

THE PRACTICABILITY OF THE PRESIDENTIAL SYSTEM IN TURKEY AND THE DISCUSSIONS OVER NEVER ENDING DREAMS OF DEMOCRACY¹

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Abstract

This paper chiefly examines the practicability of presidential system in Turkey by linking democracy to the system of government, namely the presidential system. To this aim, the study consists of three parts. While the first part of the paper is devoted to pointing out what presidential system is by underlining its differences from the parliamentary system, the second part disputes the JDP's proposal of presidential system. Then, the paper concludes why presidential system is not feasible in Turkey within the context of the consolidation of democracy.

Keywords: Presidential System, Practicability of Presidential System, Parliamentary System, Consolidation of Democracy, Justice and Development Party

Türkiye'de Başkanlık Sisteminin Uygulanabilirliği ve "Gelmeyen Demokrasi Hayalimiz" Üzerine Tartışmalar

Öz

Bu çalışma esas olarak başkanlık sistemi ile demokrasi arasındaki ilişkiyi Türkiye'de başkanlık sistemi tartışmaları üzerinden incelemektedir. Bu amaçla kaleme alınan bu çalışma üç bölümden oluşmaktadır. İlk bölümde başkanlık sistemi ile parlamenter sistem arasındaki temel farklar incelenirken, ikinci bölümde Adalet ve Kalkınma partisinin önerdiği başkanlık sistemi tartışılmaktadır. Sonuç kısmında ise Türkiye'de başkanlık sistemi uygulamalarının demokrasinin yerleşmesi önünde bir engel teşkil edeceğinden başkanlık sisteminin Türkiye'de uygulanmasının sakıncaları açıklanmaktadır.

Anahtar Kavramlar: Başkanlık Sisteminin Uygulanabilirliği, Parlamenter Sistem, Demokrasinin Yerleşmesi, Adalet ve Kalkınma Partisi

1 Makale gelişi tarihi: 31.03. 2016 Makale kabul tarihi: 27.06.2016

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The issue of Systems of Government has been discussed by social scientists from different intellectual perspectives. While some intellectuals argue that democracy and government type are interrelated, others argue that it is difficult to say that same type of government automatically leads to same type of democracy (Charlton, 1986; Linz, 1990; Ataay, 2013; Siaroff, 2005). Especially in contemporary world many countries have sought a way of transforming their systems of government in order to find a solution for their political and governmental crises. To this end, many under-developed and developing countries in Africa and Latin America such as Nigeria and Argentina, have transformed their systems of government from to presidential systems after the independence wars. In addition to these countries, some Middle-Eastern and Eastern European countries also seek alternative types of government to their actual systems in which they face difficulties in solving their so-called political and governmental crises. One of these countries is Turkey, which has a parliamentary system. Even though debates about presidential system are not new in neither academic nor political circles in Turkey, the proposal made by Justice and Development Party (JDP) re-initiated the debate among academic circles and political elites. Those who support the necessity of a presidential system, the JDP in particular, basically claim that political and governmental crises often emerge in Turkey owing to the fact that Turkish parliamentary system fails to find solutions to crises. More specifically, they claim that political and economic stability requires a presidential system that is why Turkey should transform her parliamentary system to presidential system. In order to understand whether the transition from the parliamentary to the presidential system is necessary, the differences between the two need to be clarified.

Presidential and Parliamentary System

The essence of a system of government is based on a basic question of how legislative, judicial, and executive power should be used by authority. The answer to this simple question determines what type of government a country has. Basically, it can be said that if these three powers are united in one hand there is a monarchical system. Historically and philosophically, all political systems which include a legislative assembly have aimed at checking or limiting absolute power. As James Madison argues, it was a reflection on human nature that abuses of government should be controlled (Madison, In Charlton, 1986, p. 22). Similarly, Montesquieu argues that the necessity of separation of powers lies

at the heart of the ideal government in which legislative and executive branches has been rigidly separated in order to check and limit an authoritarian form of government (Montesquieu, in Norton, 1990, p. 4). Hence, it can basically be claimed that the doctrine of separation of powers was married to the idea of 'checks and balances' (Charlton, 1986, p. 22). In such a system, if powers are divided into three basic functions of government, separation of powers or *trias politica principle*³ became main the feature of the system of government in the country. The relation between these three powers takes different forms in different countries according to their system of government. In this regard, *rigid* and *flexible separations of powers* are two concepts which enable us to understand relations among legislative, executive, and judicial branches of the government. The function of these three branches is described by Roger as follows: while legislature branch's main duty is to make the laws; the main role of the executive branch is putting these laws into effect (Ibid, p. 18). Even though both legislature and executive branches have the legal right to check and balance each other, the judicial branch, whose duty is to interpret the law, is theoretically autonomous to check both the legislature and executive branch in order to prevent them from acting unlawfully. The relation among the three branches, therefore, is the main descriptive factor of both parliamentary system and presidential system. Even though they have similar aspects, depending on how rigid or flexible the relation between powers is, presidential and parliamentary systems differ from each other by many parameters which are discussed below.

Presidential System and Its Basic Features

Some African and Latin American states such as Nigeria, Argentina, and Brazil have the presidential system as a system of government. Apart from these countries, in which the application of the presidential system has some vital problems, it is the USA which successfully applies presidential system in the world. Being a federal state, USA's political and cultural history have made it special due to reasons which will be discussed elaborately below after pointing out what presidential system and its basic features are.

The presidential system is described by Sartori as a political system in which the president, as the head of executive branch, acts within the context

³ The term *trias politica principle* is a Latin concept which refers to the separation of legislative, executive, and judiciary authorities of the state. See. C.O., Jones (1995). *Separate but Equal Branches: Congress and the Presidency*, Chatam: Chatam House Publishers.

of rigid separation of powers and is directly elected by people for a fixed period of time (Sartori, 1997, p. 112). Therefore, in a presidential system, as legislature branch can neither appoint nor remove the government, the head of state is also the head of government (Ibid, p. 113). Since the entitlements and remits of executive and legislative branches are strictly described by constitution, a rigid separation of powers is the main feature of this system. Therefore, it is plain to say that in a Presidential System the head of the state, theoretically and constitutionally, has no supremacy over the legislature branch. More importantly; power separation between the executive and legislative branches is more rigid than it is in the parliamentary system. Presidents, in this sense, are not only independent from parliamentary votes of confidence but also they choose their ministers to form their cabinets. The president also has no right to propose legislation as a result of the rigid separation of powers principle (Morlan, in Charlton, 1986, p. 26).

As far as the pros and cons of this system are concerned, it is difficult to say that presidential system is better than parliamentary system and vice-a- versa, since which parameter you take into consideration is the main determinant of assessing systems of government. Undoubtedly, the presidential system has some positive aspects in terms of stability, transparency, and a rapid decision making process. For instance; it is true that in a presidential system, as Akcali argues, a rigid separation of the executive and legislature branches prevents both branches from constructing hegemony over one another; a fact which is important with respect to democracy (Akcali, 2013, p. 407). Similarly, since there is no hierarchical order between the legislature and executive branches, both branches are not only enforced to work harmoniously, but also are prevented from seizing absolute power (Ibid). In the presidential system, the president is elected for a fixed period of time which enables him or her to enjoy his or her authority without needing the legislature branch in terms of 'vote for confidence principle'. Yet this feature can easily lead to a disadvantage, since even an unsuccessful president cannot be dismissed in such a system. Other pros and cons of the presidential system are about representation and stability. It is true that in a presidential system, since president is directly elected by people, the democratic aspect may be stronger than that of the parliamentary system. Yet, in the presidential system the "winner-takes all" principle may easily lead to a zero-sum game,

since the president can easily win the elections even he or she receives 1% more of the votes than the other candidate. In addition, a president, who is directly elected by people may easily win the election even if he or she receives less than 40% of the votes. Similarly, Presidentialism, to Linz, is ineluctably problematical, for it operates according to the rule of “winners-take all- an arrangement that tends to make democratic politics a zero-sum game, with all the potential for conflict such games portend” (Linz, 1990, p. 123). In such a system, the losers have to wait for at least four or five years without any access to executive power, which is why “the zero-sum game in presidential regime raises the stakes of presidential elections and inevitably exacerbates their attendant tension and polarization” (Ibid, p. 124). Despite the fact that parliamentary elections can result in an absolute majority for a single party, they more frequently provide representation to a number of parties. Power-sharing and coalition-forming, in this respect, are common, and incumbents are accordingly conscientious to the demands and interests of even minor parties (Ibid) Therefore, under the presidential system, it is difficult to say that every president represents the majority of the population or the *General Will* in Rousseauian sense (Horowitz, 1991, p. 53). More importantly, in the presidential system, as both the legislative majority and the president are elected by the people, which will have the stronger claim to speak on behalf of the people becomes problematic. Linz, in this respect, argues that “since both derive their power from the votes of the people in a free competition among well-defined alternatives, a conflict is always possible and at times may erupt dramatically” (Linz, 1990, p. 120). Therefore, the presidential system can easily pave the way to dualism and political instability, which might lead to military coups especially in under-developed or developing countries which have still not constructed strong democracies as in the cases of most Latin American countries.

Another basic feature of the presidential system is about the checks and balances mechanism. Under the presidential system the checks and balances mechanism works in order to enable the executive and legislature branches to monitor each other. Especially in the USA’s presidential system, this function is performed by means of strong committees. Dennis and Ian, in this respect, give The US Congress as an example of a strong committee. The US Congress, in this sense, is regarded by Dennis and Ian as the strongest among the committees of contemporary assemblies in

the world, since the power and the authority of these committees have revealed many scandals such as ‘The Watergate Scandal’⁴ (Derbyshire and Derbyshire, 1991, p. 104). Even though the checks and balances system is workable in the USA, the number of impeachments, which is a formal process in which an official is accused of unlawful act and removed from official position, is very low. Three impeachment cases have been emerged in the USA so far, which may lead to the criticism that the function of inspection mechanism may not be enough. Suppose a country which has a presidential system and strict party discipline. When the majority of the party deputies who have nominated the current president for the election face an event requiring his impeachment, most probably, it will be difficult to see a strong committee whose duty is to check and judge the president.

Parliamentary System and Its Basic Features

In the twenty first century, almost every country has an assembly in their political system one way or another, no matter which regime they have. While a country governed by a republican regime has an assembly, another country which has a theocratic or monarchical regime may also have an assembly in their political system. Statistically, even in 1971, as Charlton indicates, “approximately 90 per cent of the states of the economically developed North, 90 per cent of Asian and Latin American States and 50-60 per cent of those in the middle, possessed legislatures” (Charlton, 1986, p. 41). Moreover, this statistic has still been increasing all around the world over the last 30 years. Yet, what makes these assemblies privileged is their democratic aspect which they secure by means of applying separation of powers in order to lessen or limit the concentration of authority. Most of the democratic countries, therefore, are described as democratic, for they are governed according to *trias politica* principle. What makes a democratic parliamentary system different from authoritarian regimes is its democratic aspect in which the *législateur* (maker of laws) is directly elected by the people. Similarly, the relation between the executive and legislature branches in the parliamentary system basically distinguishes it from other systems of government.

The principle of *flexible separation of powers* is the main characteristic of the parliamentary system. Under a parliamentary system, thus, the main

⁴ Watergate scandal is a scandal which was investigated and discovered by a committee in US Congress. An array of illegal activities carried out by members of the president Nixon administration thus are clarified by the committee.

point is the harmony or collaboration between the legislature and executive branches, which is indispensable for the continuation of political system and political stability. Since executive branches consist of both the head of state and the head of government (prime minister or equivalent), there is almost always a separate head of state in a parliamentary system (Siaroff, 2005, p. 143). It is true that the president and the prime minister can be regarded as two heads of the executive but it is nearly always the case that the role of the president as head of the state is rather symbolic whose duties and entitlements are described in constitution. The president, who is not entitled with full autonomy in acting in executive branch, therefore is basically regarded as a symbol of national unification. Such a president's duties are formulated by Slam as follows: In a parliamentary system, presidents "regularly appears at important events, lending a degree of dignity to them; the head of state also receives high-ranking personages visiting from other countries, including other heads of state, and travels abroad on goodwill visits to other countries" (Slann, 2005, p. 122). Since in a democratic parliamentary system, in which the election threshold is very low, almost every group can easily be represented in the assembly, which leads to a fair result in terms of "winner-cannot-take-all principle, unlike the presidential system. Additionally, unlike the presidential system, in a parliamentary system the government needs the vote of confidence which may lead to the fall of governments at any time, since they are not elected for a fixed time. It is also true that the head of government is not chosen directly by voters but is eventually selected by the legislature (Ibid, p. 145).

In short, the best way to sum up the crucial differences between the presidential and parliamentary systems can be based on the idea of how the principle of separation of powers is used. Linz, in this respect, makes a clear distinction between parliamentary system and presidential system by underlining the basic features of both systems. Linz argues that "while parliamentarism imparts flexibility to the political process, presidentialism makes it rather rigid" (Linz, 1990, p. 122). Linz, by comparing the presidential and parliamentary systems, points out how the perils of presidentialism come to the fore. According to Linz, the proponents of presidentialism, might claim that the rigid separation of powers is an advantage, for it guards against the uncertainty and instability so characteristic of parliamentary politics. Yet, Linz argues that instability might emerge in a presidential system as well since "while the need for authority and predictability would seem to favour

presidentialism, there are unexpected developments- ranging from the death of the incumbent to serious errors in judgement committed under the pressure of unruly circumstances- that make presidential rule less predictable and often weaker than that of a prime minister” (Ibid, p. 123). In such a condition the latter, for Linz, can always seek to reinforce his legitimacy and authority either through a vote of confidence or the dissolution of parliament. Moreover, a prime minister in such a situation can easily be changed without necessarily causing a regime crisis (Ibid).

Presidential System and Turkey

Turkey possesses a parliamentary system, the history of which dates back to the 19th century of the Ottoman Empire. Turkey has experienced its first constitutional movement with The Ottoman Constitution of 1876 (Kanun-i Esasi) during Ottoman Empire. From that time on Turkey has seen many constitutions all of which have declared the parliamentary system as the governmental regime. By applying flexible separation of powers Turkey, like other countries which possesses parliamentary system, has experienced advantages and disadvantages of that system. Despite the controversial aspects of the Turkish parliamentary system, it is clear that Turkish political life, compared to most developing countries, has been experiencing democracy for seventy years thanks to the existence of the parliamentary system. It is also the parliamentary system that enable different groups to send their representatives to the assembly, though Turkey still implements election threshold (10% limit). Since under the parliamentary system the head of government needs the vote of confidence, Turkish legislature can dissolve a government if it becomes unsuccessful in carrying out its policies. In other words, the legislature can oversee the executive by means of the motion of censure.

Even though theoretically the separation of powers has been prescribed by the constitution of 1980, it is generally argued that the judicial, executive, and legislative branches have sometimes unlawfully interfered in each other’s legal areas. Especially the judicial branch of government has generally been encroached by the executive, damaging its impartiality, a fact which has been mentioned many times in criticisms blaming the judicial branch for being dominated by the executive or the bureaucratic elites. Another critical point that can be raised about the advantages of the parliamentary system is the lack of effective governments. Especially Turkey faced during 1990s short live and impotent multi-party coalitions. Slow legislative process can also be regarded as a product of

an inadequacy of the parliamentary system. Another vulnerable aspect of the parliamentary system may be linked with the idea that strong party discipline, like in the Westminster type of democracy, prevents the Turkish legislature from constructing strong commissions in order to check the executive branch (Turk, 2011, p. 36). Gozler, in this sense, also problematizes Turkish Parliamentarism with respect to the notions of stability and *coalition government*. Parliamentarism has not yet brought an inclusive and democratic political atmosphere to Turkey, as he claims; “by looking at the history of Turkish politics, Turkish practice of parliamentarism, so far, has produced only fragile, and short-living (42 governments in 60 years) governments” (Gozler, 2000, p. 32).

After shortly pointing out the basic features of current Turkish system of government above, the paper will now clarify the debates on the necessity of the presidential system for Turkey. Despite the fact that the debates on the presidential system have filled Turkish political agenda since 2010, they are not new. It has been periodically discussed by not only the leaders of the military intervention of 1980 but also Turgut Ozal, Suleyman Demirel, and lastly Recep Tayyip Erdogan. Each leader has proposed the presidential system in order to find a solution to government crises. Especially during the JDP’s power the issue of presidential system is generally discussed as a remedy for Turkey’s future. In other words, the party in government claims that almost every sclerosis stems from the parliamentary system, which is why Turkey should transform its system of government from the parliamentary system to the presidential system, referring to stability, rapid decision-making process, and more democratic participating or stronger representativeness of the presidential system.

The party in government claims, first of all, that under the presidential system, bureaucracy becomes autonomous and impartial against both the legislative and executive branches since the division of executive power between the political and bureaucratic officials enables bureaucrats to become secondary and independent actor against political actors (Turhan, 1993, p. 41).

Secondly, it claims that, owing to the monolithic character of the executive branch in terms of using power, it is easy to rapidly take and implement decisions during crises (Bagli, 2013, p. 186). Additionally, Bagli claims that Turkish society has a political culture which favours strong leaders, which is why the presidential system is the best system for Turkish society (Ibid, p. 187). Similarly, Fedai also claims that Turkish political culture

and experience are not strange to a one-headed executive branch (Fedai, 2013, p. 689). Therefore, the presidential system, to Bagli and Fedai, is the best model for Turkey, for dual executive is not suitable for Turkey's political culture.

Thirdly, it is argued that under the presidential system Turkey will reach a point where the impartiality problem of judiciary which, according to the party in government, has been the main political problem of Turkish politics for a long time, will wither away, owing to the principle of strict separation of powers (Ataay, 2013, p. 269). The JDP, in this respect, regards the presidential system as a system which also provides transparency in legal institutions. More importantly, it claims that the independence of the legislature will increase because of the strict separation of powers principle (Ibid).

Another argument about the necessity of the presidential system, as suggested by the JDP, is that it is more democratic and participatory involving more representation of people. The JDP claims that when the head of the executive is directly elected by the people, both the legislature and the executive represent the majority of people in terms of *General Will* in Rousseauian sense (Bezci, 2005, p. 85).

The last but not the least, the argument about the advantages of the presidential system is also about the link between the system of government and political and economic stability. Erdogan, in this sense, suggests a strict relation between the presidential system and a stronger country which is more stable economically and politically. He shores up his argument by claiming that while economically most developed twenty countries have presidential systems, least developed twenty countries have parliamentary systems⁵.

In order to realize the goal of implementing the presidential system, the JDP put forward a draft in which they discuss their framework of presidential system. Most of the articles mentioned in the draft are related to the American type of the Presidential system, which is currently the best example in the world. Yet, some articles in the draft clearly pose a threat to *trias politica principle*. In this respect, despite the fact that the

5 RTE has made many speeches in the way to supporting the linear link between presidential system and economic progress on both TV Programmes and newspapers. See, following link: <http://www.evrensel.net/haber/101929/erdogan-baskanlik-arzusunu-gerceklestiremeyecek>

outline consists of 31 articles⁶, some critical points mentioned in the outline clarifies what type of presidential system they propose. First of all, it is plain that the presidential system described in the draft suggests a system which is different from that of the American presidential system. Especially the 22th article⁷ of the draft indicates the supremacy of the executive branch over legislative and judicial branches by aiming at unifying the duties the president and the prime minister in the current parliamentary system. More importantly, as Ataay argues, the draft authorizes the president to veto the bills passed by National Assembly which can only be re-passed provided that 3/5 of the assembly approves the bill (Ataay, 2013, p. 272). Therefore, though the Presidential System Draft put forward by the JDP reflects some aspects of the ideal features of the presidential system, some articles in the draft clearly undermine the principle of the “rigid separation of power”.

Practicability of Presidential System in Turkey

Turkey has faced many political and economic crises since its emergence. Three military coups, economic recessions related to world economic structure, Kurdish question, Alevits question, Cyprus question, and the EU process all have been the main problems of Turkish politics. From 1946, when Turkey transformed to a multi-party system to the current day, Turkey has been seeking solutions to its problems under a parliamentary system. Sometimes some Turkish politicians such as Turgut Ozal, Suleyman Demirel, and currently Recep Tayyip Erdogan have underlined the necessity of the presidential system. The presidential system which is generally brought up within the context of a so-called civil constitution is, therefore, regarded by governing party as a remedy for all vital problems.

Before anything else, the issue of whether the presidential system can be put into effect in Turkey is not a difficult task. Those who govern Turkey can theoretically legitimize and implement the presidential system by carrying out the necessary legal changes. Yet, what we need to ask is ‘why we need a presidential system?’, ‘is the parliamentary system in Turkey not really problem-solving?’ Or we should ask whether ‘our problems will really wither away if we accept parliamentary system?, or ‘can the consolidation of democracy under parliamentary system not solve the

6 Full text is available via following link: <http://www.baskanliksistemi.com/turk-tipi-baskanlik-sistemi-nedir.php>

7 The article interestingly allows president to make laws by means of president legislative decrees if he or she needs to apply it for a critical situation.

problems which Turkey face?'. Taking these questions into consideration it is easy to say that a Turkish type of presidential system is not a remedy for Turkey's problems. Rather, it can be claimed that Turkish democracy, let alone getting rid of its problems, will suffer from presidential system.

Turkish politics, like other European and western politics, has been radically affected by debates on how democracy should be deepened in order to respond to twenty- first-century's political demands. Turkey, as a cosmopolitan country, consists of many different cultural, religious, ethnic, and political groups as well as new social movements such as environmentalists and feminists. Such actors have played a role in many countries in shaping in deepening democracy. Most Western countries have made policies in taking pluralism into consideration for thirty years. The main aim has not only been fulfilling the function of assemblies but also constructing a political system which incorporates different voices of their societies in order to enhance political stability. Therefore, if Turkey wants to construct a new system of government, she has to cope with the problems raised by the inclusion of above mentioned political actors in terms of providing political stability. Thus, Turkey must construct a political system which not only is more inclusive but also allow and strengthen the principle of the rule of law.

The presidential system suggested by the JDP, unlike USA's presidential system, undermines the principle of the rigid separation of powers, since according to the 20th article of the draft the supremacy of the president against the assembly is legitimized. An ideal presidential system on the other hand requires an autonomous legislature branch. Therefore, the JDP's Presidential System Draft, above anything else, overlooks the vital principle of the separation of powers. In other words, this model does not give the central stage to the National Assembly as an arena in which political problems can be deliberated and solved. Similarly, as far as the checks and balances principle is concerned, it is also clear that the new model prevents the assembly from checking the executive branch effectively. Compared to the USA's presidential system, it is plain that the latter presidential system has a more powerful Congress, which can check the executive and even dismiss the president by means of *impeachments*, than that of a possible Turkish type of Presidential system. Therefore, this model, as Ozbudun argues, unlike the USA's system, paves the way to concentrating the political power in one hand, since it puts the legislature into a secondary position (Ozbudun, 2013, p. 208). Kalaycioglu, in this

respect, argues that the implementation of the presidential system will lead to political and institutional instability, since it reinforces the immunity of the head of executive. More importantly, he also claims that the presidential system in Turkey will lead to societal polarization and protest (Kalaycioglu, 2013, p. 219). Additionally, unlike the USA's presidential system, the Turkish type of presidential system, for Turan, is not workable, since unlike Turkey, the USA is a federal country and, has a strong civil society and lobbying activities that influence the decision-making process (Turan, 2013, p. 527).

Another assessment of the presidential system from a democratic perspective is about whether it will be able to represent the majority of the population. Lijphart, in this sense, argues that participatory or deliberative democracy requires the executive power to be shared among a coalition in order to be able to represent different groups. Also, he claims that being elected by the people does not necessarily lead to representing general will, since presidential system may result in a zero-sum game (Lijphart, 2012, p. 36). More importantly, it is true that the anti-democratic implementation of the electoral threshold (10%-limit) under the parliamentary system in Turkey prevents the Turkish Grand National Assembly from representing different groups of society. Yet, this cannot be a plausible reason for those who support presidential system in this way. Electoral threshold can easily be changed or removed by legislature under the parliamentary system without needing change the whole political system.

It is always argued by the JDP that the presidential system will provide economic and political stability. The term stability, in this respect, indeed has been idolized by the supporters of the presidential system. In other words, the *dogma of stability* is regarded by the JDP and Erdogan as a *magic wand* which will be a remedy to every problem. Even though Erdogan and deputies of the JDP always underline the term stability, it is unclear what they mean by it. If it means a stable political system in which a government is retained for long years, why not take North Korea as an example of stability? Known as an authoritarian state North Korea is the best and durable example of stability. Here, stability should be discussed together with democracy. The philosophical question about stability and democracy is whether democracy should be sacrificed to stability. Or whether a stable authoritarian government is better than a little bit unstable but fully democratic regime. The problem is not securing only

stability. The problem is about how we can secure a democratic stability which can only be achieved by means of a decision making assembly that reflects the notion of pluralism. Another critical point about stability put forward by Erdogan is that while economically most developed twenty countries have presidential system, the most underdeveloped countries have parliamentary systems. This kind of discourse indeed aims at distorting the reality, since most developed countries have parliamentary systems, the important exception being the USA. Similarly, most of the underdeveloped countries have presidential systems. The survey called Democracy- Index⁸, which was carried out by The Economist in 2011, clearly indicates that while 21 of the top 25 democratic countries have parliamentary systems, the most of anti-democratic countries have authoritarian types of presidential systems. The last but not the least, the critical point about the paradox of stability lies at the logical error of a single minded desire for presidential system. The government circles argue that from 2002 to 2012, thanks to the JDP rule, Turkey has reached a point at which the political and economic stability has become stronger than ever before (Yilmaz, 2013, p. 12). This discourse includes a fatal logical error in the sense that Turkey reached that point by means of the parliamentary system meaning that there is not a good reason to change the parliamentary system.

As far as the political culture of Turkey is concerned, those who support the presidential system claim that Turkish society is one which favours strong leaders, which is why presidential system is best suited to the Turkish society (Ibid, p. 187). This kind of discourse is in fact an example of how cultural pluralism has been disregarded in favour of cultural monism. Turkey is a multicultural society in which any form of cultural monism will not be accepted as an encapsulating norm, since different cultures assess politics from their own cultural and intellectual perspectives. Moreover, Turkey has been experiencing a parliamentary democracy for 70 years, which is why it is absurd to claim that the majority of Turkish society will accept one-headed executive and leader.

Apart from the critical points discussed above, an assessment of the JDP and Erdogan's rule might allow us to predict some aspects of a possible presidential system. In a parliamentary system the duties and burdens of the president of the republic has been clearly enumerated in

8 Full text is available on: <http://www.sudestada.com.uy/Content/Articles/421a313a-d58f-462e-9b24-2504a37f6b56/Democracy-index-2014.pdf>

the constitution. The chief principle of the parliamentary system is to constitutionally describe the president's role which legally frames his or her jurisdiction. According to the 105th article of the Turkish Constitution, the president, is not allowed to interfere with the legislative branch, since his or her duty is mostly described as symbolic role (Heper, 2011, p. 156). In other words, since the president symbolically represents the Turkish state, he or she should be impartial and represent the whole population. Yet, it is ordinary to examine presidents in Turkish political life as ones who participate in inaugural ceremonies not only as a president but also as a leader or a sympathizer of a political party or a political ideology. Besides, these examples obviously indicate that they have not represented the whole society; rather they make some discourses which can easily polarize society within the context of "we and they" discourse.

Despite its desire for the presidential system as a means of realizing a rigid separation of powers among the legislative, executive, and judicial branches, the Presidential System Draft put forward by the JDP allows the president to nominate some members of SCJPP (Supreme Council of Judges and Public Prosecutors), which might undermine the principle of rigid separation of powers. This is so because Turkish political culture, compared to that of USA, has not adequately internalized the notions of impartiality and merit in bureaucracy. Similarly, the governing party claims that under the presidential system, bureaucracy becomes autonomous and impartial against both the legislative and executive branches, since the division of the executive power between the political and bureaucratic officials enables bureaucrats to become secondary and independent actors against political actors (Turhan, 1993, p. 41). Yet, in practice it is difficult to prove this claim since many cases that has taken place in Turkey puts into question the impartiality of bureaucratic institutions. As Slam argues "in a democracy, a bureaucracy is supposed to serve rather than control", yet, in Turkey bureaucrats, rather than serving, want to control and dominate their juniors in the way the president wants (Slann, 2005, p. 132). It is not surprising to see much news which verify the claim when we read an ordinary daily newspaper or watch a television programme.

Theoretically speaking, Erdogan as the symbolic head of state has sworn that he would abide by the constitutional rules. Yet, in practice we witness that sometimes he makes speeches or attempts to manipulate the National Assembly as if he is the head of the government and the

Assembly. Because of the strict party discipline in the JDP most deputies including Prime Minister Ahmet Davutoglu, act according to Erdogan's demands about Turkish politics and make the political agenda in the way Erdogan wishes, even though he does not and cannot have formal ties to the JDP. In contrast, we know that in the American Presidential system, as Tosun and Erdogan Tosun argue, when the president loses harmony with the assembly he or she loses his or her political influence as a result of the "Sitting Duck" principle (Tosun, and Erdogan Tosun, 1999, p. 79). Yet, it is not difficult to guess that under a possible presidential system, our president will act like a "Sitting Hedgehog which throws its quills to legislature and executive branches" rather than being the "Sitting Duck" in a similar situation.

Even though Turkey has a parliamentary democratic system in theory, the current practice of politics indicates that it is turning into semi-presidential or semi-democratic system. Poguntke and Webb identifies this situation by the term *presidentialization of politics* which "denominates a process by which regimes are becoming more presidential in their actual practice without, in most cases, changing their formal structure, that is, their regime-type" (Poguntke and Webb, 2005, p. 2). As far as one of the chief principles of the presidential system is concerned, a president directly elected by the people as the head of the state should diminish polarization and instability in societies. Yet, from Gezi Movement to current political problems we have been witnessing that as if polarizing is the main political tool of Turkish politics no matter political leaders are on the left or right spectrum of the politics . They always otherize some parts of the society by dividing society into those who are leftists and those who are rightists.

Conclusion

Many countries face political, economic, and governmental crises in their political lives. While some countries try to find solutions within the context of the consolidation of democracy, others seek radical structural changes in their systems of government. Turkey, as an example of latter, appeals to presidential system in order to cope with her vital problems. Therefore, Turkey by single mindedly emphasizing the advantages of the presidential system, it overlooks the main reasons of her problems which stem from causes that lie beyond the parliamentary system. Turkey should strengthen the democratic aspects of its parliamentary system in the way to deepening democracy by means of changing the anti-democratic

articles in her constitution, instead of transforming its system from the parliamentary to the presidential system. Such a presidential system, unlike that of the USA, would undermine the Turkish experience of democracy. The Presidential System Draft put forward by the JDP and the current practices of the governing party and the president of the republic clearly indicate that this model will not relieve Turkish political, economic, and social crises. Rather, the so-called Turkish type of presidential system will bring about an authoritarian type of regime which will ignore the chief principle of a rigid separation of powers and lead to the domination of the legislature and judicial branches by the executive, further polarize the society under the mask of stability, and undermine the democratic gains in Turkish political life. It is not really difficult to change any system of government within the context of a majoritarian type of democracy. Yet, today's most democratic countries try to reach *pluralist and radical* types of democracy. Therefore, it is clear that the presidential system will hold Turkey back from a pluralist democracy and will make us keep talking about the notion of the "democracy to come" in the Derridaian sense. The term *democracy to come* is specifically used by Derrida in order to indicate a situation in which people never enjoy the real and native notion of democracy!

References/Kaynakça

- Akçalı, P. (2013). "Genel Özellikleri Yararları ve Sakıncaları Işığında Başkanlık Sistemleri". *Yeni Türkiye*, 51, pp. 406-411
- Ataay, F. (2013). "Adalet ve Kalkınma Partisinin Başkanlık Sistemi Önerisi Üzerine Değerlendirme". *Alternatif Politika*, 5.3, pp. 266-294
- Bağlı, M. (2013). "Hikmet-i Hükümet". *Yeni Türkiye*, 51, pp. 185-189
- Baskanliksistemi.com. (2016). *Başkanlık Sistemi Nedir*. Date of Access: 15 January 2016, from: <http://www.baskanliksistemi.com/turk-tipi-baskanlik-sistemi-nedir.php>
- Bezci, B. (2005). "Demokrasi ve Başkanlık Sistemi", *Journal of Administrative Science*, 3.2, pp. 77-91
- Charlton, R. (1986). "Contemporary Legislatures". in *Comparative Government*, USA: Longman, pp. 38-54
- Derbyshire, J., Dennis, and Derbyshire, I. (1991). "Assemblies". in *World Political Systems: An Introduction to Comparative Government*, Great Britain: Chambers, pp. 84-107
- Fedayi, C. (2013). "Mazi, Hal ve İstikbal Boyutlarıyla Başkanlık Sistemi". *Yeni Türkiye*, 51, pp. 679-691

- Gözler, K. (2000). "Türkiye'de Hükümetlere Nasıl İstikrar ve Etkinlik Kazandırılabilir? Başkanlık sistemi ve rasyonelleştirilmiş Parlamenterizm Üzerine bir Deneme". *Türkiye Günü*, 62.3, pp. 25-47
- Heper, M. (2011). *Türkiyenin Siyasal Hayatı*, İstanbul: Doğan Kitap
- Horowitz, D. (1991). "Comparing Democratic Systems". *Journal of Democracy*, 4.1, pp. 51-69
- Kalaycıoğlu, E. (2013). "Türkiye'nin Yeni Siyasal Rejim Arayışı". *Yeni Türkiye*, 51, pp. 214-222
- Lijphart, A. (2012). *Patterns of Democracy*, New York: Yale University Press
- Linz, J. (1990). "The Perils of Presidentialism". *Journal of Democracy*, 1.1, pp. 51-69
- Norton, P. (1990). *Legislatures*, Oxford: Oxford University Press
- Özbudun, E. (2013). "Hükümet sistemi Tartışmaları". *Yeni Türkiye*, 51, pp. 205-213
- Poguntke, T., Webb, P. (2005). "The Presidentialization of Politics in Democratic Societies: A Framework for Analysis". *The Presidentialization of Politics: A Comparative Study of Modern Democracies*, Oxford: Oxford University Press
- Sartori, G. (1997) *Comparative Constitutional Engineering*, New York: Yale University Press
- Siaroff, A. (2005). *Comparing Political Regimes: A Thematic Introduction to Comparative Politics*, Canada: Broadview Press
- Slann, M. (2005). *Introduction to Politics: Governments and Nations in the Twenty-First Century*, USA: Atomic Dog Publishing
- Sudestada.com. (2016). *Democracy Index*. Date of Access: 17 January 2016 from: <http://www.sudestada.com.uy/Content/Articles/421a313a-d58f-462e-9b24-2504a37f6b56/Democracy-index-2014.pdf>
- Tosun T., Erdoğan G. (1999). *Türkiyenin Siyasal İstikrar Arayışı Başkanlık ve Yarı-Başkanlık sistemleri*, İstanbul: Alfa Yayınları
- Turan, İ. (2013). "Başkanlık Sistemi ve Ülkemizde Başkanlık Sistemi Tartışmaları". *Yeni Türkiye*, 51, pp. 525-529
- Turhan, M. (1993). *"Hükümet Sistemleri"*. Ankara: Gündoğan Yayınları
- Türk, R. (2011). "Practicability of Presidential System in Turkey". *Turkish Journal of Politics*, 2.1, pp. 33-48
- Yılmaz, C. (2013). "Başkanlık Sistemi ve Kalkınma". *Yeni Türkiye*, 51, pp. 9-26

Özet

Birçok akademik çevrede hükümet etme biçimleriyle alakalı tartışmalar yürütülmektedir. Gerek birçok Afrika ülkesi olsun gerekse de birçok Latin Amerika ülkesi olsun hükümet etme biçimi açısından Avrupa'daki devletlerden görece farklı hükümet etme biçimlerine sahiptir. Parlamenter Sistem, Yarı-Başkanlık Sistemi ve Başkanlık Sistemi olarak üç alana ayırabileceğimiz hükümet etme biçimleri tüm devletlerin siyasal sistemlerini belirlemede anahtar role sahiptir. Genellikle demokrasi rejimiyle ilişkilendirildiğinde bu hükümet biçimlerinin farklı ülkelerde farklı problemlere yol açtığı gibi bazı ülkelerde ise o ülkenin problemlerine çözümler üretebildiğidir. Bu bağlamda örneğin Fransa ikinci dünya savaşının yaratmış olduğu problemlerle baş edebilmek için tamamen faydacı hassasiyetlerle Yarı-Başkanlık Sistemine sarılmıştır. Benzer şekilde birçok Afrika ve Latin Amerika ülkesi benzer kaygılarla ülkelerinin sosyopolitik ve coğrafi farklılıklarını da hesaba katarak hükümet etme biçimlerini Başkanlık Sistemi olarak belirlemiştir. Her ne kadar bu ülkelerde demokrasi kaygısı taşıdığı takdirde Başkanlık Sisteminin işlevselliği zaman zaman sekteye uğramış olsa da günümüzde Başkanlık Sistemini demokrasi kaygısıyla başarılı bir şekilde sürdüren ya da başka bir deyişle Başkanlık sistemini katı kuvvetler ayrılığı ilkesi üzerinden problemsiz yürüten uygulamadaki en başarılı ülke ABD'dir. Şüphesiz ABD'nin bu başarısında hem köklü bir demokrasi geleneğine sahip olması hem de coğrafi olarak eyaletlerden oluşuyor olması önem arz etmektedir.

Kurulduğu günden bugüne Cumhuriyet rejimine sahip olan Türkiye'de uzunca bir süredir hem akademik çevrelerde hem de siyasetçiler ve sivil toplum kuruluşlarınca tartışılan konulardan biri de Türkiye'de Başkanlık Sisteminin uygulanabilir olup olmadığıdır. Esasında bu tartışmalar her ne kadar 1980'li yıllara kadar geri götürülebilse de son birkaç yıldır bu konunun hararetli bir şekilde tartışılmasının temel nedeni hâlihazır görevde olan Cumhurbaşkanı Recep Tayyip Erdoğan'ın konuyu sürekli gündeme taşıma potansiyeline sahip olmasıdır. Bu bağlamda; birçok farklı yazar Başkanlık Sisteminin Türkiye'de uygulanabilirliğinin zor olacağını iddia etse de, hem iktidar partililer tarafından hem de hatırı sayılır akademisyenler tarafından oldukça katı kuvvetler ayrılığı prensibine dayalı ABD Tipi Başkanlık Sistemi yerine kuvvetler arasında uyum gözetilen Türk Tipi Başkanlık Sistemi'nin Türkiye'de uygulanabilecek en ideal sistem olduğu dile getirilmektedirler. Bu iddialar birçok

farklı noktaya temas etse de tüm iddiaların ortak noktaları Türk Tipi Başkanlık Sisteminin Türkiye’de istikrarı sağlayacağı ve ülkeyi dahada demokratikleştireceği iddiasıdır. Bu tespitin gerekçelendirilmesinde AKP başta olmak üzere birçok kişi tarafından öne sürülen dünyada en istikrarlı ve gelişmiş ülkelerin Başkanlık sistemiyle yönetilen ülkeler olduğu fikri ağır basmaktadır. Bu çalışma esas olarak başkanlık sistemi ile demokrasi arasındaki ilişkiyi Türkiye’de başkanlık sistemi tartışmaları üzerinden inceleyerek Türk Tipi Başkanlık Sistemi uygulamasının ne anlama geldiğini sorunsallaştırmaktadır. Bu doğrultuda Türkiye’de uygulamada olan Parlamenter Sistemin özellikleri tartışılarak, Başkanlık Sistemi-bir anlamda Türk Tipi Başkanlık Sistemi- ile Parlamenter Sistem arasındaki farklılıklar açıklanmış ve Başkanlık Sisteminin uygulanmasıyla Türkiye’de az da olsa var olan demokrasinin altının bir kez daha oyulacağı fikri üzerinde durulmuştur. Bu amaçla kaleme alınan bu çalışma üç bölümden oluşmaktadır. İlk bölümde başkanlık sistemi ile parlamenter sistem arasındaki temel farklar incelenirken, ikinci bölümde Adalet ve Kalkınma partisinin önerdiği başkanlık sistemi tartışılmaktadır. Sonuç kısmında ise Türkiye’de başkanlık sistemi uygulamalarının demokrasinin yerleşmesi önünde bir engel teşkil edeceğinden başkanlık sisteminin Türkiye’de uygulanmasının sakıncaları açıklanmaktadır.