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## RESEARCH ARTICLE

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# The Search for a Government System in Turkey: The Presidentialism Debates between Democratization and the Quest for More Power

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### ABSTRACT

*This article aims to analyze the various debates around the transformation of Turkey's government system from parliamentarism to presidentialism. It argues that the current authoritarian nature of the Turkish politics is helpful to make sense of the way that these constitutional amendments of 2017 were made and accepted, and also of the content and the scope of the 'Turkish type of presidentialism'. However, it also suggests that limiting the discussions to the late 2010s results in incomplete accounts. Thus, by arguing that a longer-term approach is needed to fully understand the government system change in Turkey, this article shows that the AKP's demand for a presidential system actually dates back to the first decade of the century. Accordingly, the discourse regarding the system change shifted from clashing the tutelary aspects of the state towards efficiency and persistence in state affairs, reflecting the 21<sup>st</sup> century paradigms in Turkish politics that evolved from debates of democratization to the quest for more power.*

**KEYWORDS:** Presidentialism; Hyper-presidentialism; Parliamentarism; Turkish type of presidentialism; AKP

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## 1. Introduction

In 2017, Turkey's political system experienced one of the biggest transformations of the republican era. As a result of a slight majority (51.4%) of the 'yes' votes in the referendum that was held for constitutional amendments mostly related to the government system, Turkey adopted what is commonly known as the 'Turkish type of presidentialism'. Both the outcomes and the future of the current system of government continue to be discussed in political and public realms. However, the existence of these debates and criticisms does not mean that the components of the system are unexpected or shocking especially when the evolution and/or direction of politics in Turkey in the 2010s are considered.

The recent studies on Turkey employ particular concepts to analyze this evolution of the 2010s. For instance, Esen and Gumuscu use 'competitive authoritarianism' and argue that Turkey has shifted from being a tutelary democracy to having a competitive authoritarian regime in which the political field highly favors the power holders although opposition parties participate in political processes such as the elections (Esen & Gumuscu 2016). In addition to the popularity of the concept of competitive authoritarianism in the literature over Turkey (see also Castaldo 2018; Özbudun 2015), different variants of the term authoritarianism, such as electoral authoritarianism in which the multi-party elections exist but serve the ruling power have also been utilized (White & Herzog 2016). The theoretical concepts dealing with Turkey's late 2010s are various (e.g., on illiberal governance see Öktem & Akkoyunlu 2016). Majority of this conceptually abundant literature also emphasize that the transformation is not Turkey-specific. Instead, it is a part of the global phenomenon in which liberal democracies or democracies are on decline (see Somer 2016).

These analytical tools that shed light upon the latest years of Turkish politics are important in order to grasp the recent events in Turkey, including the transformation of the government system from parliamentarism to presidentialism. However, the problematic of the government system in Turkey also transcends the 2010s, indicating the necessity to deal with this specific issue from a broader per-

spective. In other words, the nature of the Turkish regime of the recent context is helpful especially to make sense of the way that these constitutional amendments were made and accepted, and to make sense of the scope and content of the new system, which has been associated with the term ‘hyper-presidentialism’ by many (see Özsoy Boyunsuz 2016), yet an analysis about the quest for a change in the government system also necessitates a longer term approach.

This article aims to provide such a narrative. On the one hand, it shows that the issue dates back to the late 20<sup>th</sup> century, during which different political actors discussed and demanded the presidential system of government with distinct purposes. On the other hand, it focuses on the first decade of the 21<sup>st</sup> century particularly with respect to the AKP (Justice and Development Party), suggesting that the transition to the presidential system was already on the agenda of the party. At that time, the AKP, despite its strength in the parliament, was not very powerful vis-à-vis the specific institutions of the state such as the army or the Constitutional Court. Therefore, the government restructuring discourse was based on the notion of clashing the tutelary aspect of the state. However, as the AKP gained strength in relation to the aforementioned institutions, its discourse about the government system changed towards efficiency and persistence in state affairs. This article argues that the discourses on presidentialism in Turkey reflect the 21<sup>st</sup> century paradigms in Turkish politics that evolved from the debates of democratization to the quest for more power.

## **2. A Historical Glance at the Presidentialism Debates in Turkey**

When scholars discuss the presidentialism vs. parliamentarism problematic in Turkey, they usually refer to the late 1980s and 1990s – the presidency of Turgut Özal and Süleyman Demirel respectively – as the originating point for the discussion. This understanding makes sense given the quest of Özal and Demirel for a presidential system, which had led to vivid discussions in the political and public realms, as will be shown below. However, it should be emphasized that the presidentialism discussions precede these two presidents. Even in the 1970s, there were

political parties that defended the idea of presidential system. Not being very surprising, one of these parties was the MSP (the National Salvation Party), as the party of the Islamist *Milli Görüş* movement (The National Outlook) that the ideology and the establishment of the AKP largely depended on. In one of its election pamphlets, the MSP promised presidential type of government to the electorate, together with a popularly elected president for an efficient rule (*Milli Selamet Partisi Seçim Beyannamesi* 1973).

The political deadlock, acute economic crisis and the upsurge of the political violence in the late 1970s paved way for the 1980 *coup d'état* (Sayarı 2010), starting a new epoch in Turkish politics. The military intended to transform the political system radically, changing the work done by the previous coup of 1960 essentially (Zürcher 2004). The reference point for the military was the system brought by the 1961 Constitution which was regarded as the major reason for political fragmentation and polarization as the constitution strengthened the smaller parties in the system and politicized the masses with the enhancement of liberties. Although there was another military intervention – military memorandum of 1971 – and an interim period thereafter that had brought constitutional changes curtailing the freedoms of the 1961 Constitution, many factions in politics of Turkey continued to consider this constitution as the major reason for the systemic crisis and the quasi-civil war in the last years of the 1970s. Therefore, the junta of the 1980 *coup d'état* in Turkey aimed to restructure the system drastically with a new constitution that would supposedly bring stability to the country.

Wide-ranging criticisms can be made about the 1982 Constitution, from its content that protects the state vis-à-vis the individual, to the process that it was made and approved. However, specifically two issues should be highlighted given the subject of this article. First of all, the powers of the president were expanded in the 1982 Constitution. The constitution makers had supposed that the presidency would incessantly be filled by the soldiers (Özbudun & Gençkaya 2009, pp. 20-21). According to the 1982 Constitution, president remained politically unaccountable yet gained many executive functions, leaving the ceremonial and inactive position

formulated by the 1961 Constitution behind (Özbudun 2012, p. 198). This political-ly unaccountable but powerful president would be emphasized as a paradoxical situation in a parliamentary system, whenever the political system of Turkey was discussed later on, including the failed constitution making process of the early 2010s.

The second point about the constitution-making process was closely related to this first point of increasing presidential powers. It is seen that the political system was not solely discussed with regard to the changing balance between the executive and legislative, or the balance inside the executive within a parliamentary system. Instead, the change of the government system was another option on the table, yet without many supporters. While some of the members of the constituent council had offered presidential system of government emphasizing an alleged evolution of the systems from parliamentarism to presidentialism on a global scale; the others proposed a system which could be understood some form in between (Milliyet 1982, p. 1). As stated above, the majority of the constitution makers, specifically, the head of the commission, Orhan Aldıkaçtı was against presidentialism on the grounds that it could be exploited by political parties and ambitious leaders (Milliyet 1982, p. 1). The possible repercussions that a presidential system could bring about had also been stressed by a report written by the Ankara University's professors, who suggested that a quest for authority to solve the problems of politics could eventually turn into a system counter to the basic characteristics of the regime (Milliyet 1981, p. 12).

Although a parliamentary system was accepted with a relatively powerful president in the end, the debates about the system of government did not come to an end in Turkey. On the contrary, they intensified with Özal, who frankly espoused the idea. Özal, the founder of the center right ANAP (Motherland Party), headed two one-party governments as the Prime Minister of Turkey after his party's victory in both 1983 and 1987 elections. He calculated constitutional changes for a presidential system during his premiership for his future ambitions for presidency (Soysal 1986, p. 2), yet with no success. Özal became the eighth president of the Republic of Turkey in 1989 within the 'confines' of the parliamentary system. How-

ever, despite the presidency was formulated as an impartial post by the 1982 Constitution, Özal continued to act as if he was the leader of the ANAP and prime minister, by giving instructions to the government and criticizing it when he was not referred to (Heper & Çınar 1996).

In order to overcome this supposed systemic discord that had actually been created and aggravated by the president himself, Özal demanded constitutional changes that would bring presidentialism. His quest for more power paved the way for wide-ranging discussions – mostly critical towards presidentialism – in Turkish politics and society. For instance, in a major conference held by *Mülkiyeliler Birliği*, to which President Özal, Prime Minister Akbulut, and other party leaders attended together with academics and civil society representatives, only the President and Prime Minister had defended the presidential form of government while the remaining participants opposed the idea on the grounds that it had a potential to lead the country into a dictatorship in the future (Milliyet 1990, p. 6).

Özal had not realized his aim of presidentialism when he suddenly died in 1993. The leader of the DYP (the True Path Party), Süleyman Demirel, who was also a well-known political figure of the 1960s and 1970s, was elected president by the parliament. As opposed to Özal, his successor Demirel was regarded as respectful for his constitutional rights, mostly interested in the political stability (Heper & Çınar 1996). However, the 1990s of Turkey had everything but stability. First, the country was politically fragmented and ruled by unstable coalition governments throughout the decade. Second, the aforementioned Islamist *Millî Görüş* movement gained strength with the RP (Welfare Party) which became a coalition partner. The rising Islamism was reacted by another military intervention that was called ‘post-modern’ coup of 28 February, which did not seize political power but rather overthrew the government with a secularist agenda. Third, in the Southeastern Anatolia, the state security forces clashed with the separatist PKK, creating a low intensity war in Southeastern Anatolia as the top Turkish military officials named. Last but not least, all of these political problems were exacerbated by the several economic crises.

Even though the president Demirel had opposed to the Özal's idea of presidentialism in the beginning of the 1990s, he started to talk about the need for the transformation of the relationship between the legislative and executive for the sake of political stability (TBMM Genel Kurul Tutanakları 1997). It is seen that the debates over the presidential form of government never fell from the agenda during the 1990s, constantly discussed by the politicians as well as newspapers, civil society organizations, and academic circles. In the latter realm, two issues have been mostly emphasized: First, the only successful example of the presidential system was the U.S., which had totally different political, economic and social conditions than those of Turkey. Second, the political problems of Turkey did not stem from the government system itself, instead, from the oligarchic political parties and problematic electoral systems (Milliyet 1995, p. 21; Milliyet 1997, p. 22). It is important to note that the content of these discussions over the presidential system of government during the 1990s has strong resemblances with those of the 2010s, emphases being made on the party systems, elections, political culture, and the possible dangers that the presidential system could pose to the country in the hands of a president with authoritarian tendencies.

The presidential system was not realized in the contexts of the 1980s and 1990s, although it was discussed at short intervals. Apart from the above-mentioned similarities of the discussions from the 1980s to the 2010s; several evaluations should be drawn to help the following analyses of the 21<sup>st</sup> century systemic transformation of Turkey. In this regard, the 1982 Constitution seemed to fail in formulating an ideal type of parliamentary government system, specifically flawed with respect to the position of president. In other words, the constitution created a presidency with executive powers, yet without political accountability. The parliamentary system with a president having more than a ceremonial role negatively impacted on the relationship between the president and the prime minister together with her/his cabinet.

In fact, as the previous narrative told, some of the constitution makers had searched for a stronger president, even a presidential system – as mostly associated

with Özal – during the constitution making process. However, what differentiates Özal in this respect, was the fact that while the reference point for these constitution makers – and later for Demirel – was the political fragmentation of the 1970s and 1990s respectively; the discourses about efficient decision-making process dominated the era of Özal. All of these arguments used by the proponents and the opponents of the presidential system in the late 20<sup>th</sup> century were re-used also in the 21<sup>st</sup> century, surely within a different context that would be influenced first by an ideological conflict among the different actors of the state and then by rising authoritarianism of the AKP. The next section will analyze the beginning of this new context, which also brought another systemic crisis that resulted in the popular election of the president in 2007.

### **3. Clash between the old and the new: 2007 Constitutional Crisis over the Presidency**

In November 2002 elections, the AKP took the 34.28% of the total votes with 363 seats in the parliament (YSK Seçim Arşivi 2002), ending the era of the coalitions for Turkey that had become the norm in the 1990s. The party had been founded in 2001 when Turkey was struggling with the worst economic crisis it faced after the World War II. As suggested above, The AKP had its roots in *Milli Görüş* with respect to both its cadres and ideology although it was also an important attempt to break away from this tradition, with an emphasis more on center-right features (Atacan 2005, p. 197). This break from the traditional Islamist politics was closely related to the experience of the RP that had been forced to resign after 28 February 1997 decisions of the National Security Council as called ‘post-modern coup’, and had been subsequently closed by the Constitutional Court on the grounds that the party had acted against notion of secularism.

As Hale argues, the AKP had to find a balance between the Islamist project of the RP, to wit, the *Milli Görüş* that the new party’s cadres once belonged, and secularist state institutions such as military, judiciary and bureaucracy in general (Hale 2005, p. 301). It seemed to be the only way to ‘survive’ in the political envi-



ronment of Turkey. As a result, the party adopted a discourse of democratization together with the target of the EU membership, thus, trying to appeal to the state and the secular segments of the society as well as to provide a political framework that would enhance the religious freedoms and diminish the impact of the army on politics at the same time (Arat & Pamuk 2019, p. 97). In the first term of the AKP, the economy performed well, various reform packages on the way to the EU were passed paving the way for the alleviation of the military tutelage and the several openings such as Kurdish one, and took other initiatives such as women friendly penal code (Toprak 2012, p. 222).

However, it should also be stressed that despite the discourse of the ideological transformation of the AKP, the relationship between the party and the secularist state institutions remained conflictual. The most important turning point that revealed this clash became the constitutional crisis of 2007, which was related to the presidency in a direct manner. In fact, it was this crisis, with its results, that paved the way for presidential system of government in Turkey later on. However, it should also be emphasized that the public and political discussions of the time show that presidential system had already been existent on the mind of the AKP members, including the then Prime Minister Recep Tayyip Erdoğan, and the influential figure of the party, Bülent Arınç.

In 2003, Burhan Kuzu, the then head of the Constitutional Commission in the parliament, started the discussion of presidentialism. Erdoğan supported Kuzu in this respect, suggesting that the presidential system should have really been considered since there were conflicts between the state institutions (Milliyet 2004, p. 26). The conflicts that Erdoğan implied were between his government and the presidency, the higher judiciary, and surely the military, which were regarded by the AKP as bureaucratic oligarchy. In this respect, Erdoğan suggested the American type of presidentialism (Tamer 2005, p. 6), whose separation of powers would help the government in its endeavor to clash with this bureaucratic oligarchy. In other words, the idea of presidential system in the context of 2002–2007 was directly related to the democratization discourse of the AKP, which had aimed to decrease the

power of the institutions associated with Kemalism. However, it was not easy to impose such a grand change at that time, as Bülent Arınç openly suggested that the AKP should have suspended these debates for two legislative terms since Turkey was not ready for a government system change yet (Tamer 2005, p. 6). The 2007 presidential elections, in this respect, constituted not only a crisis but also an opportunity for the AKP.

In 2007, the then president Ahmet Necdet Sezer's term would come to an end. The election of presidents in Turkey, which had been executed by the Turkish Grand National Assembly (TGNA) until 2014, had always been stressful since it necessitated compromise on a person who was expected to be an impartial head of state. Surely, the above-mentioned clash between the AKP and the secularist state organs together with the main opposition, the CHP (Republican People's Party) exacerbated the already troublesome process. Therefore, in the late 2006, Turkish politics and also public opinion had focused on two interrelated issues: the possible candidates for the Turkish presidency, specifically the position of the then Prime Minister Erdoğan, and the different legal opinions about the electoral process which had been started by the former Public Prosecutor of the Supreme Court of Appeal, Sabih Kanadoğlu.

Kanadoğlu started a significant discussion in politics as well as judiciary by suggesting that meeting quorum for the presidential election for the first and second rounds was the two-third of the parliament (367), not one-third (184) as suggested by many (Milliyet 2006, p. 18). As Özbudun and Gençkaya suggests, until Kanadoğlu's novel idea about the meeting quorum, the parliamentary calculations were showing that the AKP's candidate could be elected not in the first and the second rounds since the decision quorum was 367 (not the meeting one), but in the third and/or the fourth ones, since these latter rounds necessitated the votes of 276, less than the total number of the AKP deputies (Özbudun & Gençkaya 2009, p. 97). Yet, Kanadoğlu's argument about meeting quorum seemed to have a potential to obstruct the process of presidential elections. The idea of Kanadoğlu, which implied that the process could be sent to the Constitutional Court, divided both the

judicial and political circles. It is not the task of this article to analyze all these legal arguments, but it should be suggested that the related articles of the Constitution together with the TGNA's Bylaw were interpreted differently even by the former supreme court judges, former Justice Ministers and the law professors (see *Milliyet* 2006, p. 18).

As opposed to the expectations of the late 2006, Erdoğan did not run for the office. Instead, one of his comrades from the *Milli Görüş*, Abdullah Gül, became the presidential candidate. The tension between the secularists and Islamists had already intensified before the elections. For instance, *Cumhuriyet Mitingleri* (Republican Rallies) had been held in order to protest the AKP's Islamist agenda – as the secular circles of the society and the politics believed that it existed – threatening the Republic. In a similar vein, the Turkish General Staff released an e-memorandum on the night of the first round of the presidential elections. The memorandum emphasized the responsibility of the armed forces in the protection of the republican notions, specifically laicism. In other words, it was a warning from the military which had shown its uneasiness about the possibility of an Islamist president.

Far from being surprising, after the first rounds of voting in the parliament, the CHP, by utilizing the idea of Kanadoğlu, applied to the Constitutional Court for the investigation of the voting with regard to the two-third meeting quorum. When the Court decided in favor of the application, Abdullah Gül could not be elected as the president, leading to a political crisis, which brought about bold moves by the AKP. The ruling party decided to make early parliamentary elections as well as constitutional amendments that would transform the presidential elections from parliamentary voting to popular voting.

The decision of the Constitutional Court exemplifies well how the state institutions, the leadership position of which were still dominated by the old cadres, challenged the authority of the elected government in the first period of the AKP. Köker rightly suggests that the court was allied with the 'power centers of the establishment, making it more of a guardian of the state than a constitutional court of rights and liberties', yet with diminishing democratic legitimacy (Köker 2010, p.

342). The democratic legitimacy is an important term here, because the simple definition of the clash between the old and new, in other words, between the secularists and conservatives translated itself into a clash between anti-democrats and democrats.

Undoubtedly, this contrast yielded two positive results for the AKP in the conditions of 2007. On the one hand, the AKP augmented its voting rate from 34.28% to 46.58% in July 2007 general election (YSK Seçim Arşivi 2007). Çarkoğlu states that the campaign of AKP was not only based on the thriving economic performance of the government in the last five years, but also on the rhetoric of the ‘wronged and oppressed’ based on the previous electoral process (Çarkoğlu 2007, p. 506). In the election manifesto, the party had emphasized the ‘people’ as the source of legitimacy, personal freedoms, and democracy, positioning itself against the ‘anti-democratic forces’ (Seçim Beyannamesi 2007).<sup>1</sup> All these parameters; economic growth, rhetoric of the oppressed and the discourse of democracy brought a significant electoral victory to AKP, which consolidated its power.

On the other hand, in the same electoral manifesto, the AKP had also promised a new civilian constitution, which would include personal freedoms vis-à-vis the state based on human rights; would clearly define the relationship between legislative, executive, and judiciary as the notion of ‘separation of powers’ necessitated in a parliamentary system, and would establish participatory democracy rather than the representative one (Seçim Beyannamesi 2007). The manifesto had stressed that the ‘separation of powers’ would be organized under the framework of parliamentary form of government. In other words, the AKP, despite its preference over presidentialism as suggested above, had not clearly mentioned such a change. Yet the next step, October 2007 referendum, which not only amended the meeting quorum in the parliament but also brought a change in the presidential elections by adopting the popular voting that would start to be implemented by 2014, became a significant source for discourse change towards presidential system as would be

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<sup>1</sup> In the manifesto, there was a statement of Mustafa Kemal Atatürk, ‘Millete efendilik etmek yoktur, hizmet etmek vardır’ which can be translated as such ‘One should not patronize but serve the people,’ implicitly targeting the institutions who were supposedly against the will of the people.

seen below. In this regard, the AKP government in the 2010s, started to differentiate the president that would be popularly elected than the former ones, although the constitutional rights and duties of the president had not been changed yet. As Arat and Pamuk suggest, popularly elected president would claim more power based on democratic legitimacy, creating a problem of ‘dual legitimacy’ within a parliamentary system (Arat & Pamuk 2019, p. 103).

It should be suggested that the constitutional and political crisis of 2007 turned into a major victory for AKP. The clash between the secular establishment and the old Islamists/new conservatives turned into a binary opposition of democrats and anti-democrats/tutelary powers. It was in this atmosphere that AKP consolidated its power for a second term by representing nearly the half of the electorate, and actually made its first serious attempt for a presidential form of government although the shift of the discourses from parliamentary to presidential system was specified during the constitution making attempt between 2011 and 2013, to wit, two legislative period later, as suggested by Bülent Arınç in 2005.

#### **4. Parliamentarism vs. Presidentialism: Impasse in the Constitution Making Process (2011–2013)**

The clear emphasis on presidentialism reflects well the transformation of the AKP’s policies, which were increasingly analyzed in the academic literature through the lenses of ‘competitive authoritarianism,’ specifically referring to the period after 2013 (see Esen & Gumuscu 2016; Özbudun 2015). What happened in between is also significant on the way to the evolution of the regime, even though the democratization discourse persisted and was embraced by many. In this respect, army and the judiciary, which had been the two power centers that created problems for the AKP, had to face overwhelming changes.

The military-civilian relations in Turkey had always been a problematic area given the frequency of the coups and the interventions that took place in the republican period. In this respect, two major legal cases that targeted military, namely the Ergenekon and Balyoz (Sledgehammer), starting with 2008 and 2010 respective-

ly, tried to change the military's relationship to politics. These cases were formulated based on alleged coup plots by the Kemalist officers who were faced with severe sentences and dismissed from the armed forces.

These trials started a series of discussions on a wide range of topics, from civilian control of the armed forces to democratic consolidation. As İter Turan suggested, all of these trials may have decreased the probability of a military intervention in the future, yet this would not mean democratization of Turkey per se, which actually needed compromise among other things (Turan 2010). The results of these trials were not about democratic consolidation, but rather about institutional weaknesses in two respects. First, since the one-tenth of the Turkish Armed Forces' generals and admirals were arrested during these trials (Gürsoy 2012, p. 736), the structural changes that the armed forces experienced were intense. The positions of many former officers were filled by the Gülenist soldiers (i.e. called Fetö after 2013, meaning Fethullahist Terrorist Organization), who were ideologically religious and led the coup attempt of 15<sup>th</sup> July, 2016. It may well be suggested that these trials actually paved the way for another junta within the army. Secondly, as Arat and Pamuk rightly put it, all these trials weakened also the judiciary given the fact that proven irregularities in the process and partisanship of the judges and prosecutors with the support of the government shook the legitimacy of this power (Arat & Pamuk 2019, p. 106).

The structure of the judiciary in the meantime had already experienced transformations. In 2010, another referendum took place specifically dealing with the judiciary. The constitutional amendments, which were accepted by the 57.88% of the voters (YSK Seçim Arşivi 2010), restructured higher judiciary, increasing the authority of the president in the appointment of the members of the Constitutional Court and the HSYK (The Supreme Council of Judges and Public Prosecutors). Referendum included other amendments challenging some of the tutelary structures of the 1982 Constitution. Therefore, the protagonists turned the yes vote into sup-

port to democratization,<sup>2</sup> placing the opponents automatically on the other camp. The then Prime Minister Erdoğan evaluated the results as ‘the festival of democracy’ that the ‘putschists’ lost (CNN Türk 2010). The proponents of the amendments had foreseen ‘a significant step forward democratization process,’ (Yazici 2010, p. 10) yet, the debates around the judiciary did not come to end. On the contrary, starting with 2013, the government would start to make more radical changes over the judiciary, specifically related to the clash between the government and the Gulenists, which had dominated the military, judiciary, and the other state institutions.

All of these restructuring processes mostly based on the binary opposition of democracy vs. tutelage changed its shape and scope in 2011 as constitution-making stepped into the agenda one more time. The AKP’s promise for a new constitution before 2007 parliamentary elections had not been materialized. Before 2011 parliamentary elections, however, not only the AKP but also the opposition parties pledged to make a new constitution for Turkey. The AKP won the 49.83% of the total votes, gaining the 327 of the seats in the parliament (YSK Seçim Arşivi 2011). Although the election result was a huge success for the AKP, it meant that the party needed the support of other parties in order write and submit a new constitution to the electorate (Kubicek 2011, p. 445). Therefore, since all of the parties acknowledged the necessity for a new constitution to get rid of the existing one mostly associated with the coup of 1982, they formed a commission that would be called the Constitutional Conciliation Commission (Anayasa Uzlaşma Komisyonu, AUK) to write a new – and this time civilian – constitution for Turkey.

As Özpek explains, several issues, such as separation of powers, unitary nature of the state, and fundamental rights and liberties, were the potential sources for friction between the parties given their different priorities (Özpek 2012, pp. 163-165). However, it became the system of government problematic that would block the negotiations, leading to the failure of the process eventually. In this regard, it is

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<sup>2</sup> This democratization discourse had also been supported by the liberals, which created the famous motto of *Yetmez Ama Evet* (eng. ‘Yes but not enough’), which became an ongoing debate in Turkey.

useful to emphasize specific points over this particular problematic, focusing on the debates within the conciliation commission.

The constitutions of 1961 and 1982 had been written after *coup d'états*. Therefore, all of the parties agreed that both the preparation process and the content of this civilian constitution should have reflected a broad social consensus. Political parties outside the TGNA, civil society organizations, universities and media were consulted in the process. It is important to note that all these debates have become the first and the last broad-based exchange of views regarding the government system. Overall, majority of these participants emphasized the necessity to proceed with the parliamentary system (see 1 Nolu Alt Komisyon Tutanakları 2011-2013).

On the other hand, deliberations of the university professors almost unanimously indicated the contradictions in the existing government system. According to them, the major contradiction stemmed from the fact that the rights of the president were not compatible with a parliamentary system. Therefore, the position of the president had to be brought in compliance with that of a parliamentary system (1 Nolu Alt Komisyon Tutanakları 2011-2013). Another contradiction that was pointed out by Prof. Hikmet Sami Türk, the former Justice Minister, was the election of the president by popular voting, which was actually a procedure used in presidential or semi-presidential systems (1 Nolu Alt Komisyon Tutanakları 2011-2013, pp. 99-100). Since the majority of the professors preferred strengthening of the parliamentary system rather than the adoption of presidentialism, the election method was discussed as well. Different suggestions were made. On the one hand, some professors supported the reinstatement of the parliamentary procedure, undoubtedly with particular changes that would prevent a deadlock (1 Nolu Alt Komisyon Tutanakları 2011-2013, pp. 142-143). On the other hand, some professors talked about the possibility of the persistence on the popular voting as long as the role of the president were restricted to a ceremonial one, showing the examples of Ireland and Austria (1 Nolu Alt Komisyon Tutanakları 2011-2013, p. 357).



Most of these professors tried to explain their respective positions based on both constitutional law and political science. First, the parliament was referred as the main source of democratic legitimacy within the historical democratic development of Turkey. The presidentialism, which would diminish this legitimacy, was not compatible with the historical development of Turkey (e.g., 1 Nolu Alt Komisyon Tutanakları 2011-2013, p. 294). Second, it was emphasized that presidentialism is more open to deadlocks especially when the majority of the parliament and president are not from the same party. In other words, passing beyond a deadlock in the presidential system is much more difficult given the lack of compromise in the political culture of Turkey (e.g., 1 Nolu Alt Komisyon Tutanakları 2011-2013, p. 343). Last but not least, parliamentarism has been regarded as a more democratic system specifically because in the countries where the mechanisms of checks and balances have been weak, the presidential system could create uncontrolled arbitrary administrations, as in the cases of Latin America (e.g., 1 Nolu Alt Komisyon Tutanakları 2011-2013, p. 357). It is seen that the pros and cons of the systems were deliberated in an open-minded fashion in these sub-commissions.

However, the representatives of the political parties started to clash with each other in the writing commissions. As expected, the AKP proposed a constitution based on presidentialism while the CHP and the MHP (Nationalist Action Party) were keenly against this proposal. The AKP representatives usually put an emphasis on the ‘separation of powers,’ by utilizing the example of the U.S. system. The opponents of the presidential system, on the other hand, indicated the difference between the U.S.A. and Turkey. For instance, the MHP representative, Faruk Bal stated that almost all of the countries, which wanted to transform their government system similar to the U.S. system turned eventually into dictatorships since the system did not work (2 Nolu Yazım Komisyonu Tutanakları 2011-2013, p. 307). Likewise, the CHP representative Rıza Türmen also explained that Turkey was very different from the U.S., in terms of party, parliamentary and administrative structures, as well as certain freedoms like those of media (2 Nolu Yazım Komisyonu Tutanakları 2011-2013, p. 359). The two opposition parties were afraid of the con-

centration of power on the hands of the president, with no proper mechanism of checks and balances. Here, it should be noted that the position of the pro-Kurdish BDP (The Peace and Democracy Party) was in between. The BDP suggested that presidentialism may have been discussed, yet together with the changes in the administrative system, referring to more autonomy, or federal structure (e.g., 2 Nolu Yazım Komisyonu Tutanakları 2011-2013, p. 529). This suggestion for an administrative change was not appealing to the other parties.

The constitution making process of Turkey reached an impasse mostly due to the discord over the government system. On the one hand, the ruling party AKP started to pressurize the process. In addition to the AKP's insistence on presidentialism, the declarations of Bekir Bozdağ, the then Deputy Prime Minister, implying other methods that the party intended to employ to make a constitution in case of a failure of the process in 2013 (Anadolu Ajansı 2013) resulted in harsh criticisms inside the commission. On the other hand, the effort and necessity to continue to the process even if the parties could not agree upon the system of government led to a deadlock. This deadlock was not shocking given the fact that the members were trying to write the 'legislative' without deciding upon the system of government.

In 2013, the constitution making process was halted. The AKP had attempted to change the system of government with no success, before the upcoming 2014 presidential elections that would definitely be a major alteration. As Petersen and Yanaşmayan rightly argue that the process failed because 'commission members were unable to overcome their disagreement and deeply rooted political cleavages' (Petersen & Yanaşmayan 2020, p. 50). Among other things that have not been dealt with in this article, the parties had two irreconcilable positions towards the system of government. However, despite its failure, the analysis of the negotiation process is still significant because all of these deliberations reflect the background of the systemic transformation that took place in 2017.

## **5. From Parliamentarism to Presidentialism: The Transformation of the System in Turkey**

2013, in which the Constitutional Conciliation Commission was officially dissolved, became an eventful year for Turkey. First, the decision to construct a shopping mall in Gezi Park, one of the last green places left in central Istanbul, led to widespread protests all over Turkey. The protests, which started with environmental concerns, turned into anti-government demonstrations. As Yardımcı-Geyikçi rightly puts, the expansion of the protests was closely related to the intensification of the social unrest and the political polarization inside the country, long before 2013 (Yardımcı-Geyikçi 2014, p. 445). Regardless of the reasons, it may well be suggested that the harsh reaction of the police towards the protesters became a real turning point about the perception of the government.

Another important political development of 2013 was the dissociation between the AKP and Gülen network. It was concretely revealed by the December 2013 corruption allegations directed against several ministers by the members of this network, who had been very active specifically in the institutions of education, justice and security, including the army. Therefore, the clash between these groups created a fight within the state. This fight which was mostly stemmed from the power-sharing resulted in further empowerment of the executive particularly vis-à-vis the judiciary, as a result of the radical changes within bureaucracy (Arat & Pamuk 2019, pp. 112-113).

It was in this political landscape that Turkey held its presidential elections, for the first time by popular voting based on the 2007 referendum's result. The then Prime Minister Erdoğan won the elections in the first round by the 51.79% of the votes (YSK Seçim Arşivi 2014), appealing to more or less half of the electorate. In addition to the 2007 referendum and the failed constitution making process of 2011–2013, the 2014 presidential elections became another turning point on the way to the presidential system. The fact that Erdoğan had already declared that he would not be a neutral president despite the impartiality clause of the constitution during the electoral campaign and acted accordingly after the elections resulted in a

system debate, which indicated that presidentialism *à la Turca* was on the way (Kalaycıoğlu 2015, pp. 172-173). It should be emphasized that until 2017 referendum that changed the system of government, Turkey was actually ruled by a *de facto* presidential system that President Erdoğan became the dominant persona who took the decisions and expected the then Prime Minister Davutoğlu to execute them.

However, despite the implementation of 'de facto' presidentialism, the situation could not be sustainable in the long run either, given the clear principles of the constitution. As a result, before the 2015 parliamentary election, the AKP, one more time, promised a new constitution in its election manifesto. According to the document, the AKP had cleansed the tutelary nature of the presidency with 2007, thus the division of the duties and responsibilities should have been made accordingly (Seçim Beyannamesi 2015, p. 41). In this way, administration would overcome the possibility of a deadlock between the President and Prime Minister on the one hand and would be faster and more effective on the other hand (Seçim Beyannamesi 2015, pp. 40-41). The effectiveness, in this sense, turned into a key term regarding the quest for more power.

However, the AKP, although became the first party in the elections, could not get the seats needed to form one party government in June 2015, as a radically different situation from the previous elections. The coalition building process of the AKP failed although the task was not given to the CHP or any other opposition party, to wit, 'an election result was ignored' for the first time in the history of the Turkish competitive politics, leading to the snap elections of November 2015 (Öktem & Akkoyunlu 2016, p. 471).

At this point, it should be noted that the November 2015 election took place in a highly polarized and insecure political and social environment. On the one hand, already halting Kurdish peace process came to an end. The escalation of war with the PKK in Southeastern Anatolia resulted both in a sharp decrease in the popularity of the HDP (People's Democratic Party) which had become successful in June 2015 and in a highly polarized political atmosphere (Grigoriadis 2016). On the other hand, Turkey had to deal with terrorism also in the big cities throughout

the summer and autumn of 2015, owing to the ISIS attacks. In this highly fragile atmosphere that the AKP increased its votes to 49.5% from the previous 40.8%, taking the majority in the parliament back (YSK Seçim Arşivi 2015). Kalaycıoğlu explains the result based on the aforementioned political instability which ‘seemed to reinforce the image that coalition government formation and good governance were not necessarily correlated’ (Kalaycıoğlu 2018, p. 31).

After the snap election, President Erdoğan reiterated his position about presidentialism and summoned the other parties to make a new constitution (Sözcü 2015), since the seats of the AKP in the parliament fell short of making constitution or holding a referendum for a draft. Although there was not any positive answer to the call at that point, another Constitution Conciliation Commission in the parliament was convened in early 2016. Actually, this commission was doomed to fail from the beginning given the extreme polarization between the political parties in the conditions of 2016. Therefore, after few sessions, the commission was disbanded since the main opposition party CHP adamantly refused to discuss anything related the presidential system (BBC Türkçe 2016a).

Within the existing rules and regulations, the AKP had nothing but to prepare its own draft, then to seek support from parliament for referendum. However, July 2016 coup attempt, which was undertaken by the Gülenist factions of the army, absolutely changed the political scene in Turkey. To analyze the coup attempt goes beyond the scope of this article. But it should be noted that the post 15<sup>th</sup> July period in Turkey brought massive waves of purge of Fetö members alongside a long-term state of emergency. It is in this state of emergency conditions that the leader of the MHP, Devlet Bahçeli, declared his support to bring the constitutional amendments that mostly aimed at the transformation of the government system to the parliament. In the conditions of the late 2016, the presidentialism was discussed based on the need to form a system that would provide ‘constant powerful political will’ in Turkey (BBC Türkçe 2016b).

So, what kind of presidential system could the AKP bring to the parliament, after years of efforts, debates and negotiations? Özsoy Boyunsuz justifiably

argues that the proposal of this ‘Turkish type of presidentialism’ could be classified as ‘hyper presidentialism’ in which the executive is overpowered at the expense of the legislative and judiciary, with little balance of power mechanisms and no separation of powers (Özsoy Boyunsuz 2016). Therefore, the proposed Turkish type of presidentialism has had more resemblances with the Latin American government systems than that of the U.S., which had been incessantly shown as an example in the discussions of 2004–2005 and in the sessions of the Constitutional Conciliation Commissions between 2011 and 2013, in order to aggrandize presidentialism, and its separation of powers. While lacking checks and balances, the amendments particularly weakened the legislative since the president gained the right to dissolve the assembly and to issue decrees having the force of legislation in specific realms without parliamentary control (Özsoy Boyunsuz 2016, p. 84). Actually, the amendments set forth little or no parliamentary control for any actions of the executive body.

The proposal was accepted for referendum in the parliament with the support of the MHP deputies. During the campaign period, the AKP emphasized ‘power, stability and effectiveness’ (Anadolu Ajansı 2017) compatible with the zeitgeist while the opposition party CHP tried to explain that the amendments were changing not just the system but the regime. The constitutional amendments were accepted in the referendum held in April 2017, with the 51.4% of votes, confirming the polarization, to wit, the division in the society that took shape through the 2010s (YSK Seçim Arşivi 2017). After years of debates based on democratization and the U.S. type of presidentialism, Turkey’s a-century-long parliamentary system eventually changed into a presidential one with the features of hyper-presidentialism, within an increasingly authoritarian setting.

## **6. *In lieu* of conclusion**

When this article was written in 2020, the politicians in Turkey were still discussing the recently changed system of government. Apart from the usual opponents of presidentialism, such as the CHP or the HDP; it is remarkable to see that even the former Prime Minister of the AKP, Davutoğlu, who ardently defended

presidential system during his tenure, were conducting campaign for parliamentarism with his new party (Cumhuriyet 2020). This acknowledges, on the one hand, that the current hyper-presidentialism restricts political space for all of the actors and the parties other than Erdoğan or the AKP. On the other hand, it shows that the transformation of the system in 2017 did not (and will not) end the discussions around it.

Accordingly, this study aimed to show that the system of government has always been discussed since the late 20<sup>th</sup> century. Different actors have kept the matter on the agenda with different impetuses. From efficiency to the drive to overcome instability; different discourses have been adopted. This article argued that the debates on the system of government is not intrinsic to the authoritarianism of the recent period, though particularly emphasizing that it was this authoritarian turn in Turkey that shaped the features of the system as eventually accepted in 2017. The excessive power of the executive with no proper checks and balances yet with a highly politicized justice system is directly related to rising authoritarianism in Turkish politics. Surely, it was not possible to handle such a massive change either in the late 20<sup>th</sup> century or in the first decade of the AKP rule since the other institutions of the state were strong in the face of the respective governments. Therefore, it is not surprising that this change could take place in the 2010s that the AKP dominated the other institutions.

However, as this article showed, the presidential system was thought as an option, even in the conditions of 2004 and 2005 with a different discourse. This was a good reflection of a common political attitude in Turkey that has usually – and wrongly – regarded the government system change as a panacea to the flaws of the Turkish politics. In this respect, it is possible to follow not only the basic paradigms but also the problems of the (sub)periods in Turkey on the debates associated with presidentialism; as could be seen in the evolution of discourses from democratization to the quest for more power.

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