memorandum” inaugurated supra-party civilian governments. Moreover, despite the previous military interventions, there is a general consensus in Turkish society that government legitimacy rests on the trust of citizens represented by free and competitive elections (Özbudun 1987, pp. 353–54).

For the second criterion, universal suffrage was nominally achieved in 1934 when women were given suffrage, which hitherto had been restricted only to men. Parliamentary elections, however, were conducted in two stages. Voters could only elect electors, who would then elect parliamentarians. Representatives in the parliament then were only indirectly representative of the voters, on top of the fact that they were one-party elections. With the introduction of party competition in 1946, voters became able to vote directly for parliamentary candidates, and thus the second requirement was fully met (Tuncer 2003, p. 108–10).

In addition to this minimum requirement for the participatory feature of electoral democracy, other forms of participation such as the freedoms of speech, association, assembly, and demonstration also have existed with relatively few limitations. Political parties, associations, and foundations can be established without permission although if they are deemed to threaten the existence of the republic due to their goals regarding class, religion, sect, or ethnicity, they can be subject to abolition by judicial procedures.<sup>2</sup> In all, however, these restrictions do not fundamentally violate the condition of associational autonomy, defined by Dahl (1989), which emphasizes the independence of organizations rather than unlimited freedom, stating that “citizens also have a right to form relatively *independent* associations or organizations, including *independent* political parties and interest groups” (p. 221, italics added). Thus, the Turkish political system satisfies the basic criterion for electoral democracy, or polyarchy, and internalizes some of the even more demanding conditions for democratic politics.

## 4.2. The Development of Turkish Electoral Democracy

This section overviews the development of Turkish democracy with particular reference to constitutional regimes.<sup>3</sup> Since electoral democracy is the analytical arena of this study, it is essential to understand how various political forces in Turkey coalesced or struggled with each other to create or change constitutional regimes over the last half century.

*Transition to a multiparty system in 1946.* The political background for the introduction of electoral democracy in Turkey can be dated at least back to an earlier attempt at democratization immediately after the Second World War. In the 1946 general election, Turkey made a transition from the one-party system dominated by the CHP, founded by the national leader, Mustafa Kemal, to a multiparty system. The electoral outcome gave the governing CHP a bare majority to remain in office, but in the following 1950 general election, the CHP had to give way to the emerging DP, which had originated from a splinter group that broke off from the CHP.

*Tyranny of the majority ends in a coup.* Turkey’s experiment in democratization, while bringing about a change of governing parties, did not engender institutionalized relations between the government and opposition. The DP, which won consecutive general elections in 1954 and 1957, grew increasingly authoritarian (as well as anti-secular) while in government, and began to use repression toward the parliamentary and extra-parliamentary opposition, especially the CHP.<sup>4</sup> The political turmoil culminated in 1960 when a student-led protest movement prompted the DP government to declare martial law in Istanbul and Ankara. In Ankara, army cadets joined the antigovernment demonstration. The government ordered the military to fire on the demonstrators, but it refused and instead toppled the government in a coup.

*Shared constitution-making.* The military ruled Turkey temporarily from 1960 to 1961, and during that time it participated with civilians in the process of drafting a new constitution. A bicameral Constitutional Assembly, composed of equipotent military and civilian chambers, was created in 1960. Members of the civilian chamber

(Assembly of Representatives) were chosen by indirect election, cooptation, or quota, and represented various functional groups as well as political parties excluding the banned DP. When the military chamber (National Unity Committee) did not entirely approve of the text of a bill passed by the civilian chamber had passed, or when the civilian chamber did not approve of the changes which the military chamber made to a bill's original text, the Constitutional Assembly would hold a joint session. Since the civilian chamber had more members than the military chamber, the former held the advantage in such voting (Özbudun 1993, p. 31).

*Constitutional rule against the tyranny of the majority.* The 1961 constitution was formulated in reaction to the DP era when the government was able to trample upon the supremacy of the constitution and basic human rights. The 1961 constitution differed from the previous 1924 constitution in terms of the relative importance it placed on the following. First, the notion of democracy shifted from majority rule to pluralism. The 1961 constitution advocated pluralistic democracy based on the principles of (1) the supremacy of the constitution, (2) the separation of powers and system of checks and balances, and (3) the structural development of a pluralistic society. Second, it also sought to expand and to strengthen basic human rights. Third, the concept of the social state held the state responsible for securing social peace and justice while also justifying active intervention by the state in the social and economic activities of the nation (Özbudun 1993, p. 17–22). This constitution has been regarded as the most liberal in Turkish history.

*Political instability and a new constitution.* The regime of the 1961 constitution, however, survived for no more than two decades. In the late 1970s, political violence between the right and left escalated. In September 1980, the military intervened and declared martial law nationwide. It perceived defects in the 1961 constitution, which it said had led to a divided parliament and weak governments as well as to political violence associated with a proliferation of political groups and trade unions. The new leadership then monopolized the drafting and promulgation of the new 1982 constitution. In the new bicameral Constitutional Assembly, the military chamber (National Security Council) had the power to reject or amend the text which the civilian chamber (Consultative Assembly) had approved, and those rejections or amendments did not have to be sent back for review to the civilian chamber (Özbudun 1993, p. 31).

In comparison with the 1961 constitution, the 1982 constitution (1) was more casuistic or specific in details, (2) was more difficult to change, (3) had many more transitional clauses to protect from subsequent revision the laws and decisions made by the military government, (4) shifted the balance between authority and freedom towards the former, (5) strengthened the executive branch, (6) sought to avoid deadlocks in the political decision-making mechanism, and (7) was less lenient towards participatory democracy (Özbudun 1993, p. 35–44). In sum, it was designed to support a strong central government at the expense of the greater political freedom set forth in the previous constitution.

*Re-democratization and fragmentation.* The civilian transition election in 1983 was carefully controlled by the military regime. Only in 1987 were all the parties able to participate in the general election. At the same time, the Motherland Party (Anavatan

Partisi, ANAP), the only surviving participant in, as well as the victor of, the 1983 election, ruled Turkey alone until 1991. When it lost the 1991 general election, there was no strong alternative to replace it. The 1982 constitution thus turned out to be no guarantee of political stability. Instead, Turkey once again entered a coalition era in the 1990s. The party system became fragmented so rapidly that by the late 1990s even the largest two parties combined were unable to garner 50 percent of the vote. The Justice and Development Party (Adalet ve Kalkınma Partisi, AKP) won the 2002 general election with 34.3 percent of the vote and 66.0 percent of the seats but its success owed much to voter punishment of the incumbents.<sup>5</sup>

### 4.3. Electoral System

This section examines the electoral system in Turkey, mainly in terms of seat allocation (Table 4-2). From the first multiparty election in 1946 to the last general election (in 1957) before the 1960 military intervention, a majoritarian system with multimember constituencies was used for the unicameral legislature, the Turkish Grand National Assembly (Türkiye Büyük Millet Meclisi, TBMM). All the constituency seats were allocated to the winning party in the constituency consisting of one province. This system favored the first party so strongly that the DP that came to power in 1950 with an overwhelming majority in the parliament and was able to pass any law, constitutional or not.

After the military overthrew the “tyranny of the majority” in 1960, the 1961 constitution, drafted jointly by civilians and the military, adopted the principle of checks and balances. This principle was embodied as the bicameral legislature (1961–80) elected by the proportional representation system with multimember constituencies.<sup>6</sup> For both the national assembly, TBMM, and the senate, Cumhuriyet Senatosu, constituency size was determined in proportion to the population of the province that constituted one constituency.<sup>7</sup>

While the 1961 electoral law (Law No. 306) basically followed the d’Hondt sys-

TABLE 4-2  
ELECTORAL SYSTEM IN TURKEY, 1946–2002

Year	Version	Proportionality <sup>a</sup>
1946–1957	Majoritarian	1
1961	d’Hondt with constituency hurdle	5
1965	National remainder	7
1969–1977	Simple d’Hondt	6
1983	d’Hondt with double hurdles	3
1987–1991	d’Hondt with double hurdles and contingencies	2
1995–2002	d’Hondt with the national hurdle	4

Source: Adapted by the author from Tuncer (2003, pp. 117–26).

<sup>a</sup> Proportionality is rank-ordered by the author from lowest = 1 to highest = 7.

tem,<sup>8</sup> the seat allocation system was subject to frequent revisions due to political calculations by the incumbent.<sup>9</sup> The 1961 electoral law originally stipulated a minimal vote threshold for a constituency in order to avoid party fragmentation. No seats in a constituency were given to parties that failed to gain a total amount of votes calculated as the total votes in the constituency divided by the number of seats in the constituency. The original intention of the law was reversed in 1965, when the national remainder system was introduced. Under this system, the votes below the constituency threshold were pooled as the national remainder to be reallocated to all the parties by the d'Hondt system. The first incumbent at the time, the CHP, wanted to prevent the popular AP from gaining a majority seats in the next (1965) general election.

In the late 1960s, however, the electoral system swung back to disproportionality. For the elections from 1969 to 1977, a simple d'Hondt system with neither constituency threshold nor national remainder was applied. It started when the AP, which had come to power in 1965, passed a law in 1968 to abolish the national remainder system and to revive the constituency threshold. The minor Turkish Labor Party (Türkiye İşçi Partisi, TİP), which would have faced a heavy blow from this legislation, resorted to constitutional review. The result was nearly a defeat for the TİP. The Constitutional Court upheld the abolition of the national remainder, while repealing only the reintroduction of the constituency threshold as being unconstitutional (due to the loss of equality in representation).

The 1980 military intervention left a lasting imprint on the electoral system in the post-1980 era. The 1983 Law on Election of the Members of Parliament (Law No. 2839), which was first applied for the transition election, reflected the 1982 constitutional regime and brought about change from the abolished 1961 electoral law. First, it set two hurdles with the aim to eliminate minor parties. One was the requirement that parties had to win at least 10 percent of the national vote to obtain any seats in the parliament. The other was the same constituency threshold as was used from 1961 to 1965. Second, but less importantly, the districting system was changed so that rural provinces would be more overrepresented relative to urban provinces. One seat was allocated to each province without regard to population size, and then the remaining seats were allocated in proportion to population, but with the initial requirement that each province would have at least one seat. Provinces that were entitled to more than seven seats were divided into plural constituencies with no fewer than three seats.

Even after the transition to the civilian government, incumbents continued to meddle with the electoral system for political expediency. Prior to the 1987 general election, "contingency seats" were introduced for the provinces that had more than one constituency with between four and six seats.<sup>10</sup> In these constituencies, one seat was to be allocated to the first party in the constituency. By doing this, the incumbent ANAP tried to, and actually managed to, secure a majority in the face of declining popularity. Prior to the 1995 general election, the incumbent as well as other mainstream parties apparently feared that the emerging pro-Islamic party might gain a parliamentary majority. As a result of amendments to the electoral law and of their repeals,<sup>11</sup> (1) the constituency threshold was lifted, (2) the contingency seats were abolished, and (3)

the ceiling on constituency size was raised from 6 to 18<sup>12</sup> so that the system became more proportional in effect. This system remains in force to this day.

#### 4.4. Summary

Turkey has been an electoral democracy since 1950. Competitive elections led to frequent changes of government. The long history of universal suffrage and emerging associational life provided a backbone for electoral democracy, although “excesses of freedom” were later curtailed by the state. Two brief military interventions sought to restore the functions of parliamentary democracy while two different remedies, one liberal and the other repressive, were applied to the two cases. For the electoral system, the proportional representational system since 1961 has been subject to various changes due to political expediencies. The most serious obstacle for representation has been the 10 percentage national threshold for parliamentary seats.

#### Note

- 1 The “February 28 Process” (28 Şubat Süreci) has often been described as a postmodern or soft coup. During the National Security Council meeting on February 28, 1997, the military members demanded from pro-Islamic Prime Minister Necmettin Erbakan strict measures against the growth of Islamists, while referring to unspecified sanctions if the measures were not implemented. However, the subsequent fall of Erbakan’s coalition government in June was precipitated largely by waves of antigovernment demonstrations that involved a range of forces from labor to business organizations. See Hazama (1999, pp. 86–91).
- 2 For the history of the regulation and deregulation of associational life in Turkey, see Hazama (1999).
- 3 The following brief historical account was adapted from Hazama (1996, pp. 316–18).
- 4 The DP government confiscated an important part of the CHP’s real estate in December 1953, modified the law governing the press to increase control over newspapers in June 1956, and banned CHP activities for three months in April 1960.
- 5 For more details on post-1980 developments, see Chapter 7.
- 6 Except for the first senate election in 1961 to which the majority system was applied.
- 7 For the senate since 1964, Ankara, Istanbul, and Izmir had three constituencies.
- 8 The seat allocation under the d’Hondt system proceeds as follows. First, the votes for each party are divided by one, two, three, . . . , and  $n$ . Second, the quotients thus obtained for all parties are sorted in descending order regardless of denominator size. Third, the first seat is allocated to the party with the largest quotient, the second seat to the party with the second largest quotient, and so forth until the  $n$ -th seat.
- 9 The following explanation relied on Tuncer (2003, pp. 230–43), Tekeli (1983), Sabuncu and Şeker (1996), and T. C. Başbakanlık (various years).
- 10 In the same amendment, the maximum number of population-proportional seats for a constituency was lowered from seven to six due to the introduction of contingency seats.
- 11 Initially the government passed a bill that would limit the constituency threshold to 25 percent of the vote. After a group of opposition parliamentarians referred the new law to the

constitutional court, the law was repealed as unconstitutional. The government passed another bill that would further limit the constituency threshold to 10 percent. But then the president referred the new law to the constitutional court, which eventually annulled it. Since no other relevant legislation was made, the constituency threshold was thus effectively lifted. See Tuncer (2003, p. 123).

- 12 Only when a province was entitled to over 18 seats, it would be divided into two constituencies for 19 to 35 seats and into three constituencies for 36 or more seats. Regarding this change in the electoral law, the DYP-CHP caretaker government explained that there was not enough time to adjust constituency sizes according to the latest population census, which had to be completed in 1995 but could not be published until 1997. This was the time when two-round voting such as in France was being discussed by political parties (except for the pro-Islamic RP) but was not realized.