

1. INTRODUCTION: THE PUZZLE OF NEW CONSTITUTION AND DEMOCRACY

The marathon of elections taking start with local elections of 30 March 2014 ended with General Elections of 1 November 2015. In the process, Turkey experienced the Presidential Election of 10 August 2014 and General Elections of 7 June 2015.

Four elections, each having its critical importance, all squeezed within such a short period as 20 months.

It is the first time in Turkey that the president of the republic was elected through popular vote. Then, in general elections of June 7, the AK Party failed, after 13 years in power starting from the general elections of 3 November 2002, to gain majority of votes sufficient to allow the establishment of a single party government in the parliament. So, after 13 years, Turkey faced the possibility of a coalition government, which eventually led to what is called “repeat election” happening for the first time in Turkey and adding a new concept to political sciences literature. After five months from June 7th, the AK Party managed to gain majority vote enabling it to establish a strong single party government and thus putting an end to debates on coalition.

In the process as a whole Turkey experienced four critical elections each having its high tension in relatively short intervals.

Moreover, the historical context in which these elections took place was beyond what may be considered as normal; indeed what reigned was an “extraordinary situation” in terms of national, regional and global developments.

Economic and security risks at global level;

Civil conflicts in the region and around our borders, proxy wars, changing maps, military coups, collapsed states, terrorist activities, clashes, ruined cities, obliterated history and civilization, human tragedies and migration crises resulting from displaced peoples;

Power struggles going on in the country, terrorist activities, political and social polarization, spread of feelings of fear and insecurity, economic instabilities...

In the same period we had the “Ankara slaughter” that can be considered as September 11 of Turkey, with bombs blasting in the heart of the country causing the death of 102 citizens.

Four critical elections took place one after the other amid the “local-national-regional-global historical context” full of risks and threats.

Turkey fell “tired of elections”.

And this period closed with the elections of November 1st.

Tired by elections and in the mood of fear, anxiety and insecurity as a resound of events taking place around, the elector voted in a way to finish the period of elections and start the one of “government” by giving the message of “security” and “stability”.

The AK Party performed far ahead of other parties by gaining 49.5% of popular vote and having 317 seats in the parliament. This rate is above the total vote of CHP, MHP and HDP added together.

Thus a new period with return to “Strong Government-Weak Opposition” picture took start where the AK Party can govern the country as a “Strong Majority Government” and enjoy its status as the “Dominant

Political Party.”

This is a period in which the AK Party, Prime Minister Ahmet Davutoğlu and President Recep Tayyip Erdoğan will come to the fore as “principal and decisive actors” and focal points in political and public debates.

With the elections of November 1 a new period took start, a new page is opened with people expecting an effective and fair government for stability and security.

OK, but what kind of government is it going to be?

Will it be on the basis of “Leadership” embracing diversity, open to balances and supervision and sharing power or will it be on the basis of “Domination” over the society or at least some segments of it?

In other words, following the elections of November 1 have we entered a period of effective, fair and democratic “Governing” through Leadership or a period of “Ruling” through Domination?

The preference of course rests with the AK Party and leaders in the first instance. But it will be the preference of others as well including opposition parties, actors in economy and civil society, the media and us, as citizens of this country.

Leadership or Domination? Governing or Ruling?

The preference to be made is much more important and decisive then preferring Parliamentary Democracy or Presidential System.

In this context, the process of drafting a New Constitution, its content and popular support to it gains critical importance.

The New Constitution will be the agenda item and field of debate in the post-election period as important as responding effectively to regional security risks.

The process of drafting a New Constitution will also serve as the point of reference or general framework for the revival of the “Solution Process” which was recently moved to “refrigerator”.

It is true: In spite of all amendments, the Constitution of 1982 bears the philosophy and spirit of the Military Coup of September 1980; it is too tight for the present day structure of Turkey and it restrains Turkey’s new drives to the future.

In the process of drafting a New Constitution that started in 2011 the TÜR KONFED had supported the initiative, cast its will to this end and made its significant contributions.

That initiative had eventually come to a halt despite achievements to some extent. After the elections of November 1, now we are in more need and have better chances for a New Constitution. The first and necessary step for Turkey to be firm and strong both inside and in international arena is of course a New Constitution ensuring a democratic, embracing, good and fair government.

Nevertheless, in order for the New Constitution to be successful, there is need to map Turkish economy, democracy and local governance as the three main pillars of the process, identify problem areas and to develop suggestions for solution.

The TÜR KONFED had earlier made a comprehensive analysis of Turkish economy with its work “Middle Income Trap”. Now, the present report offers a broad mapping and analysis of the field of “Democracy”, in other words the “Governing the Society”. In addition to these studies, the TÜR KONFED is about to launch a new one titled “Local Democracy: Governance and Development.”

In the present report we wanted to devise a comprehensive mapping of the field of democracy on the basis of both comparative examples at global level and lessons that can be drawn from history by specifically focusing on institutions and mentality. We drafted the report for the purpose of providing an infrastructure, an analytical framework to discussions that will take place as Turkey moves towards a New Constitution.

In the process of drafting a New Constitution, discussions on the question whether to continue with the Parliamentary System or to introduce a kind of Presidential System will of course bear importance. In the period following November 1, this discussion can and must be made comprehensively, comparatively and in a deep-going manner in academic and methodological terms. While debates on Presidential System have been going on for some time now, what we witness is actually a debate that is taken hostage by polarization, excessively ideological, staying away from grey areas and scientific approaches, carried out superficially on the basis of given confrontations and thus not fruitful.

Starting with the process of drafting a New Constitution, an extensive system discussion will ensue.

What kind of a Presidential System? It is true that we must respond to this question scientifically and within the framework of a far going discussion. But there is also something else as true as the first one: What kind of a Parliamentary System? We must respond to this question too through a similar discussion and work. The existing parliamentary democratic system is actually distorted and it embodies serious contrasts particularly following the coup Constitution of 1982. Hence we have a parliamentary system that frequently gives rise to instability and problems which must be changed.

In the process of drafting a New Constitution what is really important is to have it marked by “institutional and mentality values” that allows for “good, fair and effective government” and consolidates the culture of stability-security-living together whether we remain within the Parliamentary System or it is decided to adopt a Presidential System. These values and norms are key to the success of a system no matter what and how it is.

The system discussion is important. But in this report we shall focus on institutional and mentality values and norms as the basis of success instead of discussing the system. This dimension makes up the major aim of our study: “Suggesting institutional reform and mentality change that will strengthen democracy in Turkey.”

In this context, we want to make a four-dimensional suggestion, as a contribution to the process, by focusing on the fields of institution and mentality:

No matter what system is in place, its success depends on which institutions and values it is built and implemented upon. A system would not have any chance of success if its founding institutional and mentality values do not allow for a good, fair and effective government. In other words, regardless of whether the New Constitution envisages a Presidential or Parliamentary system/ regime, what really counts is founding values in institutional and mentality terms that support the system.

The present report does not express any preference in this regard. Instead, it pursues a path/purpose focusing on values and norms that would bring success to any system and develops some suggestions along these lines. In our report, we suggest “institutional reform and mentality change” for the process of drafting the New Constitution.

Institutional reform and mentality change entails a “strong and effective system of checks and balances” at institutional level and a “culture of living together and social trust” at mentality level that calls in the principle of “equal citizenship” on the basis of rights-freedoms-responsibilities. The main suggestion in our report can therefore be formulated as “institutional reform and mentality change” = A Strong System of Checks and Balances + Equal Citizenship.”

In terms of institutions and mentality, this formula may also be coined as “strengthened and consolidated democracy.” In this context, the report focuses on democracy and considering existing problems in this area it develops suggestions for policy and reform. In our report democracy is taken as a system of government based on the equation Democracy = A Strong System of Checks and Balances + Equal Citizenship.

1.1. The Puzzle of Democracy

So why focus on democracy or on strengthening of democracy?

At this point we need to underline the problem of “disjunction” between recent positive

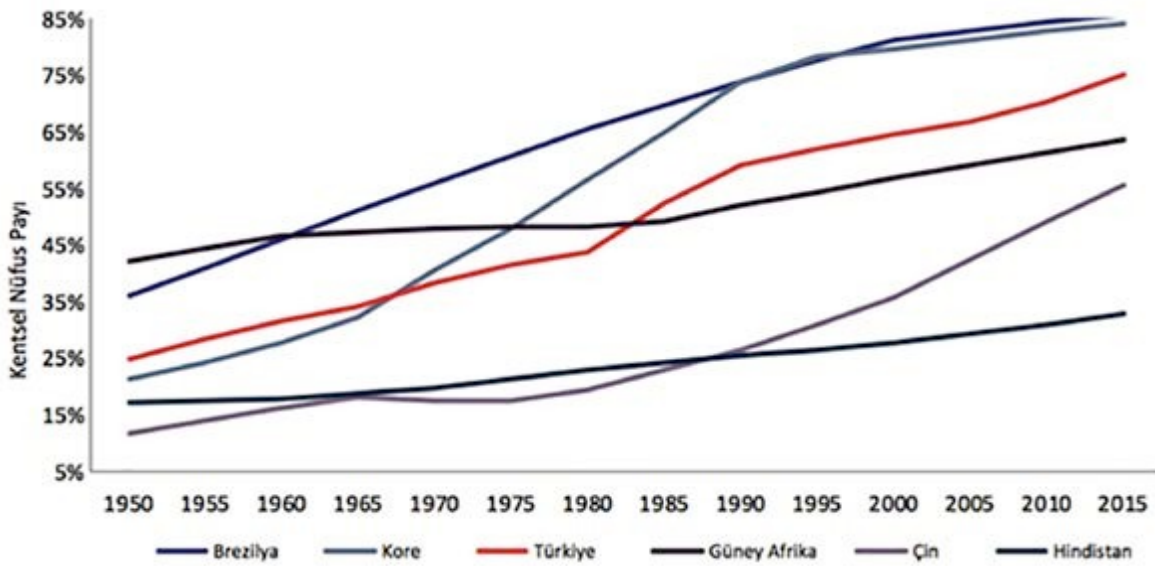
developments and strengthening of democracy, which we refer to as the “puzzle of democracy”.

We experience this disjunction in five areas:

Process of Transformation-Democracy: For the last fifteen years Turkey is undergoing a striking “process of transformation” that can be considered as positive and successful by looking at such features as economic dynamism, urbanization, expansion of the middle class, use of technology etc. But this process has so far failed to contribute to the strengthening and consolidation of democracy.

Particularly in recent years Turkey is experiencing a “process of industrialization” which rapidly expands starting from Anatolia. The rate of urbanization which was merely around 40% in the 80s is close to 75% now. It appears that this process still has some way to go. Towards 2023, we will be living in “Urban Turkey”.

Figure 1. Increase in Shares of Urban Population in Turkey and Similar Countries, % (1950-2015)



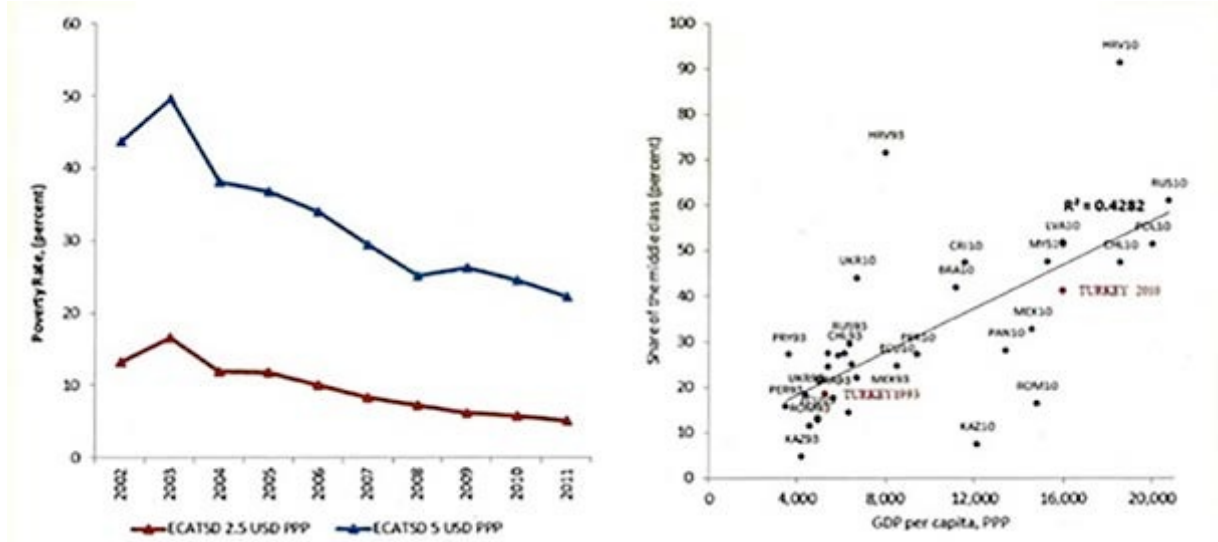
Source: World Development Indicators

What is more important, since the main driving forces behind urbanizing Turkey are transformations in Anatolian cities and their economic dynamism, the process also involves a change that breaks into such traditional confrontations as modern society-traditional society or centre-periphery. We observe increasing number of Anatolian cities in the “periphery” that grow stronger and stronger in economic terms; we witness the economic integration of “traditional society” with Europe and global markets.

While urbanization is generally a very important factor in the flourishing of democracy it has not so far contributed to its strengthening and consolidation in Turkey. “Urbanizing Turkey” still does not mean Turkey whose democracy is getting stronger.

Growth of Middle Class – Democracy: We see that the growth of the middle class is an important dimension of the process of transformation and urbanizing The Turkey in transformation is not only an urbanizing country; it is also a country further building its middle class. Furthermore, this process of middle-class building is spreading in Anatolian cities, in the periphery. The phenomenon that we call “new middle classes” symbolizes the process of rapid urbanization and middle class building taking place mainly in Anatolia. Reports by the World Bank point out to Turkey as a case succeeding in middle class building.

Figure 2. Turkey's Achievements – Rapid Decline in Poverty and Rising Middle Class



Starting from January 2013 we experienced the “Process of Solution” which suggested some perspectives for the termination of conflicts, strengthening of civil politics and ensuring a sustained peace. For a period of about two and a half years this process at least provided an environment largely free from armed conflicts. At the point we reached today, however, we see clearly that cessation of armed conflict in itself is a necessary but not a sufficient condition for sustainable peace. Ending hot conflict does not guarantee sustained peace building.

Moreover, the solution process also revealed the fact that there is no direct causal relationship between the end of conflict and consolidation of democracy. Quite to the contrary, we started to experience problems in the field of democracy even in the absence of conflict and, as we shall explain in the next section, the report card of Turkey in democracy got poorer particularly in the field of rights and freedoms.

What is worse, the period of tranquillity came to an end following the elections of June 7 and the solution process was removed to refrigerator. Conflicts re-emerged, the security-freedom equation was disturbed and security policies took precedence over politics and democracy. This process showed us that the continuance of “solution process” *per se* would not lead to the consolidation and strengthening of democracy. Indeed we are confronted with a situation where Turkey experienced the process of solution while, at the same time, getting weaker in its democracy.

Transformation-Polarization-Mistrust: As the last but very important point we must stress the “problem of polarization” that we increasingly live with in recent years and address in detail in the next section. Instead of creating a culture of cohabitation of different identities and mutual trust, the process of transformation and middle class building led to the further deepening of the problem of “polarization and mistrust” as a great barrier to the development of democracy. Despite the existence of strong governments, Turkey has recently turned into a country further polarizing in politics and social identities. As addressed in a comprehensive manner in the last section of this report and confirmed by recent public opinion surveys, the problem of polarization in relations between political parties and in public debates on social issues weakened the culture of reconciliation and placed monologue ahead of dialogue. Turkey in the process of transformation went hand in hand with Turkey in polarization.

A very important dimension of this problem of polarization is the problem of “mistrust” that assumed deeper features. In other words what actually got stronger is the “community culture” based on what is identical where mutual trust exists only within similar identities and groups having similar ways of life while “common trust” among different identities and ways of life weakened. As Turkey got polarized in its process of transformation, there emerged a political and social life where mistrust between differences assumed further dimensions. This picture of polarization and strong feelings of mistrust to the “other” constitute a critical obstacle to the consolidation of democracy and its culture.

So, urbanized Turkey with its strong middle class is, at the same time, a country of polarization and mutual mistrust having its specific share in problems we encounter in running a democracy. Unless these problems and dilemmas in mentality are somehow resolved it seems difficult for Turkey to consolidate its democracy.

These five dilemmas give us a picture of a country which, on the one hand, experiences transformation, middle class expansion and freedom from tutelage, but suffers stagnancy in democratization and fails to consolidate it on the other. This picture is clear both in democracy indices of international organizations and in outcomes of surveys and on-going debates. The solution of this problem that we coin as the puzzle of democracy must be one of the major targets of the process of drafting the New Constitution. Debates about the system would be meaningful and useful so long as they centre on institutional reforms to resolve the puzzle of democracy and norms that will bring along mentality change.

Thus, in the present report, we aimed at analysing democracy in Turkey in the context of the process leading to a “New Constitution” concentrating on areas of “institutions and mentality.” It is actually a study intended to contribute to discussions around the New Constitution, mapping developments and problems in the field of democracy, and making specific policy suggestions in this regard.

It is for this reason that we dwelled on problems that give rise to the puzzle of democracy and found that the root cause of the puzzle is problems existing in the field of institutions and mentality.

This means that solution of the puzzle of democracy is possible only through reforming/changing institutions and mentality.

For a New Constitution, our report suggests reforms in this specific area for strengthening democracy as mode of good, fair and effective government.

1.2. What do we understand of democracy?

Finally, let us underline the following: While working on the present report we did not engage in discussions of normative and philosophical definitions and models of democracy. We did not take up some models including “participatory democracy”, “negotiation democracy” or “radical democracy” recently developed to solve specific problems associated with parliamentary democracy. Discussion over models of democracy is a seminal one providing significant clues for strengthening democracy. In particular, debates on participatory democracy as a way of augmenting civil society participation to processes of government and decision making and concept of “negotiation” coming to the fore in the Process of Solution make up the important pillars of discussions on democracy. Also important is discussions around “radical democracy” which aims at incorporating identities, group-based rights and freedoms into democracy.

In the present report, democracy is conceptualized not in the normative field but in the context of comparative political science, around the axis of “governing”, and on the basis of institutions and mentality. This definition distinguishes democracy from authoritarian and totalitarian forms of government with respect to the following: (a) free and fair elections; (b) it is possible for any opposition to take office through electoral success; (c) institutional independence and impartiality of legislative, executive and judiciary organs; (d) existence of an effective system of “checks and balances” both between these organs and also between central government and local governments; (e) constitutional guarantee for fundamental rights and freedoms at both individual and group levels.

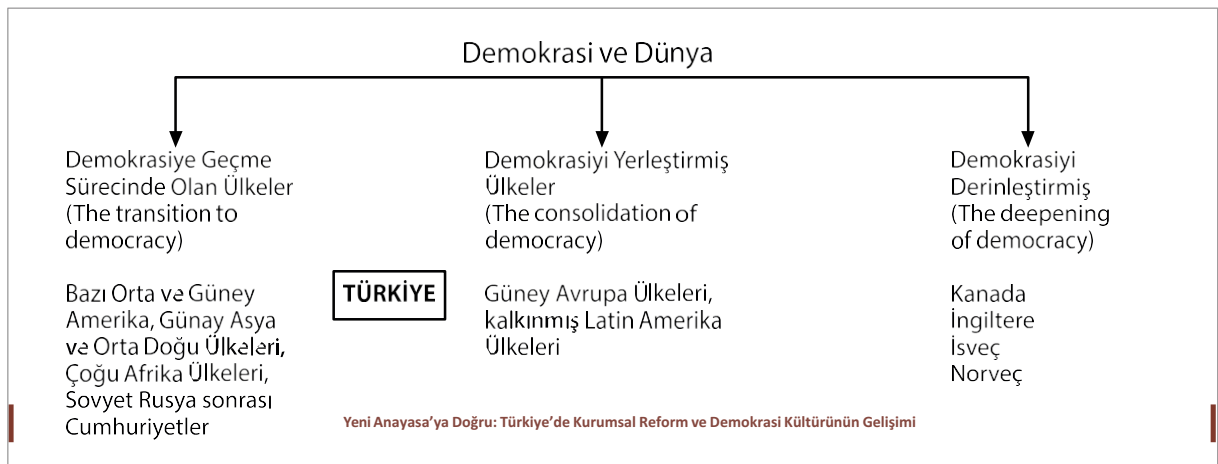
Given this definition of democracy, examples from various parts of the world point out to a three-staged structure:

Transition to democracy: It is transition from totalitarian or authoritarian regimes, from military coups to democracy where free and fair elections are held regularly with the possibility for opposition parties to take office through elections and presence of “separation of powers”;

Consolidation of democracy: It means, in addition to what is stated above, safeguarding of individual-group based rights and freedoms; solution of social problems not through violence or “otherization” but through participation and negotiation; revival of civil society and economic development; rule of law and effective system of checks and balances;

Deepening of democracy: Expansion and strengthening of the domain of rights and freedoms so as to encompass group and identity rights.

Figure 3. Democracy and the World



The Table above gives us the three-staged classification of democracies in the world with corresponding countries. There are three reasons for using this classification in our report.

Firstly, we observe that majority of recent problems in democracy emanate either from not completing the period of transition (i.e. the countries of the Arab Spring, Balkans, Caucasias) or not attaining the stage of consolidation of democracy. These lines of demarcation are useful in grasping and distinguishing problems faced in the context of democracy.

Secondly, looking at the historical development and present state of democracy in Turkey, we see that it is about to complete its stage of transition, but not yet at the stage of consolidation. So, problems of democracy that we presently experience are those existing in this context and around this axis.

Thirdly, as we shall see in the next section, there are some concepts deriving from the definition of democracy as a form of governing set in motion at the level of institutions and mentality. These concepts are discussed in the context of the problem of democracy at global level and applied to the present performance of Turkish democracy including “shift from democracy to authoritarianism”, “democracy having a limited and hybrid nature embodying authoritarian tendencies as well”, “competitive authoritarianism” and “mediocre democracy”. These concepts are also used while discussing the “puzzle of democracy” as we noted above.

For the concept of democracy as well we shall start firstly with an analysis at global level. This analysis will show us debates here in Turkey related to democracy, problems encountered and the puzzle are not unique to Turkey; all these exist at global level as well. After analysing democracy at global level, we shall focus on Turkey. First we shall try to expose the historical development of democracy in institutional terms and its present nature, and then we shall deal with Turkey-EU full accession negotiations which have its important and “founding” place in regard to debates on democracy in Turkey. Lastly, we shall combine the discussion and analysis of democracy at institutional level with the “realm of mentality” with a focus on polarization and mistrust to the “other”. In the part “Conclusion” we shall list in items outcomes and suggestions for solution.

5. CONCLUSION

New Constitution and Consolidation of Democracy

Turkey will soon return to the process of drafting a new constitution. The 64th AKP Government wants to give start to this process soon and is going to focus on the new Constitution.

In our report titled “Towards a New Constitution” we wanted to contribute to this process by taking up democracy as a mode of “governing a society” and concentrating on the fields of “institutions” and “mentality”.

Regardless of whether Turkey makes its choice for parliamentary democracy or a kind of presidential regime with the New Constitution, what really matters is the well-functioning of values and norms that will constitute the basis of this choice. In other words it is actually the consolidation and strengthening of democracy in terms of both institutions and mentality.

As stressed throughout the present report, the strengthening of democracy in this sense is the precondition for economic stability and dynamism and solution of many social problems.

The “institutionalization of democracy” and “mentality change to ensure the internalization of the culture of democracy” must be the basic objective of the New Constitution. This, in turn, entails an effective system of checks and balances encompassing such areas as independence and impartiality of the judiciary, relations between the executive and legislative and central government and local governments, and the principle of equal citizenship when it comes to state-society/individual relations.

Turkey with a consolidated democracy in its institutions and mentality will also enjoy a system ensuring sustained and effective government.

Within the framework of this overall suggestion our report includes the following specific suggestions as well.

Firstly, it must be stressed that democracy-related problems that Turkey recently encounters are not country-specific; to the contrary, the number of countries facing similar problems is in increase. So what needs emphasis is the fact that today democracy is undergoing a state of stagnancy at global level. A global-scale and comparative approach to the problems of democracy in Turkey will therefore give us some important hints for solution.

As we stressed while examining the relationship between Globalization and Democracy, the process of democratization in middle income countries is not linear but marked by ups and downs in many countries. Indeed, democracy could manage to consolidate itself in very few of those countries taking the path to democracy in the context of the “Third Democratization Wave” of the 80s and 90s, and we observe tendencies of authoritarianism in many. Moreover, this tendency can be observed even in those countries that have already left behind middle income trap and presently members of the EU.

It is becoming increasingly difficult to establish economy-democracy relationship in the historical context and conditions where global economic risks and possibilities of crisis get stronger. Comparative analyses suggest, at this point, that there are serious challenges to democracy, decision makers focus primarily on economic stability and subscribe to tendencies of “competitive authoritarianism” or “non-liberal democracy” where economy takes precedence over democracy.

But we also see that deviating from democracy for the sake of economic stability is no solution to economic problems itself. What is really important is to strike the balance between economy and democracy in the realms of institutionalization and mentality.

For example, as we stressed in our report, the view that is gradually gaining weight is that democratic institutions are as important as economic institutions in getting rid of “middle-income trap” and realizing a sustained growth and, further, “good” economic institutions follow democratic institutions. It is not possible to go ahead with market economy and growth without creating an environment of plurality and freedom.

The balance between economy and democracy must be established well. In this context the monitoring-supervising role of civil society and particularly organizations from business life is the key to prevent wearing off on the part of economic and democratic institutions. Civil society must play a role also on the health of institutions that have no direct relationship with its main fields of interest. Indeed, the domino effect in intervening in institution may bring along the further spread institutional abrasion.

It is of great importance that civil society can act collectively in protecting economic and democratic institutions. Even if it is not so easy to do this given the polarization that also embraces the whole civil society and business organizations as well, past examples demonstrate how influential it could be when there is joint action and coordination within the business sector.

Then how should we consolidate democracy?

As we explained in our report, even a brief summary of Turkey’s experience with democracy is enough in exposing the problems it encounters in institutionalizing and consolidating democracy. Starting from 1950 when first multi-party and participatory elections were held, there have been many changes in democratic institutions of the country. Reforms launched following the coup of 1960 shifted the institutional structure from majoritarian to reconciliatory model (Liparit, 1999) and a balance between the two was sought after 1980.

In spite of frequent reforms launched since 1950, one feature of the institutional structure that has not changed much is the centralistic configuration of the state. Turkey’s experience in democracy shows that changes in official institutions are not enough in ensuring the institutionalization and consolidation of democracy. Apart from state institutions, leader hegemony in political parties and weakness of civil society are also factors that limit contributions to democratization through demands coming from society.

Thus, instead of creating new institutions or changing existing ones, restructuring of present ones in line with principles of effective, efficient and fair government will ensure the institutionalization and consolidation of democracy. The institutional development of democracy in Turkey is necessary but not sufficient for the consolidation of democracy. In this respect, a New Constitution containing norms related to institutional reform will ensure a very significant breakthrough.

Similarly, the process of full accession negotiations with the EU provides us important clues on what needs to be done for the consolidation of democracy. The steps taken in Turkey for the consolidation of democracy starting from 1999, first entered a period of stagnancy upon the souring of relations with the after 2005 and then came a period of visible recession.

The EU should have its further influence on democratization in Turkey and Turkey, on its part, should realize much needed institutional reforms in line with the relevant EU criteria. However, negotiations on chapters 23 and 24 which are related to democracy, rights, freedoms and the judiciary system are blocked due to the veto put by the Greek Cypriots. For the opening of these chapters and taking necessary steps in line both parties need to demonstrate a strong political will.

The opening of chapters 23 and 24, revival of full accession negotiations and consequent strengthening of the “EU anchor” will bring along a positive climate for the consolidation of democracy in the process of drafting the New Constitution.

In the longer term, the EU needs to increase its credibility by giving clear messages regarding the membership of Turkey and contribute to the sustenance of reforms implemented under the chapters mentioned above.

As the EU criteria, another important point of reference is the suggestions made by the Venice Commission regarding the independence and impartiality of the judiciary and consolidation of democracy. Suggestions of reform that connect the consolidation of democracy with the system of checks and balances must be taken into account in the process of drafting the New Constitution.

Lastly, while institutional reform is the first and foremost precondition for the consolidation of democracy, the taking root in society of the culture of democracy and overall trust in possibilities of living together are also important as stressed in the introduction and conclusion parts of our report.

Institutionalization is of course important; yet, institutionalization in regard to the consolidation of democracy can be successful and sustainable only with the thriving of the culture of democracy and living together on the basis of mutual trust in the field of mentality.

However, given this, Turkey presently faces the problems of both polarization and mistrust for the other. The picture of polarized Turkey characterized also by mistrust is one of the major obstacles to the consolidation of democracy.

The New Constitution must embody values needed to solve these problems, in other words to strengthen the culture of living together and mutual trust.

The combination of the process of institutionalization with mentality change towards living together and mutual trust and consequent consolidation of democracy will undoubtedly place Turkey in a course leading to a fine New Constitution and success in attaining the goals set for 2013.

TÜRKONFED intends to contribute to this process with its present report.