

# New Name Old System: Authoritarianism from Parliamentary to Presidential Systems

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| Turkey |

In the Turkish experience, neither the constitution-making process nor democracy itself has been built on a strong foundation. The Turkish state mechanism has made use of the law as an instrument to shape society by punishing, killing, or massacring since its foundation. In other words, the law has never demonstrated its natural meaning as the rule of law; instead, it has been used as a weapon. Constitutions, of course, were not separate from that. Indeed, all constitutions, except for that of 1924, had been prepared after coup d'états by the Turkish army. Thus, we can say that military interventions have determined the institutional architecture and practices of the state through constitutions.

## The 1982 Constitution: Introduction to Authoritarianism

Although the 1982 constitution still governs Turkey, there were many amendments<sup>1</sup> Since the constitution was enacted after the coup, on 7 November 1982, it has been amended 17 times. Overall, 113 of the 177 articles of the Constitution of 1982 were amended. to this constitution. It was ratified after the military coup on November 7, 1982<sup>2</sup> It was established by the Constituent Assembly which members' were chosen by the National Security Council (NSC) composing of the five highest-ranking generals realizing the military coup in the Turkish armed forces. For detailed information: Ergun Özbudun and Ömer Faruk Gençkaya, Democratization and the Politics of Constitution-Making in Turkey (Budapest: Central European University Press, 2009), . It replaced the earlier one which was also promulgated

after a separate coup on May 27, 1960.

Besides, before the coup of 1980, Turkey had made significant changes to its economic policy through a process of the institutionalization of neoliberalism in Turkey. However, there was no stable government to implement these measures, and social opposition was repressed. Under the pretext of chaos, the military coup took over the government as in Chile (Tansel, 2017) and Argentina.

Likewise, the content of the constitution was not democratic either.<sup>3</sup> 669 codes including political parties, election set, and the judicial system legislated under the military regime. It restricted all political and social rights and freedoms and created an authoritarian regime. With the 1982 constitution, the executive gained power over the legislative. The importance of the legislation was weakened, and the judiciary fell under control of the executive. As Akça emphasized, “it favoured a metaphysical, sacred state positioned against the individual and society.” (Akça, 2014). Indeed, this is a state tradition in Turkey in that the state has positioned itself above the society since the establishment of the Republic.

The Justice and Development Party (AKP), a center-right Islamist party, gained power in 2002 and was provided with extraordinary authority by the 1982 constitution.

On the other hand, although AKP gained a majority, AKP-founder and future president Recep Tayyip Erdoğan was aware that the power of his party was still subject to the will of the armed forces. The military was still closely involved in politics and had the power to shape governments (Akay, 2008). In this respect, anti-tutelary discourses and negotiations with the European Union helped him to carve out the military’s role in the political sphere.

Meanwhile, AKP governments succeeded in penetrating the judiciary and the police structural system. They gained control over the state apparatus established by “tutelary regime.” Also, they strengthened the power of the executive through 2007 and 2010 amendments to the constitution, even by controlling judiciary mechanisms. The legislature was already under the control of the executive because of the constitution and electoral system. Therefore, AKP soon became the first power over the state and began to use the

rule of law. The anti-terror code and police authorization law were immediately amended by extending the authorization of police. Definitions of terror and terrorism became extremely vague. Special crime courts were enabled to give extraordinary judgments to the prosecutors, and extraordinary authorization given to the police made it possible to repress their opponents, such as Ergenekon, Balyoz, and KCK trials.

### **Presidential System: More Authoritarianism**

In August 2014, Erdoğan became president. Since then, the current situation in the constitution has changed de facto. According to the constitution, the president must be neutral. Erdoğan has continued to act as head of AKP's government.

At this point, it should be mentioned that the Kurdish question in Turkey has led to an internal war in the eastern and southeast regions of Kurdistan since 1984. PKK (the Kurdistan Workers' Party) and the Turkish military have conflicted since then. Because of undeclared internal conflict, a state of emergency has been under effect for 13 years in Kurdish regions between 1988-2002. Although AKP lifted the state of emergency in 2002, policies regarding the Kurdish issue did not change. Namely, the government continued to see the question as a security problem in a nationalist line and increased repressive interventions in Kurdish areas through massive militarization with war-like policies (Aslan, 2011). In 2015-2016, AKP declared curfews in some Kurdish districts for an indefinite time. Armed forces committed countless human rights violations and committed severe

crimes.<sup>4</sup> "Report on the human rights situation in South-East Turkey July 2015 to December 2016", Office of the United Nations High Commissioner for Human Rights, accessed October 24, 2018, [https://www.ohchr.org/documents/countries/tr/ohchr\\_south-east\\_turkeyreport\\_10march2017.pdf](https://www.ohchr.org/documents/countries/tr/ohchr_south-east_turkeyreport_10march2017.pdf)

There was also the coup attempt on July 15, 2016. Immediately afterward, AKP declared a state of emergency (Lowen, 2016), casting the entire country under the rule of the State of Emergency Act and emergency decrees. The rule of law and international conventions about human rights were suspended during the period.<sup>5</sup> "Report on the impact of the state of

emergency on human rights in Turkey, including an update on the South-East January - December 2017", Office of the United Nations High Commissioner for Human Rights, accessed October 24, 2018, [https://www.ohchr.org/Documents/Countries/TR/2018-03-19\\_Second\\_OHCHR\\_Turkey\\_Report.pdf](https://www.ohchr.org/Documents/Countries/TR/2018-03-19_Second_OHCHR_Turkey_Report.pdf)

With these developments, the government regarded the presidential system (desired by Erdoğan for years) as an absolute necessity. Since Erdoğan and AKP came to government in 2002, they continually showed a tendency to strengthen the executive. For the referendum of the presidential system, Erdoğan frequently mentioned a "stronger Turkey." He proclaimed the old system dysfunctional. Advocates for presidential systems mostly referred to the term "economic instability" to gain votes.

In sum, with these new constitutional amendments the system changed from a parliamentary to a presidential system. The system did not democratize; it became even more authoritarian. The amendments grant sustainability to the state of emergency under which we continue to live. In other words, constant state of emergency has become the rule.

As Poulantzas' states, "The emergence of authoritarian statism cannot be identified either with a new fascist order or with a tendency towards fascism. The present-day state is neither the new form of a genuine exceptional State, nor in itself a transitional form on the road to such a State..." (Poulantzas, 2014). In this respect, the present state in Turkey is not much different from the previous one. It is not an exceptional case for Turkey even if it is named the absolute presidential government. The usual form of state in Turkey has always been authoritarian. Now we experience it in a presidential version.

On the other hand, while authoritarianism escalates gradually, resistances gain momentum against the oppression day after day. Since repression surrounding daily acts of protest are not limited to opponents of the regime. In the words of Laclau and Mouffe, there is a politicizing common while politics commons. Solidarity between people builds as the intercourse between antagonists increases. This solidarity is not limited to social movements in urban areas, but expands toward rural areas with ecological demands,<sup>6</sup>For

detailed information: “The Green Movement in Turkey”, accessed October 24, 2018, [https://tr.boell.org/sites/default/files/perspectives\\_4.\\_sayi\\_pdf\\_eng.pdf](https://tr.boell.org/sites/default/files/perspectives_4._sayi_pdf_eng.pdf) who seek water rights in contest with hydroelectric plants, and struggle against gold mines.

Even amid enormous repression and censorship, peoples can organize. The perpetuity of the Turkish, Sunni-Islamic, heterosexual man, despite its hegemony, dominance, and power, can be overcome. In the face of a democratic struggle against capitalist modernity, the system is vulnerable.

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