

SPECIAL FOCUS ON TURKEY THE EVOLUTION OF A REFERENDUM

The Perils of “Turkish Presidentialism”*

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Abstract

Turkey has switched to a presidential system via a referendum held in April 2017 that will take full effect after the 2019 presidential elections. Turkish presidentialism increases the prominence of the executive at the expense of the legislative branch and concentrates power in the office of the president. Executive aggrandizement will deepen ideological polarization and electoral mobilization by significantly raising the stakes of the game for both the incumbent and the opposition. As such, we posit that the new presidential system will institutionalize the *de facto* personalism and majoritarian rule that the AKP has hitherto established in recent years. This trend is likely to trigger a transition from a competitive authoritarian to hegemonic electoral authoritarianism in case of Tayyip Erdoğan’s election, thus placing Turkey on par with the strongest executive systems around the globe such as Russia and Venezuela.

Keywords: presidentialism, majoritarianism, AKP, Erdoğan, and Turkey

On 16 April 2017, Turkish voters narrowly ratified several constitutional amendments that changed the country’s political system into a presidential one with very limited institutional checks and balances. The new system ends Turkey’s century-old experience with the parliamentary model and embarks the country into uncharted territory. Constitutional amendments ratified in the referendum will accelerate what has been termed Turkey’s democratic backsliding on three levels.¹ Presidential

* Inspired by Juan Linz’s seminal article “The Perils of Presidentialism,” *Journal of Democracy* 1, no. 1 (Winter 1990): 51–69.

¹ For literature on the move toward authoritarianism and presidentialism, see: Berk Esen and Sebnem Gumuscu, “Rising Competitive Authoritarianism in Turkey,” *Third World Quarterly* 37, no. 9 (February 2016): 1581–1606; Murat Somer, “Understanding Turkey’s Democratic Breakdown: Old vs. New and Indigenous vs. Global Authoritarianism,” *Southeast European and Black Sea Studies* 16, no. 4 (November 2016): 481–503; Ergun Özbudun, “Turkey’s Judiciary and the Drift toward Competitive Authoritarianism,” *The International Spectator* 50, no. 2

systems in general are less representative and competitive with its majoritarian tendencies compared to parliamentary systems in divided societies. Moreover, Turkish presidentialism is especially problematic due to its flawed design regardless of who occupies the seat of the president. Particularly concerning are the weakness of the parliament and the judiciary vis-à-vis the president, who enjoys vast appointment powers and limited horizontal accountability. Finally, provided that he is elected in 2019, these problems will be exacerbated by Erdoğan, who proved to be a divisive populist with authoritarian tendencies even under the parliamentary system. We posit that the new presidential system will institutionalize the de facto majoritarian, winner-take-all system that the AKP (Adalet ve Kalkınma Partisi/Justice and Development Party) has already established in recent years. Erdoğan's election is likely to devolve the country into hegemonic electoral authoritarianism, placing Turkey on par with the strongest executive systems around the globe such as Russia and Venezuela.

Three decades ago Juan Linz pointed at the perils of presidentialism specifically for nations with deep political cleavages and multiple parties.² He suggested that in such societies parliamentary systems are more conducive to democratic consolidation than presidential systems. Linz highlighted in particular the president's strong claim to democratic and even plebiscitarian legitimacy and fixed terms in office as serious challenges to democratic stability. While the former inflamed majoritarianism and a winners-take-all rationale in politics, the latter is more prone to a crisis of governance, which may easily evolve into regime crisis in presidential systems.³ Multiparty presidential systems are arguably likely to trigger political deadlock, ideological polarization, and eventually lead to the erosion of democratic rule.⁴ Such drawbacks would be particularly pronounced in contemporary Turkey, where the AKP has created an uneven playing field vis-à-vis the opposition to build a competitive authoritarian regime in recent years.⁵

The new political system rests on the separation of the legislative and executive branches and transfers the executive power from the parliament

(June 2015): 42–55; Ziya Öniş, “Monopolising the Centre: The AKP and the Uncertain Path of Turkish Democracy,” *The International Spectator* 50, no. 2 (June 2015): 22–41.

² Juan J. Linz, “The Perils of Presidentialism,” *Journal of Democracy* 1, no. 1 (Winter 1990): 51–69.

³ *Ibid.*

⁴ Scott Mainwaring, “Presidentialism, Multipartyism, and Democracy: The Difficult Combination,” *Comparative Political Studies* 26, no. 2 (1993): 198–228.

⁵ Esen and Gumuscu, “Rising Competitive Authoritarianism.”

to the directly elected president. The president has to win a simple majority of the votes in one of the two rounds in the presidential elections to get elected. Presidential and legislative elections are carried out on the same day; moreover, both the president and three fifths of the legislature have a right to call for early concurrent elections. Although a president can only serve two terms, this can extend into a third term if there are early elections before the president's second term ends. Whoever holds the presidential office has absolute control over cabinet appointments and selection of an unspecified number of presidential deputies, without any parliamentary oversight or approval. The president by default would rule by decrees on a wide range of issue areas unless the legislature passes a bill with a simple majority to override the presidential decree. The president also designs and governs the public administration system and bureaucracy through decrees without any parliamentary oversight and sets the criteria for bureaucratic appointments and personally makes these appointments, again without parliamentary input. He/she can also determine and define the mission, jurisdiction, and duties of all public institutions tied to the state. Last but not least, the president can declare emergency rule.⁶

These vast powers accorded to the president will exacerbate a number of authoritarian features already put in place by the ruling AKP in recent years such as personalism, winners-take-all politics, and majoritarianism.⁷ Since the failed coup, for instance, emergency rule allowed President Erdoğan to monopolize power to an unprecedented degree with the heavy use of executive decrees and by extending his constitutional authority by fiat. The new system institutionalizes this transient regime that rests on excessive centralization and monopolization of power at the hands of a single individual. Likewise, the new presidential system is likely to inflame Erdoğan's majoritarianism by giving him direct popular mandate. Resting excessive power in the hands of a popularly elected president raises the stakes of the electoral game much higher than the parliamentary system. The need to garner the support of the majority when coupled with Erdoğan's political strategy will deepen political polarization in the country as seen in the recent

⁶ "How Does Turkey's Current Constitution Compare with Proposed Changes?" *TRT World*, 20 February 2017, <https://goo.gl/hwxmb4>.

⁷ Ergun Özbudun "AKP at the Crossroads: Erdoğan's Majoritarian Drift," *South European Society and Politics* 19, no. 2 (June 2014): 155–67; Öniş, "Monopolising the Centre;" Meltem Müftüleri-Baç and E. Fuat Keyman, "Turkey's Unconsolidated Democracy: The Nexus Between Democratization and Majoritarianism in Turkey," *Global Turkey in Europe III: Democracy, Trade, and the Kurdish Question in Turkey-EU Relations* 19, no. 1 (January 2015); E. Fuat Keyman and Sebnem Gumuscu, *Democracy, Identity, and Foreign Policy in Turkey* (London: Palgrave Macmillan, 2014).

referendum. Indeed, Erdoğan is already known for his tendency to conflate his own supporters with “the people” as a whole, and to delegitimize the opposition as enemies of the people.⁸

Considering the fact that these traits are the main pillars of the rising competitive authoritarianism in the country, one could safely suggest that the current presidential system would further entrench this authoritarian trend in Turkey and make it more difficult to reverse it in the ensuing years. As such, Turkey faces the palpable risk of regressing into a hegemonic authoritarian regime that is very likely dominated by Erdoğan and his entourage. In these regimes, the ruling party or incumbent enjoys overwhelming electoral dominance that leaves almost no room for a peaceful electoral turnover. Accordingly, the opposition parties will come under heavier pressure from the government and face further challenges against their activities.

Along similar lines, the adopted constitutional amendments will inject a greater degree of personalism into the system as it transfers power away from parliament to the president, creating a “super presidency” that will attain executive powers with very limited parliamentary oversight as already discussed above. In key political questions such as calling for early elections, legislation, and budgetary approval, the president’s power is equal to the majority or qualified majority of the parliament.

With the adoption of the “partisan president” clause in the referendum, the president is no longer required to remain impartial and can join a political party. Accordingly, President Erdoğan is now allowed to hold the office of the Presidency and AKP chairmanship simultaneously, thereby ending his practice of controlling the ruling party from outside through caretaker figures like Ahmet Davutoğlu or Binali Yıldırım. Soon after rejoining the AKP, Erdoğan was elected chairman at the party’s national convention that was also held after the referendum vote. As leader of the ruling party, head of government and the state, he has thus accumulated more power than any other Turkish leader in the multi-party period. Due to the erosion of rule of law as seen in the practice of relying on executive decrees and institutional

⁸ Sebnem Gumuscu, “The Emerging Predominant Party System in Turkey,” *Government and Opposition* 48, no. 2 (December 2012): 223–44; E. Fuat Keyman, “The AK Party: Dominant Party, New Turkey and Polarization,” *Insight Turkey* 16, no. 2 (April 2014): 19; Paul Kubicek, “Majoritarian Democracy in Turkey,” in *Democratic Consolidation in Turkey: Micro and Macro Challenges*, eds., Cengiz Erisen and Paul Kubicek, (New York: Routledge, 2016); Orcun Selçuk “Strong Presidents and Weak Institutions: Populism in Turkey, Venezuela and Ecuador,” *Southeast European and Black Sea Studies* 16, no. 4 (October 2016): 571–89.

checks and balances, Erdoğan's de facto political control may even be greater than his constitutional power.

With this emphasis on the person of the leader, presidential systems often undermine the power of political parties through institutionalized personalism inherent to these systems. Under the parliamentary system first as the prime minister and later as the president, Erdoğan relied on the AKP's electoral success to amass power and expand his authority. As the electoral system shifts to accommodate the presidential system, Erdoğan's electoral prospects are somewhat independent from how the AKP fares in the elections. Needless to say, Erdoğan would not want the AKP to lose legislative elections although his priority now rests in presidential elections. Nonetheless, Erdoğan is primarily interested in pursuing his own presidential campaign by making strategic deals with various groups to secure an electoral majority. The presidential system, by divorcing the executive from the legislative branch and allowing the president to appoint his deputies as well as cabinet members without parliamentary approval, elevates Erdoğan above the existing parties. The system further provides the president with the material and institutional resources (i.e., ministerial positions in the cabinet and unspecified number of presidential deputies) to strike these deals sometimes at the expense of his own party. How much support he would need from the AKP machine to get elected as the next president is therefore a question worth asking.

Arguably, the AKP would be one of the biggest victims of the presidential system in the country due to the subsequent undermining of its intra-party institutions. We already observe clear signs of this trend. For instance, soon after returning to his party after the referendum as the president of the Republic, Erdoğan began to turn the AKP machine into his personal vessel—one that would retain its popularity with voters and also remain truly loyal to Erdoğan himself. First, he pressured local party chiefs of several provinces to resign in the name of intra-party renewal. He then turned his attention to six AKP metropolitan and provincial mayors who were similarly asked to resign. Kadir Topbaş, long-time mayor of Istanbul, was the first to depart; he was soon followed by the mayors of Ankara, Bursa, Düzce, Niğde, and Balıkesir. Currently, there are rumors that cabinet members and other mayors may be next in line.

It is not clear why these AKP officials were targeted particularly. Pro-government media suggested that those cities where the "Yes" vote underperformed in the referendum were given priority. But these figures did not necessarily serve in cities where the "Yes" camp experienced the largest declines. Although the "No" vote prevailed in Ankara and Istanbul, the

“Yes” vote experienced larger declines in provinces like Isparta, Osmaniye, Karabük, Antalya, Uşak, and Burdur whose mayors are kept in office, at least for now.⁹ Others linked the purges to the ongoing Gülenist operations within the party.¹⁰ If this is the case, we may see the AKP purges widen in the ensuing months.

Due to these intra-party purges, the AKP organization currently remains more divided than at any point in its history. Prominent figures like Abdullah Gül, Bülent Arınç, and Ahmet Davutoğlu have not yet returned to the party’s fold and are careful to distance themselves from Erdoğan and his policies, as observed in the most recent exchange between Gül and Erdoğan.¹¹ Following the humiliating nature of their resignations, the aforementioned party stalwarts and mayors may swell the ranks of disgruntled figures in the AKP. We know from the literature that one common way for authoritarian regimes to collapse is elite defection, particularly during “hard times.”¹² As of this writing, these figures have not taken the active step of establishing a rival party or thrown their support to another party. Some suggest that this behavior stemmed from their unwillingness to hurt the Islamist movement,

⁹ Berk Esen and Şebnem Gümüüşçü, “A Small Yes for Presidentialism: The Turkish Constitutional Referendum of April 2017,” *South European Society and Politics* 22, no. 3 (October 2017): 303–26.

¹⁰ The Gülen movement (or *Hizmet* as their members would call it) was established in 1966 with the goal of fighting communism and raising a “golden generation” that would be pious, hardworking, and well educated with a strong sense of solidarity and ‘military-like discipline’ [Hakan M. Yavuz, *Islamic Political Identity in Turkey* (New York: Oxford University Press, 2003)]. The leader of the movement, Fethullah Gülen, wary of the secular regime’s repression, rejected explicit political mobilization and preferred building a network of educational institutions, civil society organizations, media companies, and businesses motivated by Islamic principles. One of the primary, yet less publicized, targets of Fethullah Gülen remained colonization of the state bureaucracy with the members of the “golden generation,” primarily through manipulation of bureaucratic recruitment processes, i.e. centrally administered tests or appointments based on the drawing of lots. The AKP and the Gülen movement formed a political coalition in the aftermath of the 2007 elections with the purpose of counterbalancing the Kemalist bureaucracy in the judiciary and armed forces. As part of this agenda, the allies passed a constitutional referendum in 2010 to redesign the structure of the higher courts and carried out sham trials (Ergenekon and Balyoz) to liquidate Kemalist officers from the military. Soon after this liquidation the former alliance ended in a power struggle that spanned years and took different forms including an attempted coup in July 2016. For details on this alliance and its fallout see Sebnem Gumuscu, “The Clash of Islamists: The Crisis of the Turkish State and Democracy,” Project on Middle East Polical Science Memo (November 2016): <https://pomeps.org/2016/11/03/the-clash-of-islamists-the-crisis-of-the-turkish-state-and-democracy/>.

¹¹ “Turkey’s Former President Gül Responds to Criticism from AKP over Controversial Decree Law,” *Hürriyet Daily News*, last modified 29 December 2017, <https://goo.gl/JRHnK9>.

¹² Benjamin Smith, “Life of the Party: The Origins of Regime Breakdown and Persistence under Single-Party Rule,” *World Politics* 57, no. 3 (April 2005): 421–51.

while others think they are unwilling to assume the huge cost of challenging Erdoğan openly. These calculations could change in the coming years depending on Erdoğan's relative political strength and the government's economic performance. The weakening of the AKP political organization under a presidential system may fundamentally alter the political calculus of prominent figures within the party.

In tandem with the weakening of the AKP machine, the ruling party runs the risk of losing the next parliamentary elections in 2019, even in the event of Erdoğan's victory in the presidential elections. This stems from the fact that the adopted amendments lowered the cost of defection for AKP voters in the parliamentary elections by reducing the parliament's powers—particularly its ability to vote governments out of office.¹³ Accordingly, AKP voters who are critical of their party's performance may cast their ballots for another party in the parliamentary elections while still electing Erdoğan as president. Erdoğan's purges in the AKP may paradoxically contribute to this outcome by weakening the party's operational capacity and elevating him above the party organization. In the eventuality that the opposition seizes a majority of the seats in the legislative branch, a conflict will surely erupt.¹⁴ Such conflicts are likelier in countries like Turkey with deep ideological polarization along left-right, ethnic, and religious cleavages.

Assessing the Prospects of Another Erdoğan Victory

Erdoğan and the AKP government face an uphill battle in the countdown to 2019, when elections are scheduled to take place at the local, parliamentary, and presidential levels. The power struggle between followers of Erdoğan and Gülen triggered a witch-hunt within the Islamist camp after 2012, alienating many pious voters from the AKP. Under previous terms, the AKP government solidified its rule by maintaining macroeconomic stability and providing resources to the businessmen and the electorate, including urban poor voters who felt hitherto excluded from the regime.¹⁵ Recent economic indicators, however, do not particularly produce a favorable macroeconomic climate.

¹³ Esen and Gümüşçü, "A Small Yes," 321.

¹⁴ Linz, "The Perils of Presidentialism." In Venezuela, a similar cohabitation scenario occurred when the ruling United Socialist Party of Venezuela (*Partido Socialista Unido de Venezuela*, PSUV) lost the 2015 legislative elections but retained the presidency under a competitive authoritarian regime.

¹⁵ Ali Çarkoğlu, "Ideology or Economic Pragmatism? Profiling Turkish Voters in 2007," *Turkish Studies* 9, no. 2 (May 2008): 317–44; Berk Esen and Sebnem Gumuscu, "Building a Competitive Authoritarian Regime: State–Business Relations in the AKP's Turkey," *Journal of Balkan and Near Eastern Studies* (November 2017): 1–24.

The inflation rate has increased to 12 percent in 2017, the unemployment rate remained at 11 percent, and the share of wage earners in the Turkish economy has declined.¹⁶ Moreover, economic growth has been fluctuating in the past years reaching 3 percent in 2016 and recovering back to 6.5 percent in 2017. Many economists point at the unsustainable nature of recent growth patterns driven by consumer spending and construction boom.¹⁷ Finally, rapidly increasing foreign debt and the current account deficit along with inflationary pressures create a fragile economy. This fragility may disturb the AKP's ruling coalition. In response, the AKP may engage in a populist spending-spree to court voters, thus placing further strains on the economy.

Economic conditions will gain further significance in the lead up to the 2019 election cycle given the fact that the simple majority requirement in presidential elections has set a higher electoral bar for Erdoğan and other contenders for power. Erdoğan assumed he could win the presidency by rallying the conservative-nationalist constituency (approximately 60% of the electorate) into a single bloc. One could indeed see the AKP's recent alliance with the extreme-right Nationalist Action Party (Milliyetçi Hareket Partisi, hereafter MHP), which has long been the ruling party's main competitor for conservative nationalist voters, in this light. This would place the sizable left-wing minority led by the Republican People's Party (Cumhuriyet Halk Partisi, or CHP) to perennial opposition. Under this model, presidential elections would turn into plebiscites as expressions of his popular legitimacy.

And yet, the narrow margin of victory in the referendum indicated that the consolidation of a conservative-nationalist constituency would be much harder than Erdoğan had initially anticipated. Primarily, the results displayed an erosion of AKP support in metropolitan centers and among young voters who constitute an important component of the Turkish electorate.¹⁸ Also, many MHP voters, particularly in economically developed provinces, broke ranks with their party to oppose the proposed presidential system.¹⁹ Discontent in the MHP led to a split within the ranks of the party and

¹⁶ Mustafa Sönmez, "2018 fraught with uncertainties for Turkish economy," *Al Monitor*, last modified 29 December 2017, <https://goo.gl/F8561N>.

¹⁷ "Prof. Dr. Daron Acemoğlu: Bir-iki yılda kriz çıkacak," *Cumhuriyet*, last modified 25 December 2017, <https://goo.gl/svSEUM>.

¹⁸ Esen and Gümüüşçü, "A Small Yes."

¹⁹ S. Erdem Aytaç, Ali Çarkoğlu and Kerem Yıldırım, "Taking Sides: Determinants of Support for a Presidential System in Turkey," *South European Society and Politics* 22, no. 1 (January 2017): 1–20; IPSOS Turkey, "Anayasa Referandum Sandık Sonrası Raporu," last modified April 2017, <https://goo.gl/y5jjsH>.

the birth of a new right-wing Good Party (hereafter, IYI Party) under the leadership of Meral Akşener, a former Minister of Interior and MHP Deputy Chairman.

Emboldened by the close results in the referendum, both the main opposition CHP and the newly established IYI Party are optimistic about their political prospects. Kemal Kılıçdaroğlu's Justice Walk, which was organized to seek justice for an imprisoned CHP MP, has energized the opposition camp and united the CHP behind Kılıçdaroğlu's leadership. Meanwhile, Akşener's party bounced up in the polls following mass defections of MHP cadres and mayors over the last few months. However, it is not clear how the presidential system with its personalism and winners-take-all logic will lend itself to an electoral coalition of disparate parties with deep divisions. The current political map suggests that a viable contender should get the support of the secular CHP, Turkish nationalist IYI Party, and pro-Kurdish HDP (Halkların Demokratik Partisi, or Peoples' Democratic Party) along with disenfranchised conservatives within the ranks of the AKP. As such, presidentialism has introduced a higher electoral bar not only for Erdoğan and the ruling AKP but also for the opposition parties.

The MHP leader Devlet Bahçeli's unpopularity, coupled with his continued support for the AKP government will further alienate those MHP voters who are opposed to Erdoğan and push them towards Akşener's new party. Aware of this danger, the MHP leader declared his support for Erdoğan possibly in anticipation of an electoral coalition with the AKP or in pursuit of a reduction in the Turkish electoral threshold of 10 percent. However, this growing support for Akşener, a potential presidential contender in 2019, will not suffice to make her the new president. She has to unify quite disparate political groups to win the majority of the votes and defeat Erdoğan at the polls. With her ultra-nationalist ideological roots and past hawkish attitude towards the Kurdish question, it is unlikely for her to garner the support of the Kurds. She has to appeal simultaneously to a secular—and moderately nationalist—CHP constituency and the disenfranchised conservative-nationalists within the ranks of the AKP. It is yet unclear if she could succeed in dividing the AKP constituency that seems relatively consolidated in recent elections.

In the medium to longer run, irrespective of election results, in a country like Turkey with deep ethnic and ideological cleavages, presidentialism will reinforce the systematic exclusion of some social groups from power and shun political, ethnic, and religious minorities to marginalization.²⁰ Smaller

²⁰ Linz, "The Perils of Presidentialism."

parties and polarization is likely to interact to produce different outcomes for different political actors in the country: assuming that Erdoğan will sustain a right-wing presidential coalition, small parties on the right could be co-opted as seen in the case of the MHP. Small parties on the left, in contrast, are likely to be disenfranchised. This possibility is particularly disconcerting when one considers the Kurdish question in the country.²¹ Indeed, the Kurdish movement made significant advances in the June 2015 elections by passing the national threshold for the first time in its history and challenging the AKP's political dominance as a result. Erdoğan reacted by escalating the Kurdish conflict thanks to the complicity of hardliners in the Kurdish movement, particularly the PKK. In the ensuing violence, the HDP leadership remained passive and eventually lost their effectiveness due to Erdoğan's crackdown of the movement. Presidentialism is likely to exacerbate this trend by institutionalizing the marginalization and exclusion of the Kurdish movement.

Conclusion

Although it is hard to predict the 2019 election results, one thing is certain: the new system will exacerbate personalism, winners-take-all politics, majoritarianism, polarization, and the marginalization of minorities in the country. As such, as a political system presidentialism will infuse the country with greater political instability irrespective of electoral outcomes. The structure of the new regime is particularly susceptible to a power grab by the incumbent. Since becoming president in 2014, Erdoğan has already amassed power beyond his constitutional prerogatives especially in the aftermath of the failed coup. As such, the ratified amendments will turn Erdoğan's de facto and unconstitutional use of power to de jure authority. In the event of Erdoğan's victory in 2019, Turkey runs the serious risk of sliding into a hegemonic electoral authoritarian system.

Despite recent trends towards authoritarianism, Erdoğan's reelection in 2019 is not a foregone conclusion. Although the playing field was tilted against the opposition, Erdoğan's forceful campaign in the 2017 referendum indeed only won him a very close victory, which was marred by serious allegations of electoral fraud.²² The close margin of victory in the referendum demonstrates the ruling party's declining popularity and may have serious

²¹ Theoretically, Erdoğan could also build a coalition with Kurds to win the presidency, however, current regional dynamics, particularly the crisis in Syria, render it unlikely at least in the short-run.

²² Esen and Gümüşçü, "A Small Yes."

political consequences. Faced with strong challenges to his rule, Erdoğan has already entered into campaign mode after the referendum—nearly two years before the next election. Even one electoral defeat will seriously weaken, if not collapse, Erdoğan’s regime, which is currently based upon a combination of popular support and selective use of repression against opponents.