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# Building Democracy to Last: The Turkish Experience in Comparative Perspective

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*ABSTRACT* This study analyses the relationship between checks and balances and democracy, focusing on Turkey in comparative perspective. In a large-N setting, the effects of checks and balances on the quality of democracy are examined. The findings reinforce the essential relationship between democracy and checks and balances. The article then discusses the implications of the findings for Turkey. It stresses the need for horizontal accountability via checks and balances vested in different state agencies. In addition to state-level checks and balances, the importance of societal actors as sources of accountability is also elaborated. The study identifies the need for vertical accountability, not only through free elections but also by creating a political setting in which pluralistic media and civil society can thrive. In light of findings, the article stresses the need for a new constitutional framework that can embrace both state- and societal-level checks and balances.

Democracy, the catchphrase in today's world, is the motto of politicians, NGOs and grass-roots movements alike. Schmitter and Karl (1991: 75) aptly state that 'the word democracy has been circulating as a debased currency in the political marketplace'. As regimes other than democracies have come to look like anachronisms, political elites feel the need to create regimes that resemble democracies. Transition to democracy is never the end of the story however. Democratization is a work in progress and a vulnerable one at that. Challenges faced by democracies include rapid overthrow as well as slow incremental regime subversion (see O'Donnell 1992). As Schedler (1998: 97) maintains, 'in addition to the risk of breakdown – of dramatic, sudden, and visible relapses to authoritarian rule – many new democracies have to contend with the danger of decay, of less spectacular, more incremental, and less transparent forms of regression'. Huntington (1996: 8) points to the predominance of the latter in recent democracies, stating that '[w]ith third wave democracies, the problem is not overthrow but erosion: the

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intermittent or gradual weakening of democracy by those elected to lead it'. While significant accomplishments in and of themselves, elections alone cannot protect regimes from sliding into semi-democracies. Nor can they ensure the development of full-fledged democracies in which people can live in freedom and prosperity.

There are important steps that can be taken to prevent such democratic erosions. Building a comprehensive institutional structure that can facilitate a democratically functioning regime is one of the most important. This article discusses the role of institutionalized checks and balances in the formation of strong democratic regimes. It demonstrates the importance of checks and balances by developing a large-N study regarding the effects of checks and balances on the quality of democracy. It then shows the implications of the findings for the Turkish case. In addition to state-level checks and balances, it elaborates on the importance of societal actors as sources of accountability. It argues for a new constitutional framework that can embrace both state- and societal-level checks and balances.

### **Checks and Balances as Institutional Foundations of Democracy**

Institutions are rules that constrain political behaviour and define opportunities for individual behaviour in political settings (Carey, 2000; Diermeier & Krehbiel, 2003). An institutional framework is the composite of rules, informal constraints (norms of behaviour and conventions), and the mode of their enforcement, all of which define the 'humanly devised constraints that shape human interactions'. To this end, institutions are the 'rules of the game' (North, 1990: 364; 1991: 97).

Institutions account for crucial political, social and economic outcomes (Acemoglu et al., 2002). Institutions play three critical roles. First, understood as historical products, they provide links between unsettled moments of great transformation and more ordinary times. Second, they constrain and shape human beliefs, values, interests and the way these are deployed to influence outcomes. Third, they are understood to generate preferences (Katznelson & Weingast, 2005; North et al., 2009; Shepsle, 1989).

Debates concerning democratic institutions have mainly revolved around the institutional design of forms of government and electoral systems. In this study, we will specifically focus on institutionalized checks and balances, which constitute 'the principle of government under which separate branches are empowered to prevent actions by other branches and are induced to share power' (Encyclopedia Britannica, 2013). The scholarship on checks and balances dates back to Aristotle (1996), who posited that a stable 'polity' can only be achieved by the checks and balances among different strata of the society. This ensures, according to Aristotle, that no individual or class becomes dominant within a polity. Polybius (1980) presented Sparta and Rome as success stories of checks and balances of his time, both of which constituted a supplementary but not mutually exclusive division of labour between different elements in the state that prevented each element from becoming overambitious and encroaching upon the other.

Various reflections on these texts are found in the works of later scholars. Montesquieu (1989: 155–157) underlined the importance of the separation of

powers between executive, legislative and judicial bodies of the state and cautioned that the union of these powers 'in a single person or in a single body of the magistracy' would render political liberty impossible. Seconding this idea Madison (1977: 348) added that each 'department' of government 'should have a will of its own' and 'should be as little dependent as possible on members of other departments' for the sake of the preservation of liberty.

In the absence of proper checks and balances, scholars of politics worry that people will fall victim to what Tocqueville (1988) called the 'tyranny of the majority'. Mill asserted that the tyranny of the majority in a democracy is much worse than the tyranny of one person since 'it practices a social tyranny more formidable than [any kind] of political oppression [as] ... it leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself' (Mill, 2007: 11).

The role of checks and balances in protecting democracies is as crucial as ever, if not more so. Of particular significance here is the research on horizontal accountability initiated by O'Donnell. Making Latin American cases his point of departure, O'Donnell diagnosed the lack of horizontal accountability as the major problem in most emerging democracies. O'Donnell defined horizontal accountability as:

the existence of state agencies that are legally enabled and empowered, and factually willing and able, to take actions that span from routine oversight to criminal sanctions or impeachment in relation to actions or omissions by other agents or agencies of the state that may be qualified as unlawful. (O'Donnell, 1999: 38)

O'Donnell maintained that elections alone could not fulfil the accountability role in democracies. In the absence of horizontal accountability, O'Donnell (1998: 120) painted the following apt picture that applies to most newly established democracies:

Reasonably free and fair elections are held to decide who is to govern for a certain time; governing is what is done by the executive, who has the right and duty to look after the good of the country as he or she sees fit; if the electorate grows unhappy, it can vote out the government in the next election – no less and not much more. In this view ... the existence of powers that are autonomous with respect to the executive, especially when or if they are supposed to exercise controls over the latter, is an utter nuisance. In the short term, delegative executives tend to ignore such agencies, while elimination, co-optation or neutralization are the preferred longer-term strategies.

Horizontal accountability is violated through encroachment when one state agency trespasses upon the lawful authority of another. O'Donnell (1998: 122) held that this intrinsically threatens to eliminate polyarchy and it 'raises a stronger obstacle to the emergence of relatively autonomous state agencies acting according

to properly defined authority that characterizes formally institutionalized polyarchies’.

Following O’Donnell, Cameron (2003: 101–106) argued that the greatest challenge that newly emerging Latin American democracies face is not so much to avoid a return to authoritarianism but to restrain democratically elected leaders from acting undemocratically. This is so because while both the international and domestic communities have little tolerance for overt military rule, there are ‘few restraints on popularly elected leaders who choose to ignore their own constitutions and ride roughshod over other deliberate institutions’. According to Cameron, one of the main threats to democracy in Latin America, therefore, is the deficit of horizontal accountability, or ‘the checks and balances in a constitutional system of the separation of powers’. Cameron also pointed to elections as necessary but insufficient components of democracy. In his view, separation of powers is equally necessary since it provides the legal and constitutional conditions necessary for the practice of horizontal accountability.

Özbudun (1996a) demonstrated that Turkey carries huge resemblances to Latin American cases with regard to the characteristics laid out by O’Donnell, Cameron and others. Özbudun maintained that while there is little reason that authoritarianism will return in Turkey, there is ‘equally little reason to hope that democracy will soon become consolidated . . . Turkish democracy may endure, but in a state of “inherent vulnerability”’ (Özbudun, 1996a: 137).

Concentrating directly on judicial checks and balances, Hayek (1960) and La Porta et al. (2004) distinguished two ways in which the judiciary provides political checks and balances: judicial independence and constitutional review. According to these scholars, the judicial branch should independently enforce the laws enacted by legislatures. Moreover, law-making and policy-making bodies should be subject to review by the courts. La Porta et al. (2004: 446–447) specifically underlined that ‘judicial independence promotes both economic and political freedom, the former by resisting the state’s attempts to take property, the latter by resisting its attempts to suppress dissent’. Furthermore, they contended that constitutional review is a necessity against the potential self-serving behaviour of the executive and/or the legislature. It is thus vital to conserve these two functions of the judiciary so as to ‘counter the tyranny of the majority, to secure political and human rights, and to preserve democracy’.

As we have seen, the checks and balances–democracy nexus occupies scholars as much as it did in the past, if not more. We will now empirically test the relationship between checks and balances and democracy using our large-N research model.

### **Unveiling the Relationship between Checks and Balances and Democracy: A Large-N Cross-Sectional Analysis**

Researchers have long underlined the significance of effective and institutionalized constraints on each branch of government, especially the executive (Kapstein & Converse, 2008). Diamond (2008: 38) maintained that the expansion of executive power in the face of other branches of government and opposition forces, as seen in

the cases of Nigeria and Russia in recent years, ‘have extinguished even the most basic form of electoral democracy’. The ‘fallacy of electoralism’, as Diamond put it, glosses over degradations of democracy (see also Karl & Schmitter, 1991).

There are statistical tests that trace the relationship between checks and balances and democracy (e.g. Kapstein & Converse, 2008). However, these studies suffer from a vital problem in their analyses. Specifically, the authors end up running statistical tests using variables that have the same components of the Polity IV index on both sides of their statistical analysis, i.e. their independent and dependent variables (executive constraints variable against the polity2 variable, respectively), causing a problem of endogeneity. Such an oversight reminds us that we cannot be careful enough in our selection of variables both for checks and balances and democracy.

To measure checks and balances, we offer a set of alternative indices to ensure a robust analysis. We will use all of these alternative indices in our statistical tests one by one against our democracy measure, which is explained below. Our first checks and balances variable is the EXCONST variable from the Polity IV index by Marshall et al. (2011: 14), which ‘refers to the extent of institutionalized constraints on the decision making powers of chief executives, whether individuals or collectivities’, including ‘legislatures and a strong, independent judiciary’. The variable is between 0 and 10; 10 referring to the best level of checks and balances.

Our second checks and balances variable, the ‘Checks’ variable by Beck et al. (2001) from the World Bank’s Database of Political Institutions (DPI) is also widely used. The latest version of the ‘Checks’ variable in the DPI by Keefer (2012) specifies the variable in light of:

- president’s party’s majority in the lower house *and* a closed list system, and alliance of other parties with the governing party (in presidential systems);
- coalition formation to maintain majority, party positions on economic issues and the presence/absence of closed-list system (in parliamentary systems);
- the presence/absence of competitive elections for legislature and executive; control of the legislature by opposition (or not) (in all systems).

A Higher ‘Checks’ score denotes a higher quality of checks and balances. Our third checks and balances variable is the POLCON indicator from Henisz’s (2010) Political Constraint Index. This indicator works along the same lines as the DPI’s ‘Checks’ variable and identifies the number of independent branches of government (executive, lower and upper legislative chambers) with veto power over policy change. However, according to Henisz, this variable supersedes the explanatory power of the ‘Checks’ variable by Keefer (2012) and Beck et al. (2001), since the ‘Checks’ variable assumes a ‘*linear* relationship between the number of adjusted veto points and the degree of constraints on policy change’ and *linear* adjustment of veto points ‘without regard to the relative size of the parties in the coalition’ in parliamentary systems whereas the POLCON variable ‘relies upon a simple *spatial* model of political interaction to derive the extent to which any one political actor or

the replacement for any one actor is constrained in his/her choice of future policies' (Henisz, 2004: 9; emphases added). The variable is continuous between 0 and 1; 1 referring to the best level of checks and balances. The correlation matrix of all of our checks and balances indicators is shown in Appendix A.

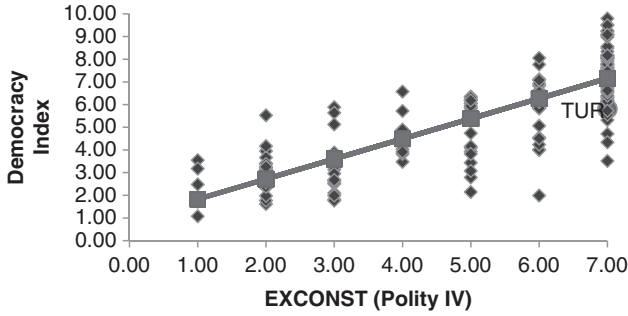
In a study that examines the impact of checks and balances on democracy, one should be very careful about the selection of the democracy variable. Utilizing a democracy variable that incorporates checks and balances *directly* as one of its components (as in the case of Polity IV indicators, such as the widely used Polity2 variable) would render the statistical analysis meaningless because of the endogeneity issues already discussed.

The conceptualization of the variables at hand is one of the most serious challenges social scientists face. Without 'the identification of attributes that are constitutive of the concept under consideration' and without 'avoiding the problems of redundancy and conflation', one cannot be sure about the validity and reliability of the data generation and subsequent data analysis (Munck & Verkuilen, 2002: 7–8). Surely, the nature of one's study dictates how narrow/wide a definition one will utilize (Hollyer et al., 2011). Maximalist definitions limit the analytical utility of a concept and risk excluding several interesting research questions from analysis. On the other hand, minimalist definitions may omit attributes that are generally considered to be intrinsic to the concept at hand (Munck & Verkuilen, 2002: 9–11). For the case of democracy, many researchers have directly and indirectly contributed to the literature by creating multiple democracy indices. However, even some of the most prominent ones fail to incorporate some key components of democracy. This is most evident for the case of participation. Specifically, well-known and widely used democracy indices such as Polity IV (Marshall et al., 2011), Alvarez et al. (1996), and Bollen (2001) fail to incorporate participation into their conceptualizations of democracy (see Munck & Verkuilen, 2002: 28).

This article underlines the importance of the participatory aspects of democracy. In a study that investigates the relationship between checks and balances and democracy, the role of participation cannot be omitted. Our conceptualization of democracy should be wide enough to integrate various aspects of a well-functioning democracy, such as political participation and civil liberties, yet concise enough not to conflate with our checks and balances variable.

At the end of a meticulous search for an apt democracy variable,<sup>1</sup> we have decided to use the 'Democracy Index' compiled annually by the Economist Intelligence Unit (EIU) (Kecic, 2007). We use the most recent index, which was published in 2012. The Democracy Index is based on five categories: electoral process and pluralism; civil liberties; the functioning of government; political participation; and political culture.<sup>2</sup> It is a graded index (between 0 and 10; 10 referring to the highest quality of democracy). This is in line with our expectations from an index to gauge even the slightest changes in the quality of democracy. We agree with Collier and Adcock (1999) and Elkins (2000), who suggested that graded measures of democracy have superior validity and reliability over dichotomous measures.<sup>3</sup>

Before delving into the details of our analysis, we would like to show the one-to-one relationship of checks and balances and democracy in scatter-plots to set the



**Figure 1.** The relationship between EXCONST and the Democracy Index. Notes: Most updated data used for both of the variables.  $N = 158$ . Sources: EUI for the Democracy Index; Polity IV for EXCONST. Data compiled by the authors.

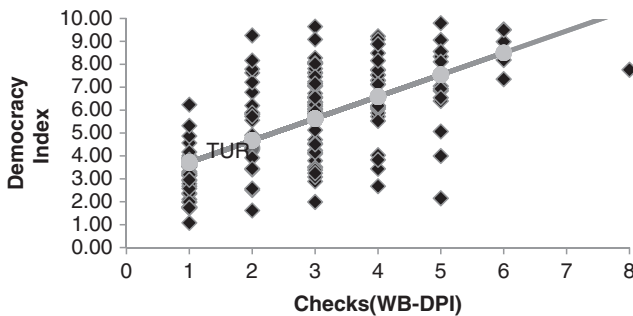
mindset for our quantitative analysis and help us grasp the correlation between our main variables. Figures 1, 2 and 3 clearly illustrate the positive relationship between checks and balances and the quality of democracy. Using multiple indices for checks and balances reinforces our conviction on this.

After illustrating this one-to-one relationship, we would now like to add control variables into our analysis to further our claims about the correlation between checks and balances and democracy. To do this, we conduct a cross-sectional analysis in light of the most recent data for all of the variables. The basic form of our OLS regression is as follows:

$$\text{Democracy Index}_i = \beta_0 + \beta_1 \times \text{Checks\&Balances Variable}_i + Z_i + \varepsilon_i,$$

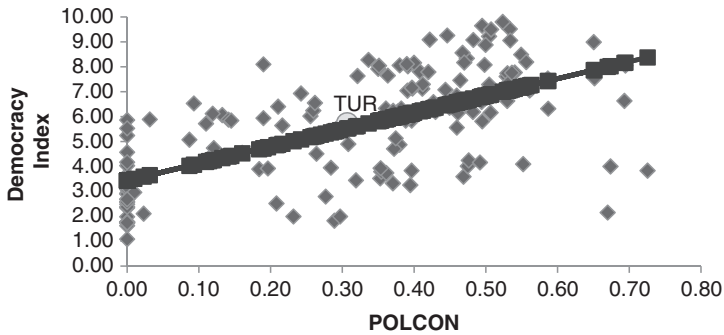
where:

- Democracy Index  $_i$ : Democracy Index for country  $i$ ,
- $\beta_0$ : the constant term,
- $\beta_1$ : the coefficient of the checks and balances variable, the coefficient of interest in our study,



**Figure 2.** The relationship between Checks (WB-DPI) and the Democracy Index. Notes: Most updated data used for both of the variables.  $N = 150$ . Sources: EUI for Democracy Index; WB-DPI for Checks. Data compiled by the authors.





**Figure 3.** The relationship between POLCON and the Democracy Index. Notes: Most updated data used for both of the variables.  $N = 161$ . Sources: EUI for the Democracy Index; Henisz (2010) for POLCON. Data compiled by the authors.

$Z_i$ : Vector of control variables,  
 $\varepsilon_i$ : The random error term.

One-to-one relationships in a statistical analysis are interesting and can tell us a lot about the relationship between two variables. Yet we should not confine ourselves to these relationships. A meticulous study that examines the quality of democracy (in light of checks and balances) calls for inclusion of multiple control variables.

There are many studies that research the determinants of democracy, which can help us find out what to take into account (Boix, 2011; Acemoglu et al., 2009). One of the most prominent factors to consider is the economic well-being in a country. In fact, originating from Lipset's (1959) seminal study, the modernization hypothesis, which investigates the casual relationship between economic well-being and democracy, constitutes one of the core strands of the literature. Scholars such as Barro (1999), Geddes (1999), Boix and Stokes (2003) and Boix (2011) aver that economic development has a causal effect on democratization whereas Przeworski and Limongi (1997), Alvarez et al. (1996) and Robinson (2006) maintain that the causal power of economic development in bringing down dictatorships appears to be statistically insignificant.

Democratic governments are certainly compatible with a wide range of social and economic systems, as is the case for a variety of authoritarian regimes (see Linz, 2000). However, economic well-being and democracy can be *correlated* (and this may not be a *causal* mechanism) since many societal forces can simultaneously determine how prosperous and how democratic a country is (Robinson, 2006: 503). Therefore, we expect to find a positive correlation between our economic well-being variable and quality of democracy. Our economic affluence variable is log GDP per capita (World Bank, 2013).

Other than economic well-being, education can also influence the quality of democracy. Stokes (2005) suggests that education significantly affects citizens'

ability to come up with well-informed political decisions. Avelino et al. (2005) underline the strong positive association between education and democracy through education's impact to bolster human capital formation. In a similar vein, Dalton and Wattenberg (2000) state that increasing educational levels will improve the political and cognitive resources of the electorate.

To capture the significance of education, we propose to use two variables: (i) the average years of primary school attainment for persons aged 25; (ii) the gap in average years of primary attainment between males and females aged 25 and over (see Barro & Lee, 2010). We anticipate a positive coefficient for the attainment variable and a negative coefficient for the gender gap for the educational attainment variable because we agree with the aforementioned authors on education that improving levels of education has a positive effect on democracy and that 'expanded educational opportunity for females goes along with a social structure that is generally more participatory and, hence, more receptive to democracy' (Barro, 1999: 167).

Another potentially important variable is natural resource endowment. There is an extensive literature on how natural resources 'may enable the state to buy off society with low taxation and high social spending and thereby allay popular demand for political accountability' (Fish, 2005: 84). Natural resources may also be used for repressing challengers and to hinder socioeconomic transformations accompanying prosperity (Ross, 2001). We measure natural resource endowment as the total income from natural resources (the sum of oil, natural gas, coal, mineral and forest rents) as a percentage of GDP (World Bank, 2013). We expect a negative coefficient for this measure.

Sociocultural factors can also affect the quality of democracy. Specifically, experts have long suggested that ethnolinguistic fractionalization can hamper the prospects for democracy (Karatnycky, 2002). Ethnic conflict literature underlines the challenges posed by ethnic divisions to the quality of democracy (Horowitz, 1993). We use Alesina et al.'s (2003) widely used indicator for ethnolinguistic fractionalization. We expect to have a negative coefficient for this measure too. Summary statistics of all of our variables are in Appendix B.

In short, we calculate the correlation between checks and balances (in light of multiple indices) and democracy, controlling for various economic and sociopolitical factors. The results of our analysis are shown below in Table 1.

We run each of our checks and balances variables in separate regressions, with the aforementioned controls. Therefore, we have three columns of findings, column (1) with the EXCONST variable, column (2) with Checks-DPI and column (3) with the POLCON. The most significant finding in our regressions is the importance of checks and balances for democracy. Multivariate, cross-sectional analysis of approximately 120 countries clearly reveals that all of our alternative indices for checks and balances (i.e. EXCONST, Checks-DPI and POLCON) are highly significant for the quality of democracy, when controlled for various economic and sociopolitical variables. For instance, the EXCONST variable from Polity IV is shown to increase the quality of democracy index by 0.663, as seen in the first column. Likewise, Checks-DPI and POLCON raise the quality of democracy

**Table 1.** Regression Results for Checks and Balances

DEPENDENT VARIABLE: QUALITY OF DEMOCRACY	EXCONST (1)	Checks-DPI (2)	POLCON (3)
INDEPENDENT VARIABLE			
Constant	-2.413** (1.092)	-0.610 (1.391)	-0.408 (1.493)
Checks & Balances	0.663*** (0.063)	0.557*** (0.100)	3.366*** (0.757)
Log GDP per Capita	0.541*** (0.115)	0.579*** (0.140)	0.564*** (0.154)
Primary School Attainment	0.044 (0.089)	0.065 (0.106)	0.160 (0.107)
Gender Gap of Educational Attainment	-0.016 (0.503)	-0.809 (0.610)	-0.351 (0.628)
Natural Resource Endowment	-0.017** (0.008)	-0.049*** (0.009)	-0.037*** (0.011)
Ethnolinguistic Fractionalization	-0.203 (0.452)	-0.017 (0.535)	-0.274 (0.581)
Adjusted R <sup>2</sup>	0.761	0.663	0.624
Observations	126	122	129

*Notes:* Standard deviations in the parentheses. \*\*\*denotes  $p < 0.01$ ; \*\* $p < 0.05$ . *Sources:* The EUI for the Democracy Index 2012; Marshall et al. (2011) for EXCONST; Keefer et al. (2012) for Checks-DPI, Henisz (2010) for POLCON; World Bank (2013) for GDP per capita (PPP-2005 constant international dollars); Barro and Lee (2010) for primary school attainment and gender gap in educational attainment; World Bank (2013) for natural resource endowment; Alesina et al. (2003) for ethnolinguistic fractionalization. Data are compiled by the authors. Statistical analysis is done in E-Views.

significantly, with coefficients of 0.557 and 3.366 respectively, both at the 1 per cent significance level.

Other than checks and balances, the results are broadly supportive of the idea that more prosperous places are more likely to be democratic. The estimated coefficient on per capita GDP is significantly positive, around 0.56 in all of our alternative regressions. This supports the arguments that underline a positive correlation between economic well-being and democracy (barring any causation argument, which is not the scope of this research). We also find that the natural resource endowment variable is highly significant in all of our regressions. This finding confirms the natural resource curse argument.

Our education variables are not significant with other controls but one-to-one regressions of primary school attainment and gender gap in educational attainment with democracy show us that they are *individually* significant for the quality of democracy at 1 per cent, yielding coefficients of 0.779 (positive as expected) and -3.388 (negative as anticipated), respectively. Likewise, the ethnolinguistic fractionalization variable is highly significant (at 1 per cent) in one-to-one regression with the quality of democracy, with a coefficient of -3.683 (negative as expected). However, it ceases to be significant in the multivariate regressions.

All in all, our cross-sectional study of over 120 countries finds that improvements in checks and balances strongly predict increases in the quality of democracy. Furthermore, the quality of democracy rises with per capita GDP. It is also found to be negatively correlated with natural resource endowment. Primary school enrolment and gender gap in educational attainment are individually significant in determining the quality of democracy, as is ethnolinguistic fractionalization. However, the apparently strong relationship of democracy with educational attainment and ethnolinguistic fractionalization mostly disappears when we introduce our checks and balances variable. Our findings verify our conviction that the institutionalization of proper checks is vital for democracy.

### **Lessons for the Turkish Case**

Our quantitative findings demonstrate the indispensable role checks and balances play in democracies. While providing us with invaluable information, these findings need to be substantiated with in-depth case studies for a fuller picture. This will help us complement the snapshot view provided by the cross-sectional statistical analysis with a more dynamic tracing of the elements of checks and balances at work. To this end, we explore the impact of checks and balances on democracy by specifically focusing on the Turkish case. Our findings highlight the importance of institutionalized checks and balances for the proper functioning of Turkish democracy.<sup>4</sup> Before delving into the details of the discussion of the Turkish case, however, reviewing the current status and trends in Turkish democracy will help us make better sense of the following discussions.

The AKP came to power in 2002, in what later proved to be a ‘critical election’ which fundamentally shifted macro-partisanship patterns in Turkey (Jefferson West, 2005). The AKP presented itself as a system-oriented, religiously conservative party, unlike its Islamist predecessors such as the Welfare Party (Yeşilada, 2002). The early years of AKP rule included reforms in crucial areas of freedom of expression and civilian control of the military, which were applauded by many domestic observers and international institutions, especially the EU (Ulusoy, 2013). However, the ruling party started to display signs of ‘reform fatigue’ in 2005, ‘hesitating to push hard for implementation and enforcement of the rights-based reforms that it had so assertively legislated’ (Patton, 2007: 340; see also Kubicek, 2013). After consolidating its power with successive electoral victories and establishing itself as a predominant party, the AKP has started to show authoritarian tendencies in its later years of government. The AKP’s current rule is characterized by a ‘drift towards an excessively majoritarian conception of democracy, or even an electoral authoritarianism of a more markedly Islamic character’, over-concentration of power at the new ‘centre’ of Turkish politics, around Erdoğan’s personalistic rule, marginalized and alienated liberal segments of the AKP’s once broad-based coalition, and serious intimidation of the opposition evidenced by multiple crackdowns on journalists, activists and academics (Özbudun, 2014: 1; see also Kubicek, 2013; Keyman, 2014; Öniş, 2014). Lacking adequate checks and balances by independent judiciary and free media and civil society organizations,

the AKP rule in Turkey has become ‘plebiscitarian’, adopting an illiberal conception of democracy that downgrades legitimate instruments of accountability only to the results at the ballot box (Pierini, 2013; Özbudun, 2014). The remainder of the article will discuss the role of checks and balances and the future of Turkish democracy with this political context in mind.

An important issue concerning Turkish democracy today is the presidentialism debate. There are diverging views on whether the choice of presidentialism or parliamentarism suits democratic regimes more. We will not delve into that discussion. We will however highlight the problematic aspects found in the presidential model proposed by the governing AKP in its current form.

While presidentialism can, in theory, maintain effective checks and balances, this requires the institutionalization of such mechanisms in the system, which includes bicameralism, mutual veto powers, federalism. In the absence of such mechanisms, a presidential regime can endanger checks and balances as well as the proper functioning of democracy. Cameron (2003) sums up the threats faced by presidential democracies lacking institutionalized horizontal accountability. Various forms of encroachment of one branch of government upon the jurisdiction and competence of another include the following:

In presidential self-coups, or *autogolpes*, presidents may suspend the constitution, fire the supreme court, close congress, and rule by decree until a plebiscite or a new election is held to ratify a new regime with wider executive powers. In less extreme cases, presidents may stack courts, abdicate their authority over the military in cases of human rights violations, abuse executive decree authority, refuse to accept legislative oversight, limit freedom of the press or use public resources to undermine the development of political parties and local governments. (Cameron, 1998: 125)

Regarding the current debates on presidentialism in Turkey, Özbudun (2013) states that, as it stands, the current model resembles the Latin American examples of superpresidentialism more than the American model. According to Özbudun, this is especially the case because it gives the president the right to dissolve the parliament and rule by decree. It also puts the judiciary under the control of the executive. Özbudun’s conclusions are in line with O’Donnell’s observations on Latin American democracies. Özbudun finds that if the proposed switch to presidentialism is implemented, Turkey will not necessarily end up as an authoritarian regime but it will be far away from high-quality democracy. It could even turn into a semi-democracy, in which all opposition forces are silenced.

The AKP’s proposal for a new constitution reveals that the checks and balances aspect of the new presidential regime they propose will be highly problematic. The proposal clearly shows that the AKP aims to empower the executive at the expense of other branches by ‘authorizing the president to (a) issue decree laws, (b) dissolve Parliament, (c) appoint Cabinet members without parliamentary approval, and (d) appoint more than a third of the members of the Supreme Board of Judges and prosecutors (HYSK)’ (Cited in Kuru, 2013: 572; See proposal at Hürriyet, 2013).

In light of the AKP proposal, Kalaycıoğlu complains that ‘no institutional mechanism of checks and balances exists between the branches of the government’ (Kalaycıoğlu, 2013: 62; see also Öniş, 2013: 115; Özbudun, 2014).

The problem about checks and balances in the Turkish democracy are not limited to presidentialism debates. With the lack of sufficient checks and balances, democracies face the risk of turning into delegative rather than representative democracies. In delegative democracies ‘a caesaristic, plebiscitarian executive ... once elected sees itself as empowered to govern the country as it deems fit’ (O’Donnell, 1996: 44). O’Donnell maintains that in such democracies we often find that checks and balances are seen as disturbances, rather than guarantees of the regimes.

This is especially so because of the pressures of keeping up with the demands of socioeconomic conditions:

Reinforced by the urgencies of severe socioeconomic crises and consonant with old *volkisch*, nonindividualistic conceptions of politics, delegative practices strive headlong against formal political institutionalization; congress, the judiciary, and various state agencies of control are seen as hindrances placed in the way of the proper discharge of the tasks that the voters have delegated to the executive. The executive’s efforts to weaken these institutions, invade their legal authority, and lower their prestige are a logical corollary of this view. (O’Donnell, 1996: 44–45)

Similarly to O’Donnell, Smulovitz and Peruzzotti (2000: 148) aptly explain in their discussion of the weaknesses of horizontal mechanisms of accountability in Latin America:

Although power is divided, the judicial and legislative branches are not considered fully legitimate mechanisms for controlling or limiting the actions of a delegative executive; instead, they are perceived as obstacles that hinder governmental effectiveness and undermine the will of the majority. This results in presidential *discrecionalismo*, which openly erodes a central feature of horizontal accountability: the existence of effective governmental checks and balances.

These warnings resonate with the Turkish case and deserve further attention. A case in point is the complaints of government officials, including the then Prime Minister and now the President Erdoğan, about checks and balances and the separation of powers as factors that slow down the implementation of government policies. For instance, talking about a hospital project called Şehir Hastaneleri (City Hospitals) that was stopped by the Council of State following the complaints of the Turkish Medical Association (Türk Tabipleri Birliği), Erdoğan (2013) stated:

The thing called separation of powers stands as an impediment in front of us ... The legislature, executive and judiciary need to think first and foremost about the interests of the nation and then of the state. It is only that way we can become strong.

Erdoğan added that by delaying their projects, the judiciary harmed the interests of the country. Erdoğan criticized not only the judiciary but also the main opposition party, the Republican People's Party (CHP) as part of the legislature. Addressing its leader Kılıçdaroğlu, Erdoğan (2013) said:

They are blocking us as much as possible during the legislative process. They shout and yell. What would have taken an hour takes two hours as a result. What would have taken only one day, takes two days. Of course, they do not have a problem with wasting time ... We have responsibility. They neither have such responsibility, nor do they have love. We care and we are in love with this nation. This makes us different.

Burhan Kuzu, an AKP MP and head of the Parliamentary Constitutional Commission, similarly complained about the dispersion of power. Speaking in support of a presidential system, he metaphorically stated that 'whoever holds the drum [davul] should also hold the stick [tokmak]' (Radikal, 2013). While it is understandable that feelings expressed by Erdoğan and Kuzu find support among politicians and the population, closer scrutiny shows that there is not a trade-off between democracy, stability and efficiency. Henisz (2004: 6) asserts that checks and balances reduce political volatility as they 'minimize the ability of politicians to respond to short-term political or social incentives to favor one group over another or transfer resources from society to the public sector'. The presence of veto points not only affects policy stability positively, but also policy credibility. Deterioration in the checks and balances may in fact hamper the policy credibility of governments. According to Daley et al. (2007), such deterioration leads citizens to refrain from committing to contractual, investment or other types of economic decisions. Furthermore, Keefer and Knack (2007) add that the lack of credible commitments by governments brings about the loss of confidence on the side of citizens against government expropriation of valuables. These researchers underline the importance of certain veto powers, specifically the legislative checks of the executive. These points illustrate that populist arguments made by politicians presenting economic and political development as trade-offs to representative and pluralistic democracies do not depict the whole picture.

One of the underlying reasons for this dissonance between elected government officials and other state institutions was addressed by Heper (1992) in his study on the Turkish state tradition. Heper (1992) illustrated that as a result of the Ottoman-Turkish historical trajectory, there was a mutual distrust between the state elites and the political elites. One of the results of this was that the military was eager to intervene when it deemed it necessary for the societal good, at the expense of politicians, whom the state elites viewed as egotistical, short-sighted and irresponsible. More than two decades have passed since Heper's study. As Öniş (2014: 207) also maintains,

key actors in Turkish politics such as the military and the Kemalist bureaucracy including the foreign policy establishment progressively lost their



dominant status in the center of Turkish politics, as the AKP increasingly acquired a hegemonic position in the Turkish political system.

The power of state elites (particularly the military) to intervene in the spheres of the democratically elected governments has diminished significantly. On the other hand, the inclination of political elites to delegitimize state elites and discredit their efforts is still a persistent theme in Turkish politics, as especially illustrated by Erdoğan, who, among other instances, interferes in the working of the Central Bank by constantly challenging its policies and claiming ‘This sort of thing would almost drive one mad!’ (Financial Times, 2015).

A couple of other examples will provide a fuller picture of the current state of horizontal accountability in Turkey. A case in point is the fact that the powers of the Court of Accounts, which is responsible for supervising government spending in the name of parliament, were curtailed (Özbudun, 2014: 9). A more recent example concerns the government’s attitude towards the prosecution of corruption starting in December 2013 and the changes to the judiciary proposed by the government in the aftermath. This case exemplifies the encroachment of the executive upon the judiciary and the executive’s attempt to gain immunity from being held accountable for its actions. In response to the corruption inquiry involving ministers of the government and their children and relatives, as well as some top-level bureaucrats, the government purged hundreds of members of the police and the judiciary. The government also attempted to use it to gain greater control over the judiciary. The AKP drafted a bill to give the executive more control over the appointment of judges and prosecutors (Reuters, 2014). When legal experts, business circles and the EU raised concerns over the expansion of the executive at the expense of the judiciary, Erdoğan responded: ‘if we consider the judiciary as a separate power, then this would lead to a country of judicial rule and not democracy’ (Reuters, 2014). With the attitude adopted in the aforementioned case, the government made clear that every attempt to check and balance it through horizontal accountability mechanisms will be perceived as a threat.

So far, we have discussed the importance of horizontal accountability, or state-level checks and balances for democracies. In addition to horizontal accountability mechanisms, O’Donnell (1996) also talks about vertical accountability mechanisms through which citizens control the government. Except for elections, O’Donnell (1996) does not engage with vertical accountability mechanisms in detail (see also Smulovitz & Peruzzotti, 2000). He does state however that, in addition to elections, vertical accountability ensures that ‘a reasonably free press and various active segments of society see to it that some egregiously unlawful acts of government are exposed’ (O’Donnell, 1996: 44). Freedoms of speech, the press and association ‘permit citizens to voice social demands to public officials (elected or not) and to denounce these same officials for wrongful acts that they may commit’ (O’Donnell, 1998: 112–113). His suggestions for better checks and balances also include references to the role of societal actors in maintaining accountable governments. O’Donnell encourages the media and social organizations to remain active and persistent. He adds that:



because of the vital role of information in making possible both kinds of accountability, new polyarchies need not only independent media, research, and dissemination institutions, but also agencies independent of the government that gather and publicly circulate data on a broad range of indicators, economic and otherwise. (O'Donnell, 1998: 122)

O'Donnell is not alone in his emphasis on societal checks and balances. In different time frames, Tocqueville (1988) and Diamond (1994) stressed the importance of civil society organizations as important checks and balances to state and governmental power. Currently, Turkey stands in a disadvantaged position with regard to such rights. Its historical legacy of a strong, centralized and highly bureaucratic state prevented the emergence of more balanced state–society relations (Heper, 1985; Özbudun, 1996a, 1996b). Hence, a constitutional and institutional framework in which agents of vertical accountability (such as the media and civil society associations) can prosper is crucial.

The Turkish state has always been the dominant actor in Turkish politics and the rule of law was always problematic. But except for the single-party rule until 1950, politicians had to share power with their coalition partners. The nature of coalition governments prevented full control of a single party over state resources and the media. But especially after the AKP's consolidation of its single-party power, maintaining a critical stance in the media has become more and more difficult. Many journalists have in fact been fired from their jobs (television and/or newspaper) or have been forced to resign due to their criticism of Erdoğan. These include prominent journalists and columnists such as Hasan Cemal, Can Dündar, Nuray Mert, Nazlı Ilıcak, Mehmet Altan and Yılmaz Özdil (CPI, 2013; Filkins, 2012; Hasan, 2012). Overall, Turkey's record of journalistic freedom has worsened under the AKP government (Yesil, 2014; Corke et al., 2014).

Finally, as an intermediary between state and society, we also need to mention the importance of parties for the proper functioning of checks and balances. As MacPherson (1971: 239–246) argues, political parties serve as checks and balances by acting as 'safeguard[s] against a permanent irresponsible oligarchy' and as 'check[s] to abuse of power, by providing always an alternative body of occupants for the commanding positions'. In the Turkish case, due to strong party discipline and the absence of intraparty democracy, 'MPs are highly dependent and docile' (Özbudun, 1996a: 137). As a result, "[s]trong party discipline often stymied parliamentary mechanisms of accountability. Election campaigns stressed the personal qualities and trustworthiness of individual leaders, rather than party programs and policies. Party leaders were presented as "saviors of the country"' (Özbudun, 1996a: 136–137). Thus, in order to enable a dynamic system of checks and balances, the inner workings of Turkish parties need to be restructured.

## **Conclusion**

In our comparative study of the Turkish case, we have tried to synthesize theoretical debates, contextually informed case studies and statistical results to illustrate the

indispensable relationship between democracy and checks and balances. Our findings demonstrate that proper checks and balances sit at the heart of a high-quality democracy. Thus, the institutionalization of checks and balances, both horizontally and vertically, is a requirement for the survival of democracy in Turkey. There are multiple mechanisms through which the horizontal and vertical dimensions of accountability can be enhanced. The strengthening and autonomy of state agencies is key to ensuring horizontal accountability. In addition, not only free and fair elections, but also the creation of a political setting in which pluralistic media and civil society can thrive are crucial for vertical accountability. This can only be achieved if the search for a new constitution can be turned into a consensus-based and participatory process that can create a representative, multi-vocal constitution and democracy.

## Notes

1. Prominent indices such as Freedom House Index (2013) and Vanhanen (2000) suffer from serious problems of conceptualization, measurement and aggregation (see Munck & Verkuilen, 2002: 28). Polity IV, Alvarez et al. (1996) and Bollen (2001) conceptualize democracy too thin for the coverage of our research. Furthermore, Polity2 in Polity IV includes 'constraints on chief executive' as one of its components. Thus, we cannot use this variable as it is directly linked with our independent variable.
2. 'Electoral process and pluralism' refers to the existence of free and fair competitive elections. 'Civil liberties' underlines the importance of the protection of basic human rights such as freedom of speech, expression and the press, freedom of religion and freedom of assembly and association. 'Functioning of government' refers to the capacity of governments to implement their decisions without any interference. A democratic 'political culture' highlights the significance of a politically active populace that accepts the judgement of the electoral processes and allows for the peaceful transfer of power. 'Political participation' denotes active, freely chosen participation of citizens in public life (Kekic, 2007: 2).
3. Most prominent dichotomous measures of democracy such as Przeworski et al. (2000), Boix et al. (2007) and Cheibub et al. (2009) fail to gauge the gradations of democracy, especially in the middle levels of democratic quality, which includes our main case, Turkey. Therefore, using a dichotomous index such as these would have jeopardized the accuracy, reliability and validity of our results. Thus, we have chosen a graded measure of democracy.
4. Deriving inferences for single-country cases from large-N analysis should be done carefully. However, Turkey is not an outlier for checks and balances and democracy. To this end, we believe that the findings of our large-N analysis should be applied for the Turkish case. Our qualitative and in-depth analysis of Turkish politics reinforces this fact.

## Disclosure statement

No potential conflict of interest was reported by the authors.

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## Appendix A – Correlation Matrix of Checks and Balances Variables

	EXCONST (Polity IV)	Checks (DPI)	POLCON (Henisz)
<b>EXCONST (Polity IV)</b>	1		
<b>Checks (DPI)</b>	0.544	1	
<b>POLCON (Henisz)</b>	0.622	0.732	1

Sources: Marshall et al. (2011) for EXCONST; Beck et al. (2001) and Keefer et al. (2012) for Checks; and Henisz (2010) for POLCON. Data are compiled by the authors.

## Appendix B – Summary Statistics for All of Our Variables

	Mean	Median	Maximum	Minimum	Std Deviation	Observations
<b>Dependent Variable:</b>						
Quality of Democracy	5.50	5.85	9.80	1.08	2.20	162
<b>Independent Variables for Checks and Balances:</b>						
Executive Constraints (Polity IV)	5.05	6.00	7.00	1.00	2.02	160
Checks (DPI)	2.87	3.00	8.00	1.00	1.45	152
POLCON (Henisz)	0.30	0.36	0.72	0.00	0.21	163
<b>Control Variables:</b>						
Log GDP per capita	8.76	8.93	11.26	5.79	1.29	158
Primary school attainment	4.47	4.95	8.75	1.03	1.54	136
Gender gap in educational attainment	0.24	0.13	1.22	-0.83	0.30	136
Natural Resource Endowment	9.91	3.28	69.33	0.00	14.73	159
Ethnolinguistic Fractionalization	0.45	0.48	0.93	0.00	0.26	162