

KOÇ UNIVERSITY

GRADUATE SCHOOL OF SOCIAL SCIENCES & HUMANITIES

MOVING BEYOND A MINIMAL DEMOCRACY:  
A COMPARATIVE ANALYSIS OF REFORM EPISODES IN NON-CONSOLIDATED  
DEMOCRACIES OF TURKEY, MEXICO AND THE PHILIPPINES

BY KADİR AYDIN GÜNDÜZ

A dissertation submitted for the degree of Doctor of Philosophy at Koç University

July 2017

Koc University  
Graduate School of Social Sciences and Humanities

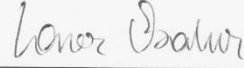
This is to certify that I have examined this copy of a PhD thesis by

Kadir Aydın Gündüz

and have found that it is complete and satisfactory in all respects,  
and that any and all revisions required by the final  
examining committee have been made.

Committee Members:

  
Assoc. Prof. Şener Aktürk



Assoc. Prof. Caner Bakır



Asst. Prof. Yunus Sözen



Assoc. Prof. Doğan Gürpınar



Asst. Prof. Selim Erdem Aytac

Date:

26.07.2017

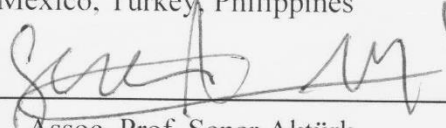
**THESIS TITLE: MOVING BEYOND A MINIMAL DEMOCRACY:  
A COMPARATIVE ANALYSIS OF REFORM EPISODES IN NON-  
CONSOLIDATED DEMOCRACIES OF TURKEY, MEXICO AND THE  
PHILIPPINES**

**KADİR AYDIN GÜNDÜZ**

This study seeks to provide a generalizable explanation about democratic reform processes in countries where democratic deepening and consolidation could not be achieved despite a long term experience of minimal democracy. In some countries, although the multiparty elections have become the norm for the incumbent change, several democratic deficiencies which impede effective, free and fair representation and/or participation persist. As a result, the electoral democracy could not transform into a consolidated liberal democracy for decades. Inspired by Capoccia and Ziblatt's (2010) analytical and methodological framework for a historically minded approach to the comparative study of democratization, this study offers an inductive explanation for democratic reforms in minimal democracies, based on the comparative historical analysis of both successful and failed reform initiatives in three protracted democratization cases -i.e. Turkey, Mexico and the Philippines. The findings of the research suggest that *a cohesive discourse* -to politically justify the institutional change and win over the potential opponents and veto players- is necessary for the implementation of a reform agenda, after *a window of opportunity* opens.

**Keywords:**

democratization, protracted democratization, democratic consolidation, reforms, comparative historical analysis, Mexico, Turkey, Philippines

  
Assoc. Prof. Şener Aktürk

  
Institute of Social Sciences, Director

Prof. Zeynep Aycan

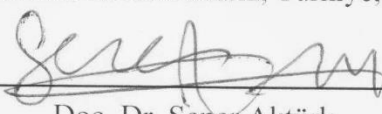
Date: July 26, 2017

**TEZ BAŞLIĞI: MİNİMAL DEMOKRASİNİN ÖTESİNE GEÇMEK:  
TÜRKİYE, MEKSİKA VE FİLİPİNLER'İN SAĞLAMLAŞMAMIŞ  
DEMOKRASİLERİNDEKİ REFORM OLAYLARININ KIYASLAMALI ANALİZİ**

**KADİR AYDIN GÜNDÜZ**

Bu çalışma, uzun süreli minimal demokrasi deneyimine rağmen, demokratik derinleşme ve sağlanmaşmanın tamamlanamadığı ülkelerdeki reform süreçleri hakkında genelleştirilebilir bir açıklama arayışıyla yola çıkmaktadır. İktidarın, çok-partili seçimler yoluyla el deęiřtirmesi kuralının yerleřtięi kimi ülkelerde; etkin, özgür ve adil katılım ve temsile engel teşkil eden bazı demokratik kusurlar varlığını sürdürmektedir. Yani, seçimli demokrasi, onlarca yıllık varlığına karşın, sağlanmaşmış bir liberal demokrasiye dönüşmemektedir. Capoccia ve Ziblatt'ın (2010), kıyaslamalı demokratikleşme çalışmaları için sunduğu tarih odaklı analitik ve metodolojik çerçeveden ilham alan bu araştırma; Türkiye, Meksika ve Filipinler'deki uzatmalı demokratikleşme vakalarındaki başarılı ve başarısız reform girişimlerinin karşılaştırmalı tarihsel analizi üzerinden tümevarımsal bir izah ortaya koymaktadır. Bu çalışmanın bulguları ışığında, reformlara olanak tanıyan iki etken öne çıkmaktadır: aktörlerce, reform inisiyatiflerinin gündeme getirildięi bir *fırsat penceresi*; kurumsal deęişikliği siyaseten temellendirmeye ve muhtemel rakiplere ve veto oyuncularına üstünlük sağlamaya olanak tanıyan bir *birleřtirici söylem*.

**Anahtar sözcükler:** demokratikleşme, uzatmalı demokratikleşme, demokratik sağlanmaşma, reformlar, karşılaştırmalı tarihsel analiz, Türkiye, Meksika, Filipinler

  
Doç. Dr. Şener Aktürk

Sosyal Bilimler Enstitüsü, Direktör

Prof. Dr. Zeynep Aycan

Tarih: 26 Temmuz 2017

## Acknowledgements

A doctoral degree is an endeavor which requires persistent motivation. Unfortunately, one's commitment alone – no matter how great it is- is not enough to maintain it. Although a dissertation is a 'solitary' work to a great extent, other people's support, help, comprehension and guidance are all essential components of the process. Looking back to this years-long journey, which is probably the greatest of all the efforts for an academic career, I want to thank to all who took part in this process, directly or indirectly.

I am truly in debt and thankful to Professor Şener Aktürk, my supervisor whose support and guidance have always been with me whenever I needed them, for having instilled in me the analytical standards which one should prioritize in a meticulous qualitative research endeavor. Secondly, I would like to express my special thanks to Professor Caner Bakır, who has been my first advisor in the doctoral program and has continued his valuable support throughout my journey at Koç University. Equally, I cherish the remarkable experience which I had during my TAship and RAship services for both, who have provided noteworthy insights and examples for a young scholar. Additionally, I would like to express my gratitude to Professor Yunus Sözen, who kindly accepted to share his precious time by joining the supervision committee and provided valuable feedbacks which helped me to find my way in the democratization literature. My dissertation would not have been possible without the help and feedback of this trio, who followed the process, since the very beginning of this effort.

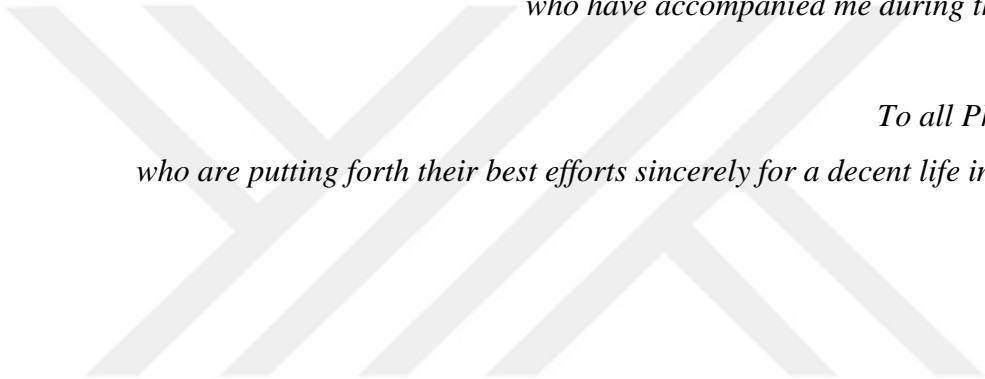
I am also thankful to Professor Doğan Gürpınar and Professor Selim Erdem Aytaç, as they agreed to join the final evaluation committee at a critical point and brought up valuable comments, questions and suggestions for the betterment of this line of inquiry which I have started to develop in this dissertation.

A new PhD graduate's mind is full of impressions, experiences and inspirations –which he/she has accumulated over the years as a long-term student. Therefore, I want to thank to the faculty of Political Science programs at Koç and Sabancı universities – which served me as gateways through which I was admitted to the tempting world of the social inquiry. I feel lucky and grateful for the support and world-class academic environment, which these institutions have created for young scholars in Turkey.

PhD students are probably financially most-vulnerable members of the academic community. They are constantly under the pressure of seeking funds to finance their research and living expenses, as the years pass with an ongoing doctoral research task located at the heart of their life. The role of institutions which provide financial support for this vulnerable stratum of the community is undeniably and unforgettably important. I am grateful to the Koç University Graduate School of Social Science and Humanities - and its director Professor Zeynep Aycan- for having cared about the financial hardships and difficulties which my peers and I have faced throughout our journeys.

Besides, I want to mention The Scientific and Technological Research Council of Turkey (TÜBİTAK) for having financially supported an unmatched research opportunity at the University of Chicago, through its young scholars program, namely the 2214-A Yurtdışı Doktora Sırası Araştırma Burs Programı. That experience at the University of Chicago - where I had the honor and chance to receive Professor Dan Slater's guidance, enriching comments and insightful suggestions- broadened and deepened the comparative aspect of this research greatly.

Finally, I am heavily indebted to my family, for being so supportive and caring through the ups and downs of my entire academic career. My gratitude to them is beyond words.



*To all my beloved friends and family members  
who have accompanied me during this journey,  
&  
To all PhD students  
who are putting forth their best efforts sincerely for a decent life in the future,*

## Abbreviations

AFP	Armed Forces of the Philippines
AFP-CIG	AFP Counter Intelligence Group
AKP	Adalet ve Kalkınma Partisi <i>Justice and Development Party</i>
ANAP	Anavatan Partisi <i>Motherland Party</i>
BDP	Bariş ve Demokrasi Partisi <i>Peace and Democracy Party</i>
CFE	Comisión Federal Electoral <i>Federal Electoral Commission</i>
CHP	Cumhuriyet Halk Partisi <i>Republican People's Party</i>
COFIPE	Codigo Federal de Instituciones y Procedimientos Electorales <i>Federal Law of Electoral Processes and Institutions</i>
CPP-NPA	Communist Party of the Philippines - New People's Army
DEP	Demokrasi Partisi <i>Democracy Party</i>
DGM	Devlet Güvenlik Mahkemeleri <i>State Security Courts</i>
DP	Demokrat Parti <i>Democrat Party</i>
DSP	Demokratik Sol Parti <i>Democratic Left Party</i>
DYP	Doğru Yol Partisi <i>True Path Party</i>
ECHR	European Court of Human Rights
EDSA	Epifanio de los Santos Avenue
EEC	European Economic Community
EU	European Union
EZLN	Ejército Zapatista de Liberación Nacional <i>Zapatista Army of National Liberation</i>
FP	Fazilet Partisi <i>Virtue Party</i>
GATT	General Agreement on Tariffs and Trade
HADEP	Halkın Demokrasi Partisi <i>People's Democracy Party</i>
HEP	Halkın Emek Partisi <i>People's Labor Party</i>
IACHR	Inter-American Court of Human Rights
IFE	Instituto Federal Electoral <i>Federal Electoral Institute</i>
KBL	Kilusan Bagong Lipunan <i>New Society Movement</i>
LFOPE	Ley Federal de Organizaciones Políticas y Procesos Electorales <i>Federal Law of Political Organizations and Electoral Processes</i>



MGK	Milli Güvenlik Kurulu <i>National Security Council</i>
MHP	Milliyetçi Hareket Partisi <i>Nationalist Action Party</i>
MILF	Moro Islamic Liberation Front
MNLF	Moro National Liberation Front
NAFTA	North Atlantic Free Trade Area
NAMFREL	National Movement for Free Elections
NATO	North Atlantic Treaty Organization
NPA	New People's Army
NUC	National Unification Commission
PAN	Partido Acción Nacional <i>National Action Party</i>
PC	Philippine Constabulary
PKK	Partiya Karkeren Kurdistan <i>Kurdistan Workers' Party</i>
PNP	Philippine National Police
PR	proportional representation
PRD	Partido de la Revolución Democrática <i>Democratic Revolution Party</i>
PRI	Partido Revolucionario Institucional <i>Institutional Revolutionary Party</i>
RAM	Reform the Armed Forces Movement
RP	Refah Partisi <i>Welfare Party</i>
SHP	Sosyaldemokrat Halkçı Parti <i>Social Democratic Populist Party</i>
SMD	single member district
SOTA	state of the nation address
TBMM	Türkiye Büyük Millet Meclisi <i>Grand National Assembly of Turkey</i>
TRIFE	Tribunal Federal Electoral <i>Federal Electoral Court</i>
TRT	Türkiye Radyo Televizyon Kurumu <i>Turkish Radio and Television Corporation</i>
TSK	Türk Silahlı Kuvvetleri <i>Turkish Armed Forces</i>
TÜSİAD	Türk Sanayicileri ve İşadamları Derneği <i>Turkish Industrialists' and Businessmen's Association</i>
YOU	Young Officers' Union
YSK	Yüksek Seçim Kurulu <i>Supreme Election Council</i>

### **List of Figures**

Figure 1.1. - Different conceptualizations of ‘consolidation’ based on Schedler, 1998.....	16
Figure 2.1. - Frequency of relevant articles on ‘MGK and change’.....	92
Figure 2.2. - MGK’s change from a ‘reform agent’ to a ‘reform object’.....	96
Figure 3.1. - Public finance trends in constant prices.....	131
Figure 3.2 - Percentage of the PRI seats in the House of Deputies.....	145
Figure 3.3 - Effect of the Governability Clause in contrast with pure PR system.....	148
Figure 5.1. - Overtime change in the frequency of debates on 10% national threshold.....	280

### **List of Tables**

Table 1.1. - Theories of democratic consolidation.....	17
Table 1.2. - Post-World War II democratization episodes, 2011.....	25
Table 1.3. - Rapid democratizers and protracted democratizations, 2011.....	26
Table 1.4. - Mexico, Philippines, and Turkey as dissimilar cases of non-consolidation.....	27
Table 2.1. - Major political changes and reforms in the Turkish democratization.....	62
Table 2.2. - Party dissolution cases and court decisions.....	106
Table 2.3. - Changes in the legal framework on party dissolution.....	114
Table 3.1. - Major political changes and reforms in the Mexican democratization.....	139
Table 4.1. - Major political changes and reforms in the Filipino democratization.....	203
Table 5.1. - Political parties’ individual suggestions and concerns.....	264
Table 5.2. - Concerns and issues on which parties partly agreed without consensus.....	265

## CONTENTS

ABSTRACT.....	iii
ÖZET.....	iv
ACKNOWLEDGEMENTS.....	v
ABBREVIATIONS.....	viii
LIST OF FIGURES & LIST OF TABLES.....	x
CHAPTER I - INTRODUCTION.....	1
1.1. Literature Review.....	3
1.1.1. The analytical divide in the literature: typological and processual perspective.....	9
1.1.2. Mapping the theories.....	17
1.2. Research Design and Methodology.....	22
1.3. Key Findings.....	31
CHAPTER II - TURKEY: Undoing of a tutelary democracy designed by an authoritarian restoration government.....	41
2.1. Introduction: Political landscape and an overview of reform dynamics.....	41
2.1.1. Undoing of a traditional absolutism and a one-party regime.....	46
2.1.2. From 1950 to 1982: An unstable democracy.....	50
2.1.3. Post-1982 Turkish politics and democratic reform processes.....	57
2.2. Ban on Pre-coup Politicians.....	64
2.3. Liberalization of Radio and Television Broadcast: End of TRT's monopoly.....	72
2.4. State Security Courts.....	79
2.4.1. Pro-reform SHP as junior coalition partner and pro-Kurdish MPs crisis.....	81
2.4.2. A window of opportunity: Interests of coalition partners converge.....	83
2.4.3. An external shock: Incal v. Turkey Judgment and Öcalan Trial.....	85
2.4.4. Agendas overlap: Pro-Islamic political movement and Europeanization.....	87
2.5. National Security Council: Military's control on the executive branch.....	90
2.5.1. 'Revisionist threat' increases MGK's agency.....	92
2.5.2. Towards the normalization of civil-military relations?.....	95
2.5.3. Continuation of the MGK reforms for Europeanization.....	97
2.6. Party Dissolution Cases.....	100
2.6.1. Party dissolution cycles: Leftist, pro-Kurdish and pro-Islamic parties.....	102
2.6.2. February 28: A dissolution case against the incumbent party.....	107
2.6.3. Seeking an interparty consensus beneath the shadow of the state elite.....	109
2.6.4. A predominant party challenged by the party dissolution cases.....	112
2.7. Conclusion.....	117

CHAPTER III - MEXICO: Moving away from a stable electoral authoritarian system ...	121
3.1. Introduction: Political landscape and an overview of reform dynamics.....	121
3.1.1. Colonialism and independence.....	123
3.1.2. Mexican Revolution and the rise of the electoral authoritarianism.....	125
3.1.3. The ‘PRI regime’ in decline.....	130
3.1.4. Mexico’s transition to electoral democracy and context of the reforms.....	134
3.2. Levelling the Playing Field: Mexico’s early electoral reforms.....	142
3.2.1. Unfair majoritarianism: Governability clause.....	147
3.2.2. A fairer representation of the political parties in the IFE.....	150
3.2.2.1. ‘Social peace’ and a partial reform.....	151
3.2.2.2. Zedillo’s ‘Democratic Normalcy’.....	154
3.3. Restructuring the System.....	161
3.3.1. Judicial system reform.....	161
3.3.2. Making Mexico more transparent: Access to Information Law.....	167
3.3.3. Transforming inter-elite relations: reconsidering the ‘non-reelection clause’.....	174
3.4. Conclusion.....	183
CHAPTER IV – THE PHILIPPINES: A shaky democracy built on the wreckage of two systems.....	187
4.1. Introduction: Political landscape and an overview of reform dynamics.....	187
4.1.1. Birth of a post-colonial nation and the failure of the first democratic era.....	190
4.1.2. Marcos’ personalistic authoritarianism and its downfall.....	192
4.1.3. Making of the present Filipino democracy.....	196
4.1.4. Reforming the Filipino democracy.....	202
4.2. Cacique Democracy.....	205
4.2.1. Abolition of the Anti-Subversion Law.....	210
4.2.2. Party-List System Law: Layering the unrepresentativeness.....	215
4.3. Civil-Military Relations in the Philippines.....	221
4.3.1. Aquino’s reforms: De-marcosification and the ‘restoration’ of the democracy...229	
4.3.2. Ramos’ ‘National Unification’ plan.....	234
4.3.3. A new surge of military adventurism.....	239
4.3.4. Arroyo’s credibility problem: A limited improvement on professionalization...242	
4.4. Conclusion.....	249
CHAPTER V - CONCLUSION: A recapitulation and an epilogue.....	255
5.1. Turkey’s Failed Constitutional Reconciliation Commission.....	257
5.2. Turkey’s 10% National threshold.....	275
5.3. The Story of a Three-decade Resistance to Change: Anti-Dynasty Bill.....	289
5.4. Conclusion.....	295
REFERENCES.....	301

## CHAPTER I

### INTRODUCTION

When Rustow (1970) published his seminal article which is one of the earliest examples of the comparative democratization studies, he probably did not expect Turkey to struggle for the consolidation of its electoral democracy for decades. Apparently, he conceived the Turkish case as comparable to another second wave democracy, namely Sweden, which has become the poster child of the liberal democracy with passing years. Meanwhile Turkish democracy was challenged by two military interventions which succeeded in changing the civilian governments in 1971 and 1997, one military coup in 1980, and very recently a failed coup attempt in 2016. As of 2017, Turkey's prospects for democratic deepening are bleak due to the threats against the governability and measures taken by the present government, argued to be drifting the country further into an authoritarianism. However, slow democratization is not a 'Turkish' exceptionalism.

Similarly, despite the early introduction of the formal multipartism, the political system in Mexico is still far from a liberal democracy<sup>1</sup>. Following the PRI's uninterrupted and almost uncontested hegemonic rule which spanned over more than half a century, first ever democratic

---

<sup>1</sup> The ruling party *Partido Revolucionario Institucional*, (Institutional Revolutionary Party, PRI) has been challenged by an institutionalized opposition party i.e. *Partido Acción Nacional*, (National Action Party, PAN) since 1939 in multiparty elections, which have been held in a 'delicate' setting which used to guarantee a victory for the incumbent party for more than sixty years.

incumbent change took place in 2000, in the aftermath of a series of electoral reforms which gradually increased the political representativeness and competitiveness since 1977. Unfortunately, this period has been marked by very little and late change in other dimensions of democratic governance, such as accountability. Meanwhile in the Southeast Asia, the Philippine democracy has suffered from some other deficiencies –such as persistent military factionalism and very weak political parties- but is sharing a common problem with Turkey and Mexico, the non-consolidation of democracy. Despite the 1986 ‘electoral revolution’ which resulted in the overthrow of the dictator Ferdinand Marcos, the Philippine democracy is still a defective one.

The main puzzle to be addressed in this research is the non-consolidation of democracy despite decades-long experience with the formal institutions of a ‘minimal democracy’. Why and how do some countries fail to achieve a liberal democracy, despite a long-term experience of ‘a minimal democracy’?<sup>2</sup> To answer this question, I suggest an original and analytical explanation for the non-consolidation of democratic systems, from a time-sensitive point of view. Based on the comparative historical analysis of more than twenty successful and failed reform initiatives, I come up with two necessary conditions for pro-democratic reforms: namely (i) a ‘window of opportunity’ during which the power distribution among players and/or the cost they attribute to the reform is changed so as to make the latter more likely; and (ii) a ‘cohesive discourse’ which is amenable to forge pro-reform alliances and to block the resistance of the potential veto players. The rest of this introductory chapter is composed of three sections: The first part is a literature review, which presents the state of the relevant body of research in a critical fashion and where this research stands within the ‘democratization studies’. The second part is on the

---

<sup>2</sup> To begin with, I take Morlino’s (2010, p.41) definition as the conceptual reference point for what the ‘minimal democracy’ stands for in my research: “A minimal democracy is *a set of political institutions* (emphasis added); that are characterized at the same time by a) universal suffrage, both male and female; b) free, competitive, recurrent and fair elections; c) more than one party; d) different and alternative media sources.”

analytical framework and research design, according to which the research has been conducted. Finally, I will introduce a concise summary of the findings, which will be presented in the following chapters on three cases of prolonged non-consolidation in a detailed fashion.

### **1.1. Literature Review**

The first body of research directed at the systematic analysis of the ‘duration’ and temporal aspect of democratizations is built on the concept of “protracted democratization”. The literature on ‘protracted democratization’ dates back to *Democratization*’s special issue which came out in 2000. Todd Eisenstadt (2000), who introduces the concept in the opening article of the issue, points out the fact that many third-wave democracies (i.e. transitions taking place from the 1970s on, see Huntington, 1993 for details) suffer from a slow-paced regime transformation. In other words, in some countries regime change occurs painstakingly sluggishly and takes longer than usual. In these cases, the remnants of authoritarianism linger and they recede or even impede the political change processes. Following O’Donnell and Schmitter’s (1986) line of inquiry, Eisenstadt focuses on the ‘transitions from authoritarian rule’, the stage during which the change dynamics are explained by the interplay between authoritarian incumbents and the opposition with an emphasis on the institutional environment which sets the formal or informal rules of the game between them. Therefore, understanding the strategies and actions of these players – namely authoritarian incumbents and pro-democracy opposition during *the early stages of transition* are crucial to explain ‘slow-motion’ transitions (Eisenstadt, 2000, p. 6).

Not only in this special issue but also in the broader literature on ‘protracted democratizations’, single case studies stand out as the most frequently used research design (for case studies on Kenya, Nepal, Mexico, Russia and Taiwan see Brown, 2004; Cornelius, 2000; Kantha, 2010;

Leal, 2010; Loaeza, 2000; Malley, 2000; McFaul, 1999; Rigger, 2000). Mexico is probably the most often-studied case as “[t]he protracted transition ideal-type is developed with explicit reference to the Mexican case” (Eisenstadt, 2000, p. 11). In all these case studies, researchers come up with very rich historical narratives reflecting different aspects of the protracted democratization phenomenon across the globe. Unfortunately, they focus on the country-specific processes and mechanisms; so their efforts fall short of providing generalizable theoretical frameworks and/or theory testing.

On the other hand, cross-case designs –which are not many- fail to generate theoretical innovation, due to a relative indifference to theory-oriented case selection. For example, Ortiz (2000), who compares the protracted Mexican transition with relatively rapid Spanish democratization, argues that the reason why protraction occurs is the persistence of authoritarian institutions in Mexico – where they could have rooted more deeply than they could in Spain. However, this comparison fails to test for alternative explanations as it does not pay attention to the comparability of cases in terms of their historical, structural and institutional differences and/or similarities. For instance, Spanish democratization is coupled with significant political and institutional ruptures –restoration of monarchy and the authoritarian leader Franco’s death- which facilitated the tailoring of a brand new institutional setting that would pave the way to a liberal democracy rapidly, whereas Mexican transition has occurred under the PRI rule which lasted decades without any interruption until the 1990 electoral transition. Besides, the impact of the European Economic Community (EEC), the precursor to the European Union, was very remarkable in the Spanish case, both as a carrot and an ideational objective. In that sense, the comparison of these two countries, which differ across various politico-economic factors and the dependent variable –i.e. the speed of the democratization is not convenient for detecting ‘the



cause' behind the protraction. On the other hand, Wilkinson's (2000) most-similar case design comparing Pakistan's failure and Bangladesh's success in proceeding to the consolidation phase is a good effort for theory-oriented comparison but Wilkinson's success story Bangladesh, unfortunately experienced a military intervention in 2007, so his inferences based on a demarcation between Bangladesh's success and Pakistan's failure are in need of a reality check<sup>3</sup>.

Another important feature of 'protracted democratization' literature is its temporal boundaries, which are mostly related to a set of inherent assumptions with regards to the sequences in democratization processes. Majority of the aforementioned articles focus on the first transition phase - i.e. 'transition from authoritarianism' to 'electoral democracy' - which corresponds to the making of minimal institutions which are necessary and sufficient for incumbent change via elections. In a similar fashion, Schatz and Rexach (2002, p. 125) in their analysis of what they call 'prolonged electoral democratization', problematize the very phenomenon which they are dealing with as "transitions where the number of years between the rise of the opposition parties and their presidential electoral victories were many". However, democratization process as a whole, is a lot more than that. This literature assumes that the end of the 'transition from authoritarianism' marks the beginning of another phase that is essentially different from the regime change process which can be called 'consolidation', 'deepening' or 'second transition' (For the alternative attempts to demarcate different stages of democratization, see Linz & Stepan, 1996; Mainwaring, 1989; Przeworski, 1993). Based on this analytical assumption, it limits its analytical scope with the analysis of 'the first transition' -which is not analytically and

---

<sup>3</sup> Wilkinson points out (1) retreat of military from politics, (2) existence of a strong and autonomous civil society and (3) limited effect of inter-ethnic and inter-religious cleavages in politics as the major factors leading to a relatively consolidated democracy in Bangladesh but not in Pakistan.

theoretically illegitimate at all indeed- and it seeks answers for the following question: How and why the transition from authoritarianism is so lengthy in some cases?

The rationale behind this perspective's emphasis on the early stage of democratization –namely 'transition from authoritarian rule' - is two-fold. First, it is the only available and observable part of the story in many cases. Second, the dismantling of the authoritarian rule does not necessarily lead to a deepening phase – i.e. transition to a consolidated or a liberal democracy. Apparently, there is an epistemological concern for avoiding a 'democratization' teleology'. This position is quite reasonable given the very existence of hybrid regimes which succeed in stabilizing polities in a gray area between authoritarianism and democracy (Carothers, 2002). As seen in the Russian case, an authoritarian regime can be substituted by unconsolidated but sustainable defective democracies (Bunce, 2003). Therefore, the empirical reality about the open-endedness of transition processes, taking the stable hybrid regimes into account, has been decisive in shaping the analytical boundaries of protracted transition research.

However, the second rationale for such temporal limitations –i.e. the analysis of the transition from the authoritarianism, by leaving the post-transition process aside- stems from a theoretical position in some studies. It is presumed that the characteristics of the first transition–the way the transition from authoritarianism occurs- influences the rest of the story (Casper, 2000; Munck & Leff, 1999). For instance, Munck and Leff's (1999) study on the early stages of democratization is a typical example of this position: "Why do modes of transition matter, and how do they matter? Transitions matter because they generate fairly durable legacies that affect the post-transitional regime and politics. Different modes of transition are likely to have distinct consequences for a country's politics." (p. 195). They argue that, in case the democratic transition occurs through transaction between incumbent authoritarians and new elites, adoption

of some democratically-problematic and inconvenient institutions is very likely as they provide grounds for the lingering power of the old elites and the loss of identity of the antiauthoritarian coalition. This, in return, brings governability and consolidation problems. This theory is inferred from the analysis of Brazilian and Polish cases during the early stages of democratization –at the end of 1990s. According to Polity IV dataset, one of these two cases, Poland, could achieve a consolidated democracy as of 2002 –only a few years after the publication of this study. The overall democratization process in Poland took slightly more than a decade. Unfortunately, Munck and Leff’s causal argument about the decisiveness of the dynamics of early stage of transition on the likelihood of consolidation does not hold true even for the Polish case from which they have drawn their inferences. Not only theoretically but also empirically, the analysis of regime change is an insufficient temporal analysis of democratization as a whole<sup>4</sup>.

This brief overview shows that the literature on protracted democratization is marked by three major shortcomings: (1) in parallel to the assumptions of a sequentialist approach - which inherently distinguishes ‘transition from authoritarian rule’ as stage one, from the stage two, namely consolidation or deepening - it focuses on ‘the regime change’ but not on the processes regarding the betterment or further democratization of cases once they attain the status of minimal or electoral democracy; (2) the concept is intuitively operationalized and fails to account for what a ‘protracted’ democratization is, in contrast to a ‘rapid’ democratization (3)

---

<sup>4</sup> Although Polity IV’s early call for the consolidation of the Polish democracy, incumbent Law and Justice Party’s attempts to redesign the judiciary spurred a fervent debate on the prospects and stability of the system. The bill sought to give the present government decisive powers in the appointments during the post-reform transition processes. Later, amid widespread protests against the reform, the President announced that he was to veto the bill. Although that reform attempt -which would harm the separation of powers severely- has remained fruitless for now, it shows how systems which are diagnosed to be consolidated, are susceptible to de-democratize, in case the incumbents bring up undemocratic reforms.

rich historical narratives provided by these studies do not yield theoretical explanations applicable to -or to be tested in- other cases, given the lack of a theoretically-grounded, solid comparative perspective. There is definitely a theoretical lacuna, with regards to why and how democratization processes prolong.

In the rest of this section, my major purpose will be reconsidering the ‘protracted democratization’ question –or slow democratization- within the greater democratization literature, in order to find some theoretical groundwork to locate my research. To this end, I performed an extensive article search on Thomson and Reuters’ Web of Science website’s Social Science Citation Index (SSCI) section by using a bunch of keywords related to the duration of democratization processes.

A rapid research on the search engines shows that only 80 out of 5673 articles which contain the word ‘democratization’ in its title, keywords or abstract also contain any one of the following keywords about the duration and temporality of the process: ‘slow’, ‘protracted’ or ‘pace’ as of May 20, 2014. Therefore, despite the richness and the size of democratization literature at large, the questions or issues about the pace of the process remain neglected and/or addressed covertly in the studies which stress other problems or aspects of democratization. To better understand and present the state of the art in the democratization field, I performed an extensive article search on Thomson and Reuters’ Web of Science website’s SSCI section by applying very loose limits<sup>5</sup>. As a result, I skimmed the abstracts of 1854 articles and narrowed down my pool of ‘relevant articles’ to 353 articles on the basis of theory-wise and case-wise significance. Later, I coded the abstracts of these 353 articles by using Atlas.ti –a qualitative data analysis software-

---

<sup>5</sup> Filters used on the ‘Web of Science’ are as follows: Research Domain: Social Sciences; Research Area: Political Science; Document Type: Article; Search phrase: ‘democratic consolidation’ OR ‘democratization’ OR ‘democratic transition’. Abstracts of the 1854 articles are collected between August 24 and August 28, 2013.

in order to better categorize and properly make sense of the literature. The following literature review relies on the findings of the processes described above.

Apparently, the democratization literature is home to a plethora of concepts and analytical perspectives which have been formulated (i) to fill the gaps of a preexisting one after the other, or even (ii) to stand as competing alternatives which address the false assumptions and analytical failures of their rivals in a critical or even polemical way. In their review of the ‘quality of democracy’ literature, Armony and Schamis (2005) make an analogy of a Babel tower and I think this analogy can easily be extended to the democratization field at large. Rightly put, this is a literature rich in concepts and analytical frameworks which seem very disconnected, unbridgeable and incommensurable. Multiplicity of the concepts and frameworks makes the reviewing task quite hard. In order to present a coherent and meaningful picture of the field, I suggest a two-stage categorization. In the first one, I will demonstrate the analytical divide by pointing out two analytical planes which often remain quite disconnected: namely ‘typological perspective’ and ‘processual perspective’. In the second one, I will try to present a collection of theoretical contributions which have emerged from greater democratization literature as those may shed some light over the protracted or slow democratization phenomenon.

### **1.1.1. The analytical divide in the literature: typological and processual perspectives**

In *Freedom in the World 2014* report, Freedom House announced that 122 countries are electoral democracies, where the political system is designed in a way that it permits the incumbent change via free elections<sup>6</sup>. In these 122 countries, questions of political system design and deficiencies -if there are any- are not related to the failure of ‘democratic transition’ and ‘regime

---

<sup>6</sup> The report is available to download at [http://www.freedomhouse.org/report/freedom-world/freedom-world-2014#.U3zSt\\_mSwrg](http://www.freedomhouse.org/report/freedom-world/freedom-world-2014#.U3zSt_mSwrg)

change' anymore. Therefore, the curiosity of democratization literature regarding such cases is for reaching (1) diagnoses for major flaws in problematic democracies and (2) explanations about the improvement and/or worsening of democracy. While the scholars who prioritize the first direction are usually interested in the question of 'qualified democracy' or 'democracy with adjectives', the others who go after the latter often focus on the 'historical processes' – evolution of electoral democracies into a more democratic or less democratic system. In this part, I will present this analytical divide under two major headings: (i) typological perspective and (ii) processual perspective.

Typological perspective has become a frequently adopted approach in democratization literature, in parallel to the decline of 'democratic optimism'. Following the democratization in the Western hemisphere and the collapse of the popular democracies in the Eastern Europe, democratization surge gave an impetus and hope to both global civil society and academia about the prospect of global democracy. However, by mid-1990s, this 'democratic optimism' waned due to the experiences of 'limited democracy' in countries which underwent democratic change recently. What I mean by 'typological perspective' refers to the body of literature on 'limited democracies' or 'hybrid regimes', also known as the field of 'democracy with adjectives'. Two major articles have been pioneering works in this field which (1) treats limited democracies as regime types on their own and (2) produces typologies to better diagnose different shades in this gray area between full democracy and authoritarianism. First, O'Donnell (1994) coined the concept of 'delegative democracy' regarding Latin American presidentialisms where elected presidents use their executive power extensively without not much taking into account the legislature and horizontal mechanisms like checks and balances. On the other hand, from outside of the academia, Zakaria (1997) with the concept of 'illiberal democracy' addressed the 'limited

democracy' phenomenon at large, without an emphasis on a region and brought it to the attention of academia and global democracy promotion initiatives.

In twenty-three years which followed O'Donnell's inquiry on 'delegative democracies', the literature on 'limited democracies' or 'hybrid regimes' has been marked by a proliferation of alternative conceptualizations. In his typology of 'gray zone', Carothers (2002) suggests two subtypes based on the degree of political contestation: (1) systems where the political contestation is very low are called 'dominant power politics' and (2) countries where the political contestation is very high are called 'feckless pluralism'. Despite the inter-institutional relations in each subtype are very different from each other, in both types, political system remains detached from the citizens both in terms of participation and effectiveness<sup>7</sup>. In Lauth's typology (2004), 'defective democracies' are divided into three subtypes: illiberal, inequalitarian and uncontrolled, whereas the very same year Merkel (2004) offers another typology based on exclusive, illiberal, delegative and tutelary democracies. Moreover, region-specific typological theorizing has continued as well. For example, Brumberg (2002) provides an analysis of 'hopeless' Middle Eastern and North African polities entrapped by 'liberalized autocracy'; Mazzuca (2013) focuses on the ills of Latin America where what he calls 'plebiscitarian super-presidentialism' could have consolidated due to 'rentier-populist coalitions'.

These categorizations provide valuable conceptual anchors for comparative analysis across cases, based on which institutional flaws and weaknesses are better diagnosed and understood. However, this diversity does not necessarily mean a productive dynamism. Alternative conceptualizations and typologies are like theoretical archipelago, which require a constant

---

<sup>7</sup> In 'dominant power politics' regimes, there is very little competition over the control of the strong executive branch and political parties over which whereas there is a very vibrant competition among many players, victory of which does not yield significant political change.

theoretical translation in order to be united under a broader umbrella of ‘limited-democracies’ field. Such critiques have already been voiced in the present literature. Armony and Schamis (2005) pessimistic outlook about this proliferation is shared by Bogaards in his later review of the literature as follows:

“Warnings have been sounded about a ‘terminological Babel’ in democratization studies caused by ‘inconsistent definitions of the various types and subtypes, producing a taxonomical system with blurred boundaries.’” (Bogaards, 2009, p. 415).

Leaving aside such general and literature-wide criticisms - as this is well beyond the scope of this literature review- I want to emphasize the incompatibility of the ‘typological perspective’ for generating a conceptual framework for this study. The major motivation behind this piece of literature is the fact that many partly-democratized systems become stabilized without becoming full or liberal democracies in a *particular time*. However, the present study deals with decades-long *democratization episodes* from a time-sensitive point of view, therefore this snapshot approach which freezes regimes and analyzes the configuration of political institutions at a given time is not analytically very suitable and inspiring. Taking this analytical path will not be a wise strategy to understand the overtime change which these systems undergo.

Scholars who adopt a processual perspective analyze the temporal dimension of democratization and they try to reveal different aspects of democratic change, how and why it occurs. ‘Consolidation’ stands out as one of the most frequently used concepts in this perspective, and it is the most compatible concept with the objectives of the study, which focus on the democratization processes which occur after a regime surpasses the threshold of ‘minimal democracy’. However, there is no consensus about what ‘consolidation’ actually means either. Lack of consensus concerns both the ‘content’ of the concept and the temporal dimension of the consolidation phenomenon.



In terms of content, scholars' definitions of consolidation vary between thick (multidimensional) and thin (minimalist) versions. Multidimensional perspective of 'consolidation' sets multiple criteria: attitudinal, behavioral, institutional and performance-related evaluation of regimes. For instance, Diamond's conception of 'consolidation' includes elites' consent to democracy as the only game in town, mass approval to the regime, institutionalization of democratic practices in addition to elections and the policy-wise effectiveness in providing solutions for major social and economic problems (Diamond, 1997). Such thick conceptions of 'consolidation' are difficult –or even impossible- to operationalize. Finding common indicators and measurements for every dimension of consolidation, and then merging them into a single index of consolidation is a task yet to be accomplished.

On the other hand, some other scholars define consolidation as subsistence of electoral-minimal democracy without breakdown (Schedler, 1998). From that perspective, consolidation is a 'state in which democracy keeps standing' rather than 'a process towards attaining more or a better democracy'. Empirically, any electoral democracy is in fact a consolidated one, unless a breakdown occurs. This minimalist perspective engenders a particular theoretical vision: if the democratic status quo is not shaken by structural weaknesses and anomalies democracy persists. In other words, consolidation –defined as regime survival- actually depends on structures; and agents have a quite limited role in consolidation<sup>8</sup>. Although 'thin consolidation' is susceptible to an easier and more straightforward operationalization in comparison to its multi-dimensional alternative, it has a major flaw: any 'electoral democracy' is considered to be a consolidated one

---

<sup>8</sup> "Overall, domestic actors play a less important role during the phase of democratic consolidation, when institutionalization and routinization increasingly limit the space of political elites and socialize both the elites and the masses. The same applies to the army, although its military power provides it with more possibilities to disrupt the democratization process (most notably by staging a coup d'état). With regard to civil society, much depends (again) on the nature of the dominant coalition of active organizations" (Doorenspleet & Mudde, 2008, p. 820).

as long as the regime is not interrupted or does not collapse. But this does not seem to add any concrete criterion/indicator for demarcation between consolidated and non-consolidated democracies. If bound by this definition, we can conceive and observe a non-consolidated democracy only retrospectively, after the country is not a democracy anymore.

Regarding the temporal characteristics attributed to the ‘consolidation’, a major question arises: ‘teleology’. According to O’Donnell, a teleological conception “posits, explicitly or implicitly, that a given entity inherently tends to move from lower (or immature or incomplete) to higher (or more mature, or complete) stages, up to an end point that marks the full development of potentialities” (1996, pp. 163-164). For some scholars in democracy literature, teleology is an inherent characteristic of ‘transitology’ – i.e. part of the field which deals with the mechanisms through which democratic change occurs (Carothers, 2002, p. 7). In fact, this emphasis on ‘teleology’ as a weakness of ‘transitology’ has been mostly voiced by scholars who adopt the ‘typological perspective’ presented in the previous part. To some extent they are quite right as they point out the fact that many countries do really seem to have stabilized as hybrid regimes which possess qualities of both authoritarian and democratic regimes without any apparent prospects for further democratization. However, they seem to read too much into it, while claiming that ‘transitology’ –and the conception of ‘consolidation’ which emerges from it–presumes a natural inclination of (further) democratization for each and every polity. Taking a country as a case of ‘consolidating’ democracy does not necessarily correspond to a firm belief in the inevitability of full democracy in that country in future. ‘Consolidation’ can be used as a conceptual framework for understanding the processes of systemic change which an ‘electoral democracy’ is undergoing, without the expectation that one day this electoral democracy will

necessarily become an advanced democracy<sup>9</sup>. In case ‘consolidation’ is regarded as a ‘process’ but not as a ‘phase’ which necessarily follows the transition and which will end as a success story, it still is a plausible conceptual approach<sup>10</sup>.

Following these debates revolving around the definition and the temporality of the concept, I will present two analytically flexible conceptualizations of ‘consolidation’. Pridham’s distinction between ‘negative’ and ‘positive’ consolidation and Schedler’s elucidation of the ‘multiplicity significances’ in consolidation research stand out as valuable contributions to provide an analytical perspective to the present research (Pridham, 1995; Schedler, 1998). For Pridham, consolidation is a two-dimensional process. Negative consolidation is about the ‘containment’ or ‘reduction’ –if not removal- of any serious challenges to democracy, and it is achieved when the presence and impact of anti-democratic groups and elites become insignificant. On the other hand, positive consolidation is more about attitudinal patterns –like the adoption of ‘democratic values’ by both elites and mass. Hence, it is more about attaining a political culture supportive of democracy. According to Pridham, positive consolidation is a longer-term change process, whereas the negative consolidation might be achieved more rapidly (Pridham, 1995, p. 169).

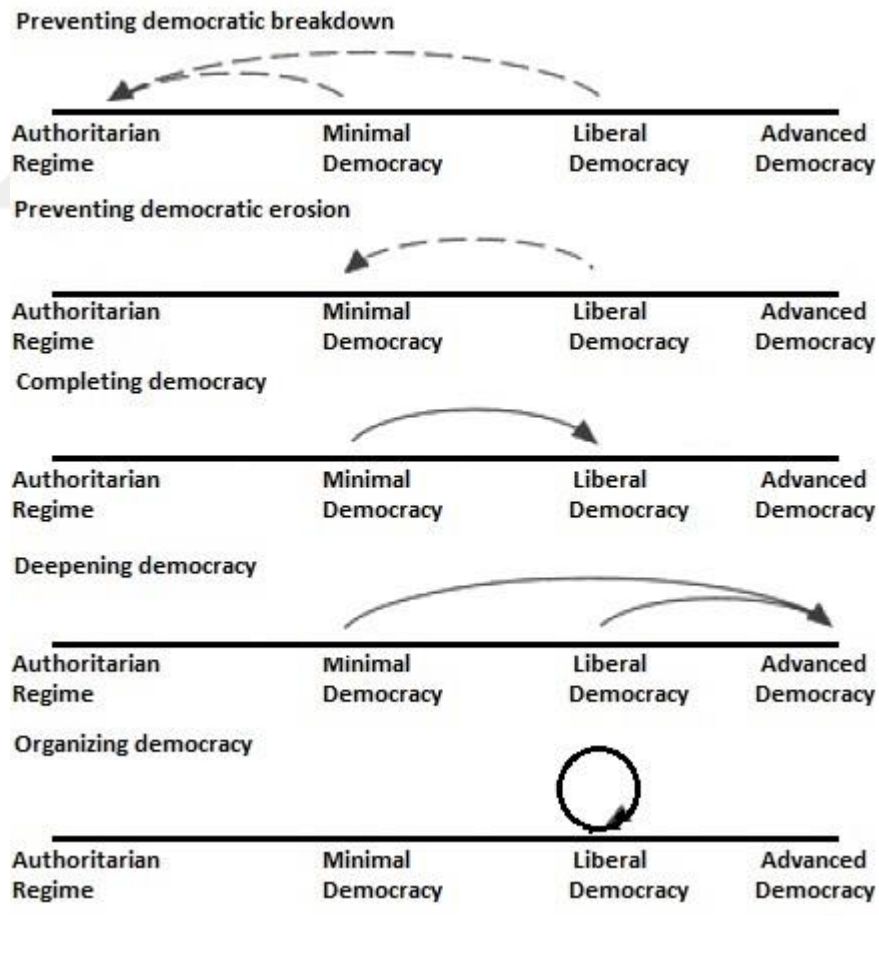
---

<sup>9</sup> “Democratic consolidation is indeed an intrinsically teleological concept. Yet I think there is nothing inherently wrong with teleology, provided that three conditions are met: First, we have to avoid veiling or obscuring it; hidden teleology is indeed bad teleology. Second, we have to dissociate teleology from any belief in inevitable progress: supporting some telos, some normative goal or practical task, is one matter; assuming "some kind of automatic or 'natural' progression" toward that goal is quite another. Third, we have to acknowledge that the notion of democratic consolidation knows not merely one characteristic telos but many, and that this plurality of teloi accordingly defines a plurality of concepts of democratic consolidation” (Schedler, 1998, p. 95).

<sup>10</sup> “We explicitly argue that consolidation should be conceived of not as a "phase" that follows transition in a neat temporal sequence, but rather as a "process" that may temporally overlap with that of transition, and the outcome of which is entirely indeterminate” (Gunther, Diamandouros & Puhle, 1996, p. 155).

Schedler in his analytical review of democratic consolidation field, argues that there are multiple significances attached to the democratic consolidation as a concept. He uses the ‘negative’ and ‘positive’ consolidation terminology as Pridham does but he gives another meaning to it. For Schedler ‘negative consolidation’ is about non-reversal of a democratic regime to a less-democratic one or to a completely authoritarian regime, whereas ‘positive consolidation’ is an improvement process where a system –democratic according to minimal standards- evolves into a liberal or full democracy (See *Figure 1.1.*) (Schedler, 1998).

*Figure 1.1. - Different conceptualizations of ‘consolidation’ based on Schedler, 1998*



As it is going to be argued in the following section, where the research design and methods will be discussed, the major problem to be addressed in this research is about the ‘democratic deepening’ as Schedler calls it. Therefore, it is possible to (re)consider the question of protracted, prolonged or slow democratization, as a problematic democratic deepening process.

### 1.1.2. Mapping the theories

In this sub-section, I will present a concise map of democratic consolidation theories. The literature is huge, and the theories are numerous. Nonetheless, these theories can be grouped and evaluated under two headings: (a) structural/conditional theories or (b) agency-related/situational theories<sup>11</sup>.

*Table 1.1. - Theories of democratic consolidation*

Structural – conditional	Agency-related
<p><b>Historical</b></p> <ul style="list-style-type: none"> <li>- Sequentialism</li> <li>- Previous regime type</li> <li>- Particular Institutions as pre-requisites of consolidation</li> </ul>	
<p><b>Economic</b></p> <ul style="list-style-type: none"> <li>- Economic development</li> <li>- High inflation</li> <li>- Economic globalization</li> </ul>	<p>Actors are defined and highlighted</p> <p>Case/region specific explanations built on rich historical research</p> <p style="text-align: center;">BUT</p> <p>Rather descriptive and exploratory studies</p> <p style="text-align: center;">A THEORETICAL GAP</p> <p>Regarding the role of actors in consolidation processes?</p>
<p><b>Social</b></p> <ul style="list-style-type: none"> <li>- Political culture</li> <li>- Civil society</li> </ul>	
<p><b>External factors</b></p> <ul style="list-style-type: none"> <li>- Neighborhood/contagion effect</li> <li>- Foreign aid</li> <li>- International organizations</li> <li>- Positive and negative sanctions</li> <li>- Gatekeepers</li> </ul>	

<sup>11</sup> Similar classifications of regime change theories in general on the basis of structures/conditions and situations/agency are suggested previously (Barrington, 2012; Haerpfer, Bernhagen, Inglehart & Welzel, 2009)

Structural/conditional theories underline the importance of continuities and/or changes in the context-related factors which influence the political interactions among agents. Major structural and conditional factors visited in this literature are historical, economic, social and international (See *Table 1.1.*). Historical theories mostly emphasize the importance of pre-transition legacies in post-transition processes. Existence of particular institutions or experiences is argued to be affecting the way in which a democracy is shaped, whether as a consolidated liberal democracy or not. According to strongly sequentialist variants of historical theories, lack of an essential component supportive of democracy may lead to a defective democratic system. In this line of argument, liberalism as an ideology and its institutional offsprings have a crucial place. For instance, Zakaria following his conceptualization of ‘illiberal democracy’ which resonates the despair regarding the state of democracy in the third wave, makes a pessimistic claim which extends to the prospects of democracy in these cases: “Constitutional liberalism has led to democracy, but democracy does not seem to bring constitutional liberalism.” (Zakaria, 1997, p.28). Not only empirical observations like Zakaria’s, but also theoretical speculations about the relationship between representative rule and constitutional liberalism consider them as a necessary but difficult duo, especially after the implementation of minimalist democratic institutions. For instance, Beetham argues that major institutional requirements of constitutional liberalism (such as private property, free market and pluralism in politics) bring constraints to the political power (1992). According to his strong theoretical claim, “without these elements, no popular control over collective decision-making at the level of the modern state is sustainable.” (Beetham, 1992, p. 53). In parallel to this sequentialist perspective, Mansfield and Snyder referring to their empirical findings about violent and failed democratizations, extend this argument as a part of global democracy promotion know-how:

“[W]henever possible, efforts to promote democracy should try to follow a sequence of building institutions before encouraging mass competitive elections. Democratizing in the wrong sequence not only risks bloodshed in the short term, but also the mobilization of durable illiberal forces with the capacity to block democratic consolidation over the long term.” (Mansfield & Snyder, 2007, p.5)

Although illiberal and unconsolidated democracies are still a major issue, the remedies offered by the sequentialist approach are frequently challenged. As Carothers argues, putting off democratization until the rule of law and an efficiently-working state apparatus are in place, overestimates the willingness and capability of authoritarian rulers to build a strong foundation for democracy (Carothers, 2007, p. 27). Moreover, the empirical evidence from Middle East shows that liberalization by autocrats is not a working sequence either (Brumberg, 2002).

The literature on historical factors offers many alternatives to this strong sequentialist view which focuses on the tension between liberal constitutionalism and representative government. For instance, Ruhl (1996) argues that the regime type in prior to democratization has an effect on the chances of democratic consolidation. For Ruhl, democratic consolidation is very unlikely and hard in polities ruled by a neo-patrimonial regime which connects citizens and states in a clientelistic way. Hariri (2012) shows that autocratic legacy of early statehood in colonial era impedes democratization. In their analysis of Latin America, Perez-Linan and Mainwaring (2013) underline that the existence of institutionalized political parties and a supreme court in prior to transition has a positive effect on democracy.

In addition to historical factors, economic factors are argued to be playing an important role in democratic consolidation as well. For instance, Ruhl (1996) who focuses on the detrimental effects of neo-patrimonial legacy on democratic consolidation also emphasizes that economic development level is crucial for the consolidation of democracy. Later, ‘in the economic development’ literature which has grown with more sophisticated quantitative analyses, the

positive effect of economic development on persistence of democracies has been diagnosed (Przeworski, Alvarez, Cheibub, & Limongi, 2000). Moreover, Epstein, Bates, Goldstone, Kristensen and O'Halloran's (2006) statistical analysis which takes into account different levels of democracy, shows that economic development does not only contribute to the regime stability but also paves way to democratic transitions and a better democracy. Despite different arguments about economic development's role in democratization –e.g. whether it causes democratization or not- economic development's impact on regime consolidation –therefore at least on 'negative consolidation' in Schedler's (1998) terminology- has almost become a minimal consensus. Democracies with robust economies seldom break down.

The study of economic factors in democratic consolidation is not limited to 'economic development'. For example, high inflation is argued to be an impediment to democratic consolidation (Gasiorowski & Power, 1998). Regarding the political economy of globalization, Li and Reuveny's (2003) research show that foreign direct investment (FDI) flow plays a positive role in the improvement of democracy although its effect decreases over time. Besides, the same research shows that trade openness and portfolio investments negatively affect democracy.

Following the 'political culture' approach, some scholars underline the importance of the civic engagement and mass attitudes. While Welzel (2007) shows that 'emancipative mass attitudes' (such as toleration, civic engagement and interpersonal trust) has positive effect in the improvement of democratic regimes, Tusalem (2007) in a similar fashion, demonstrates that civil society activism leads to the deepening of political and civil freedoms on the one hand, the betterment of institutional performance on the other hand.



International influence is the fourth major factor addressed in the democratization literature. First, the region where a country is located seem to play an important role for the prospects of democracy (Gasiorowski & Power, 1998). The geographical distribution of democratic surges across time attracts the attention of many scholars and this observation paves the way to theoretical explanations which underline alternative mechanisms emphasizing demonstration effect, emulation of 'big countries' or the role of regional organizations and economic zones. Similar to the proliferation in 'limited democracies' literature, there are different conceptualizations which capture this phenomenon, such as 'contagion effect' (Gasiorowski & Power, 1998), 'neighborhood effect' (Berg-Schlosser, 2008), 'democratic domino theory' (Leeson & Deab, 2009). Scholars, who seek to demonstrate the 'causal mechanism' of international influence mostly focus on two observable dimensions of international influence: economic ties and conditionalities. The literature on foreign aid effectiveness is still in search of the possible influence of foreign aid on democratization. For instance, Knack's (2004) large-N test on aid effectiveness shows that foreign aid does not have any democratization effect even in post-Cold War period. In their prominent article on international dimension of democratization, Levitsky and Way (2007) argue that both economic ties with democratic countries (linkage) and political conditionalities and sanctions attached to them (leverage) are together necessary conditions for democratization from outside. However, this approach which gives equal importance to both positive and negative sanctions is being criticized as it ignores the agency of domestic elites in the recipient country. Tolstrup's (2013) suggestion for considering the agency of domestic political elites as 'gatekeepers' who are capable of facilitating and constraining the international pressure for democratization is a call for bridging the domestic and international aspects of democratization.

Situational theories focus on the ‘agency’ in democratization processes and they underline elite’s role, interactions with each other and the mass. In fact, ‘consolidation’ was brought into scholarly attention by ‘transitology’ scholars who adopted the analytical perspective necessary for situational theorizing (Linz & Stepan, 1996; Mainwaring, 1989; O’Donnell, 1996). Situationalist perspective sheds light on the problems of consolidation by pointing out major deficiencies in ‘limited democracies’ such as undemocratic elite attitudes (Power, 1996), lack of horizontal accountability (O’Donnell, 1998) and exclusion (Lawoti, 2008). Besides, it successfully diagnoses crucial institutions and agents in consolidation processes like: military (Arceneaux, 1996; Karakatsanis, 1997; Norden, 1990), political parties (Anderson, 2009; Lobo, 2001; Randall & Svåsand, 2002) and political elites (Mainwaring, 1989; Power, 1996). However, studies from this perspective do not seem to deliver clear theories about problematic consolidations and how democratic consolidations prolong.

## **1.2. Research Design and Methodology**

Although protracted democratization scholars often converge on what protracted democratization is, the concept has not been operationalized vigorously. In the glossary of Brady and Collier’s seminal work on research methods in social sciences, Seawright and Collier provide a very concise definition of operationalization: “[t]he process of using indicators to measure concepts” (2010, p. 342). Given that definition, the fundamental component of any operationalization attempt is the indicator which is susceptible to be applied to every observation of interest. As the protracted democratization is about the slowness of democratization processes, operationalization of the concept requires an indicator for the pace of democratization across countries. Although there is no conventional indicator of democratization pace yet, it is

possible to come up with one thanks to available democracy indices which measure the level of democracy in various countries across years. Following the debates around the weaknesses and strengths of alternative indices, I decided to use Polity IV dataset's polity2 variable –which measures the democracy level of political systems on the basis of inclusiveness and effectiveness of (1) executive recruitment mechanisms (i.e. elections), (2) executive constraints (i.e. separation of powers, checks and balances...etc.), and (3) political participation (Coppedge, Gerring, Altman, Bernhard, Fish, Hicken, . . . Teorell, 2011; Munck & Verkuilen, 2002)<sup>12</sup>.

According to the Polity IV dataset, which covers the period until 2011, there are 91 democracies in the world (i. e. countries with a polity2 score higher than 5)<sup>13</sup>. 45 out of these 91 countries have undergone a democratization process in the aftermath of the World War II<sup>14</sup>. In other words we have 45 successful or ongoing post-World War II democratization episodes (see *Table 1.2.*)<sup>15</sup>.

---

<sup>12</sup> To construct an indicator of democratization pace of all post-World War II democratizations, I needed an index (a) using an ordinal or interval scale measurement (but not a nominal indicator) (b) for as many countries as possible (c) covering the whole period since 1945. Polity2 variable in Polity IV index stands out as an appropriate option to be used in the making of democratization pace indicator as it provides an ordinal scale measurement (varying from -10 for the most autocratic regimes to +10 for a full democracy) for almost all sovereign states since 1810. Besides the index is very frequently used in the democratization literature given its clear and minimal conceptualization of democracy which focuses on the characteristics of major political processes (i.e. competitiveness of participation, regulation of participation, competitiveness of executive recruitment, openness of executive recruitment and constraints on executive).

<sup>13</sup> All computations and case selections were made according to the most recent update of the Polity IV dataset - available in June 2013.

<sup>14</sup> Exclusion criteria for 46 cases were (1) being an early democratizer (i. e. first wave or second wave democracies, such as the US or UK), (2) not experiencing authoritarianism (never or never after World War II, like France), (3) showing a reversal trend (e.g. Belgium, Colombia and Venezuela). Besides, polities without an authoritarianism experience following their breakup from Yugoslavia and the USSR are excluded as well, as it is cumbersome to trace continuities and ruptures in such transitions coupled with new polity making processes.

<sup>15</sup> A democratization episode is a period during which a polity undergoes a democratization process which is not interrupted by coups, revolutions or any kind of democratic reversals. It starts when an increasing trend in Polity2 score is observed and it is considered to be finalized when a consolidated democracy is achieved (getting +10 full democracy score). For instance, Portugal's democratization process begins in 1973 when the authoritarian regime in the country starts to open up itself and ends in 1982 when the country is attributed the full democracy score of 10 for the first time since the beginning of transition. As a result, Portuguese democratization episode is a 9-year period. For countries who have not achieved a full democracy yet, the democratization is considered an ongoing process and the democratization period covers the time passed

The pace of democratization episodes is calculated according to the formula given below:

$$\frac{\text{Democratic change}}{\text{Length of the democratization episode}}$$

(i.e. increase in democracy score since the beginning of transition from authoritarian rule)  
(i.e. number of years since the beginning of transition from authoritarian rule)

By applying this formula to the corresponding values for our population of 45 democratization episodes, we get an average democratization pace of 1.13 and a population median of 0.74.

Although these numbers help us to some extent to understand what a protracted democratization is, they do not suffice to provide a yardstick to distinguish rapid democratizations from slow ones. Given the difference between the average and the median, it is obvious that the population does not have a normal and symmetric distribution – it is quite right-skewed. To put it more precisely, majority of the cases in the population democratize below the average pace, only 10 out of 45 cases have an above the average democratization pace. In order to have a more discrete demarcation between rapid and protracted democratization episodes, I suggest using the inter-quartile range (IQR) which will provide a clear-cut separation between two types –namely rapid democratizations and protracted democratizations. Therefore, cases with a democratization pace which is higher than 1.08 are qualified as rapid democratizers, whereas polities which have undergone a democratization process below the rate of 0.57 are considered as protracted democratizations (see *Table 1.3*).

---

since the process started until 2011. For example, Turkish democratization starts in 1982 with the making of the new constitution which paved to the first multiparty elections in the aftermath of the military rule, but the country fails to become a full democracy as of 2011 despite not experiencing any concrete reversals. Therefore, Turkey’s democratization episode is a 29-year period.

*Table 1.2. - Post-World War II democratization episodes, 2011*

Countries	Beginning of Transition from Authoritarianism		Consolidation		Democratization	
	Year	Regime Score	Year	Status	Regime Score	Pace
Portugal	1973	-9	1982	Full Democracy	10	2.11
Greece	1973	-7	1986	Full Democracy	10	1.31
Spain	1974	-7	1982	Full Democracy	10	2.13
Dom. Rep.	1977	-3		Democracy	8	0.32
El Salvador	1978	-6		Democracy	8	0.42
Honduras	1979	-1		Democracy	7	0.25
Argentina	1982	-8		Democracy	8	0.50
Turkey	1982	-5		Democracy	9	0.48
Guatemala	1983	-7		Democracy	8	0.54
Uruguay	1984	-7	1989	Full Democracy	10	3.40
Brazil	1984	-3		Democracy	8	0.41
Philippines	1985	-6		Democracy	8	0.54
Taiwan	1986	-7	2004	Full Democracy	10	0.94
South Korea	1986	-5		Democracy	8	0.52
Hungary	1987	-7	1990	Full Democracy	10	5.67
Chile	1987	-6	2006	Full Democracy	10	0.84
Mexico	1987	-3		Democracy	8	0.46
Poland	1988	-6	2002	Full Democracy	10	1.14
Panama	1988	-8		Democracy	9	0.74
Paraguay	1988	-8		Democracy	8	0.70
Romania	1988	-8		Democracy	9	0.74
Mongolia	1989	-7	1996	Full Democracy	10	2.43
Cape Verde	1989	-3	2001	Full Democracy	10	1.08
Albania	1989	-9		Democracy	9	0.82
Benin	1989	-7		Democracy	7	0.64
Bulgaria	1989	-7		Democracy	9	0.73
Ghana	1989	-7		Democracy	8	0.71
Nicaragua	1989	-1		Democracy	9	0.45
Mali	1990	-7		Democracy	7	0.67
Guyana	1991	-7		Democracy	6	0.65
Malawi	1992	-9		Democracy	6	0.79
Sierra Leone	1995	-7		Democracy	7	0.88
Burundi	1997	-5		Democracy	6	0.79
Croatia	1998	-5		Democracy	9	1.08
Indonesia	1998	-7		Democracy	8	1.07
Lesotho	1998	0		Democracy	8	0.62
Comoros	1999	-2		Democracy	9	0.92
Peru	1992	-2		Democracy	9	0.57
Senegal	1999	-1		Democracy	7	0.67
Kenya	2001	-2		Democracy	8	1.00
Liberia	2002	0		Democracy	6	0.67
Guinea-Bissau	2004	-1		Democracy	6	1.00
Nepal	2005	-6		Democracy	6	2.00
Pakistan	2006	-5		Democracy	6	2.20
Niger	2009	-3		Democracy	6	4.50
					Average	1.13

*Table 1.3. - Rapid democratizers and protracted democratizations, 2011*

Rapid Democratizers			Protracted Democratizations		
Countries	Democratization Pace	Consolidated (Yes/No)	Countries	Democratization Pace	Consolidated (Yes/No)
Hungary	5.67	Y	Philippines	0.54	N
Niger	4.50	Y	Guatemala	0.54	N
Uruguay	3.40	Y	South Korea	0.52	N
Mongolia	2.43	Y	Argentina	0.50	N
Pakistan	2.20	N	Turkey	0.48	N
Spain	2.13	Y	Mexico	0.46	N
Portugal	2.11	Y	Nicaragua	0.45	N
Nepal	2.00	N	El Salvador	0.42	N
Greece	1.31	Y	Brazil	0.41	N
Poland	1.14	Y	Dominican Rep.	0.32	N
			Honduras	0.25	N

As can be seen in *Table 1.3.*, majority of the rapid democratizers are consolidated democracies and the cases which are going to be analyzed in my research –namely Turkey, Mexico and the Philippines- fall under the protracted democratization category. Therefore, thanks to this suggested operationalization, the eligibility of these democratization episodes as cases of protraction is demonstrated.

When we look at the 21 cases which we could classify as either a rapid democratizer or a protracted democratization, comparing Turkey, Mexico and the Philippines in a most different systems design (MDSD) stands out as an appropriate strategy. First, it is very difficult to build a most similar systems design (MSSD) which necessitates the selection of two cases similar in everything but different in terms of democratization pace. Perhaps, comparing Argentina with its neighbor Uruguay -a rapid democratizer- might have been a tenable alternative. Second, the study of Mexico, Turkey and the Philippines -given their differences with regards to the conditional factors- increase (1) the chances of ruling out possible alternative explanations for

non-consolidation as much as possible and (2) generalizability of the common causal explanation for protraction (see *Table 1.4.*).

**Table 1.4. - Mexico, Philippines, and Turkey as dissimilar cases of non-consolidation**

		<b>Mexico</b>	<b>Philippines</b>	<b>Turkey</b>
<b>Politico-historical characteristics</b>	<b>Region</b>	Central America	Southeast Asia	Southern Europe - Middle East
	<b>Historical background</b>	Post-colonial (Spanish)	Post-colonial (Spanish and American)	Post-imperial
	<b>Pretransition system</b>	Electoral authoritarianism	Personalistic authoritarianism	Interim military authoritarianism
	<b>Previous experience with democracy</b>	No	Yes	Yes
	<b>Mode of transition</b>	Transplacement	Replacement	Transformation
	<b>Constitution</b>	Pre-transition	Post-transition	During-transition
	<b>Administrative structure</b>	Federal	Unitary	Unitary
	<b>System of government</b>	Presidential	Presidential	Parliamentarian
	<b>Legislature</b>	Bicameral	Bicameral	Unicameral
	<b>Political parties</b>	Consolidated multipartism	Weak multipartism	Non-consolidated multipartism
<b>Socio-economic indicators World Bank, 1990<sup>16</sup></b>	<b>Economic development</b>	Upper-middle income	Lower-middle income	Upper-middle income
	<b>Literacy rate (15+ years) (%)</b>	88	94	79
	<b>GDP per capita (USD)</b>	6019	2592	6132
	<b>Population living in slums (%)</b>	23	54	23
	<b>Urban population (%)</b>	71	49	59

To fill the theoretical gap addressed in the literature review section about the role of the agents and their interactions in the democratic consolidation, the present study is after a generalizable agency-based explanation for persistent democratic non-consolidation: *How do actors (inter)act in the protracted democratization processes –redefined as ‘minimal democracies’ which fail to*

<sup>16</sup> The year 1990 is selected as an appropriate time for a descriptive comparison of the key structural factors in three countries’ regarding the key structural factors during the early years of transition and consolidation.

*transform into liberal democracies for decades?* As this broad research question suggests, this is a theory-building endeavor about non-consolidation of democracy, more precisely an attempt for an ‘analytic induction’ during which a theory-seeking effort is in constant interaction with the data being accumulated throughout a process-tracing task, across three historical periods; namely three democratic consolidation episodes: Turkey 1983 – 2011, Mexico 1990-2011 and the Philippines 1986-2011<sup>17</sup>. With regards to the analytical discussions, the approach adopted in this research is inspired by Capoccia and Ziblatt’s (2010) seminal article about the ‘historically-informed and theoretically driven’ comparative study of democratizations and is constructed according to the very suggestion of the article -namely ‘the study of historical episodes’.

Although this is an inductive endeavor, I sought to acquire some analytical anchors, in order not to be lost by switching to an equally-valuable historiography effort. Therefore, following an exploratory historical analysis of these democratization episodes at large, I ended up with a bunch of analytical assumptions based on which I could construct a theoretically fruitful analytical framework. These analytical assumptions were:

- (i) As democracy is a *set of institutions*, in protracted democratization cases, there are problematic institutions which make these regimes ‘defective democracies’.
- (ii) These polities are stuck in the ‘gray area’ between authoritarianism and liberal democracy due to (1) the failure to abolish some persistent institutions which impede

---

<sup>17</sup> See Mahoney and Rueschmeyer (2003) for an elaborate discussion on the ‘analytic induction’. The analysis of the democratic consolidation episodes spans from the year of transition for each country to 2011, which is the last year covered by the Polity IV when the research started, as previously noted. However, the analyses of some reform episodes extend beyond 2011. This preference is to achieve a better analysis of persistence in key deficiencies (see the ‘near-misses’ in Chapter 5) and to enlarge the sample with subsequent reforms for the resolution of fundamental deficiencies which can be traced back to the early years of post-transition periods (e.g. question of ‘non-reelection’ in Mexico, Chapter 3).



democratic deepening, or (2) making of new institutions and provisions amenable to a liberal democracy.

- (iii) These cases which suffer from non-consolidation of the democracy are ‘defective democracies’ and the problematic institutions may vary across cases. Therefore, focusing on particular institutions across cases is misleading. For instance, while civil-military relations is an issue in some countries (e.g. Turkey and the Philippines); it is not the case in another (e.g. Mexico).
- (iv) Problematic institutions can be revised, changed, dismantled or replaced *through reform processes. Democratic consolidation occurs via reforms, in parts and pieces*<sup>18</sup>. Hence, the unit of analysis in this research is ‘reform episodes’ –which correspond to successful or failed initiatives of institutional change in the issue areas which make the political system in these countries ‘defective democracies’.
- (v) In every reform process, there are pro-change and anti-change actors –who interact in a competitive setting with power distribution susceptible to change over time. Their actions can be related to power calculations and interests or guided by ideas and ideologies<sup>19</sup>.

Under the light of these assumptions, I ended up with the following final research question:

*How do democratic reforms happen in defective democracies? Why do some reforms constantly fail and therefore these polities remain as non-consolidated democracies which suffer from ‘protraction’?*

---

<sup>18</sup> The analysis of the failed ‘new constitution making’ efforts in Turkey in Chapter 5, justifies this assumption empirically.

<sup>19</sup> I avoid to assume ‘pro-democratic’ or ‘anti-democratic’ credentials of the actors -as their position is susceptible to change or vary across different issue areas and across time –therefore across different reform processes- depending on their ideological positions or calculations.

Based on an exploratory historical review, I detected and traced more than 20 successful and failed reform processes, which correspond to democratically problematic institutions –which impede free participation, fair competition and democratic government. At that stage, I relied on two major sources: (i) secondary literature which depicts and illustrates the political history of these countries, (ii) earlier research which focuses on the challenges of democratic consolidation, (iii) reports published by international organizations which oversee the democratic transformation processes in these countries, such as Bertelsmann Stiftung and Freedom House and (iv) finally an international press review covering the entire democratization episode in each country –based on the outputs generated from a search performed on the *LexisNexis Academic* media database.

For the analyses of each reform process, I adopted the analytical strategy of ‘reading the history forward’ upon the suggestions of Capoccia and Ziblatt, to better understand the evolution of the institution and the actors’ positions in the order they actually took place throughout the history<sup>20</sup>. To achieve a multilateral perspective, I sought to diversify my primary resources as much as possible<sup>21</sup>. The qualitative analysis of the archival data yields the following general findings to be presented in the final section of this chapter.

---

<sup>20</sup> “‘Reading history forward’—that is, adopting an *ex ante*, rather than hindsight, approach—is crucial to reconstruct what actors were actually fighting about and assess the respective causal force of structural and conjunctural factors in creating democratic institutions. Episode analysis identifies the key political actors fighting over institutional change, highlights the terms of the debate and the full range of options that they perceived, reconstructs the extent of political and social support behind these options, and analyzes, as much as possible with the eyes of the contemporaries, the political interactions that led to the institutional outcome” (Capoccia & Ziblatt, 2010, p. 943).

<sup>21</sup> For each country, I picked at least one national newspaper which has a detailed coverage of national politics from (or at least close to) the ‘political center’ –namely, *Milliyet* for Turkey, *Manila Standard* and *Philippine Daily Inquirer* for the Philippines and *El Informador* for Mexico. I complemented the data provided from these national media outlets with the outputs of the international press review which I achieved through reform-specific keyword searches in the Lexisnexis Academic database. To better understand the actors’ positions, I gathered speeches and statements of the political actors from government or independent databases. These were mostly State of the Nation Addresses for Mexico and the Philippines and party programs and verbatim reports of the Parliamentary sessions for Turkey. Moreover, I used the government

### 1.3. Key Findings

Major finding of this research which seeks to explain how democratic consolidation reforms succeed and fail can be grouped under two headings: ‘explanation of processual mechanism’ and the ‘actors’ credentials and roles in these processes’. The first major finding of this study with regards to the reform processes is the equal importance of power distribution and ideas – as the persistence or change of both are observed to affect the success or failure of the reform process. Two key factors – ‘*opening of the window of opportunity*’ and ‘cohesive discourse’- which lead to a successful reform process actually focus on both calculations and ideas of the actors<sup>22</sup>. A *window of opportunity* is a time period during which a reform debate and bargaining become possible. They mostly start when (a) the power distribution among actors is (about to be) shaken and/or (b) the cost of the preservation of the institution as it is increases drastically. In the political context, they mostly correspond to the *election cycles*. 13 out of the 22 major successful reform processes are triggered by a recent incumbent change, or started just before the elections. This actually makes sense from a rational choice point of view. As the elections near, political actors feel the urge to re-consider the rules of the game -especially in the early years of democratic experience in order to increase the legitimacy of the system which they are (or became) a part of- (See the Lift of Ban on the pre-coup politician in Turkey in 1987, which is followed by the general elections; and two consecutive electoral reforms in Mexico –the

---

documents such as constitutions, laws, executive orders, commission reports related to the reform areas. Finally, in addition to the publicly available interviews with major political figures, I conducted semi-structured interviews with the Turkish MPs (February-March 2016) on the failed Constitutional Reconciliation Commission and post-transition political reforms –to better grasp their parties’ positions regarding the democratic deepening which Turkey has underwent after the end of the 1980 military authoritarian regime.

<sup>22</sup> The significance of these concepts will be discussed briefly in Chapter 5, with references to some fundamental theoretical distinctions available in the institutional change literature.

abolition of the governability clause and the IFE reform in 1996). On the other hand, after the incumbent change, incoming leaders and parties are under the pressure of showing their democratic credentials; or they seek to prove their leadership skills by overcoming a crucial problem of the country<sup>23</sup>.

However, all reforms do not depend on the actual or potential power distribution changes in the competitive playfield. Sometimes the cost attached to the preservation of the institution as it is, changes due to external or unexpected factors. The seizure of the PKK leader Öcalan in Turkey, the 1994 EZLN revolt, and finally failed coup attempts which sought to overthrow Aquino and later Macapagal-Arroyo in the Philippines served as the catalyst for reform processes. Nonetheless, these external treatments are not always negative. Sometimes carrots attached to the reforms make reforms more desirable or less contestable. For instance, Turkey's accession to the European Union (EU) – including its antecedent, European Economic Community (EEC)- and the prospective benefits attached to it, provided an additional motivation for the political class, and timing of some key reforms coincide with the turning points in the accession process (see the Constitutional reforms in 1987 and 1999-2004 period). However, such positive sanctions are neither necessary nor sufficient for reforms. Majority of the reforms analyzed in this study have nothing to see with international convergence or norm diffusion processes. Besides, the mere existence of linkages or leverages do not trigger reforms, as domestic actors – ‘gatekeepers’ as Tolstrup (2013) calls them- have the final say on whether to initiate or not particular institutional changes<sup>24</sup>.

---

<sup>23</sup> Abolition of the Philippine Constabulary and Anti-Subversion Law by the incoming presidents Aquino and Ramos, respectively; the end of the TRT's radio television broadcasting right after DYP's Çiller becomes the PM, or Zedillo's electoral and judicial reforms are typical examples of 'post-incumbent change' reforms.

<sup>24</sup> The AKP's resistance to the reform on 10% Electoral Threshold since it first came to power and the PRI's refusal to take the IACHR's ruling into account for the rapid abolition of the governability clause in Mexico.

The second component of the reform processes is the ‘cohesive discourse’ where the ideas come into play as much as calculations. A cohesive discourse is a politically significant and relevant justification for reform, through which not only the political elites are motivated for reform, i.e. formation of a *pro-reform coalition* if necessary- but also potential anti-change actors –veto players, civilian or military bureaucracy, political rivals, or other pressure groups- are persuaded for reform, or at least pacified. As signaled in the very first sentence, ‘cohesive discourse’ refers to two realms: calculations and ideas. On the one hand, it can increase the cost of opposing to the reform, on the other hand it reformulates the reform in a way that the pro-change actors can win the potential opponents over –i.e. convinces the anti-change actors. Two different reform initiatives –which are going to be presented in length in the country chapters are very illustrative of the dual function of the cohesive discourse vis-à-vis winning over the potential opponents: Namely the Anti-Subversion Law of the Philippines and the Access to Information Law in Mexico.

The Philippines’ Anti-Subversion Law is one of the oldest institutions to filter and control the political participation in the country. It predates the Marcos’ dictatorship and first introduced during the heyday of the Communist insurgency in 1950s. The law was for the persecution of the members of the communist organizations –whether from the political or armed wing. In 1992, Ramos’ election as president constituted a *window of opportunity*. The most likely opponents of the abolition of the law were (i) the military who were still in fight against the Communist rebels and (ii) ultra-nationalist military factions which have staged nine military coup attempts just in three years to overthrow the previous president Aquino. Ramos, in his very

---

Selective use of the ‘international influence’ is more remarkable in the former case, as the party implemented a series of other democratizing reforms suggested by the EU–such as the abolition of the DGMs and the civilianization of the MGK at the very same period.

first State of the Nation speech, entitled ‘Reform, Change and Growth’ on July 27, 1992, presented his roadmap for a multilateral peace plan. In addition to an amnesty wave, Ramos called for the legalization of the Communist Party -by urging the congress to abolish the Republic Act no. 1700 -aka Anti-Subversion Act. In a few months, the law was abolished. But how come was that possible? Ramos’ peace plan -which loosened the grip on the left-wing politics had two major characteristics. The peace plan was built on the simultaneous execution of three reconciliation processes, including the ultra-nationalist military rebels. Besides, the pro-reform discourse was admissible for the Armed Forces of the Philippines (AFP) too. The key notion of the process was ‘national unification’ and the very institution to determine and execute the roadmap for the whole process was named after that. Moreover, the AFP was considered almost as an equal partner to the Department of Defense in the execution of the roadmap. Therefore, the abolition of the Anti-Subversion Law justified by the discourse of ‘resilience of democracy and free market of ideas’ as an offshoot of the ‘national unification’ – made the likely opponents, stakeholders and beneficiaries.

For decades, Mexico was renowned for its very opaque state apparatus, managed by a hegemonic party -namely the PRI- through uncompetitive elections in a corporatist system. There were almost no channels for access to public information despite the 1977 Constitutional Reform which introduces the following article: “El derecho a la informacion sera garantizado por el Estado” – which means the right to information is guaranteed by the State. The window of opportunity for that reform came after the 2000 Presidential Elections which resulted with the first-ever incumbent change in the history of Mexico. The candidate of the center-right PAN, Vicente Fox became the president, he was known to be preparing an extensive reform agenda for deepening of the democracy in Mexico. However, in this particular reform area, his party

could choose to benefit from the non-transparent state apparatus, which would grant it the unaccountability and impunity privileges once its predecessor PRI enjoyed. During this window of opportunity, the pro-reform coalition was formed by a very unlikely actor: a civil society initiative called *La Red Mexicana de Protección a Periodistas y Medios* -also known as the Oaxaca Group. In a very pro-active campaign, this civil society initiative prepared a very progressive law initiative and succeeded in getting the support of all the opposition parties in the Congress. Meanwhile the PAN prepared a relatively conservative draft -which attributed the upper hand to the executive branch in the management of the access to information process. However, the Oaxaca Group stood as the winner of a months-long struggle with the incumbent and its draft was adopted by the congress by all political parties -including the PAN.

The Oaxaca Group's emphasis on the need of a 'genuine' reform, not only served as cohesive discourse for the formation of the pro-reform discourse, but also put the incumbent party's democratic credentials at stake. The congressional coalition supporting the Oaxaca Initiative held a congressional majority in both chambers, and the Oaxaca Group played the game accordingly (Villanueva, 2002). If the incumbent party refrained from joining the pro-reform coalition and insisted on giving no compromise over Fox' law initiative, the party's reformist image would be damaged severely. In this case, although the incumbent change had triggered the reform process by opening the window of opportunity which the reformists were eagerly waiting for, neither the president himself nor his party in the Congress could steer the reform process and determine the content of the law initiative.

These two illustrative examples which I summarized in order to illustrate how two necessary components of the reform processes –namely window of opportunity and cohesive discourse-

work, lead us to the question of ‘agency’, *who* are the ‘reformers’, and who *does/can* forge cohesive discourses?

First, thanks to the *Assumption V*, this research succeeded in better diagnosing the agents in the reform processes –without attributing inherent and immutable pro-democratic or anti-democratic credentials to the players. It turns out, pro-reform actors are not necessarily pro-democratic actors in reality either. Pro-reform actors can be ambivalent with regards to ‘democratization’. For instance, the AKP of Turkey, which was a pro-reform agent in the civilianization of the National Security Council reform, resisted to the opposition parties’ consecutive law initiatives for a lower electoral threshold in 2010 and 2011. Corazon Aquino - first ever democratically elected president of the Philippines after the Marcos dictatorship, is another good example for the democratic ambivalence of the actors. Despite her role in the transition of country to democracy and the making of its democratic constitution. She avoided the Anti-Dynasty Law -which would end the hegemony of the influential families in the Filipino politics, although this law was required for the implementation of a constitutional principle.

Second, the cohesive discourse of a reform process does not necessarily originate from the incumbent –even though the incumbent change itself opens the window of opportunity. Third, an actor who initiates a reform, may lose the control of the process and the entire reform can be hijacked and steered by another. Actually, the case of Mexican Access to Information Law, briefly described above is very illustrative of the second and third findings with regards to the agency. Although the reform process is triggered by an incumbent change (Fox presidency), neither the cohesive discourse was introduced; nor the reform process could be steered by the incoming government. Besides, his agency was overshadowed by a very unlikely actor, the Oaxaca Group, a citizens’ initiative



Fourthly, in some cases, potential anti-change actors (or veto players) can become pro-reform actors and they may even trigger the reform process. Turkish Armed Forces' role in the civilianization of the State Security Courts –i.e. DGMs- is a remarkable example for the latter. The military took an active role in the civilianization of these courts, where military judges and prosecutors are involved, in prior to the Öcalan trials – in order to increase the judicial legitimacy of the organ in the eyes of the international community. In this case, the seizure of the PKK leader Abdullah Öcalan –as an external shock- changed the cost of the reform for a player –a potential veto player- and turned it into a pro-reform actor.

Finally, the cross-case comparison shows that the systemic design -having a parliamentarian or a presidential system- and the level of political party institutionalization and party discipline are very relevant to who the crucial players are in the reform processes. In contrast to Turkey, in Mexico and in the Philippines, presidents play a crucial role in the democratic reform processes. In Turkish parliamentarian system, political parties are significant players; therefore interparty-bargaining processes –especially in the parliamentary commissions- have a decisive effect on the reform outcome. Additionally, we observe that civilian and military bureaucracy has played an important role in the making and the failure of the reform processes in the country –especially in the early decades of the tutelary democracy set under an interim military authoritarian regime.

The most striking common characteristic of the reform processes in the Philippines -in contrast to the reform processes analyzed in Turkish and Mexican cases- is the ineffectiveness, invisibility and almost non-existence of the political parties. Filipino political parties are weak and ephemeral institutions which mostly fail to provide programmatic policy guidelines and ties among legislators. Therefore, presidents stand as the most significant players in the reform processes. Under these circumstances, bicameral legislature is sometimes an accessory in the

reform processes -as it has been the case in Ramos' peace initiative. However, that does not make the presidents "kings" in the reform processes. For instance, although Gloria Macapagal-Arroyo was the longest serving president of the post-transition era, she failed to pursue a reform agenda: as she did not have a legislative support behind her -due to lack of solid political party network which would link herself with the congressmen and due to her declining credibility overshadowed by several scandals and corruption allegations which cost her the senatorial majority in the 2007 Elections. In that setting, the congress itself sometimes turns into a significant veto player, as a body which is resistant to change, depending on the vested interests of the legislators who are difficult to motivate if and when additional institutional ties - such as strong political party committees- which may prevail over their individual resistance are lacking. In such confrontational matters, in weak party settings, presidents' chances to form a pro-reform coalition in the congress are pretty low, and this has been the case in Noynoy Aquino's failure in the Anti-Dynasty Bill reform in 2015 (see Chapter 5).

In the three chapters which follow this one, I will show how my analytical framework which is built on two necessary components, namely *the window of opportunity* and *the cohesive discourse*, works in three very dissimilar cases of defective democracies, showing significant differences across institutional designs and structural factors.

In Chapter 2, I present the analyses of several major reform processes in Turkey which touch upon five issue areas, corresponding to the institutional offshoots of *the tutelary democracy*, designed as a 'parochial parliamentary system' under an interim military authoritarian regime in Turkey: namely (1) the lift of ban on politicians introduced after the 1980 military coup by the military-authoritarian rulers, (2) liberalization of radio and television broadcast by putting an end to public broadcasting company TRT's monopoly, (3) civilianization and then the

abolition of the State Security Courts (DGM), (4) democratization of the National Security Council (MGK) and finally (5) liberalization of the legal framework on political party dissolution.

In Chapter 3, I analyzed six major reform processes which have transformed the political landscape of the Mexico which was originally *a stable electoral authoritarian system*. These six reforms correspond to the betterment of two democratic deficiencies of the Mexican political system – namely (i) the levelling of the competitive playing field, which has been unfairly contributing to the PRI's hegemony; (ii) the restructuring of some state institutions in order to separate state as a distinct entity from the government -which used to control the former entirely so that the latter could not be hold accountable horizontally.

In Chapter 4, I focus on the Filipino democratic consolidation by addressing two major democratic issues: the inclusiveness of the democracy and stability/governability. The Philippines is a cacique democracy, where the political dynasties have expanded and survived despite some reform attempts. Politicians who do not come from affluent families face an undeniable disadvantage over organizational capabilities and economic resources, as they compete against the members of politically and economically influential families and clans which hold on to their deep roots in the localities. Secondly, military factionalism –which engender waves of mutinies and coup attempts has been a great challenge to democratic governance and political stability. In some occasions, presidents had to reconsider their policy positions and appointment decisions to save their seats and maintain governability under the threat of military factions.

Chapter 5, is an attempt to recapitulate some of the major findings suggested in this research, based on the analysis of three persistently failed reform episodes, which contain some instances

of near-miss. The chapter concludes with an inquiry into the political elites' potentials as democratizing agents, vis-à-vis their ideational/ideological constraints and vested interests in the preservation of status quo and a reconsideration of the theoretical suggestions and analytical limits of the study in dialogue with some major concepts of the institutional change literature.



## CHAPTER II

### TURKEY

#### **Undoing of a tutelary democracy designed by an authoritarian restoration government**

##### **2.1. Introduction: Political landscape and an overview of reform dynamics**

The latest democratization episode in Turkey started in 1982 and the democratic defectiveness of the regime born out of a controlled transition process is partly ‘by design’. In country’s democratic history, which has started decades before the 1982, military bureaucrats positioned themselves as privileged overseers and the protectors of the republic – who were capable of intervening when they perceive a political impasse or a vital crisis threatening the social order and the political system. The 1980 military coup was an intervention as such, in the aftermath of which a military authoritarian government sought to address the ills of the ‘collapsed democratic system’, by introducing remedial institutional measures. Their solution was a tutelary democracy where the power and the representativeness of the legislature -namely the Grand National Assembly of Turkey (TGNA), *Türkiye Büyük Millet Meclisi (TBMM)* in Turkish-were curtailed on purpose. This was theoretically in contradiction with the characteristics of the parliamentarianism -which was the model in the image of which institutional setting was seemingly constructed.

The rationale behind this preference was the military authoritarian elites' interpretation on the previous democratic crisis and breakdown – which the 'capricious' political elite was held responsible for. In the new realm, political elite -i.e. the elected component of the government- was sought to be tamed and held under the control of the state elite by (i) restricted participation mechanisms and (ii) a centralized oversight figure, namely the president of the republic, who was attributed a series of extraordinary authorities -such as an unbalanced power in the higher bureaucracy appointments and expanded executive authorities, transcending the ideal president of the text-book parliamentarianism -where the former is the head of state insulated from the political competition, decision-making and rivalries.

In Turkey, although political parties and party system turned out to be ephemeral and unstable in the post-1982 period, one can easily diagnose politically relevant cleavages and their representatives in the political landscape. As in many Western European democracies, the most prominent political cleavage which divides the political center has been a classical left / right dichotomy, throughout the consecutive democratic episodes (1946 – 1960, 1961 – 1980, post-1982) interrupted by military interventions. While the parties in the center-left tradition were all secularist, and for a more statist economy; the center-right politics was a more religiously-conservative and economically liberal alternative to the former. What is unusual in this dichotomy -in comparison to majority of Western democracies- is about the nature of the relationship between the left of the center parties and the state itself. As the republican order and state apparatus was set during the single-party government-of the Republican People's Party – *Cumhuriyet Halk Partisi (CHP)*- there has been almost a symbiotic relationship between the parties of the center-left, -which were the descendants of the CHP- and the state elite – i.e. high

military and civilian bureaucracy<sup>25</sup>. On the other hand, the center-right parties mostly relied on the electoral support of the more conservative masses and established a populist relationship with their electorate.

Under these circumstances, after the restoration of the competitive democratic system in 1983, unfortunately, the mainstream debate around the defectiveness of the playing field generally revolved around an unsystematic, unfocused and non-cooperative reform demands by the actors in the political center -as they were in the pursuit of preserving their power against their rivals or even expanding them further. For instance, right of the center parties -which consistently surpassed their rivals on the left side of the political spectrum- have brought up the ‘transition to presidentialism’ as a remedy, when they come to power. From a rationalistic point of view, the presidentialism would be to the benefit of big parties in the right, as it would prevent the risk of power sharing in the executive branch and would decrease the chances of potential victories of minor parties -which would fail to accumulate a majority support in the elections. Based on a similar calculation, left of the center parties were against the presidentialism which would be detrimental to their prospects of political victory -as the median Turkish voter has traditionally been on the right of the center. Chances of a candidate from the left would be very bleak.

In general, center of the left parties were accused of being anti-change and pro-status quo by the center-right parties. This was not only about their resistance to the transition to presidentialism. On the one hand, the CHP has traditionally held onto its ‘pride’ for having established the ‘republican as it is’ – therefore historically speaking, the CHP has admitted a more pro-

---

<sup>25</sup> In Turkish democracy, center-left parties -i.e. the CHP and its successor- were mostly in good terms with the state elite as it is going to be illustrated later in this section, while the dynamics of antagonism between center-right DP and CHP are analyzed. Belge’s (2006) analysis of the Constitutional Court decisions between 1962 and 1982, reveals how this ‘republican alliance’ -composed of military and civilian bureaucracy and the CHP in the political realm- is reflected in the court rulings.

establishment outlook. Besides, these parties -in parallel to their genetical affinity with the high bureaucracy- were in favor of the preservation of the ‘bureaucratic traditions’ and democratically problematic insularity in the bureaucratic appointments, especially in the high judiciary – which constituted another pillar of the post-1982 tutelary democracy. However, this mutual relationship was more than a ‘pact’ for the preservation of the republican values<sup>26</sup>. Center-left parties sought to complement their comparatively limited power in the legislature, by taking advantage of the ‘republican alliance’ as a counter-majoritarian tool. In sum, although both sides of the center, perceived the post-1982 system as ‘democratically defective’, their foci and systemic proposals have diverged. This antagonism in the political center vis-à-vis systemic reforms has overlapped with parties’ self-images -i.e. center-right as ‘the representative of the national will’, center-left as the ‘safeguard of the republic’- and made sense in the competitive electoral realm. While the right-wing parties -relying on their superior electoral performance- were keener on opening the state institutions to the influence of the elected official, their center-left rivals were generally for the preservation of the insularity of these institutions which gave them chance to counter-balance the political power of their adversaries dominating the elected offices.

---

<sup>26</sup> In the post-1982 period, especially during the right-wing parties’ hegemonic governments (1983 – 1991 ANAP and post-2002 AKP governments), this mutualist cooperation scheme persisted. The SHP and CHP - consecutively- relied on the advantage of this ‘republican alliance’ as a counter-majoritarian mechanism - to overturn and block the incumbents’ actions in key decision-making processes -which they perceived to be of crucial importance for the preservation of the ‘republican principles’. The continuation of this counter-majoritarian mechanism depended on the insularity of the high judiciary appointments from the influence of the directly-elected components of the government -which have been traditionally-dominated by the right of the center political actors. Under these circumstances, presidential elections held in the parliament and reforms to alter the appointment rules have always been crisis-prone incidents. From the center of the left parties’ perspective, politically motivated right-wing presidents could damage the insularity of the state bureaucracy due to their extensive appointment powers and hence were considered as dangerous for republican values.



In addition to this dynamic which shaped the reform-related interactions of the actors in the center, the system was designed in a way that it curtails the potentials of the minor political parties -due to their potentials to shake the systemic stability and challenge the state's constitutionally defined and guaranteed immutable characteristics: secularism and unitary structure. With that regards, Islamic and pro-Kurdish political movements are strong challengers of the ideological center<sup>27</sup>. They survived the state's systemic resistance mechanisms<sup>28</sup>. The system was institutionally-designed in a way that it protects itself by narrowing the political spectrum, almost like a centripetal force which seeks to accumulate the power away from the ideological margins artificially. 'Governability' and 'stability' have been placed as vital principles of the new order, and system's restrictive institutions were legitimized on these pillars. The very last significant factor -but not a direct player in the game- is the international organizations which the country is a member of. The most important of these are: (i) the NATO -which sealed country's political position in the democratic Western bloc throughout the Cold War, (ii) the Council of Europe -which set a series of democratic standards and provided an oversight mechanism for the violation of citizens' rights through the European Court of Human Rights, and (iii) the European Union (EU) – formerly the *European Economic Community (EEC)* – membership of which has been a tempting objective for the politicians of the political center. The rest of this section will provide a historical narrative, in order to better make sense

---

<sup>27</sup> Despite the institutional resistance, pro-Islamic and pro-Kurdish party politics have persisted and re-emerged a few years after the restoration of electoral democracy in 1983. Besides, the pro-Kurdish political movements did not remain only in the conventional-legal political realm. A Marxist-Leninist pro-Kurdish armed group, namely the PKK -which is listed as a terrorist organization not only by Turkey, but also by countries' western allies in the Europe and the US- has been a significant nuisance for the democratic consolidation; as the state took repressive measures during its political and military struggle against it.

<sup>28</sup> As to be illustrated in the sections on the 10% national electoral threshold and political party closure trials.

of the context on which this competitive environment was built. At the end, key reform areas linked to the democratically defective institutions will be illustrated.

### **2.1.1. Undoing of a traditional absolutism and a one-party regime**

The major distinctive characteristic of the Turkish political history -compared to two other cases analyzed in this research- is probably that the country was never colonized by another nation. Therefore, its fundamental institutions have been homegrown and not emulated from a colonial center. The country was ruled by monarchs for centuries and during the reign of the very last dynasty – the Ottomans, it started to experience democratic institutions partially. As Şerif Mardin rightly puts, the institutional changes introduced during the last century of the Ottoman rule were actually ‘remedies’ introduced to save the integrity of a state and a polity on the brink of falling into pieces. As of 19<sup>th</sup> century, Turkey had a traditional multicultural society with a Muslim majority, living under the absolute rule of a monarch. The power structure was bipolar – a disperse local power structure in the periphery and a central bureaucracy in the capital. According to Şerif Mardin (1973, p. 175), the aforementioned sociopolitical structure turned to be unsustainable by the turn of the century and this triggered a state formation quest among the imperial elites in the center who faced three major issues to be dealt with: (1) integration of the non-Muslim population, (2) integration of the Muslim population in the periphery and (3) bringing all these groups in a way that they could take part in the new political system.

Following a series of decrees promulgated by the sultans in mid-19<sup>th</sup> century –a period known as *Tanzimat*, reorganization or reordering in English- in 1876, the first representative legislative organ –*Meclis-i Mebusan*, Chamber of Deputies- was incorporated by the first constitution of the country adopted by the newly-crowned Sultan Abdul Hamid II. However, this turned out to be a very ephemeral experience, as the sultan shut down the assembly and suspended the

constitution within a year, during the war against the Russians. For thirty years, Sultan Hamid II ruled the country as an absolute monarch –as his predecessors had done. However, during this period different underground groups started to organize against the Sultan. One of these groups was *İttihat ve Terakki Cemiyeti* –i.e. Committee of Union and Progress, CUP- composed of civilian and military members demanding the reintroduction of the constitution. In 1908, the CUP initiated an uprising in the Balkans. Under the pressing circumstances, the Sultan was obliged to promulgate the constitution and reopen the legislature reluctantly. Then, the Turkish Empire was in decline economically and militarily, and it was about to face a horrible period marked by successive wars and domestic instabilities. Meanwhile the proto-democratic experience of the country was very gloomy. After the promulgation of the constitution for the second time, the CUP which turned itself into a party, where political and military roles were fused, became a repressive and hegemonic political movement up until the end of the World War –during which Turkey sided with the Germany and Austro-Hungarian Empire and fought against the British-French-Russian alliance. Following the catastrophic defeat of Turkey and the occupation of its territory for its partition among the allies, a new era started in the Turkish political history. The Greek, with irredentist claims, took control of a great part of the Western Anatolia including the city of Izmir. In 1919, a clandestine resistance movement was being organized in Anatolia, and a new parliament was established in Ankara in 1920. The parliament was designed as the ultimate political organization of the resistance, the government –which emanated from the government was responsible to it. Neither the parliament, nor the government were recognized by the Ottoman Sultan, who was de jure political authority in the international realm.

Following a four-year struggle, as an epilogue to the World War I, the Ankara government succeeded in ending the occupation in Anatolia, the Ottoman capital Istanbul and Thrace. In 1923, it achieved international recognition as the signatory of a peace agreement with its opponents and made itself the legal political entity in international realm. The same year, Ankara government initiated a state and a nation building process. Under the leadership of Mustafa Kemal, the commander in chief of the Turkish national resistance forces, the Ankara government proclaimed the republic instead of the monarchy held by the Ottomans.

In the first decades of the republican era, Turkey's political elite adopted a strict westernization and modernization agenda. The motives and ideals of the Turkish revolution were built on the criticism of the *ancien regime*, which was interpreted to have lagged behind its rivals and counterparts in the West. In order to overcome the 'backwardness', the political elites of the republic implemented a series of top-down legal reforms for an extensive political and social transformation<sup>29</sup>. The entire revolutionary process was steered by President Mustafa Kemal –to be called as Atatürk, who was considered as a hero and the supreme leader of the nation. For almost thirty years, Turkey was ruled by a single-party –namely the CHP, Cumhuriyet Halk Partisi -*Republican People's Party*. This was an authoritarian regime, and remained as such despite very brief and failed attempts for transition to an uncompetitive multipartism. The single party system was built on the fusion of the incumbent party and the state apparatus. For the sake of a rapid social transformation, political pluralism was hindered and political dissent was coerced. Meanwhile, the aforementioned sociological fabric of the pre-republican era –built on

---

<sup>29</sup> It is important to note that although the proclamation of the republic was a rupture at the systemic level, it did not lead to a complete elite transplacement. The political cadre of the new republic were mostly public servants and officers of the Ottoman Empire. Besides, 93% of the Ottoman Military Academy graduates and 85% of the Imperial Civil Service School served in the Republican era despite the political and systemic rupture (Kazancıgil, 1982/2014, p. 204).

the dichotomy of the center and periphery- was preserved. The political elite in the center ruled the country in an authoritarian fashion, while the culturally pluralist, conservative and fragmented periphery was politically excluded and controlled by the 'center'.

The CHP sought to transform and unify the periphery through an extensive social modernization and nation-building campaign. First, as a part of the Lausanne Treaty, which granted the new Turkish state recognition in international realm, a population exchange between Greece and Turkey was executed. Hundreds of thousands of Muslims from Greece to Turkey and Orthodox Christians from Turkey to Greece migrated. Although the population exchange prioritized religion over ethnicity and language, a 'secular nation' was to be built through a language revolution –which set the standards of the common national language and introduced the Latin alphabet instead of the Arabic, and a state-led historiography initiative seeking and constructing 'Turkishness' in the history as a common ethnic background. Besides, to complement this nation building process, a series of sociocultural reforms –varying from a new civil code to an act on the regulation of daily attire- were implemented one after the other. Another significant step taken by the republican elite was the adoption of French style state-led secularism, which increased the cultural divergence and antagonism between the rapidly westernizing center and the religiously-conservative and heterogeneous periphery. This antagonism created politically salient social cleavages across religious and ethnic lines. Conservative Sunni population and Kurds were both left out of this rapid transformation, and they resisted to it. Meanwhile, the republican elite did not refrain from taking repressive measures against these groups, whenever they challenged the national order and integrity through several uprisings.

By mid-1940s, President İnönü and the CHP were urged to open up the single party regime. On the one hand, the intra-party schisms were becoming more and more salient; on the other hand,

following the end of the World War II, which Turkey had abstained from fighting, the country was drifting closer to the Western world –where a working democracy was about to become a norm. On January 7, 1946 an opposition group within the ruling party CHP, led by the former Prime Minister Celal Bayar and MP Adnan Menderes, founded a new center-right political party called Democratic Party (DP), which was going to represent the ‘periphery’ to a great extent. The same year, first ever multiparty general elections of the Republican era were held and the incumbent had a ‘victory’. However, the elections could not be considered democratic, given the votes were cast in an open ballot system, besides they were counted without an independent judicial supervision process. In the aftermath of the elections, the tension and polarization in the parliament heightened. The DP was bitter about the unfair and uncompetitive system, whereas the CHP leadership was divided due to antidemocratic hardliners who even could not bear that much of pseudo-democracy. The second multiparty elections were to be held in 1950. Prior to these elections the DP proactively pushed for an electoral reform. In 1949, during the second congress of the party, the National Assurance Oath, a document calling for resistance and civil disobedience in case of electoral fraud and irregularity was adopted. The CHP government, in order to avoid post-election contestations and increase the legitimacy of the upcoming elections, passed the Law 5545 on Parliamentary Elections, which incorporated the independent electoral oversight organization – *Yüksek Seçim Kurulu*, i.e. the Supreme Election Council, YSK. This legal change paved the way to the country’s first democratization attempt.

### **2.1.2. From 1950 to 1982: An unstable democracy**

The 1950 General Elections marked the first democratic incumbent change in the history of Turkey. The DP –which sought to get the support of the electorate, frustrated and politically excluded during the CHP’s single-party rule with the slogan “Enough! Now the people have

their say!”- had a smashing victory. So, Turkey’s electoral transition was proved to be working. However, this was not a full-blown democratization in the sense that, the constitution of the single party period, ratified in 1924, was not substituted with a democratic one. Therefore, some fundamental institutions of a liberal democracy were missing even on paper. There was almost no check-and-balance mechanism to oversee the executive. The simple plurality multi-member district electoral rule was terribly majoritarian. Each province corresponded to an electoral district, and the party which got the plurality of votes in an electoral district was attributed all of its parliamentary seats. For example, the impact of the electoral rule in the 1950 General Elections was as such: the DP received 408 seats in return for 53.4% of the national vote, whereas the number of seats of the former incumbent CHP was only 69 for 39.8% of the national vote. Apparently, the representation was very disproportionate and provided a huge legislative power to the incumbent –which did not need to compromise in law-making processes.

During the 10-year Democratic Party rule Turkey underwent two significant changes. In 1952, the country’s place in the Western bloc was sealed with its NATO membership. Second, the CHP’s statist economic approach was replaced by a liberal vision. The production infrastructure in both agricultural and industrial sectors were modernized and developed drastically –albeit at the cost of fiscally unsound policies relying on borrowing and high inflation rates. In return, the increase in the output generated by the economy under transformation was very modest, only 4% in average between 1951 and 1961, despite the post-war growth in the global economy (Fry, 1972, p. 11-12).

In the political realm, the DP’s bitter relations with the CHP persisted. While the latter was under the obligation of facing the reality that the majority of the electorate chose another option once the opportunity was granted after a decades-long authoritarian rule, the former was drifting

into a coercive populism – assuming itself as *the* representative of the popular will. One of the major fault lines between these two political parties –which represented the modern center and conservative periphery- was about religion and its significance in politics and society. As previously stated, the CHP, with regards to its top-down modernization and Westernization vision, had adopted a state-controlled and repressive religion policy; whereas the DP, in line with its predominantly more conservative electorate, was shaking and even undoing some of the secularization related restrictive measures previously implemented by its predecessor. Although the party did not have a deep-rooted religiously-motivated political ideology or agenda, the DP leader and PM Adnan Menderes used appeals to religious sentiments, especially during election campaigns<sup>30</sup>. Party’s populist tendencies which strongly challenged the revolutionary ideals, turned the tables over the question of religion and culture. The CHP’s repressive secular vision was being substituted by a populist political vision, which did not refrain from alluding to a kulturkampf, where religious symbols are used as quasi-political signifiers. This was increasing the stakes from a governability point of view indeed.

It was no secret that the civilian and military bureaucracy did not welcome the incumbent change with open arms. The pre-transition era was marked by the fusion of party and state; so, the ‘state elite’ had a particular political position and identity. Therefore, the struggle between the DP and CHP was well reflect to the relationship between the elected and unelected components of the government after the incumbent change. For instance, in late 1957, a faction within the military was detected to be conspiring against the government. Nine officers were arrested due to allegations of coup plotting in January 1958. In 1959, amidst an economic crisis due to

---

<sup>30</sup> “At the DP’s Party Congress in 1958, he said: ‘Without paying heed to the outcry of the zealots of the revolution, we Arabicized the call to prayer [author’s note: the CHP had previously brought the obligation to recite it in Turkish]. We accepted religious teaching in schools. We had the Koran recited over the radio. Turkey is a Muslim state and it will remain so” (Zürcher, 2004, p. 232).



increasing fiscal deficit, the heightening tension between the state elites and the government and finally a series of mass protests started to shake the Democratic Party government.

Turkey's first ever democratization episode was concluded in ten years with a military coup on May 27, 1960. The process was triggered by a junta within the military. The putschists held the members of the Democratic Party government responsible for widespread crimes varying from corruption to treason. The party was shut down, the party cadre, including ministers and MPs were arrested. In the aftermath of a contested judicial process, the PM Adnan Menderes, Foreign Affairs Minister Fatin Rüştü Zorlu and Finance Minister Hasan Polatkan were executed. The path to the collapse of the first democratization episode is marked by two critical ills. As stated at the beginning of this section, one of the major reasons was the very fact that this was actually only an electoral transition –during which a complete systematic restructuring necessary for a fairly competitive and sustainable democracy was missing<sup>31</sup>. On the other hand, the antagonistic actors –namely the CHP and DP- were far from seeking consensual remedies and interventions for a democratic consolidation amidst severe polarization<sup>32</sup>.

The end of the first democratization episode paved the way to the beginning of a new one in a year. Turkey as a NATO member state, had a commitment to procedural democracy, hence the executive organ of the junta –namely the National Unity Committee- guaranteed a very rapid

---

<sup>31</sup> According to Özbudun, the absence of checks and balances in the 1924 constitution was ‘the main reason for the collapse of the first Turkish experiment with democracy’ (2000, p. 53). Özbudun further notes that: ‘In the absence of effective legal guarantees of basic rights and judicial review of the constitutionality of laws, the DP government passed a series of laws that severely restricted the rights of the opposition’ (2000, p. 53), which aroused opposition protests and led to a mass demonstration. When the government ordered the army to quell the demonstration, the army refused and overthrew the government” (Hazama, 2011, p. 425). However, as it is going to be shown in the rest of this section, despite introduction of judicial checks and balances, the military continued to intervene to the political sphere, which gave a praetorian outlook to the Turkish democracy.

<sup>32</sup> “The DP grew arrogant with its electoral victories, and chose confrontation, rather than cooperation and compromise, with the opposition. The CHP, on the other hand, provoked the DP into a politics of confrontation and endeavored to undermine the legitimacy of the government” (Sayarı, 2002, p. 12).

restoration of the democratic order. To this end, it had formed a commission of law professors and a constituent assembly to draft a constitution which was to be put to popular vote. The 1961 Constitution established the new democratic order, with a bicameral legislature and a renewed state structure with the introduction of several public organizations, which sought to avoid derailment of political system by creating a controlled institutional structure and to limit the political space within which the elected governments are allowed to make politics<sup>33</sup>. This was also the case for the economic policies –which were drastically changed by the ousted DP government politically. In the new system, planned economic growth strategy was inculcated in the state’s organizational structure with the establishment of the State Planning Organization – i.e. *Devlet Planlama Teşkilatı*, DPT. Besides, the import substitution industrialization model was adopted as a state policy, and remained as such until 1980s.

It is important to note that, despite the narrowing down of the political space for the governments, the political party system was considerably diversified in the new era. The electoral rule change -introduction of the proportional representation- ended the unfair supermajoritarianism of the 1950. In the new multiparty system, newly-formed socialist, Turkish-nationalist and Islamist political parties got representation in the parliament –in addition to two major political parties, the CHP and the Justice Party –i.e. *Adalet Partisi*, AP- founded as the successor of the DP, shutdown during the military-authoritarian interregnum<sup>34</sup>.

---

<sup>33</sup> “The 1961 Constitution was an effort to re-institutionalize the State Turkish politics with (1) the National Security Council, comprised of some ministers and the members of the High Command, (2) the Constitutional Court, (3) the State Planning Organization, (4) the autonomous State Radio and Television Agency and universities, and (5) the Council of State (the Turkish version of France’s Conseil d’Etat), with additional powers. The 1961 Constitution was also a ‘programmatic’ constitution; it spelled out government’s economic goals to be achieved through planning” (Heper & Keyman, 1998, p. 264).

<sup>34</sup> On the other hand, it is possible to interpret this electoral rule and the fragmentation which it engendered, as a preference or a purposeful act of the state elites during the making of the new political system. A more equitable representation in the parliament would also end the domination of a single party, hence decrease the likelihood of a hegemonic party system where the incumbent could challenge the state elites and the

Despite, the introduction of the checks and balances, lack of which was used as an important ground for the military's intervention to oust the civilian government, the Turkish Armed Forces' (TSK) role in the post-1961 Turkish politics persisted<sup>35</sup>. As of late 1960s, Turkish politics had become very lively but also turbulent due to the extra-parliamentary struggle between the socialist and anti-communist political movements –which from time to time amounted to political violence. The year 1971 was a reminder about how crucial was the military's role for democratic stability in many ways. A full-blown coup attempt and a military memorandum issued on March 12, shook the civilian politics. Upon the TSK's imperative statement, PM Demirel's center-right government, was substituted by an 'impartial' and 'supra-political' government in order to restore order in the country. However, the parliament was not dissolved. In the coming months, Islamist National Order Party and the socialist Workers' Party of Turkey were closed down by the Constitutional Court, on the grounds that the former was violating the secular principles of the state, whereas the latter was threatening the integrity of nation due to its position on the 'Kurdish question' which had been pronounced as such by a political party for the very first time. Besides, a series of constitutional amendments which curtailed several liberal provisions of the 1961 Constitution were passed from the parliament under the post-memorandum pressure only in a three-month period. The undissolved parliament

---

order as they defend it. The DP experience in the 1950s showed that, the right-wing parties were capable of accumulating electoral support and democratic legitimacy – mostly addressed as the 'national will' in their political discourse- in majoritarian electoral rule, which in return endowed them with the power to challenge the state elite. In the post-1961 political order, the state elite might have introduced that as an institutional measure to prevent the rise of a DP-like challenger in future.

<sup>35</sup> “The Turkish Armed Forces (TSK) perceived itself as the only ‘able’ force to deal with these issues because the civilian political elite could not stop violence in the streets. In the late modern era, the military carried out two direct coups (1960, 1980) and one half-way intervention (1971)<sup>44</sup>. These coups were the result of the military perception of internal threats as threats against the very existence of the nation. Contrary to power-seeking militaries of Latin America, the ultimate goal of the Turkish military was not to stay in power but to bring order and Kemalist democracy to the country that ‘incompetent’ civilian governments could not achieve. The military in Turkey has never occupied the government for more than a couple of years and has always been willing to return to the barracks” (Satana, 2007, p. 9).

was almost turned into a rubber-stamp. The political normalization could start after three years, following the last supra-political government's decision to hold general elections in 1973.

Unfortunately, the return to the democratic order after a series of unelected interim governments, was not sustainable either. By 1977, the civilian politics faced two major challenges: first, security and social peace had become top priority due to escalating political violence and second, deteriorating economic downturn required radical and effective political solutions<sup>36</sup>. However, despite these pressing issues, the political elite failed to form stable governments. The depth of political divergence was well reflected to the presidential elections. Although President Korutürk's term at the office should have ended in April 1980, two major political parties of the center –the AP and CHP- could not agree on a candidate as of September.

On September 12, 1980, Turkey was hit by the second full-blown military coup of the republican era. In contrast to the 1960 coup, this time the entire process was initiated and executed in the chain of command. General Kenan Evren, the chief of staff, in his very first statement, to legitimize the coup, touched upon several issues, varying from severe economic crisis to loss of social peace amidst political violence and polarization, due to over-politicization of the society. He emphasized “the politicians' irresponsibility and inefficiency which urged the TSK to take necessary actions for the strengthening of the wobbling democracy and restoration of the state authority as soon as possible” (“Kenan Evren'in Türkiye'yi karanlığa taşıyan darbe açıklaması,” 2015). To this end, the Committee of National Security (CNS), the executive organization of the interim political authoritarian regime, formed a constitution writing commission and an advisory assembly. However, it adopted a hands-on approach in the constitution making

---

<sup>36</sup> “Turkey's economic troubles date back to 1977, when a public-sector-led investment boom collapsed as a consequence of a foreign exchange crisis. By 1978, Turkey had found herself mired in a severe debt crisis and an extended series of negotiations with foreign creditors” (Rodrik, 1990, p.3).

process, therefore the legal framework which was to determine the rules of the game and systemic structure was prepared under the influence and oversight of the CNS. The new constitution was meant to be less liberal than the 1961 Constitution and that was admitted by Kenan Evren himself, during a speech he delivered in Afyon:

“I want to respond to those who argue that the present draft will be a step backwards, in comparison to the 1961 Constitution. I have never said that the new constitution will expand our rights and freedoms. On the contrary, I stated that the previous constitution was way too large for us and provided ample freedom. So the new one will be more restrictive. We need to give up some of our individual rights and privileges for the sake of social security and peace” (Oral & Vardar, 1982).

The 1982 Constitution was put into effect after a referendum marked by a quite undemocratic and limited propaganda process during which only ‘Yes’ campaign was allowed and ‘No’ campaigns were suppressed. The ratification of the new constitution paved the way to the reintroduction of the competitive politics in 1983.

### **2.1.3. Post-1982 Turkish politics and democratic reform processes**

As admitted by General Kenan Evren, who became the president of the republic, as a result of the referendum which approved the new constitution, the new Turkish democracy meant to be more stable and the institutional framework of the post-transition Turkish politics was set accordingly. The stability of the new system was built on the following major institutional changes:

(i) The National Security Council’s –which was established after the 1960 military coup as an advisory body on national policy- powers were increased. Governments are required to prioritize MGK decisions in their policies. Therefore, military tutelage over the civilian politics grew stronger.

(ii) The Senate was abolished, unicameral system was re-adopted.

(iii) State Security Courts –which were introduced after the 1971 Memorandum in 1973, but later dissolved by the Constitutional Court- were re-established as a specialized court for crimes threatening the integrity of the nation and the state; and their security. The courts were composed of military judges and prosecutors in addition to civilian ones, even in the trials of the civilians.

(iii) Executive powers of the president were expanded,

(iv) Electoral system was redesigned for more stability at the cost of representativeness. The new electoral rule, necessitated political parties to surpass the national threshold of 10% to get representation in the parliament. Therefore, political parties which get less than 10% of the votes nationwide, were excluded from parliamentary politics. The majoritarian electoral rule was justified as a provision to avoid hung parliaments –as the coalition governments of 1970s were considered to be politically inefficient and detrimental to the political stability.

The civilian democratic regime was restored after the 1983 General Elections. However, these elections cannot be considered as ‘fair and free’ election by democratic standards. The electoral participation was very restricted. First, the CNS had several restrictive provisions for political participation, such as a temporary constitutional article which sought to exclude the political elite of the pre-coup era, by depriving them from right to run for office. The candidate registration process was meticulously followed by the CNS and hundreds of candidates were rejected. Besides, the competitiveness of the elections were quite limited as only three political parties were permitted to participate and these were: center-right Nationalist Democracy Party, *Milliyetçi Demokrasi Partisi* (MDP), under the leadership of a former general -Turgut Sunalp, former bureaucrat Necdet Calp’s center-left Populist Party, *Halkçı Parti* (HP), and center-right

Motherland Party, *Anavatan Partisi* (ANAP) which was the venture of Turgut Özal who was a former undersecretary of State Planning Organization (DPT) in 1960s and a deputy Prime Minister after the 1980 coup in the interim government under the CNS. The TSK's and CNS' support for the MDP was not a secret in Ankara. For example, a few months before the elections it was reported that a military official lamented at a social gathering: "We gave Sunalp an 800-metre lead in a 2,000-metre race, and by the halfway point he had already lost it" (Kaplan, 1983). Besides, the President Evren's covert call supporting the MDP could resonate even in the other side of the Atlantic:

"If you are satisfied with the three-year administration by the National Security Council, bring an administration to government which will continue the council's policies and prevent dragging this country back into an atmosphere of chaos" ("Turks urged to vote for continuity of regime," 1983).

In that sense, not only the party system was configured by the military elite –who preferred a limited political competition between two centrist parties MDP and HP, but also the victor was designated by them. However, Özal's ANAP –considered as an underdog behind the MDP- won a clear victory in the elections and got 212 out of 400 seats in the parliament. MDP could receive only almost half of ANAP's votes, 23.3% and 45.1% respectively. Although the voters' seemed to be seeking a rupture from the authoritarian period at first sight as they did not crown the most favored party by the military authoritarian elites, it is important to note that Özal was not a figure in complete opposition to the preceding regime. He served in the interim government during the authoritarian regime. Besides, the vestiges of the military authoritarian regime remained and there was no prospect for a sudden rupture. General Evren who was in charge of the military coup, became the first president of the new democratic era. The executive body of the authoritarian regime, CNS was not dissolved, but was transformed into a temporary advisory board called 'Presidential Council' with a six-year mandate (Provisional Article 2). Members

of the council enjoyed the rights and immunity equivalent to the members of the parliament. In addition to the continuous control mechanisms, such as the State Security Courts and National Security Council, the prospective military interventions were imminent and they were present in the political discourse of the political elite, starting from the very early days of the new democratic era. Evren, in his inaugural address to the parliament, said that the TSK were going back to their barracks as they were confident that democracy will be safeguarded. Besides, he warned that the country should not again be brought back to a point 'where they are forced to take over the administration.' (Howe, 1983). Under these circumstances, Turkey's defective democracy received various epithets in the foreign media: controlled democracy, guided democracy, partial democracy...etc. Former Prime Minister and banned political leader of CHP Bülent Ecevit named it a 'Filipino democracy' (Kaplan, 1983). However, competitive elections remained as a rule since 1983 Elections –with varying degrees of challenges and restrictions.

The post-1982 Turkish politics can be divided into three periods. The first is the center-right ANAP period which lasted for eight years, during which Özal's party enjoyed a parliamentary majority and therefore the 'comfort' to govern without power-sharing in the executive branch. In 1991, following an eight-year single-party-governments era, Turkey experienced its first-ever incumbent change in the aftermath of its last coup. The coalition government of center-right DYP and the center-left SHP marked the beginning of a new period of coalition governments. For 11 years, Turkey was governed by several coalition governments some of which worked well, while some others were very short-lived. The major event which threatened the democratic governability in this era has been a military memorandum issued on February 28, 1997, in order to urge the Islamist leader Erbakan's coalition government to respect and protect the secular principles of the republic against the rising religious revisionism-which the government itself



was actually held responsible for. The 2002 General Elections was another rupture vis-à-vis the party system, as the 1990s' multipartism collapsed due to the poor electoral performance of almost all major political parties and the 10% national electoral threshold. The AKP, which achieved a remarkable victory in the elections –by receiving 34.4% of the nationwide votes and 66% of the seats in the parliament, became the hegemonic party of the country and has remained as such for 15 years<sup>37</sup>.

Post-1982 Turkish democratization is the history of reforms which change various undemocratic aspects of the system in bits and pieces. However, among several partial reform experiences, two reform windows stand out as the major transformation periods –during which democratic credentials of the system were discussed at length in the parliament. Following 1991 General Elections, which marked an incumbent change for the first time after the 1980 military coup, two parties –namely center-right DYP and center-left SHP- formed a coalition government with a democratization agenda which sought to abolish several constitutional restrictions imposed on Turkish politics for the sake of a stable democratic system during the military-authoritarian rule<sup>38</sup>. Then after Helsinki EU Council Summit in 1999 –during which Turkey was given a candidate status for EU membership- first DSP-MHP-ANAP coalition government, then AKP

---

<sup>37</sup> In this three-decades long democratization episodes, relevant political parties, despite the continuity in their political traditions and their adherence to the major cleavages presented above have been pretty ephemeral. In prior to the 2002 General Elections: the right of the center politics was represented by two rivals: namely ANAP and DYP; whereas the left of the center was marked by a competition between SHP (then CHP) and DSP. Beyond the political center, the pro-Kurdish and pro-Islamic movements have always remained in the playing field with changing acronyms, under the threat of party dissolution cases. Major pro-Kurdish parties have been: HEP, DEP, HADEP, DTP, BDP and HDP1; whereas the pro-Islamic parties were: RP, FP and SP consecutively. In the aftermath of the party system collapse in 2002. The AKP -with a 'conservative democratic' self-image, presented a merger of two distinct political traditions: namely pro-Islamic and center-right. On the other hand, the CHP survived as the only significant center-left party. The most persistent political party, with an immutable institutional identity, has been the Turkish nationalist MHP, which attracts the support of the right-wing voters depending on the changing significance of its nationalist rhetoric as an alternative to other conservative political parties.

<sup>38</sup> This coalition government instilled great hope for the prospects of the democracy. On the one hand, these parties were the successors of two deeply-rooted adversaries of the mainstream politics. On the other hand, they

*Table 2.1. - Major political changes and reforms in the Turkish democratization*

Issue	Question	Institution	Year	Action	Window of opportunity	Cohesive discourse
<b>Restricted participation and representation</b>	Ban on pre-coup politicians	Temporary Article 4	1987	Abolition	Upcoming elections and government's EEC accession policy	"The decision of nation": Democratic credentials of the system
	Disproportionate representation	10% Electoral Threshold	Persistent failure (see Chapter 5)			
		Const. Article 149	1995	Partial change	Incumbent change	Incumbents' joint initiative for democratization, democratization protocole
	Frequent dissolution of political parties	Const. Articles 69 and 149	2001	Partial change	Government's EU accession campaign	Europeanization and convergence
		Law 4778	2003	Partial change	Government's EU accession campaign and incumbent change	Europeanization and convergence
<b>Antidemocratic state organizations</b>	State monopoly on radio television broadcasting	Const. Article 133	1993	Constitutional reform	Ban on 'de facto broadcasting' and leadership change	Discourse of necessity and "I want my radio back"
		Const. Article 143	1999	Civilianization	Öcalan trial	Fair trial and national interest
	State Security Courts	Const. Article 144	2004	Abolition	Europeanization and retrial of the pro-Kurdish MPs	Europeanization and convergence
	National Security Council	Cons. Article 118	2001	Amendment	Government's EU accession campaign	Europeanization and convergence
		Law 2945	2003	Further civilianization	Government's EU accession campaign and incumbent change	Europeanization and convergence

government implemented a series of reforms for the compliance of country's democratic system with the Copenhagen Criteria. The second reform window, larger and broader in comparison with the first one changes the political landscape in Turkey in a positive direction for almost 10 years.

had a common democratization horizon with reference to the undoing of the 1980 military coup and their major rival ANAP-which they argued to have benefitted a lot from the unlevel playing field set by the military authoritarian regime.

The reform processes analyzed below are the major steps taken for the deepening of the Turkish parliamentary democracy since 1983. Some of these deficiencies –like the 10% threshold and the DGM- are introduced by the military authoritarian interim government, which ended the previous democratic period in Turkey. Whereas, some others - such as the state monopoly on radio TV broadcast- predate the new constitution. I grouped these deficiencies under two headings in *Table 2.1*: Ban on pre-coup politicians, 10% Electoral threshold and frequent dissolution of political parties are considered as deficiencies related to ‘restricted participation’, whereas state monopoly over the radio television broadcasting, National Security Council and State Security Courts are anti-democratic state organizations.

## **2.2. Ban on Pre-coup Politicians**

Politicians' lack of responsibility and failure to come together to govern and maintain social peace was one of the major justifications for the TSK's coup on September 12, 1980. After the coup, leaders of major political parties were arrested and then held under isolation, all activities of the political parties were prohibited. On October 16, 1981 all political parties were closed down. In order to avoid chaos and achieve stability, General Evren was strictly against the return of the old regime's parties and their cadre to politics. To this end, National Security Committee implemented legal and constitutional constraints which are to be valid after the democratic transition. On the one hand Temporary Article 4 of the constitution extended the ban on the leaders and cadre of the pre-coup political parties up to 10 years, on the other hand Act no. 2969 prohibited any statements to defend or laud banned politicians and banned politicians' speeches and public statements about domestic or foreign politics. In that sense, the Committee implemented various filters to leave the old political elite out of the game.

In April 1985, MPs of the incumbent ANAP and the opposition started an ephemeral public debate about the possibility of an incremental change regarding ban on politicians. However, the issue remained dormant for months until the President Evren's inaugural speech of the third legislative year in September 1st, 1985 accusing pre-coup politicians for the chaos and destructive democracy, in the aftermath of which Presidential Council of the Populist Party (HP) and Hüsametdin Cindoruk –DYP's leader- announced their support for amending the *Act no. 2969*, so that these politicians could have the right to respond to the repeated criticisms. Cindoruk's DYP was already known as banned politician Süleyman Demirel's party and the

latter was expected to become the party leader once the political bans were lifted<sup>39</sup>. Towards the end of September, ANAP MP Resulođlu, who was rumored to be close to the DYP- prepared a legislative proposal to repeal the act and provoked discomfort within his own party. In October 1985, President Evren avowed that he was ready to quit in case of political amnesty or amendments which would make pre-coup leaders' comeback possible ("Evren, siyasi affa karřı," 1985). However, as the pressure from opposition parties to repeal the Temporary Article 4 grew, Prime Minister Özal announced that they agreed to give support to the Resulođlu draft but a constitutional amendment for Temporary Article 4 would be beyond his party's power. The official announcement of the government spokesperson was made after Evren and Özal's meeting, therefore President Evren's consent seems to be essential for the incremental change ("Eski siyasetçilere sınırlı serbestlik," 1986). ANAP's justification for the partial change was not for the liberalization of the system, but for putting an end to the manipulations of the opposition politicians, who claimed that there were restrictions regarding freedom of expression –although there were not. ANAP MP Alpaslan Pehlivanlı, who spoke on behalf of his party in the general assembly, underlined the legitimacy of the law, political restrictions and the military intervention in general for the sake of national peace. Therefore, the justification for the change did not contradict President Evren's discourse, on the contrary was in conformity with his views about controlled transition to democracy to avoid the resurgence of political instability (TBMM Tutanak Dergisi, April 2, 1986, pp. 218-219). Change in the Act no. 2969 on April 9, 1986 – which granted freedom of expression to pre-coup politicians diversified the political arena in Turkey and opened a way to the annulment of the Temporary Article 4.

---

<sup>39</sup> Süleyman Demirel was the leader of center-right Adalet Partisi (Justice Party) in prior to the September 12 military coup, and he served as PM between 1965 and 1980 for almost 10 years.

Although banned leaders started to hold meetings and gain public visibility, this relative freedom granted them an ambiguous status. Even before the change in the Act no. 2969 in addition to pro-Demirel DYP, a pro-Ecevit political party -namely DSP- was established under the leadership of the former Prime Minister Bülent Ecevit's spouse Raḡsan Ecevit. Therefore, the parties which these leaders would takeover once their ban would be lifted were already institutionalized even before the change in the legal framework. The opposition parties insisted that any step shorter than the annulment of the Temporary Article no. 4 would be less than a solution. Pro-change discourse among opposition politicians converged on the idea that this law is a major impediment for achieving 'full democracy'. However, DYP's argument was not limited with the pursuit of democratic norms, but also about the political rivalry. The DYP politicians underlined that Özal was after an unfair competition as he insisted on eliminating his major contender Demirel, whose return to active politics would threaten Özal's political life as the former is *the* genuine leader of the center right.

From June 1986 onwards, pro-change bloc received crucial support from the European Economic Community (EEC). Vice-president of the European Parliament Commission on Political Affairs Klaus Haensch and German Socialist MP Fellermeier during their trip to Ankara for a report on Turkish democratic transition underlined that there could not be democracy while the National Security Committee's ban on some politicians was still in force ("Disk'e destek," 1986: "Teftiše geldiler," 1986). In addition to the pressure emanating from the EEC, a broader European influence can be observed. For instance, in July 1986, 15 Swedish MPs sent a letter to the PM Özal for the deepening of democracy regarding several issues like a political amnesty, abolition of death penalty, democratization of Political Parties' Act, betterment of the legal framework for the freedom of association, including the end of ban on

Demirel and Ecevit (“İsveç’ten genel af istemi,” 1986). Given the incumbent ANAP’s willingness for Turkey’s membership to the EEC, from that point on, the major question has been transformed from ‘whether or not to repeal the ban’ to ‘how to do it’. Latter question triggered almost a-year long fierce debates, intense bargains and several deal attempts among politicians. The parties’ solution suggestions differed from one another very significantly. The center-left parties, DSP and SHP, underlined that in a parliamentary regime, constitutional amendments should be done by the parliament itself, and they called for an inter-party deliberation and reconciliation process. On the other hand, PM Özal insisted that the ban was imposed by the constitution which was put in effect directly by the popular vote; so the legitimate way to repeal the ban would be asking people’s consent in a referendum. Evren was on the same page with Özal, however they disagreed on the procedures. President Evren was after a direct popular vote and he sought to introduce referendum as a frequently-used decision-making tool not only for constitutional amendments but ‘crucial decisions’ in general, whereas Özal and Necmettin Karaduman –chairman of the parliament- were in favor of introducing the referendum only for constitutional amendments, to avoid frequent and arbitrary use (“Referandum Çankaya zirvesinde,” 1986). In that process, DYP and its ‘honorary leader’ Demirel, who was expected to become the party’s leader once the ban is lifted, acted in a pragmatic way. While they avowed that DYP was ready to solve the problem through a referendum, DYP members gave their support to the SHP’s initiative for an intra-parliament solution without referendum in October 1986.

As the discussion on the process to be followed for the amendment continued, there were significant changes in the political circumstances. On the one hand, ANAP’s political support was proved to be in decline after the by-elections held for 11 seats in the parliament in

September 28. ANAP's vote share was slightly over 32%, compared to 45% in the 1983 elections. Their arch-rival DYP came second with 23.5% of the votes. Based on these results, Demirel contended that Özal was obliged to call for early elections and the nation was against the continuation of the political bans. The sui-generis status of the banned politicians became untenable, because it was clear that Demirel campaigned for DYP as did Ecevit for DSP before the elections. On the other hand, a court ruling which sentenced Bülent Ecevit to 11 months in prison for having violated the political restrictions, a constitutional amendment became an urgency. ANAP government was in need of a success story in the EEC-Turkey relations in order to gain political support in prior to the coming elections. Throughout January 1987, Özal and ANAP government were subject to international pressure to take actions to repeal the ban ("Balfe: Siyasi Yasaklar kalkmalı," 1987; "Ecevit'in mahkumiyetine tepki," 1987; "Siyasi yasakları kaldırın," 1987). From that point on, this pressure was used by the politicians in the opposition. For instance, Demirel argued that the ANAP politicians' position was ambivalent and inconsistent on political bans because although they do nothing "they state that they agree on lifting the bans for EEC membership while they are in Europe" ("Yasakları millet koysun," 1987). Meanwhile, not only Demirel, but also leaders of three major political parties –namely DSP, DYP and SHP- gave their support for Turkey's accession process to the EEC, with an emphasis on the betterment of the political standards in the country – lifting of the political bans in particular ("Muhalefet olumlu," 1987).

In April 1987, Özal announced that they were on the brink of finding a solution for lifting the ban by implementing the necessary changes, in order to make a referendum legally possible in a month or before the upcoming elections in the worst scenario. This statement came in the aftermath of a meeting with Evren, so Özal was believed to have had Evren's consent for the



referendum process. Besides he was known to be wishing to hold early election right after the lift of the bans. So, on the one hand he would have done what was necessary to make the upcoming elections ‘more free’ than the 1983 elections for the Europeanization process, on the other hand he would start his preparations for a campaign earlier than his two rivals -namely Demirel and Ecevit. Özal signaled that he was ready to open the way for lifting political bans – which almost became inevitable for the EEC membership process, in return he aimed to control the timing of the change and the elections and to acquire referendum as a tool for avoiding possible parliamentary deadlocks for constitutional reforms in future, in order to make the deal profitable for his party (“175. Madde için 267 oy gerek,” 1987). The success of the plan depended on the DSP’s and DYP’s support. The DYP leader Cindoruk who acted in a quite pragmatic fashion was known to be ready to support the ‘referendum deal’ with some reserves about the thresholds to be adopted for the parliamentary voting process and referendum (“175. Madde için Cindoruk’tan yeşil ışık,” 1987). The DSP had left the door open for the negotiations, only SHP was clearly against popular vote (“Nasıl gelişti?” 1987).

Following a couple of months long dialogue among political parties, the TBMM convened to discuss and vote the constitutional reform draft on May 13 and 14, 1987. The draft sought to implement a legal framework for referendum on constitutional reforms (direct referendum instead of presidential review in case the draft receives the support of the 3/5 of the MPs but fails to receive the 2/3 qualified majority) by changing the Article 175, repeal the Temporary Article No 4 about political bans on pre-coup politicians, and two minor changes about the number of seats in the parliament (an increase from 400 to 450), and the voting age (decreasing from 21 to 20). During the TBMM’s session, spokespersons of the opposition parties called for the need for extensive reforms and criticized the draft for its narrow scope. SHP and DSP MPs

argued for the need for a consensus for the betterment of the civil freedoms, whereas Köksal Toptan of the DYP insisted that making a new constitution must be the real objective (TBMM Tutanak Dergisi, May 13, 1987). SHP leader İnönü preserves his party's position for the lifting of the ban in the parliament but not through a referendum. He accused Özal of a foul play arguing that he was after an anti-ban image paving the way for the referendum to lift the ban, although he would do whatever in his power to prevent the change after (TBMM Tutanak Dergisi, May 13, 1987, p. 282). Özal, during his speech underlined that he was almost obliged to posit the referendum solution, as President Evren was against any constitutional change and was ready to veto any amendment to be made by the parliament (TBMM Tutanak Dergisi, May 13, 1987, p. 302). In that sense Özal avowed that referendum was the only way to by-pass Evren who would act as the veto player in any constitutional reform attempts in the future. 'Letting people to decide' seemed to be the only possible common ground.

SHP's opposition to the change in the Article 175, was not only about Özal's unwillingness to lift the ban. Two MPs from the party presented potential drawbacks which the amendment would bring. Aydın Güven Gürkan pointed out that the amendment would increase the likelihood of a regime change by by-passing the need for qualified majority of 2/3 which would require an inter-party consensus. He even argued that Özal was after a strong presidential system without checks and balances, and in future some others might even use the referendum for changing the republic into a fundamentalist and Islamist one (TBMM Tutanak Dergisi, May 14, 1987, p. 358). Kemal Palaoğlu, on the other hand, from a rights and freedoms point of view, emphasized that the lift of ban on particular individuals was a question of personal rights and the latter or their restoration might never be decided upon popular vote (TBMM Tutanak Dergisi, May 14, 1987, p. 381).

The General Assembly voted the draft as it is, as expected. Despite some DYP MPs' attempts to have the bans lifted by the Constitutional Court decision in the aftermath, following the Court's decision of rejection of venue, the referendum was held on September 6, 1987 as scheduled. In campaign process, the EEC was known to expect a 'Yes' vote in the referendum in order to consider Turkey's commitment to democratic standards (Çekemoğlu, 1987). However, Özal launched a 'No' campaign and argued that referendum results would not be an indicator if a country is whether democratic or not (Özal yasaklıları eleştirdi, 1987). Besides he claimed that a 'No' campaign was a pro-freedom one, as it legitimized the 'No' option of the voters on democratic grounds. It is important to note that Özal's 'No' campaign received some reaction from his own party. For instance, Ata Aksu and Mükerrerem Hiç resigned from ANAP, as they considered their party's campaign was not compatible with their personal vision of democracy. Despite the EEC pressure and all major opposition parties' 'Yes' campaigns, the results were close: only 50.1% of the voters voted for yes. 'No' votes were 17 points higher than the ANAP's vote share in the previous by-elections.

As a result, the political bans, were lifted with the incumbent ANAP's reluctant step to make the change possible –as the government was under the pressure of the EEC for the membership talks it was after. Putting the question on a popular vote, was the solution it could achieve around the cohesive discourse –‘the decision of the nation’- which it could achieve to pacify the potential veto player President Kenan Evren, who had introduced the ban previously when he was the head of the interim military-authoritarian government.

### **2.3. Liberalization of Radio and Television Broadcast: End of TRT's monopoly**

The debate on the liberalization of radio and television broadcast in Turkey was intertwined with criticism on public broadcaster TRT's political impartiality. Indeed, the latter debate predates the former and can be traced back to the very early years of the post-September 12 transition. According to the Article 133 of the 1982 Constitution, autonomous public broadcasting institution TRT has the monopoly over the radio-television broadcasting. Oppositions' criticisms regarding TRT's broadcasting policy stemmed from two major issues. First one was government's abuse of TRT on the basis of TRT law's Article 19 'for informing people about government's actions'. Opposition parties considered this as a unilateral propaganda tool since the very start of the monthly TV program 'İcraatın İçinden' on January 31<sup>st</sup>, 1984. Second issue was the unfair and disproportionate coverage of political parties' messages in general. From late 1980s onwards, the SHP stood out as the party with the most critical and proactive attitude vis-à-vis the TRT as a matter of politics. In 1987 and 1991, SHP members organized protests against TRT's broadcasting policies. The latter was considered as a 'raid' and prosecutor of the State Security Court in Ankara started a legal process for the SHP members –including the MPs of the party. While President Turgut Özal defined the protest as a 'shameful act', center-right DYP's leader Demirel gave his support to it ("TRT'ye saldırı DGM'de," 1991).

However, despite the party's discontent with the broadcasting policies of the TRT, liberalization of radio-television broadcasting was not on the agenda of the SHP for a long time. The party's position was on TRT's monopoly in was quite ambiguous in 1980s. For instance, incumbent ANAP's legal reform attempt (Law 3517) on PTT's (Public Postal Service) takeover of the

ownership of TRT's transmitters –so that the former could rent them for the use of other institutions and entrepreneurs- received a harsh criticism on the basis of de facto violation of the TRT's monopoly. While announcing their appeal for the overruling of the law in the Constitutional Court, SHP's legal advisor Seyfi Oktay emphasized that they were against private broadcasting: "TRT's broadcast monopoly might end in practice. Only what corporations and moneybags say will be heard. That is unconstitutional." (Başarır, 1989). Yet a few months later, Ankara Mayor Murat Karayalçın (SHP) tried to establish a municipality radio station and High-Council of Radio-Television –the predecessor of the Radio Television Supreme Council (RTÜK)- blocked the initiative by stating that 'no private and public institution is entitled to establish a radio station except Turkish State Meteorological Service'.

The year 1990 changed everything about the politics of broadcasting in Turkey. In the very early months, it was rumored that a group of Turkish entrepreneurs were about to launch a TV station which would broadcast from abroad via satellite. This de facto ending of monopoly triggered a debate which would continue throughout the following three years. Center-left DSP was one of the first parties to react. DSP leader Ecevit was clearly against the de facto and uncontrolled violation of TRT's monopoly on the basis of a possible 'fundamentalism threat', but he argued that the end of broadcasting monopoly was the crucial issue on the way to further democratization in Turkey<sup>40</sup>. Meanwhile, incumbent center-right ANAP's position was getting clearer too. The party was not taking the issue in a democratization perspective but Adnan Kahveci, State Minister in charge of TRT, was not against liberalization of the broadcasting "as an industry" and it was possible to find a solution in legal framework once the monopoly was

---

<sup>40</sup> "How will these broadcasts will be controlled and held accountable under law? For instance, what if Cemalettin Kaplan [an Islamist preacher based in Germany] starts to disseminate his messages via television?" ("Ecevit'ten TRT'ye ağır suçlama," 1990); "It should be noted that, for the advancement of democratization, we have to start by ending the broadcasting monopoly" ("TRT'de tek el kalksın," 1990).

violated by the private entrepreneurs in practice<sup>41</sup>. In that sense, ANAP's justification for the liberalization of broadcasting was not political but rather economic, in line with the pro-capitalist politics of the party. ANAP's readiness to compromise on that issue, can be explained by the ownership of the new private TV platform – namely Magic Box / Star 1. Although Tunca Toskay, the Chairman of the Board at Magic Box affirmed that Ahmet Özal, President Turgut Özal's son, was not one of the partners or stakeholders of the company –at least on paper, the television channel was allegedly a part of the pro-ANAP business network (“TRT’de büyük baskı var,” 1990). The center-right opposition party DYP was ready to join forces with ANAP for the liberalization of broadcasting, but as their votes in the parliament would not suffice for a constitutional amendment, SHP's position was of crucial importance – and at that time it was still unclear.

On May 10, 1990 Constitutional Court revoked the *Law 3517* and in its statement underlined that the PTT was under direct government control, whereas the TRT was autonomous and any institution under the direct government control could not be involved in any part of the broadcasting process. Although private broadcasting was not in the content of the law, The Constitutional Court used its ruling on the PTT law as an opportunity to clarify its position on the TRT's monopoly: “Magic Box broadcast will be a de facto violation of the monopoly and shall be considered as piracy. It has no legal base and PTT should end transmission of Magic Box broadcasts” (“Magic Box yayın yapamaz,” 1990). This statement was an important turning point in SHP's decision. In line with Constitutional Court's position, SHP leader Erdal İnönü, agreed that Magic Box broadcast should be ended while both public and private institutions

---

<sup>41</sup> Minister Mehmet Yazar (ANAP): “Constitutional change is necessary but that's nothing to see with democracy” (“Paralı kanal kurulmalı,” 1990).

were enabling the violation by a single broadcaster. Without any institutional change, which would legalize the broadcasting by other possible channels, the present de facto situation was granting privilege to a single player. Meanwhile, he rejected Magic Box' invitation for a TV debate open to all parties' leaders. From that point on, the SHP's political discourse for ending the TRT's monopoly included various claims of a 'nepotistic violation of the monopoly'. Party's General Secretary Deniz Baykal argued that both TRT and Magic Box were Özal's channel. "The former is Turgut's, the latter Ahmet's. De jure monopoly is under Özal's control, de facto monopoly is under his son's control. A legal framework for other players is necessary" ("TRT de Magic de Özal'ların," 1990).

July 30, 1990 was a milestone in the politics of broadcasting liberalization. Leaders of five major political parties –except SHP leader İnönü- including incumbent ANAP's leader and Prime Minister Yıldırım Akbulut appeared in a TV debate on illegal Magic Box. This has been almost a consensual legitimation of the private broadcasting. Later in 1990, the discussions around three major political parties' constitutional amendment objectives –namely ANAP, DYP and SHP- it was observed that the liberalization of the broadcasting sector was one of the very few common points. In March 1991 –towards the end of the legislative term- incumbent ANAP started a discussion on an extensive constitutional reform package destined to fail, as the package was planned to include the transition to presidentialism –which no other party was in favor of.

The 1991 General Elections turned out to be a remarkable experience in the Turkish democracy in the sense that radio and televisions played an important role in electoral campaigns of the parties. Magic Box was broadcasting political parties' campaign ads –ANAP and DSP were claimed to be covered the most. In parallel to the changing circumstances, the SHP upgraded its

proactive politics on broadcasting. In June 1991 –four months ahead of the elections- SHP leader Erdal İnönü announced the foundation of the ‘democracy channel’ Mega-10 to create diversity in broadcasting – without waiting for the implementation of the necessary legal framework and constitutional change. SHP’s ‘legitimate violation’ strategy was compatible with the party’s discourse on ANAP’s de jure and de facto monopoly over broadcasting indeed. In addition, the SHP openly stated its aim to end TRT’s monopoly with a constitutional change in its electoral program (Sosyaldemokrat Halkçı Parti, 1991). Moreover, incumbent ANAP’s center-right rival DYP, promised to end the state monopoly over radio and television broadcast and maintain the autonomy of the public radio and television (TRT) by making it “an institution which functions under the law. An institution with an independent and national perspective again. All parties will be covered in TRT broadcast proportionately to their vote share. True Path Party supports the private entrepreneurship in broadcasting and commits itself to a constitutional and legal framework to enable private entrepreneurship in radio television broadcast” (Doğru Yol Partisi, 1991, pp. 269-270).

The election results led to an incumbent change for the first time in the post-transition period. ANAP’s arch-rival DYP was in the lead with 27% of the votes and 178 out of 450 seats, center-left SHP was behind ANAP with 20.7% of the votes and 88 out of 450 seats. DYP-SHP coalition talks were marked by a strong desire for a remarkable change and a democratization package – including the end of TRT’s monopoly. A reform in the TRT law-was discussed as a part of the coalition deal (“Demokratikleşme Paketi,” 1991). However, the coalition partners needed the support of other parties as they did not have the qualified majority, which requires more than 300 seats out of 450. To this end, a three-party reform commission –with main opposition party ANAP- convened. However, the divergence between ANAP and coalition partners was



insurmountably wide due to the question of presidential powers. The ANAP was strongly against the curtailment of its former leader Özal's powers. So, there was a clear conflict of interest, and there was no cohesive discourse around which political parties would compromise ("Anayasa değişikliği uzlaşma çıkmazında," 1992). Long-awaited reforms were stalling and the Parliament's Chairman Cindoruk was uneasy about the delay too and towards the end of legislative year he criticized the government parties for not having changed the TRT law, which they complained a lot when they were in the opposition ("Cindoruk'tan eleştiri," 1992). Following months showed that the initial consensus between DYP and SHP was at stake as well. Coalition partners had several crises during penal code reform discussions, and the government was on the brink of an unexpected collapse ("SHP lideri, DYP grubunu eleştirdi," 1992).

Two additional factors played an important role in the delay. A group within the junior coalition partner SHP was split and formed another political party –namely the CHP- in September 1992. In February 1993, parties could convene to discuss the constitutional amendments and after a few months of deliberation, it was clear that the end of TRT's monopoly was an easy question to deal with. On March 31, 1993 private radio stations broadcasts were halted as they were acting against the Radio Law. This was conceived as an emergency call for a constitutional reform only for the Article 133. A week after the end of private radio broadcasting, main opposition party ANAP avowed that they were ready to support the coalition partners ("ANAP, atakta," 1993). On the way to reform, President Turgut Özal died and the political agenda turned upside down. Presidential elections and the formation of the new government became the new priorities. Following Demirel's election as President by the TBMM, DYP held a congress to determine the new leader. Newly-elected leader of the party Tansu Çiller stated that her first task would be the radio-television broadcasting liberalization reform, in order to have the private

radios reopened (“Özel radyolar yine kapatılıyor,” 1993). Apparently, Çiller’s ‘Radyoma dokunma’ –i.e. ‘Don’t touch my radio’- was an easy cohesive discourse to bring together a legislative coalition which was already there for months. On July 5, 1993, the very same day when the new DYP-SHP government received a vote of confidence TBMM General Assembly, started to vote for the constitutional change and reforms on related legal framework. Three days later, the constitutional change was approved by a comfortable qualified majority composed of a DYP, SHP and ANAP alliance (313 votes) without much discussion.

## 2.4. State Security Courts

The State Security Courts (DGM), *Devlet Güvenlik Mahkemeleri in Turkish*, predate the 1982 Constitution and were founded in 1973 with a constitutional amendment in the Article 136. In early 1970s, the country was being ruled by technocratic governments following the March 12, 1971 Memorandum issued by the Turkish Armed Forces. Contrary to the 1960 Military Coup the parliament was not shut down this time. Nevertheless, the legislation was almost under the control of the military through the technocratic governments -which were assigned the task to restore the political order and take away some of the excessive civil and political rights granted by the 1961 Constitution, as briefly presented in the very beginning of this chapter. Under these circumstances, the State Security Courts were designed as courts specialized on crimes which threaten the state's security, free democratic order and the founding principles of the republic and they were emulated from the French system to a great extent<sup>42</sup>. The courts' jurisdiction covered 89 articles of the Turkish Criminal Code (Gözübüyük, 1974). After their first introduction, they were active for three years and abolished by a Constitutional Court decision in 1976. Only six years later, the 1982 Constitution laid the legal framework for the reintroduction of the DGMs in the Article 143.

Major differences of the DGMs from regular courts were the existence of military members even in the trials of the civilians, and longer custody durations (up to 30 days under the state of emergency). As these courts were not an invention of the 1980 National Security Committee, they did not become a political issue for a long time. However, the organization of the DGMs

---

<sup>42</sup> Cour de sûreté de l'État -Court of State Security- was introduced after the Algerian Independence War in France, during the presidency of Charles de Gaulle. The court in France was abolished in 1981.

were occasionally being discussed by the judicial bureaucracy. For instance, Ahmet Coşar, Chief Judge of the Court of Cassation, in his speech during the ceremonies held to mark the inauguration of the judicial year, underlined that the DGMs were undemocratic institutions due to the military members. According to Coşar, military and judiciary were divergent disciplines, “as the former is based on obedience, whereas the latter requires independence” (“Yargıtay başkanı sert çıktı,” 1988).

The issue did not find a place in the agenda of mainstream political parties for years. The SHP was the first party to pronounce the ‘abolition of the DGMs’ as a programmatic target during its 1991 General Elections campaign (Sosyaldemokrat Halkçı Parti, 1991). In 1990, SHP’s politics on Kurdish question had been subject to a DGM investigation due to a ‘controversial’ Southeast Report. The party –instead of giving concessions- transformed it to a political question. Hikmet Çetin, Vice General Secretary of the party, argued that it was normal for a political party to make statements which contravene the existing legal framework, even unconstitutional ones – “as the politics was actually an activity for discussing and changing the laws. In case political parties’ such functions are not recognized, they would be circumvented by the existing laws” (“Güneydoğu raporuna araştırma,” 1990). Throughout 1991, the SHP repeated its willingness to abolish the DGMs in several occasions (“Anayasa için referandum,” 1991; “Başkanlık sistemine hayır,” 1991).

In the elections, the SHP came third and could become the junior partner in a coalition government with Demirel’s center-right DYP. Coalition partners DYP and SHP had a common democratization agenda and they sought an agreement around a democratization package in parallel to the coalition protocole (“Ek 1- Demokratikleşme - VII. Demirel Hükümeti koalisyon protokolü,” 1991). Besides two parties were already known to have initiated a cooperation

initiative to establish a common framework for a constitutional reform, before the election (“Muhalefet yakınlaştı,” 1991). It is important to note that, despite a similar democratization discourse, parties’ reform objectives did not overlap perfectly and the parties did not have a consensus about the abolition of the DGM even in the very early common drafts.

#### **2.4.1. Pro-reform SHP as junior coalition partner and pro-Kurdish MPs crisis**

In the very early days of the government, DYP-SHP government was struck by a DGM- related crisis. Ankara DGM Prosecutor issued an indictment to investigate the links between 22 pro-Kurdish SHP MPs and the PKK -a Kurdish separatist-terrorist organization- due to the unconventional and allegedly unconstitutional actions of the pro-Kurdish SHP MPs in parliament’s inaugural session. For instance, Hatip Dicle at the beginning of his inauguration avowed that his friends and himself, were reading the oath under constitutional pressure (TBMM Tutanak Dergisi, November 6, 1991). Leyla Zana, who attracted reactions of many center-right MPs due to her red-yellow-green accessories, allegedly alluding to the PKK flag, during her inauguration speech promised to ‘struggle so that the Kurdish and Turkish peoples may live together in a democratic framework’ in Kurdish –which was noted as “speaker said things in an unknown language” in the TBMM verbatim (p. 13). The prosecutor requested from the TBMM to deprive the immunity of these MPs and this led to tension between the DGM and TBMM Chairman Hüsamettin Cindoruk of DYP, as the latter argued that the actions and statements of the MPs in the General Assembly fall under legal innocence –so their immunity cannot be deprived for a legal process concerning them (“İşte krize yol açan fezleke,” 1992). However, the attachment of pro-Kurdish MPs to SHP was not very strong, these MPs were linked to the pro-Kurdish HEP and they were known as ‘HEPliler’ (*HEP-members*) in daily political jargon. SHP leader İnönü urged Dicle and Zana to resign from SHP. A few months later, remaining pro-

Kurdish MPs resigned from the party too, after the TSK's operations in the Southeastern provinces to retaliate PKK's call for revolt in March 1992 –known as 'Bloody Nevruz' ("26 are killed as Kurds clash with Turkish forces," 1992). So, the pro-Kurdish MPs to be tried by the DGM were not the member of the incumbent party anymore.

In April 1992, abolition of the DGMs, in parallel to the government's democratization protocole was not on the SHP's agenda apparently ("SHP'nin yeni anayasa taslađı eskisinden farklı," 1992). The SHP leadership must have reckoned that the likelihood of the reform was really meagre either due to the present power distribution in the government and in the parliament or due to the conjuncture in the Kurdish question. Even SHP's limited reform agenda –which falls short of the abolition of the DGMs which required a constitutional amendment- became a huge problem between coalition partners. The SHP could not extend its pro-change agenda as its coalition partner DYP was very eager to keep DGM's 'privileges' in the Penal Law reform. The coalition government had several crises during negotiations. The DYP was insisting on a more pro-security approach and was in favor of restricted reforms from a national security point of view. The crisis was resolved following the SHP's concession for limiting the scope of liberalization for terror suspect ("CMUK'ta kim kazandı," 1992; "DYP ile SHP anlaşamıyor," 1992). In 1994, another DGM investigation for six pro-Kurdish MPs was started. This time TBMM voted to suspend these MPs' immunity –despite the opposition of the SHP and pro-Kurdish party DEP's MPs (TBMM Tutanak Dergisi, March 2, 1994). The trials remained in political agenda for more than 20 years and they contributed to the Europeanization of the DGM issue –which was later covered in the EU's 'conditionality' framework during negotiations for Turkey's accession to the Union.

It is important to note that, the DGMs –in general- were not only ‘legitimate’ from a mainstream politics perspective, but also had a central role in politics. For instance, Ankara DGM’s Prosecutor Nusret Demiral was a vocal actor in several political debates –varying from democratic credentials of Islamism to parliament’s decisions regarding the execution of death penalty. On the former, Demiral asserted that if Islamists won the elections, the latter would be the last elections in the Turkish history (“Demiral’ın gözü Refah’ta,” 1994; “İdam cezaları infaz edilsin,” 1995).

In the 1995 General Elections, pro-Islamic Welfare Party (RP) was the victor. Following ANAP and DYP’s short-lived center-right minority coalition government –supported by pro-secular actors, the RP and DYP agreed to form a coalition government. Given the initial positions of the actors, the government change was prone to trigger crucial crises between the pro-Islamic wing of the cabinet and the pro-secular judiciary. During his tenure, Minister of Justice Şevket Kazan did not avoid to clash with the judicial bureaucracy in appointments. However, Welfare Party’s ‘opposition’ to bureaucratic status quo remained non-programmatic. The party did not have a concrete reform plan to tilt the judicial system towards a more pro-Islamist or pro-democratic direction –unlike the SHP which had a reform plan but failed to implement. Besides, even if it did pursue a pro-change agenda with a pro-Islamic discourse, it would fail to convince its center-right partner DYP.

#### **2.4.2. A window of opportunity: Interests of coalition partners converge**

The DGM reform became a hot topic following a car crash on November 3<sup>rd</sup>, 1996, near Susurluk in the province of Balıkesir. The incident was later named ‘Susurluk Scandal’ in the daily political jargon as the accident put a spotlight on the relations among victims, namely Hüseyin Kocadağ -a high-ranked official from Istanbul Police Department, Sedat Edip Bucak –

a DYP MP who led a powerful Kurdish clan, and Abdullah Çatlı a right-wing gangster and a contract killer on Interpol's red list. The outbreak of the scandal and the investigations made the government politically vulnerable, as at least one MP of the junior coalition partner was to be tried for organized crime by the DGM. Meanwhile, the RP members were under the risk of DGM investigations –due to party's pro-Islamic discourse. Besides, the RP was claimed to be motivated by a judicial reform in order to save the perpetrators of Sivas massacre –which was an arson with fatalities, initiated by a fundamentalist mob targeting Alawite and secularist intellectuals and poets gathered for Pir Sultan Festivities in Sivas on July 2nd, 1993 (Bingölecer, 1997). So, the incumbent parties agreed on limiting the DGMs' jurisdiction in five articles of the Turkish Criminal Code –including the Article 312 and 313 which correspond to these jurisdiction areas. In addition, the bill was bringing some minor positive changes such as decreasing the maximum duration of custody in the DGM investigations<sup>43</sup>. However, opposition parties, did not support the draft and had partial reserves. The center-left CHP was supporting the reform on the Article 312, which was interpreted as a legal justification for several trials against several intellectuals; it was against the jurisdiction change for the Article 313; as the party considered it as an attempt to save the 'gangs'. The center-right ANAP considered the bill as a step for democratic progress in general, however it was hesitant due to the timing of the bill – as MP Eyüp Aşık in his address on behalf of his party in the General Assembly put it frankly “the parliament was being watched closely” due to Susurluk Scandal. ANAP was –at least– reluctant for change, in order not to give the impression that the parliament was after an intervention to an ongoing judicial process (TBMM Tutanak Dergisi, March 5, 1997).

---

<sup>43</sup> Article 312/2 about “incitement to religious, sectarian, racial hatred”, Article 313 on Armed organized criminal groups, Article 314 regarding supply of arms, Article 384 and 385 on acts of interruption in airway and railway transportation consecutively.



Following the opposition MPs' criticisms, the limitations on jurisdiction were narrowed down to only Article 384 and 385, however the article which reduced the maximum duration of custody was accepted –as foreseen in the bill. Therefore, the scope of the reform was even narrower than the initially planned.

#### **2.4.3. An external shock: Incal v. Turkey Judgment and Öcalan Trial**

In 1998, anti-DGM lobby and discourse had not changed much. However European institutions' pressure on Turkey about the DGMs was increasing. In *Incal v. Turkey* case, the European Court of Human Rights (ECHR) ruled that although the status of military judges provided certain guarantees of independence and impartiality, they were still military officers who take their orders from the executive and remain subject to military discipline (*Incal v. Turkey*, ECHR 41/1997/825/1031, June 9, 1998). This decision was considered as a catalyst for the reform process. Some civil society organizations like Progressive Lawyers Association (ÇHD) and Turkish Industry and Businessmen Association (TÜSİAD) called for the abolition of the DGM (“TÜSİAD’ın yargı raporu: DGM’ler kaldırılın,” 1998; Tutuncu, 1998). In November 1998, Minister of Justice Hasan Denizkurdu, prior to his trip to Strasbourg for the ECHR’s inaugural meeting, avowed his support for a partial change –without much precision- to preempt similar ECHR rulings against Turkey in future on the DGM trials (“Türkiye’den DGM savunması,” 1998).

Abdullah Öcalan’s seizure –leader of the separatist pro-Kurdish armed group PKK- by the Turkish security forces on February 25, 1999 has been a triggering event for a DGM reform. His trial became the hot topic for the coming months. The major political question in both political and state elites’ agenda was the process to be followed in the trial and how the trial would be watched and received by the international community. From their point of view, the

DGMs were notorious for the unfairness of the judgment process –especially due to the involvement of military judges; and neither the political elites nor the state elites were ready to risk the allegations of ‘unfair trial’ for this crucial case. To this end, only a few weeks after Öcalan was arrested, National Security Council announced its approval for the civilianization of the DGMs (Bila, 1999). However, the electoral calendar had been adopted months before the seizure of Ocalan, and the incumbent was Ecevit’s minority government with a couple of months tenure left ahead. The election results led to a hung parliament and a coalition partnership could only be attained by politically very dissimilar parties (center-left DSP, nationalist MHP and center-right ANAP) towards the end of May. Meanwhile President Demirel emphasized the urgency of the DGM reform and urged the incoming government to pass the civilianization bill as soon as possible (Çevikcan, 1999). So both TSK and Demirel were known to be for the civilianization and there were no veto players involved. To a great extent, the new government did not set the reform agenda itself but found it on the table as almost a national emergency question. The reform –as a question of national interest- was almost inevitable, hence a temporary solution was adopted: an additional civilian judge started to attend the trial, in prior to the legislation of the reform, in order to replace the military-judge later (“Ve yedek üye duruşmada,” 1992). Following a strong interparty consensus, military judges and prosecutors in DGMs are replaced by their civilian counterparts – Law 4388 June 18, 1999. The reform pleased President Demirel, but not Nuh Mete Yüksel -chief prosecutor of Ankara DGM- who openly stated that he did not embrace the ‘civilianization’ (“Demirel: İyi oldu, Yüksel: Benimsemiyorum,” 1999). Therefore the reform seemed to be implemented –despite an organizational resistance, on a political consensus around the national interest which united political elites and state elites.

#### **2.4.4. Agendas overlap: Pro-Islamic political movement and Europeanization**

The unease of Pro-Islamic political movement with the DGMs was no secret. Pro-Islamic politicians were investigated for allegations of violating the Article 312, which was still under the DGMs' jurisdiction due to the failure of Refah-Yol's reform attempt in 1997. In late 1990s, abolition of the DGMs entered the agenda of pro-Islamic politics. For instance, representatives of the pro-Islamic Virtue Party, defended the abolition of the DGMs in the Parliamentary Commission during the discussions on the civilianization ("Sivil DGM için ilk adım," 1999). Later in 1999, the party presented a constitutional reform draft including the abolition of the DGMs ("Fazilet'in anayasa düşü," 1999).

The AKP – the reformist successor of the pro-Islamic Virtue Party- mostly questioned for its sincerity or challenged from a republican-protectionist perspective by the pro-secular opposition, kept the abolition of the DGMs in its program which was influenced by a pro-EU discourse<sup>44</sup>. In that sense the AKP was bringing the Europeanization as a cohesive discourse to prevent the resistance of pro-Western and secularist actors. In 2002 General Elections, AKP had a landslide victory and –with the advantage provided by the 10% threshold which left 45% of the votes unrepresented- had the opportunity to form a one-party government, 10 years after the end of the center-right ANAP government. In one of his early interviews after the elections, Prime Minister Abdullah Gül stated that the DGM reform was to be one of the priorities on the new government's agenda but underlined that they did not plan to make any regulations regarding the pro-Kurdish MPs who were still in the prison ("Gizli işimiz olmaz," 2002).

---

<sup>44</sup> See the emphasis on 'Copenhagen Criteria' for the democratization standards and abolition of the DGMs as a programmatic target (Adalet ve Kalkınma Partisi, 2002, pp. 17-27).

Meanwhile the EU stated its dissatisfaction with present status of the DGMs, despite the civilianization reform in 1999:

“[A]ll members of the State Security Courts are now appointed from the civil judiciary. However, there are still several problems to be tackled to ensure fair trial in the State Security Courts, for example with respect to access to lawyers, as well as the competence of these courts vis-a-vis civilians.” (Commission of the European Communities, 2001, p. 16)

Europeanization process did not only bring the cohesive discourse to legitimize the reform but also brought exigencies. Trial of pro-Kurdish MPs was still on the table and it served as a catalyst for the abolition of the DGMs. The Third EU Harmonization Package -passed during DSP-MHP-ANAP coalition government- had given the pro-Kurdish MPs the right to new trial<sup>45</sup>. The retrial process was watched closely by the bodies and observers of the European Union. In September 2003, President of the European Parliament stated that retrial of the pro-Kurdish MPs might affect the EU-Turkey relations. Under these circumstances, the DGM’s decision for the continuation of the imprisonment led to reactions:

“The EU has followed the retrial closely and, while respecting fully the principle of the independence of the judiciary, has repeatedly raised with the Turkish authorities its concerns at the handling of the case by the Ankara State Security Court. The EU regrets that the conduct of the retrial and the outcome are clearly at variance with the reform process to which the Government of Turkey is committed and which is central to the development of closer relations between the EU and Turkey.” (Presidency of the European Commission, 2004).

At that time, republican and center-left main opposition party, CHP, came up with a quick and case-based solution to save the pro-Kurdish MPs. The CHP’s proposal was a legal change in the criminal execution code. According to Haluk Koç, CHP Group Chairperson, “Zana and her friends had already served for their crime” and sentences were executed disproportionately in

---

<sup>45</sup> See the Law 4711 published in the Official Gazette no 24841 on August 3, 2002 for details. Change in the Turkish Criminal Procedure Code (now Article 311, then 327a) accounted that a final judgment of the European Court of Human Rights concerning the violation of the Convention on Protecting the Human Rights or its Protocols by a national court would serve as the grounds for a new trial.

terror-related crimes in comparison to ordinary crimes (“Zana’ya çifte umut,” 2004). In contrast, the Constitutional Court Chief Judge Haşim Kılıç called for the abolition of all special courts, including the DGMs (“Kılıç: DGM’ler kaldırılmalı,” 2004).

The crisis around the DGMs, which was revived in the aftermath of a Harmonization Package granting the pro-Kurdish MPs the right to new trial, was resolved with another reform package which included the abolition of the DGMs. On May 7, 2004, General Assembly voted in favor of the bill, which was prepared by a consensus between the incumbent and the opposition party. During the parliamentary sessions, CHP spokespersons underlined that the abolition had always been on the agenda of the SHP –which was right to some extent as the CHP’s predecessor SHP was the first party with a programmatic target for the abolition- and the steps for democratization should be taken for the sake of Turkish society<sup>46</sup>. Whereas the AKP MPs and the Minister of Justice kept the issue in a Europeanization and convergence framework. In June 2004, the Court of Cassation who took over the jurisdiction following the abolition of the DGMs ruled for the release of the pro-Kurdish MPs.

---

<sup>46</sup> See the speeches of Oya Araslı (CHP MP), Nimet Çubukçu (AKP MP); Cemil Çiçek (Minister of Justice) and Burhan Kuzu (Head of the Parliamentary Commission on Constitution) (TBMM Tutanak Dergisi, May 4, 2004, pp. 76-90).

## **2.5. National Security Council: Military's control on the executive branch**

The National Security Council (NSC), *Milli Güvenlik Kurulu (MGK)* in Turkish, is a military-civilian body which plays a crucial role in Turkish politics and its role, membership structure and functions are briefly described in the Article 118 of the 1982 Constitution; while further details are defined in the National Security Council and the Secretariat-General of National Security Council Law (no. 2945). The National Security Council –composed of the Prime Minister, the Chief of the General Staff, ministers of National Defense, Internal Affairs, and Foreign Affairs, the commanders of the Land, Naval and Air Forces and the General Commander of the Gendarmerie- is convened under the chairpersonship of the President of the Republic, to take decisions with regards to the formulation, determination, and implementation of the national security policy priorities of the State and its views on ensuring the necessary coordination among related state organizations<sup>47</sup>. The council provides a framework for concerning the measures that it deems necessary for the preservation of the existence and independence of the State, the integrity and indivisibility of the country, and the peace and security of society. The Article 2 of the Law no. 2945 designates the MGK as the body responsible for the determination of the general national security politics. This actually corresponds to the National Security Politics Document – according to which the executive branch is expected to act and govern. However, the document itself is not publicly shared and is only accessible to high rank bureaucratic elite. In sum, the MGK is considered as (i) a supreme organ through which concerns and considerations of the military are channeled to the political

---

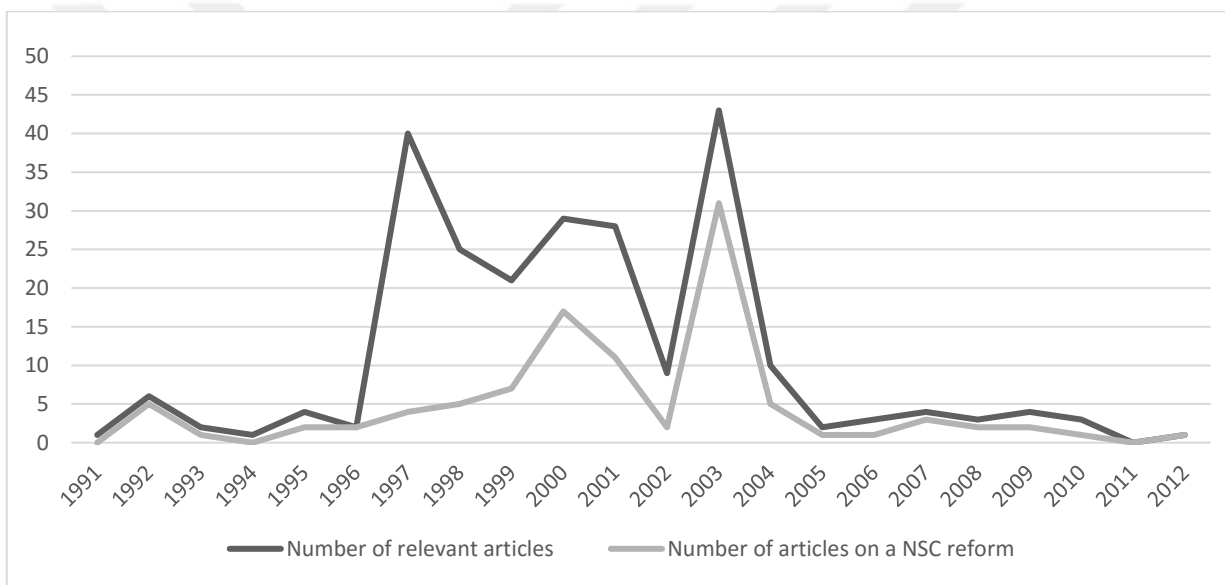
<sup>47</sup> In the original composition, the council had five members representing the military bureaucracy; four civilian members from the cabinet and the President of the Republic. So, the military-civilian balance depended on the organizational origin of the latter. For instance, during the presidency of Kenan Evren in 1980s, the former Chief of Staff, military wing was predominant.

system through regular meetings and (ii) an authority which keeps the political elite under control, within the boundaries of the National Security Politics Document.

From 1990s onwards, the role of the MGK is questioned by the politicians, as one can trace in the several pro-change statements which appeared in the media. Yet, these statements could not be transferred to a reform agenda. For instance, the DYP-SHP coalition government which was formed after the 1991 General Elections had a pro-democratization agenda and as a solid evidence of it, had proposed a ‘democratization framework’ attached to the coalition protocols but even that programmatic document did not have any MGK reform plan. (“Ek 1- Demokratikleşme,” 1991). To some extent, that must have been due to the Turkish Armed Forces’ privileged position in the MGK and the Turkish politics at large as of 1991. For example, former President Kenan Evren’s reaction to the President Özal’s statements indicating that “it is the first time ever that we (civilians) could overrun the military members (in the MGK)” can be considered as an evidence for the fact that military elites were not ready to accept a challenge on the basis of power distribution between the civil and military elites. According to Evren, Özal’s words had nothing to see with democracy; in a similar fashion he argued that a reform attempt to restructure the TSK by putting it under the Ministry of National Security instead of Prime Minister was likely to trigger a discontent among the military personnel (“Asker düşmanlığı yapmayalım.” 1991). In addition to the military elites’ unwillingness, political elites’ inability to turn separate pro-reform statements and attempts into a common reform initiative must have played a role in the continuation of the MGK as it is. For instance, senior coalition partner DYP worked for a civilianization reform package – which would turn the MGK into an advisory board where the only military member would be the Chief of the General Staff (“DYP’li Diker’den anayasaya neşter,” 1992). Besides, contrary to Evren’s warnings, DYP MP

Diker’s plan was after a huge transformation of civil-military relations –by putting the TSK under the Ministry of National Security. The plan could not be turned into an interparty reform initiative –as it was even well beyond the scope of the initial pro-democratization consensus of the incumbent parties and it was progressive enough to create a civil-military crisis. As a result, the MGK reform could not become a part of the constitutional reform of 1995.

*Figure 2.1. - Frequency of relevant articles on ‘MGK and change’*



This graph indicates the number of articles on MGK and change, published in the Turkish daily newspaper Milliyet. The articles are retrieved in February 2016, from the newspaper’s online archive by filtering all the news articles on the basis of following keywords: MGK (NSC), *değişiklik* (change) and reform (reform). All results provided by the archive engine are evaluated and a total of 241 articles are coded with respect to MGK’s position vis-à-vis the reform: either as an agent of change or an institution subject to change. Black line indicates the number of relevant articles, whereas the gray line indicates the number of articles where the MGK itself is the organization to be reformed.

### 2.5.1. ‘Revisionist threat’ increases MGK’s agency

The MGK meeting held on February 28, 1997 increased the council’s visibility as an agent on its own. With reference to the serious threat of revisionism, military members of the MGK pushed Islamist Prime Minister Necmettin Erbakan’s Refah-Yol coalition government to take



necessary measures to fight the rising revisionism –which itself was considered as the chief responsible for the threat by the secular state elite indeed. Military wing of the MGK not only urged government to take necessary steps as the executive branch; but also insisted on several legal reforms – such as the reintroduction of an anti-revisionist article to the Turkish Penal Code in a way that it fills the gap which occurred after Article 163 of the Turkish Penal Code was repealed in 1991 (“163 geri geliyor,” 1997). In that sense, the MGK turned the table in the reform debate by claiming its agency not only as an oversight body to control the civilian politics, but also almost as an authority to urge legislative proposals. In the following months, the military wing of the MGK insisted on the implementation of several steps to fight with the revisionist threat. The government was shaken by the pressure emanating from the military and later a party dissolution case was opened against the senior coalition partner RP –with an indictment stating that the Islamist party had become the center of anti-secular activities. Besides, junior coalition partner center-right DYP was on the brink of a collapse. The secularist MPs of the party had started to resign from even before the MGK meeting and established Democratic Turkey Party (DTP). Amidst multilateral pressure, the government had to resign.

After the resignation of the Refah-Yol government, center-right ANAP, center-left DSP and DTP formed a minority government (known as ANASOL-D) with center-left CHP’s support for the vote of confidence. The government was expected to implement the reforms and measures indicated in the MGK meeting of February 28. However, the government –ANAP in particular– avoided a subservient position, and was accused of stalling the application of MGK decisions. In a MGK meeting, military members of the Council were known to have warned ANAP about the conservative MPs of the party as the latter overshadowed party’s efforts to fight revisionism (Özkan, 1998). Even before the formation of the ANASOL-D government, some ANAP MPs –

such as Ali Coşkun and former minister Ekrem Pakdemirli- had reacted negatively to some of the MGK decisions taken on February 28 –arguing that the MGK’s demands were excessive (“Refah’tan 163’e tepki,” 1997). Despite the political resistance, the MGK was determined to hold the grip on government through various mechanisms. A military body called Batı Çalışma Grubu, *West Working Group*, was working as an intelligence unit –which detected revisionist personnel in public institutions and group’s reports were submitted to the Ministries for their dismissal (“İrticacı personeli temizliyoruz mesajı,” 1998). In regard to parliamentary actions, generals sought alternative mechanisms of legislation in cooperation with the high judiciary – such as rule by decree- in case of a parliamentary deadlock (“Karadayı’dan formül,” 1998). Besides, in 1999, towards the end of the legislative year, military members of the MGK asked for an electoral system change –a two-round system- which would benefit centrist parties –as the majority of the voters were expected to support them instead of pro-Islamic candidates in run-off elections (“Askerden 4 istek,” 1999). In that sense, the MGK wanted to regulate the electoral system in order to minimize the risk of a pro-Islamic government in future. However, parties in the parliament did not have a consensus for the change –as they had already started their electoral campaign preparations for the forthcoming general elections. CHP, DYP and FP openly rejected to support an electoral system reform – which would possibly lead to an electoral calendar revision.

In the second half of 1990s, the MGK – actually the military wing of the Council- had increased its agency in various policy areas, but its efforts to push for political change remained unanswered by the parliament to some extent. Neither the Article 163 of the Turkish Penal Code was reintroduced, nor was the electoral system reformed in parallel to the requests of the military. However, the MGK’s influence on government paid off in personnel management and

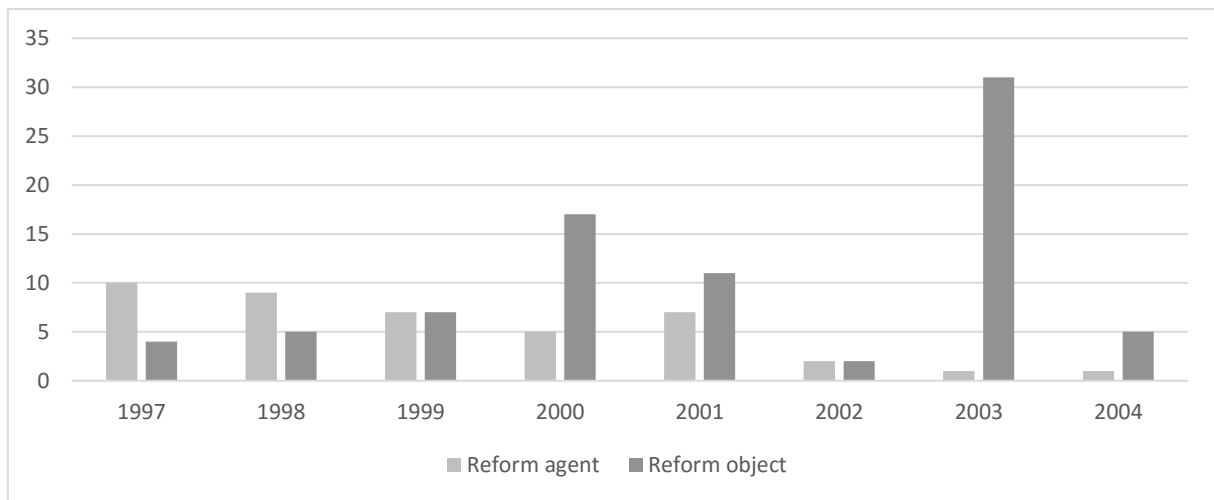
in policies related to society. The education reform known as ‘8-year compulsory education system’—which led to the closure of the religious vocational schools for juniors- was the major success of the MGK as ‘a reform agent’.

### **2.5.2. Towards the normalization of civil-military relations?**

In 1999 General elections, pro-Islamic Virtue Party received around 15.4 of the votes and the new coalition government was formed by the center-left DSP, nationalist MHP and center-right ANAP. A few months after the formation of the government, an unprecedented window of opportunity for political reforms was opened. Turkey was granted ‘candidate status’ during the Summit of Heads of State and Government held in Helsinki on December 10-11, 1999. In two weeks, the Ministry of Foreign Affairs issued a notice indicating that the MGK’s role in Turkish politics was susceptible to be problematic with regards to the political criteria to be met for accession (“AB üyelğinde MGK faktörü,” 1999). Later, a preliminary report penned by an inter-ministerial working group, projected a change in the status of the MGK decisions and in the membership structure –by increasing the number of civilian members (“Avrupa yol haritası hazır,” 2000). During that period, the MGK had an ambivalent role in reforms. On the one hand by accepting the limited reform – the military wing recognized the possibility of an MGK reform which would diminish its role in politics (“Askerden üç vize,” 2000; “Ecevit ve Yılmaz sıcak,” 2000). On the other hand, it sought to keep itself as a legitimate player –capable of interfering with or vetoing reform drafts. Preserving its legitimacy as a stakeholder, it could alter a reform plan –known as ‘EU road map’- by adding an emphasis on ‘the protection of democratic and secular republic’ in human rights related reforms (Yılmaz & Yinanç, 2000). In that sense, pro-secular military’s concerns are embedded in the reform plan – in a way that the reference to the European Charter of Human Rights are complemented with the condition of the protection of

the state and its character. In various other issues (such as the Constitutional Article 69 stating the conditions of party dissolution, liberalization of Kurdish language policies and the Article 312 of the Turkish Penal Code which criminalizes the actions and statements ‘inciting racial or religious hatred encouraging people to disobey the law’) the MGK kept its role as a channel through which the armed forces presented its concerns in reform processes.

*Figure 2.2. - MGK’s change from a ‘reform agent’ to a ‘reform object’*



It is worth noting that, a pro-reform public opinion was being formed in parallel to the EU reform process. For example, pro-Islamic FP and its predecessor RP’s former coalition partner DYP had stated their willingness to reconsider the Council’s role in Turkish Politics. The former underlined that the party perceived the MGK as an ‘advisory board’ in the development report which was issued in 1998 (Fazilet Partisi, 1998, p. 31). In a similar fashion, DYP leader Çiller was after a ‘democratization program’ with a civilianization dimension – which was to be turned into an extensive program called ‘Second Democratization Initiative’ (Hasan, 1999). Therefore, two major opposition parties’ support for an MGK reform towards democratization was almost certain. Besides, TUSIAD’s (Turkish Industrialists’ and Businessmen’s Association) (Türk,

2000; 2001) -in almost every democratization report- emphasized its willingness for the shift of power distribution in the MGK in the name of civilianization.

In September 2001, the Article 118 of the constitution was changed in parallel to the initial EU road map report and number of civilians in the Council were increased (by the inclusion of Deputy Prime Ministers and the Minister of Justice) and the MGK decisions are given an “advisory” status. Although Europeanization agenda and the reform impetus gave a legitimacy to the partial civilianization of the MGK in 2001, the ‘pro-European’ness of the military in Turkey was not clear. For instance, General Secretary of the MGK General Kılınç –in a symposium- challenged the EU’s perspective on Turkey and called for the need of finding alternative alliances with regional actors –such as Iran and Russia (Oğuz, 2002). In that regards, Europeanization agenda was not adopted by the military elite, but it could be used by the political elites to persuade them for reform.

### **2.5.3. Continuation of the MGK reforms for Europeanization**

In parallel to the AKP’s strategy to continue the EU reforms, two additional legal reforms were implemented in the legal level in the first term of the AKP era. While the first one (Law 4789) was about the harmonization of the MGK law on the basis of the membership structure as redefined by the 2001 Constitutional reform, the second one (Law 4963) limited duties and functions of the Secretariat-General of the Council, decreased the frequency of the meetings (bimonthly instead of monthly). Besides, requirements for the General Secretary position were altered in a way that not only military officials but also civilians can be appointed. Regarding this change, Chief of Staff was known to share its concerns and in the aftermath of a meeting between General Özkök and Abdullah Gül –Minister of Foreign Affairs- these concerns are announced to be taken into account and reflected to the draft in the commission –partially though

(Tahinciođlu, 2003). The draft was approved in the parliamentary commission, despite the resistance of the Secretariat-General of the Council. Mustafa Ađaođlu –Chief Advisor to the MGK General Secretary- had been invited to the commission for a hearing where he underlined that Secretariat-General had submitted a letter to Prime Minister’s Office to indicate their concerns – none of which had later been addressed by the government. He argued that the reform meant the end of the MGK Secretariat-General (“MGK Genel Sekreterliđi bitti,” 2003). Later the EU General Secretary Murat Sungar confirmed that the government did not step back despite Chief of Staff’s objections (Çakırözer, 2003).

As of 2003, not only MGK but also Turkish Armed Forces (TSK) seemed to lose its power to influence reform processes –even those which directly affected itself. Besides, pro-secular state elite stopped acting in concert continuously with them –contrary to the February 28 process: President Ahmet Necdet Sezer approved the law 4963 –i.e. 7th Harmonization Package- despite the military elites’ criticisms on the MGK law.

It is important to note that this episode marks a huge change concerning MGK’s and TSK’s capacity to steer, control or stall legislation processes in times of reform marked by the ‘Europeanization’ as a ‘cohesive discourse’. However unfortunately this did not mean normalization of civil-military relations at large. TSK’s insistence to preserve its agency in politics has lasted longer and became more visible during 2007 Presidential Elections –which was marked by a vibrant debate around the secular credentials of AKP’s candidate Abdullah Gül. First on April 13, 2007 General Büyükanıt stated the need of a secular president (“Sözde deđil özde laik cumhurbaşkanı,” 2007). Later on April 27, Chief of Staff web site issued a harsh warning about the revisionism threat, signaling that the TSK would whatever is necessary to safeguard the secular identity of the republic. This warning, considered as a memorandum by

many, showed that it would take more than the reforms which were carried out so far- for the normalization and stabilization of civil-military relations in Turkish democracy. Finally, on July 15, 2016, a coup attempt initiated by a faction within the military, signaled that the civilian governments were still vulnerable from a negative consolidation point of view, as they are still under the threat of being overthrown by arms<sup>48</sup>.



---

<sup>48</sup> As of July 2017, the judicial process on the failed coup attempt did not end. The principle indictment on the junta called 'Yurtta Sulh Konseyi' – The Council of Peace in the Homeland- was accepted by a court in Ankara, in April 2017. The findings presented in the indictment suggest at the involvement of an Islamic cult organized around the leadership of a preacher –Fethullah Gülen- who reside in the U.S for years. The cult was argued to be organized for taking the control of the state bureaucracy through a systematic employment and vetting strategy for decades. As the relationship with the incumbent party –which it used to support politically previously- soured and turned into a hostility, the cult started to get organized for a military coup to overthrow the government after the incumbent's victory in the November 2015 General Elections. The indictments of the judicial processes identify Fethullah Gülen as the chief culprit.

## 2.6. Party Dissolution Cases

Frequent dissolution of political parties has been one of the major issues in Turkish democracy, which restrict the political participation. During the making of the 1982 constitution, military-authoritarian elites and the advisory board aimed to keep the political game only among mainstream actors and implemented several control mechanisms to safeguard the system which they sought to build by keeping the anti-system parties out of the game. To this end, Article 68 of the constitution defined the principles to be observed by the political parties and indicated the boundaries which political parties are not allowed to cross:

“The statutes and programs, as well as the activities of political parties shall not be contrary to the independence of the State, its indivisible integrity with its territory and nation, human rights, the principles of equality and rule of law, sovereignty of the nation, the principles of the democratic and secular republic; they shall not aim to promote or establish class or group dictatorship or dictatorship of any kind, nor shall they incite citizens to crime.”

In case a party becomes the center of such actions – i.e. when these actions are committed intensively by the members of that party or these messages are shared implicitly or explicitly by the grand congress, general chairmanship or the central decision-making or administrative organs of that party or by the group’s general meeting or group executive board in the parliament- parties would face the risk of dissolution. Article 69 of the Constitution stipulates that “dissolution of political parties shall be decided finally by the Constitutional Court after the filing of a suit by the office of the Chief Public Prosecutor of the High Court of Appeals”. Since 1983, the Constitutional Court convened to discuss the dissolution of 41 political parties and ruled the dissolution of 19 out of 41 cases (See *Table 2.2.*). It is important to note that only one political party was closed down in the 1983 to 1991 and political party dissolutions became a hot topic in 1990s. The most plausible explanation for this change is the gradual democratization



of the regime. As indicated in previous sections, the 1983 General Elections were hardly free in the sense that the parties to compete in the elections were almost handpicked by the military authoritarian elites who were still in power. Moreover, Kenan Evren - former Head of the National Security Committee- served as the President until the end of 1989 and meanwhile the Committee –despite no direct role in the politics- retained a temporary status as the Presidential Council which acted upon President Evren’s call as an advisory board. Under these circumstances, actors –even those who were not persecuted by the authoritarian regime- might have hesitated to organize around a ‘marginal’ political agenda until the end of this ‘transition’ phase.

The only major question in the 1980s, was the dissolution of the pre-1980 political parties by the *Law 2533*– which was enacted by the National Security Committee on October 16, 1981<sup>49</sup>. This issue was raised several times by the DYP leader Süleyman Demirel –who was the leader of the AP before the coup. In 1990, former President Evren expressed that he had been against the dissolution of political parties during the authoritarian rule, in several occasions. He argued that the Committee was obliged to close down the parties and ban the politicians in order to avoid political revenge (“İntikam alırdınız,” 1990; “Pisi pisine vurulmak istemiyordum,” 1990). The very same year, center-left SHP –which was known to be CHP’s successor- came up with a legislative proposal for the reopening of the banned parties. Following 1991 General Elections, DYP and SHP which acquired a parliamentary majority, and the Law 2533 was annulled on June 19, 1992 the by the Law 3821.

---

<sup>49</sup> It is important to note that this was a blanket close-down, with no ideological and programmatic criterion. The AP and CHP -two major parties of the center- were also dissolved under the interim military authoritarian rule.

### **2.6.1. Party dissolution cycles: Leftist, pro-Kurdish and pro-Islamic parties**

From 1990s onwards, party dissolution cases became a hot topic in Turkish politics. In 1990s 15 political parties were shut down by the Constitutional Court rulings. Following the diversification of the political sphere, pro-Islamic and pro-Kurdish movements regained representation in the party politics and political parties representing these two movements have been subject to several party dissolution cases opened by prosecutors. In the bureaucratic elites' eyes, dissolving parties was a necessary practice for the protection of the secular character and territorial integrity of the country (Güney & Baskan, 2008, p. 277). Pro-Islamic RP's members were aware of the risks. For instance, in 1992 pro-Islamic RP's spokesperson Hüseyin Erdal brought the issue during the parliamentary discussions on the abrogation of the Law 2533 in the General Assembly. He argued that, there was no other democratic country with restrictions on the religious people's entry to the party politics and there were religious parties –among many other alternatives none of which were closed down (TBMM Tutanak Dergisi, June 18, 1992, p. 71). However, at that time, dissolution of political parties by the judiciary was not considered as a question of democracy by the mainstream politicians. For instance, Demirel –during his criticisms for the dissolution of pre-1980 parties, adopted an ideologically selective discourse and underlined his support for the dissolution of the communist parties, as he considered communism as the ideology of the Slavic expansionism –in that regards a question of national threat (“Öğrencilerden Demirel'e alkış,” 1989). Besides, Ercan Karakaş, the SHP's spokesperson on the abrogation of the Law 2533 underlined that political parties were essential to democracy however they could be dissolved by the court rulings (TBMM Tutanak Dergisi, June 18, 1992, p. 73). Therefore, before the high tide of party dissolution cases, no mainstream

party had a concern for reforming the legal framework for the party dissolutions. Only one month later, dissolution of two left-wing political parties -namely United Communist Party of Turkey (TBKP) and Socialist Party (SP) by the Constitutional Court and the opening of a dissolution case against SHP's sister party pro-Kurdish People's Labor Party (HEP), put the party dissolution cases in SHP's agenda. The SHP's Deputy-General Secretary Ercan Karakaş, by altering his position in the General Assembly, defended that political parties should not be dissolved upon their ideologies and programs and the fact that a socialist party's dissolution during pro-democratic DYP-SHP government was unfortunate: "[these incidents] point us the direction to be adopted for the new priorities in a democratization agenda". The President of Constitutional Court Yekta Güngör Özden stated that the decision was taken with regards to the existing legal framework, even though the court was in favor of allowing communist or fascist parties ("Özden: SP'yi üzülererek kapattık," 1992). It is important to note that the DYP-SHP coalition had a pro-democracy and anti-September 12 discourse and was after a detailed constitutional reform and a reform to open the floor for political parties under dissolution threat would overlap with that general discourse. Besides a change in the legal framework for party dissolution became also strategically profitable in 1994.

In 1993, HEP was dissolved but pro-Kurdish politicians had an alternative plan. The Democracy Party (DEP) was established as a plan B, in prior to the dissolution of HEP and pro-Kurdish MPs joined DEP –so that they would remain MP even HEP would be dissolved by the Constitutional Court. However, in December 1993 a dissolution case was filed against the DEP as well. Meanwhile, the incumbent parties sought to introduce some minor changes. For instance, even before the opening of the DEP case, MP Avundukluoğlu –of the DYP- had prepared a legislative proposal to change the Constitutional Article 69, which was

overshadowed by the ongoing constitutional reform efforts in the parliamentary commission. Besides, the government was rumored to be influencing the Constitutional Court, to avoid the dissolution of the DEP, as they were reluctant to hold a by-election or early general elections – which would become necessary if the court ruled for the dissolution (“Aman DEP’i kapatmayın,” 1994; “DEP’ten telkinlere olumlu yanıt,” 1994). On top of that, the incumbent parties were after limiting the sanctions on the MPs, after party dissolutions. At that time, according to the Constitutional Article 84, dissolution of a party implied the loss of membership for all MPs, who were a member of the party at the time when the case was opened. Therefore, dissolution of DEP would lead to a by-election or early elections. Following unproductive debates among politicians which did not result in any legal change, the Constitutional Court ruled for the dissolution of the second pro-Kurdish party DEP in June 1994. While, the political elite was hardly after a substantive change in the legal framework for the constitutional change; the bureaucratic elites were not welcoming such a change anymore either. Despite his previous statements concerning his unwillingness for the party dissolution rulings –as seen in the case of Socialist Party- Yekta Güngör Özden argued that democracy could not be left to movements which contradict with democracy: Besides his position on the ethnic politics was clear. He argued that Prime Minister Süleyman Demirel’s remarks on ‘constitutional citizenship’ were erroneous, which would provoke political divisions through concretization of ethnic properties. In an interview, he emphasized the importance of party dissolution cases for the protection of the constitution and state (“Anayasa Mahkemesi kararları sadece kelebekleri bağlamaz,” 1995). In the 1995 Constitutional Reform, party dissolutions remained a tangential issue and the only change about the dissolution processes was the introduction of the right to defense in the Article 149.

From 1993 onwards –following Yazar, Karataş and Aksoy’s appeal to the ECHR for the dissolution of the pro-Kurdish HEP- party dissolution phenomenon in Turkish politics draw the attention of the European institutions and international public opinion. Suggestions and recommendations of European institutions were taken note of in several reports. For instance in 1995, President Demirel’s office released a report which summarizes the reform requests of the European Parliament and the Council of Europe. One out of 12 requests was about the party dissolution framework in Turkish legal system – and 3 out of remaining 11 concentrated on the legal impediments around the pro-Kurdish politics – such as decriminalization of political expressions of separatism (Çevikcan, 1995). However, at that time European influence on Turkey was quite limited and the reform suggestions of European institutions were in contradiction with the majority of mainstream politicians’ approach to the Kurdish question and pro-Kurdish politics. The SHP’s Kurdish opening in the early 1990s was wasted as the party’s position had become politically untenable in the mainstream and as the junior coalition partner, due to the increased conflict between the separatist PKK and the TSK. Besides, Ecevit’s DSP’s –a more nationalist center-left alternative – criticisms against their major rival SHP’s alliance with the pro-Kurdish movement in the 1991 General Elections were paying off. In the following general elections held in 1995, the DSP became the major party of the center-left, approximately three points ahead of the CHP –the successor of SHP.

In general, this was an era when the party dissolution was considered as a legitimate defense mechanism for the protection of the state and the system –not only by the bureaucratic elite but also by the elected. Hence, the Europeanization of the party dissolutions issue could not reach the political level but remained at the judicial level. Since the dissolution of HEP, pro-Kurdish politicians appealed to the European Court of Human Rights on the grounds of the violation of

*Table 2.2. - Party dissolution cases and court decisions*

<b>Date</b>	<b>Party Name</b>	<b>Allegations on the violation of</b>	<b>Decision</b>	<b>Outcome</b>
25.08.1983	Sublime Mission Party	Temporary 4	Unanimity	non-jurisdiction
25.10.1983	Peace Party	78, 84, 85, 86, 87, 90, 101a	6 to 5	dissolved
01.11.1983	Our Party	90, 93, 101	Unanimity	non-jurisdiction
03.11.1983	Conservative Party	90, 93, 101a	Unanimity	rejected
09.11.1983	New Order Party	8, 90, 91, Temporary 3 and 4, 101a	unanimity, 5 to 7	rejected
28.09.1984	True Path Party	96, 97, 101b	Unanimity	rejected
08.12.1988	Socialist Party	78, 101a	2 to 9	rejected
02.05.1989	Flag Party	3, 8, 14, 102	4 to 7	rejected
16.07.1991	Utd Communist P. of Tr	Const 2, 3, 6, 10, 14, 68; 78, 81, 96, 101a	Unanimity	dissolved
24.09.1991	Nationalist Task Party	6, 104	Unanimity	rejected
24.09.1991	Rep. People's Party	96, 101	Unanimity	dissolved
10.07.1992	Socialist Party	Const 3, 14, 66, 68; 78, 81, 101	10 to 1	dissolved
14.07.1993	People's Labor Party	Const 2, 3, 14 and 68; 77-88, 97, 101b	10 to 1	dissolved
30.11.1993	Socialist Turkey Party	Const 3, 4, 14, 68, 69; 78a, 81a-b, 101a	Unanimity	dissolved
10.02.1994	Green Party	73, 74, 104	10 to 1	dissolved
14.02.1994	Freedom & Democ. P.	Const 2, 3, 14, 24, 42, 68, 69, 136; 78, 81, 89, 101	unanimity	dissolved
16.06.1994	Democracy Party	Const 2, 3, 14 and 69; 78, 81, 101b	unanimity	dissolved
13.09.1994	Democrat Party	104	unanimity	dissolved
19.07.1995	Socialist Unity Party	Const 2, 3, 6, 14, 69; 78a, 80, 81a-b	unanimity	dissolved
19.03.1996	Democ. & Change P.	Const 2, 3, 14, 69; 78a, 81a-b, 101a	10 to 1	dissolved
14.02.1997	Labor Party	Const 2, 3, 14, 69; 78a, 81a-b, 101a	unanimity	dissolved
18.02.1997	Revival Party	105	6 to 5	dissolved
22.05.1997	Dem. Peace Mov't P.	Const 136; 89,101a	5 to 6	rejected
16.01.1998	Welfare Party	Const 68, 69; 101b and 103	9 to 2	dissolved
26.02.1999	Democratic Mass Party	Const 2, 3, 14, 68, 136; 78, 80, 81, 89, 101	6 to 5	dissolved
22.06.2001	Virtue Party	Const 2, 24, 68, 69; 101b and 103	8 to 3	dissolved
13.03.2003	People's Democracy P.	Const 68, 69; 78, 79, 80, 81, 82	unanimity	dissolved
14.10.2004	Turkey Soc. Worker P.	105	unanimity	rejected
14.10.2004	Revolut. Soc. Worker P.	105	unanimity	rejected
14.10.2004	Great Justice Party	105	unanimity	rejected
14.10.2004	Tr is Happy w its Handicapped	105	unanimity	rejected
14.10.2004	Turkey Justice Party	105	unanimity	rejected
14.10.2004	Justice Party	105	unanimity	rejected
14.10.2004	Main Path Party	105	unanimity	rejected
29.01.2008	Rights and Freedoms P.	Const. 2, 3, 14, 68, 69; 78a-b, 80, 81a-b, 100, 101a	6-5	rejected
30.07.2008	Justice & Develop't P.	Const. 68, 69; 101b, 103	6-5	rejected
09.07.2009	Justice & Develop't P.	104	unanimity	non-jurisdiction
09.07.2009	Turkey Communist P.	104	unanimity	non-jurisdiction
09.07.2009	Turkey Soc. Worker P.	Const. 68, 69: 101, 103	unanimity	rejected
11.12.2009	Democratic Soc. P.	Const. 68, 69; 78, 80, 81, 82, 90, 101/1-b, 103	unanimity	dissolved
12.03.2011	Dem. People Party	Const. 68, 69; 78, 80, 81, 82, 90	unanimity	non-jurisdiction

their political rights in Turkey, as the pro-Kurdish political parties were shut down one after the other.

The 1995 General Elections was a turning point in the Turkish political history. First time in the history of the secular republic, a pro-Islamic party came first in the elections and became the senior coalition partner in a government –namely Refah-Yol- in 1996, following the collapse of the centrist minority government formed by ANAP and DYP -two arch-rivals of the center.

### **2.6.2. February 28: A dissolution case against the incumbent party**

‘Anti-secular policies’ adopted by the government –and several symbolic steps which were in contradiction with the secular character of the Republic, such as a reception given to the Islamic cult leaders by the Prime Minister- were considered as a threat to the system. In the National Security Council (MGK) meeting held on February 28, 1997, the government was given a harsh warning by the pro-secular military and a roadmap to save the country from the revisionist threat. Following this unprecedented practice- defined as a ‘memorandum’ by some or as a post-modern coup’ by many others- the Islamist Welfare Party was to face a dissolution case –which was the first ever dissolution case against an incumbent party. It is important to note that the RP’s prospects for pushing for a reform on party dissolution were quite limited. Not only TSK but the entire state elite considered an emergency situation and any reform to the benefit of political parties was inconceivable. On the contrary, Vural Savaş, chief prosecutor of the Court of Cassation, a few days after the MGK meeting, submitted a reform proposal to the TBMM Presidency, before he opened the dissolution case against RP in order to extend and diversify evidences acceptable for the dissolution cases (“Parti kapatma teklifi,” 1997). Among the mainstream political elites, the DYP leader Ciller was the only prominent figure who showed sympathy with the RP –at the cost of an intra-party crisis (“DYP’de destek bildirisi krizi,” 1997).

The RP's reactions to the party dissolution cases were not so much different than the pro-Kurdish parties –which had lower representation in the legislature. A new party –namely the Virtue Party, FP- was founded, and the RP members appealed to the ECHR. This dual strategy was transferred to an ambivalent discourse. On the one hand, the dissolution of the party was 'not the end of the world' as the party's agenda would be adopted by a new party ("Kapusuz: Refah gider, Ferah gelir," 1997). In that sense the RP was acting pragmatically –as its predecessors National Order Party and National Salvation Party which were closed down before the 1980 coup and the pro-Kurdish parties in 1990s- and followed the party dissolution cycle. On the other hand, the party's leader -former PM- Erbakan adopted a pro-democracy discourse and underlined the anti-democratic peculiarity of the Turkish system –to defend their cause at the European level ("Taş devrinde bile yok," 1998). It is important to note that the appeals to ECHR were considered as 'anti-national' and manipulative even by some center-left politicians –such as DSP leader Bülent Ecevit ("RP Avrupa'da sonuç alamaz," 1998). For center-right ANAP's leader Mesut Yılmaz, Virtue Party (FP) – RP's successor- was under the obligation of making peace with the immutable principles of the system, in order to survive ("Yılmaz: Fazilet sistemle barışsın," 1998). In following years, party dissolution cases continued to be 'ordinary' events and parties which did not make peace with the system continued to be dissolved. Only a year after its foundation, a dissolution case was filed against the FP –the successor of the RP- by Vural Savaş who compared the FP party cadre to a bunch of vampires ("Savaş: FP yöneticileri vampir," 1999).



### **2.6.3. Seeking an interparty consensus beneath the shadow of the state elite**

Although the FP was in the opposition –with less representatives in the parliament, political climate was quite different during FP’s dissolution case, in comparison to the RP’s dissolution case. A reconciliation commission was working on an extensive constitutional reform as a part of country’s efforts for the EU accession and all political parties in the parliament were in interaction constantly around a reform table. Additionally, judicial elite seemed to be divided about many issues –including political party dissolution cases. Even within the same organization –the Court of Cassation- liberal President of the Court was in favor of a reform, whereas Vural Savaş –the chief prosecutor who was in charge of party dissolution prosecutions- was strongly against any major change (“Yargının zıt kardeşleri,” 2000). Savaş argued that the Constitutional Article 69 was one of the legal grounds for the process initiated in the MGK meeting on February 28, 1997 and a change in the article would leave the secular republic off-guard (“28 Şubat’a ağır darbe,” 2000). In a similar fashion, Salim Dervişoğlu, former Commander of the Turkish Naval Forces underlined that the military members of the MGK might bring up their anti-change position during the meeting, within the framework of ‘combating revisionism’ (“Asker 69’u MGK’ya götürüyor,” 2000). Another important factor which made the reform possible was an ‘emergency’ – President Demirel’s tenure was about to end and the DSP-MHP-ANAP government sought to avoid any political uncertainty or even crisis which the Turkish politics was likely to face due to the Presidential Elections –which had been the case in previous experiences. The government and President Demirel worked in harmony, therefore incumbent parties were in favor of the continuation of his tenure. Nonetheless, this was not constitutionally possible according to the Article 101 of the Constitution which restricts presidential mandate with a single term. As a result, three parties in the government decided to change the Article 101 in order to give Demirel an additional term

of five years. In order to consolidate a pro-reform qualified majority in the parliament, this change was taken together with two additional changes –namely a partial change in Article 69 which FP was expected to support and Article 84 regarding the pension system of the MPs to their benefit<sup>50</sup>. This emergency reform package seemed to be to the benefit of all. However, it turned out to be a failure. In addition to FP’s demands regarding the Article 69, DYP and FP MPs were reluctant to support the change in the Article 101 as two parties were arguing for a greater change. Two parties had already submitted a legislative proposal for the election of the president by popular vote earlier and the spokespersons of the parties in the general assembly session argued that a constitutional reform for the reelection of a particular person for the sake of stability could not be a justification for a constitutional reform<sup>51</sup>. Apparently, incumbent parties’ ‘discourse of emergency’ was not convincing enough to the ears of the opposition MPs. Besides FP was pushing for more change with regards to the party dissolution framework. In the second voting held in the General Assembly on April 5, 2000, the article changing the presidential tenure failed to receive the support of a qualified majority and the reform package was sent back to the Constitutional Commission of further discussion.

In the coming months, Reconciliation Commission in the parliament reached an interparty agreement. The FP –which was under an imminent threat- accepted to support the draft entirely as the new draft added a qualified majority condition for party dissolution rulings (“Parti

---

<sup>50</sup> Change in the Article 69 sought to implement preliminary concrete judicial steps as the evidence of a party’s centerdom of unconstitutional activities –such as court rulings indicating a party’s members’ or organizations’ violations- in prior to the dissolution of a party by the Constitutional Court which decided on the question of ‘centerdom’ under the light of the evidences provided by the Chief Prosecutor of the Court of Cassation. Although FP was content about the change, was after a more extended reform. FP MPs underlined that a similar clarification was necessary for the seventh section of the same article –according to which a party would be closed down if it is found to be the successor of another one previously dissolved by the court. They argued that similar concrete criteria were necessary to decide whether a party was the successor of another or not (See: TBMM Tutanak Dergisi. March 29, 2000, p. 319; p. 345).

<sup>51</sup> See Yasin Hatiboglu (FP) and Ahmet Iyimaya’s (DYP) speeches (TBMM Tutanak Dergisi. March 29, 2000, p. 304 & pp. 307-310).

kapatmak artık daha zor,” 2001). Yet the agreement remained fruitless. A few days later, Constitutional Court issued a harsh press release –considered as a ‘constitutional memorandum’- stating that the reform on the commission’s table would affect an ongoing trial. Besides, ‘qualified majority’ condition for the Constitutional Court rulings implied a lack of trust to the court and would lead to a privileged minority in the court’s decision-making process (“Anayasal muhtıra,” 2001). Following the Constitutional Court’s statements, President Ahmet Necdet Sezer –former chief judge of the court- warned the government by claiming that the reform would create a legal gap and make jurisdiction almost impossible (Çevikcan, 2001). However, the Constitutional Court’s statement was not welcome by Hikmet Sami Türk – Minister of Justice-, who shared his unease with Court’s ‘violation of the separation of powers’, PM Ecevit decided to delay and reconsider the reform until the end of the FP trial (“Anayasa Mahkemesi haklı mı?,” 2001).

Following the Constitutional Court’s ruling for the dissolution of FP, reform of the constitutional articles on party dissolution was not an emergency issue on its own anymore. However, the military was involved in the debate as well for a while (“Başkente kapatma saflaşması,” 2001). During the National Security Council meeting held on June 29, 2001, military members of the council warned the government that in case the Article 69 was changed as in the draft, the new legal framework would be to the benefit of the anti-system forces (“Anayasa değişikliği gözden geçirilsin,” 2001). In response to the pressure of the state elite – judicial bureaucrats, military and the President- party dissolution articles are revised before the submission of the reform package. Decision on ‘centerdom’ issue was left to the Constitutional Court’s interpretation to a great extent. The ‘existence of previous court decisions indicating particular violations’ as a prerequisite for dissolution was removed. Besides the qualified

majority for the party dissolution rulings in the Article 149 was now set as 3/5 – lower than the 2/3 in the initial draft. Despite the criticisms of the parties in the opposition –particularly of pro-Islamic Felicity Party (SP) which was founded by the FP’s traditionalist members after the dissolution of the latter- the articles were accepted as a part of a large reform package prepared –largely- by the Reconciliation Commission in the parliament as a part of Turkey’s Europeanization endeavor<sup>52</sup>.

#### **2.6.4.A predominant party challenged by the party dissolution cases**

The 2002 General Elections marked the end of a decade long era of coalition governments, as the Justice and Development Party (AKP) –founded by the reformist wing of the Islamist FP after the dissolution of the latter- acquired the majority of the seats in the parliament. In the early years of its rule, the AKP implemented a series of reform packages –also known as harmonization packages- which sought to make the legal framework compatible with the constitution reform made in the previous legislative period. In that sense, these reforms were the complementary successors of the previous reform cycle and the government’s broader plan was the continuation of the pro-EU democratization strategy of the previous government indeed. First three reform packages –including the second package i.e. Law 4748, which harmonized the Political Parties Law and the changed Constitutional Articles 69 and 149 - were adopted

---

<sup>52</sup> Mustafa Kamalak (SP) claimed that the Article 69 was the most slippery article in the reform package (TBMM Tutanak Dergisi. September 27, 2001, p. 244). As a result, some opposition MPs –including Mr. Kamalak- submit a proposal to revise the article during the discussions on the article. Their proposal was actually in parallel to the initial draft which necessitated the Constitutional Court to refer to previous court decisions on particular violations in order to determine the ‘centerdom’ of the party for dissolution. However, this effort remains fruitless – as neither the commission nor the majority in the parliament approved the proposal (p. 256). Again, Mustafa Kamalak (SP) –this time during the discussions on the Article 149- argued that the qualified majority ratio was revised without notice and arbitrarily after the parliamentary commissions were dissolved, and he proposed the 2/3 instead of 3/5 as it was the case in the initial draft on which parties had achieved a consensus. However, this proposal is not accepted either. (TBMM Tutanak Dergisi. September 28, 2001, p. 329.) To a great extent, SP’s reactions to the changes in the drafts without parliamentary deliberation or notice –tacitly- point out the impact of judiciary’s, army’s and the President’s reactions on the draft.

during DSP-MHP-ANAP government. It is important to note that the AKP's pro-reform stand in these years was compatible with the Europeanization-motivated democratization discourse- which gave an impetus to the reform efforts. The Europeanization –as a political objective- minimized the conflict not only among the politicians, but also between the bureaucratic elite and the political elite to some extent. Nevertheless, it is important to note that AKP was not welcome by the bureaucratic elite. A few weeks before the 2002 General Elections, Sabih Kanadoğlu -chief prosecutor of the Court of Cassation- opened a case against AKP due to the violation of the Article 104 of the Political Parties Law. AKP leader Tayyip Erdogan who had been convicted for the violation of the Article 312 of the Turkish Criminal Code before, was not dismissed despite the Constitutional Court's warning. However, in the fourth harmonization package, sanctions for the non-compliance with the Constitutional Court warnings were changed on January 2, 2003 – 'limited state aid or deprivation from state aid', instead of dissolution. The AKP's defense in the case referred to the legal change –which was claimed to be the loss of the legal grounds for the party dissolution (Karakuş & Tahincioğlu, 2003). To some extent, the AKP was capable of responding to party dissolution case thanks to its legislative capacity –at least it could delay the judicial process.

On March 14, 2008 the Chief Prosecutor of the Court of Cassation submitted an indictment for the dissolution of AKP on the grounds that the party had become a center for the anti-secular activities –mostly with reference to party members' pro-headscarf statements and actions.

As a part of the anti-revisionist state policies implemented in the aftermath of the February 28 MGK meeting in 1997, judicial and military elites had been consolidated around pro-secular ideas and their applications, restrictions on the Islamic attire in public institutions—including women's headscarf- had become a norm. Under these circumstances, the AKP had started to

signal its willingness to change the anti-headscarf regulations, as these regulations imposed restrictions on the party's electorate. Following an inter-party consensus on a constitution reform with the Turkish nationalist MHP in the parliament, AKP sought to solve the problem at the constitutional level by

*Table 2.3. - Changes in the legal framework on party dissolution*

Year	Law no	Change in	Law subject to change	Change	Government
1992	3821	Law 2533 - introduced by the National Security Committee	Dissolution of the political parties in prior to 1980 military coup	Law repealed. Pre-1980 parties are allowed to reopen.	DYP – SHP
1995	4121	Constitution	Article 149 - Constitutional Court Procedures, Functioning and Trial	Political parties are granted the right to defense in party dissolution cases  Constitutional Court may decide to deprive the party from state funding partially or totally instead of closing it down, depending on the gravity of the violations	DYP – CHP
2001	4709	Constitution	Article 69 -Principles to be observed by the political parties  Article 149 - Constitutional Court Procedures, Functioning and Trial	'Centerdom issue' Conditions for party dissolution are clarified by the constitution, therefore room for court interpretation is legally narrowed down.  Qualified majority (3/5) for party dissolution rulings, equal status with constitutional review process	DSP-MHP-ANAP
2002	4748	Law on Political Parties	Article 101, 102, 103	The law is reviewed to make it compatible with the constitutional changes introduced by the law 4709.	DSP-MHP-ANAP
2003	4778	Law on Political Parties	Article 102, 104	Parties are given the right to file objection against the case opened by the prosecutors. Sanctions for the non-compliance with the Constitutional Court warnings are changed (limitations on or deprivation from state aid, instead of dissolution)	AKP
2010	5982	Constitution	Article 149 - Constitutional Court Procedures, Functioning and Trial	Qualified majority is revised: increased to 2/3 from 3/5.	AKP

introducing a provision stating that ‘no citizen’s access to public services - including higher education- could be restricted unless stated by laws’. The constitutional reform was subject to pro-secular center left parties’ reaction in the parliament –namely CHP and DSP- and these two parties joined their forces to appeal to the Constitutional Court. The party dissolution case against AKP and the judicial review of the ‘headscarf reform’ went almost synchronically. The Constitutional Court overruled the ‘headscarf reform’ on June 5, 2008 and ruled on July 30, 2008 that the AKP had become a center for anti-secular activities. However, the decision was taken with a simple majority of 6-5, therefore below the qualified majority needed for the party dissolution rulings. The party was not closed down but deprived from the 50% of the state aid. Obviously, despite the electoral support it could acquire, AKP was vulnerable vis-à-vis the risk of party dissolution cases. To minimize the risk, AKP wanted to use the constitutional reform window which it opened for a highly controversial judicial reform plan in a confrontational fashion. From the very beginning two major opposition parties announced that they would not give support to the reform. The CHP –in particular- with reference to the Constitutional Court ruling regarding the centerdom of AKP for anti-secular actions stated that it would not consider AKP as a partner with which they could cooperate (Tahincioğlu, 2009). In January 2010, after having evaluated meagre chances of an interparty consensus, the AKP adopted a referendum strategy relying on its 337 MP – slightly more than 330 votes necessary to put a constitutional change in popular vote. Although the backbone of the reform package was judicial restructuring, additional articles made it seem like a ‘democratization package’. Amidst severe opposition of the judiciary bureaucrats, bar associations and secular-republican CSOs, the draft was submitted by the Constitutional Commission to the General Assembly –despite the opposition of the opposition parties. The draft had two major changes in party dissolution regulations at

constitutional level. First one introduced a parliamentary approval condition for party dissolution cases (Article 69), the second one increased the qualified majority (from 3/5 to 2/3) for party dissolution rulings and overruling of the constitutional changes (Article 149) (“7/11/1982 Tarihli ve 2709 Sayılı Türkiye Cumhuriyeti Anayasasının Bazı Maddelerinde Değişiklik Yapılması,” 2010). Although the changes would be to the benefit of all political parties which face the risk of party dissolution cases, including the incumbent AKP and pro-Kurdish BDP, support for change regarding the parliamentary approval condition did not get enough votes in the General Assembly and was removed from the draft. The article stood as the only article which failed to receive the qualified majority approval in the General Assembly. The reform package was brought to referendum as approved, and the AKP did not push for the revision of the article or brought it up as a reform issue on its own. This indicated that articles on the party dissolution remained tangential within the entire reform package and that particular article and its justification did not convince even some the MPs of the incumbent party –a handful though. Lacking a cohesive discourse on the ‘party dissolutions’, the incumbent party could not even motivate or convince its own MPs on “the parliamentary approval” requirement for party dissolution cases. The requirement was later brought up and approved at the Constitution Commission of the TBMM in March 2015, however the consensus in the commission has not yield a reform yet.



## 2.7. Conclusion

The analyses of the reforms on the five deficiencies presented above, suggest that there are three major characteristics of incremental and partial democratization processes in the Turkish case. First, given the parliamentary system of the country, parliamentary negotiations and deliberations –formally executed in the parliamentary commissions- play a key role in the reform processes, in contrast to the Mexican and the Philippine cases, where the reform processes are triggered by and shaped after the presidential initiatives. Second, the bureaucratic elites –whether military or civilian- are strong enough to delay or even block the reforms which redesign the rules of the game in the political realm or state structure. Even in some occasions, they can bring up reform initiatives which actually are not related to their organization or beyond their legally-designated role within the state structure<sup>53</sup>.

According to Ömer Dinçer (2015) –a former MP, of the AKP, the bureaucratic resistance was one of the major reasons for the failure of his administrative reform initiative, which he had coined and suggested when he was the undersecretary at the Prime Minister’s office. His reform draft was rejected and even despised by the representatives of the judiciary and military whom he had tried to include in the process as major stakeholders. However, Ahmet İyimaya (personal communication, March 1, 2016) - the AKP commissioner at the Constitutional Reconciliation Commission in 2016- argued that the bureaucratic resistance can be won over, whenever the political elite is united to implement the reform. Referring to his experience during the 1999-2001 reconciliation commission, he emphasized that the commission succeeded in resisting the

---

<sup>53</sup> See the military’s proactive attitude in the aftermath of the February 28 and the electoral rule law change initiative for the implementation of a two-round system which sought to channel the electorate to the centrist parties, and minimize the representation of the ‘revisionist’ and other marginal parties.

pressure emanating from the military bureaucracy during commission's reform initiative on the legal framework for the party dissolution- thanks to their close solidarity and common will with the then-Justice Minister Hikmet Sami Türk, of the center-left DSP.

However, the very existence of a pro-reform coalition among the political elite, or the legislative majority of the pro-reform party do not lead to a successful reform process. Failure of the Reform on the Constitutional Article 69 in 1999-2000 is a perfect example. Despite a decisive majority which incumbent parties could achieve with the support of the FP, the reform attempt failed twice due to the lack of cohesive discourse which was necessary to motivate the MPs and persuade the state elites- who responded harshly to the political elite and blocked the reform through 'informal mechanisms of pressure'. A reform with a similar purpose could only be possible after the introduction of the 'Europeanization' as a cohesive discourse through which the state elite could be persuaded for an extensive constitutional reform endeavor. In a similar fashion, the AKP's attempt to reform the framework for party dissolution as a part of the 2010 constitutional reform package partially failed – although the incumbent party itself had the qualified majority needed for the inclusion of the new conditionalities and requirements for the party dissolution cases into the constitutional reform initiative. The reform which would bring the parliamentary approval as a requirement for the opening of the party dissolution cases was justified on the basis of a Venice Commission report and 'Europeanization' was not appealing enough as a 'cohesive discourse' to attract the support of all AKP MPs in the parliament in this particular issue.

The third major characteristic is about the durability and transferability of the pro-reform and anti-reform political discourses. Both the political and bureaucratic elites tend to use 'successful' political discourses when they seek to legitimize or delegitimize particular political

reforms. For instance, ‘national security’ and ‘protection of the principles of the republic’ have been the perennial discourses adopted by the anti-reform state bureaucracy whenever they needed to justify their position against the pro-reform political elites and their reform agenda. On the other hand, the political class, regardless of their different political orientations and ideologies, adopted similar strategies and discourses across time. For instance, the ‘conservative-democratic’ AKP governments, used the ‘Europeanization’ as a cohesive discourse in the early years of its rule –as the DSP-MHP-ANAP government, which cover a very large portion of the political spectrum extending from center-left to Turkish nationalism. Following the extensive reform initiatives around the Europeanization, Turkey could start the accession negotiations with the EU, which recognized that the country finally met the democratic prerequisites for the initiation of the bilateral talks on policy-specific compliance and convergence issues. This success, contributed to the incumbent party’s image regarding its democratic credentials at the domestic level, as the Islamist-turned-conservative party cadre was constantly questioned on its commitments to democracy and secular republican values<sup>54</sup>. However, as it is going to be shown in the discussions on the constantly-failed 10% threshold reform in the very last chapter, the party resisted the very same Europeanization discourse, which it had used to initiate reforms in some other areas. In that sense, the AKP is a good example of a ‘gatekeeper’ which utilizes the international norms selectively, just like the PRI of Mexico –which is going to be discussed at length in the following chapter.

---

<sup>54</sup> “The EU’s October 2005 decision to commence accession negotiations with Turkey—made after the EU acknowledged that Turkey under the AKP had “sufficiently met” the Copenhagen political criteria—clearly constituted an approval of the AKP’s performance according to metrics not of Islamization, but of democratization and Europeanization. The AKP won the EU’s approval by enacting reforms meant to broaden democratic participation, enhance freedom of expression, and improve civilian control over the military.” (Dağı, 2008, p. 28)

As of 2017, the democratization debate in Turkey seems to have changed drastically, in parallel to two major transformations: on the one hand the incumbent AKP has lost its pro-democratic credentials and democratizing potentials to a great extent. Following the failed coup attempt on July 15, 2016, the government announced a state of emergency under which it adopted a series of restrictive measures through executive decrees some of which fall under the parliament's legislative authority. On the other hand, the country underwent a conflictual and polarizing political system change. Within a few months after the coup attempt, a constitutional reform process was initiated by the ruling party in order to switch to 'a Turkish-style presidentialism' instead of the post-1982 peculiar parliamentarian system. However, the system change has received several severe criticisms with regards to its content, timing and even the fairness and legality of the electoral process both from the left-wing opposition parties and the international community. The Venice Commission of the Council of Europe –whose reports once were considered as a benchmark for reforms as seen in the example of the 2010 Constitutional Reform- , the Organization of Security and Co-operation in Europe issued very negative reports about the democratic credentials of the reform and the reform process. President Erdoğan –who was lauded in the analysis on Turkish democracy only a few years ago- is now compared to the leaders of competitive authoritarian regimes in Russia and Venezuela.

## CHAPTER III

### MEXICO

#### **Moving away from a stable electoral authoritarian system**

##### **3.1. Introduction: Political landscape and an overview of reform dynamics**

Post-transition political landscape in Mexico is clearly the most orderly and consolidated one among three cases. There is a multiparty political system, dominated by three firmly-established major players, namely the Partido Revolucionario Institucional -the PRI- (*Institutional Revolutionary Party*), the PRI's oldest rival Partido Accion Nacional -the PAN- (*National Action Party*), and the Partido de la Revolución Democrática -the PRD- (*Democratic Revolution Party*) the youngest off three. Roughly, these parties are positioned in a left-right continuum in the following order: the PRD, the PRI and the PAN. Therefore, these parties ideologically diverge and have programmatic ties with their voters, despite effective patronage relations especially at the lower levels of governance. Given the presidential and federal government system, at the national level, these parties compete for the presidency and seats in bicameral Congress, composed of the Chamber of Deputies and the Senate.

The democratic competition is marked by the supremacy of the PRI -which was *the* party of the electoral authoritarian regime, which survived until mid-1980s. Following a turbulent post-independence political record due to a series of wars and struggle for power, the party became

the political pillar upon which the entire state structure was redesigned. The party which enjoyed this institutional privilege, developed intense ties with different strata of the Mexican society through formal, informal and undemocratic mechanisms of interaction which bolstered its politically uncontestable position. After half a century long social reconstruction initiative and relative political and social stability of the PRI rule, the status quo became untenable by 1980s. Consequently, the political system underwent an incremental democratic transition - under the control of the party elite, amidst political schism within the party. This transformation process was intertwined with an ideological change in the party, a drift away from the left to the center due to a series of economic measures and economic liberalization policies which the ruling elite adopted in response to a severe fiscal crisis. The birth of the PRD -formed under the leadership of a group of former *priistas*- was a reaction to that ideological change indeed. Meanwhile the PAN, bastion of the pro-market center-right politics since the middle of the century, persisted as the most institutionalized alternative to the PRI – even though it could never defeat the latter during its decades-long rivalry due to an unlevel playing field.

In addition to that interparty competition, two major players -or factors- should be taken into account, to get a gist of the political landscape in post-transition Mexican politics. In parallel to the economic liberalization policies adopted in the 1980s, the country drifted away from its protectionist tradition. The North Atlantic Free Trade Area (NAFTA) membership in 1994 sealed this revolutionary political decision. Mexico, increasing its ties with the capitalist-democratic international community, opened itself to political and economic norms of its northern neighbors, namely the U.S. and Canada. As a result, the fate of the Mexican democracy has become an issue in the Western hemisphere, where the country's political life has started to be followed more closely. Meanwhile, leftist reactions to the economic liberalization grew

stronger and escalated an insurgency -which is mostly powerful in the poorer southern states. For instance, the Zapatista Army of National Liberation - *Ejército Zapatista de Liberación Nacional, EZLN* – was capable of organizing a widespread armed uprising, a decade after its establishment, in reaction to the NAFTA agreement in 1994. Under these circumstances, (i) the international influence and (ii) social movements which occasionally adopted unconventional strategies and turned to violence created additional pressure on the ruling elite who were bargaining for the democratic reforms with their political competitors in the electoral politics.

The rest of this section will illustrate the historical background upon which this political landscape -a snapshot of which is briefly presented above. Then, a summary of the dynamics which are relevant for the understanding of the analyzed reform episodes will be provided.

### **3.1.1. Colonialism and independence**

Following the defeat of the indigenous Aztec Empire by the Spanish colonizers in the early 16<sup>th</sup> century, Mexico shared the political destiny of many post-colonial polities. For two centuries, Mexican society turned into a stratified society along ethnic origins and colonial power relations, controlled and ruled by the Spaniards of Iberia, who defined themselves at the tip of the political pyramid. Meanwhile, the society transformed rapidly with the demographic rise of lower-status-groups: criollos -i.e. America-born population of Spanish descent, mestizos - people of indigenous and European blood and the indigenous people -whose population increased overtime and some of whom were granted “legal resident” -i.e. *vecino*- status. This demographic change paved the way to a relatively early independence opportunity for the Mexican nation in the making, in comparison to other post-colonial states. Complementary enabling factors which accelerated the 19<sup>th</sup> century independence movement were economic, political and ideological. First, the imposition of new taxes and centralization reforms by the

Spanish Kingdom from the second half of the 18th century frustrated the Mexican population. Second, Criollos -who assumed no substantive difference between themselves and the ruling Iberians due to common descent- demanded self-government rights; and rejected lower social and political status than the Iberians. Thirdly, the demonstration effect of the War of Independence against the British up in the north and then the French Revolution instigated the ideals of autonomy among these discontented segments of the Mexican society. Finally, the dethronement of the Spanish King and his replacement with Joseph Bonaparte following Spain's defeat by Napoleonic France in 1808 further distanced the Mexican population from the European mainland politically. As a result, the discontented segments of Mexican society - despite differences- joined their forces for an independence campaign<sup>55</sup>.

First century of the post-independence Mexican history is marked by contestation over political authority and different attempts to attain political stability. In less than half a century, the Mexican state was designed and redesigned as a confederal, a centralist and -at last- a federal republic. Then the country lost a significant part of its territory during a war against the United States of America between 1846 and 1848. In the aftermath of this devastating war, Mexico was further torn apart first with a civil war between the secular-liberals and Christian-conservatives and then with the French intervention supporting the Mexican conservative monarchists. First long-term political stability in Mexico was possible after a military coup led by Porfirio Diaz in 1876.

Diaz sought political legitimacy for his *pronuncimiento* –i.e. intervention- as a reaction to the reelection of Sebastián Lerdo de Tejada. Although the fundamental document of this military

---

<sup>55</sup> “[I]nterests of the criollos, mestizos, castas and Indians converged in a process that incorporated all of these different actors, making the 1808-1821 movement an inclusive, cross-class, multiethnic national awakening” (Chavez, 2006, p. 101)



intervention -namely El Plan de Tuxtepec- foresaw a rigid restriction of the presidential reelection along with the restoration of the liberal 1857 Constitution, Diaz built a personalistic-authoritarian rule -i.e. *Porfiriato*; and he stayed in power for thirty-five years. At first, this undemocratic political stability could prevent social upheavals for a long time. By the turn of the century, working class' unrest began to shake the social stability. Real wages were falling and economy was unable to generate new employment (Chavez, 2006, p. 210). Besides, due to the mediocre performance in economy and dim prospects for development, businessmen's support for the regime was standing on shaky grounds. In the political realm, the liberals were getting reorganized for putting an end to the Porfiriato. By 1906, consecutive strikes and labor protests started. The question of 'reelection' became the source of the conflict, as Diaz was after his seventh reelection.

### **3.1.2. Mexican Revolution and the rise of the electoral authoritarianism**

As the 1910 Presidential Elections approached, Mexico was getting polarized again: majority of the conservatives were for the reelection -of Diaz, whereas actors in the opposition -liberals in particular- were asking for a full compliance with the 1857 Constitution- including presidential reelection restrictions. Under these circumstances, the opposition candidate Francisco Madero, united the entire opposition under the banner of 'no reelection' and called the entire nation to stand against the Porfiriato. Following months-long standoff between revolutionary forces led by the political leadership of Madero, President Diaz agreed to flee to France with the Treaty of Ciudad Juarez. However, ousting of Diaz did not bring peace and order to the country. The revolutionary hero Madero, with his moderate reform agenda, could appease neither the progressives nor the conservatives. In the second year of his presidency he was the victim of a military coup, during which he and his vice president were assassinated.

Consequently, the death of the president-elect created a power vacuum, which is followed by another wave of nationwide conflict among four military leaders, Carranza, Obregon, Villa and Zapata. It is necessary to underline that leadership struggle was marked by societal cleavages and political differences to some extent. For instance, Zapata and Villa were ideologically more leftist and therefore they had the support of the working class and peasants behind. By the end of 1916, Carranza could attain the political control in the majority of Mexico and sought to consolidate the revolution by making a new constitution. The 1917 Constitution -which is still in effect- has been a turning point in the fate of the turbulent Mexican politics marred by never-ending power struggles, conflict and instability. The constitution -judged by the standards of its time- was anti-authoritarian, nationalist and almost socialistic. After the ratification of the constitution, single term rule – i.e. no-reelection principle, Article 83- became the first immutable political institution of the post-revolution Mexico. Presidential reelection limitation was the motto of the revolution, and saved the Mexican politics from any persistent personalistic authoritarianism. However, as the presidential election was a winner-takes-all issue, post-revolutionary elites sought to establish a solid political institution through which the entire Mexican politics would be organized. Plutarco Elías Calle, who served as the President of Mexico between 1924 and 1928, took the initiative to found ‘the party’ of the Mexican Revolution by the end of his tenure. Partido Nacional Revolucionario, i.e. the PNR, became the political machine through which Calle could maintain his control in the national politics, even after his term in the office. He was the shadow president and the supreme chief -*el jefe maximo*- and he had an enormous influence in candidate selection processes and politics in general for six years after the end of his presidency.

In 1934, the PNR was 'updated' by the incoming president Cardenas. He forced Calle to exile, ended the control of the Callista cadre in the party and renewed the party organization in a way that different segments of the Mexican society would be included in the party politics. The PNR, renamed as *Partido de la Revolución Mexicana* (PRM), was designed as a corporatist mass party, and distanced itself from some political apparatus at the service of some strongman like Calle. Working class and peasants were attracted and tied to the party through formal organizations and populist policies. In 1936, newly-established *Confederación de Trabajadores de México* -i.e. Confederation of Mexican Workers, CTM- became a pillar of the party which promised an economic policy to assuage the excesses and ills of the industrial capitalism. In a similar fashion, peasants were taken into the party machine via the *Confederación Nacional Campesina* -National Peasants' Confederation, CNC. Additionally, during Cardenas presidency, 45.4 million acres of land -which corresponds to almost 10% of the Mexican territory was redistributed (Haber, Klein, Maurer & Middlebrook, 2008, pp. 30-31). However, this land reform was implemented through a collectivization scheme, where land was to be farmed by agricultural communities -i.e. *ejidos*, instead of individuals as owners. Within the national finance sector, *ejidotarios* were granted a particular status. Due to the communal ownership, they could receive financial serviced -only- from government development banks. In that sense, a large segment of the electorate was not only given incentives and stakeholder status to support the regime; but also restricted in a sense that they would depend on the public support and benefits. Besides, military, which has been a traditionally active player in the turbulent Latin American politics, has remained under the control of the political class once the post-revolutionary political system consolidated. This has probably been possible when the military itself was included as a separate pillar to the PNR by Cardenas. Although his successor, General Manuel Ávila Camacho -the very last Mexican President with a military career-

disbanded the military faction as a separate pillar on its own, Mexican military has not posed any threat to the civilianized politics where the Mexican Armed Forces has firmly adopted the norm of 'due obedience'<sup>56</sup>.

Another significant move by Cardenas was the nationalization of the Mexican oil sector. In 1938, Mexico's public oil company *Petróleos Mexicanos* (PEMEX) was given the monopoly over the exploration, production, refining, and marketing of the hydrocarbons and derivatives. This reform extended Mexican state's autonomy in various ways. On the one hand, the state and its party were able to generate the necessary revenues for the public expenditures for its citizenry and its electorate with low taxation<sup>57</sup>. In some ways, nationalization of this vital sector was expected to strengthen the government-labor relations, to be reconsidered and redesigned from a 'national interest' approach<sup>58</sup>. On the other hand, the Mexican government had the chance to buy off the capitalists by collecting very little tax and by subsidizing them. The country had an Import Substitution Industrialization model where the businessmen were under the obligation of creating employment regardless of efficiency concerns and pay rents and bribes to formal or informal stakeholders of the regime in return. This mutual dependence created an unexpected alliance between a revolutionary government and the private sector, which was formed in

---

<sup>56</sup> "During the twentieth century, the military was loyal to the Constitution and to the supreme commander, the president, who was the head of the state, head of government, and, informally head of the PRI. In this sense, carrying out support missions for the PRI depended on the president; not the army, because the army worked under the norm of 'due obedience' whereby a superior's order is not questioned -even though it might be unconstitutional" (Benitez Manaut, 2010, p. 165).

<sup>57</sup> Mexico's tax-to-GDP ratio has persistently been less than half of the OECD average over the years. Between 1980 and 2015 total tax revenue of the Mexican government varied between 11 and 16%, whereas the OECD average was always above 30%. (See OECD Revenue statistics for details. URL: <https://stats.oecd.org/Index.aspx?DataSetCode=REV> ; Accessed March 17, 2017)

<sup>58</sup> President Cardenas' letter addressed to the Petroleum Workers Union illustrates the corporatist mentality behind the formation of the PRI in a very open and concise fashion. Cardenas underlines how trade union activism beyond the control of the state is useless and meaningless, once the entire sector is nationalized: "Some union leaders have not taken into account the change in the circumstances that took place when the petroleum industry passed from the hands of foreign businesses into the control of the State. The workers and the government now have a shared responsibility and common interests" (Chavez, 2006, p. 261).

monopolies and oligopolies through selective incentives and privileges provided by the state. At large, the PNR -finally rebaptized as the *Partido Revolucionario Institucional* (PRI) in 1946, as the party of the corporatist state, was allegedly designed to prevent economy-based conflict among different social strata, assumed that it was capable of representing each and every stratum's best interest<sup>59</sup>.

On top of this allegedly all-inclusive social fabric managed through extensive party corporatism mechanisms, the formal outlook of the political system was also designed quite differently than the single party popular democracies of the Eastern Bloc. The system was structured as a multiparty electoral democracy, in appearance. The PRI - Partido Revolucionario Institucional, the name the ruling party was finally took in 1946- had political rivals and the right-wing, Christian-conservative, pro-business *Partido Acción Nacional* (PAN) -National Action Party- has consistently been a political challenger since its foundation in 1939 as a reaction to the populist left-wing policies implemented by Cardenas. However, neither the PRI with its deep and multifaceted ties with the Mexican society was an easy opponent, nor the political structure was set for a fair competition. First, by the 1946 Electoral Law, the entire electoral process - from candidate registration to electoral oversight was centralized and given to jurisdiction of the federal government -*Secretaría de Gobernación* (Edmonds-Poli & Shirk, 2015, p. 52). Therefore, the elections were performed under the control of the executive branch which was constantly won by the PRI. Second, single member district (SMD) system in the lower chamber (Cámara de Diputados) and the winner-takes-all system at the senate provided restricted

---

<sup>59</sup> According to Wiarda (2004, p. 14), corporatism was a third way between capitalism and socialism especially in the Catholic countries, which suffer from the coexistence and endurance of incongruent political objectives and institutions: "hodgepodge, confused, unresolved, coexisting, and overlapping nature of political institutions, democracy and authoritarianism; individualism and communalism, free associability and corporatism, laissez-faire and statism."

representativeness and limited voice to the political parties other than the strongest one which had control over the legal-institutional setting. For decades, Mexican senate has remained a PRI-only organ. Under these circumstances, the PRI -which dominated entire political sphere not only through the corporatist ties but also thanks to the very design of the formal institutions- enjoyed electoral victories against its weak competitors.

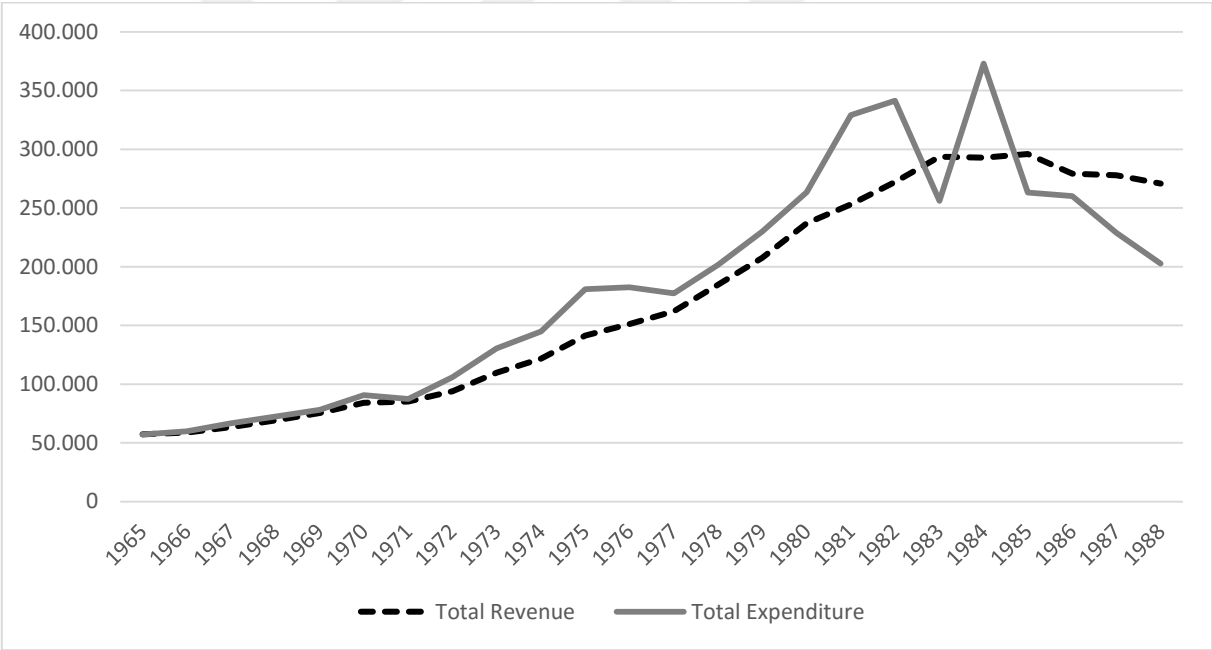
### **3.1.3. The 'PRI regime' in decline**

It is important to note that, Mexican economy performed relatively well during the first thirty years of the PRI rule. The corporatist economy worked smoothly during first three decades of the post-WWII era until the 1970s, when international economy was severely shaken by the oil crisis. However, the latter was an apparent bliss for the Mexican corporatism and the PRI, which could maximize its revenues generating from its nationalized oil sector. Mexican governments -as a response to the signals of social unrest which peaked in 1968 with the Tlatelolco Student Uprising and Massacre- adopted a populist economic policy and increased public spending to keep the engines working even faster than before (see *Figure 3.1.*). Meanwhile, Mexican petrodollar made the country a perfect client in the international financial market. The 1979 Oil Crisis was an additional encouragement for even more public spending. Unfortunately, Mexican government's response to the changing economic conjecture of the 1970s led to a very severe economic collapse in the 1980s, which deprived the regime from its ideological and financial resources to persist.

Mexican state's corporatist system relied on its capacity to redistribute, appease and co-opt different social strata at the same time. The oil crisis was an opportunity for this system. Throughout 1970s, Mexican governments persistently borrowed, to finance its increasing public expenditure; relying on the skyrocketing oil prices. By 1981, Mexico's growing fiscal deficit in

parallel to the lavish government spending which started in the heady times of the oil-led economic boom, turned into an unsustainable debt spiral due to the falling oil prices. Within a year, Mexico’s short-term debt increased seven times - from 1.5 billion USD to 10.8 billion USD (Haber et al., 2008, p. 63). The United States government’s decision to slow down the inflation and raise the value of dollar had a detrimental effect on the Mexican economy, which depended so much on borrowing. Mexico’s borrowing strategy ended up with a catastrophe. In 1982, the Mexican Peso was devalued a couple of times.

*Figure 3.1. - Public finance trends in constant prices*



Current price data is deflated by the GDP implicit price index (1970 = 100)  
 Expenditure does not include interest payments.  
 Source: Bazdresch & Levy, 1991.

The crisis was not merely about the public sector. The private sector which depended on the government support and borrowing was inevitably shaken as well<sup>60</sup>. The financial sector collapse was at the door. The government implemented a series of radical measures right after the general elections held in July. First, all USD-denominated deposits in the domestic banking system were confiscated and converted to pesos at a fixed rate officially determined at approximately one-third below the market value. In August 1982, the government announced a temporary suspension of debt payments. Then, on September 1st, 1982 President Jose Luis Portillo issued a presidential decree, to expropriate all commercial banks in Mexico.

After the incumbent change at the end of the year, the ideological grounds of the PRI started to tremble due to the incoming president Miguel de la Madrid's radical measures contradicting with the corporatist system's ideals. He adopted a program of extensive budget cuts which could curb the public expenditure by the middle of his *sexenio* - six-year presidential tenure. Credit restrictions imposed upon the government curtailed Mexican state's capacity to subsidize the domestic industry significantly which has been a blow to the ISI strategy which the governments have followed for decades. De la Madrid's decision to join the GATT in 1985 and his strict adherence to austerity measures and privatization led to an unsurmountable cleavage within the ruling party. Unfortunately, the program adopted by de la Madrid was far from

---

<sup>60</sup> One of the Mexico's major privately-owned conglomerates Alfa had similar collapse as the Mexican government did. The company which had expanded enormously during the heyday of the oil boom, failed to manage its debts and announced that it was unable to pay back in April 1982. During a post-crisis restructuring endeavor in mid-1980s, a representative of a foreign bank summarized the private sector crisis as follows: "We loaned him [Garza Sada of the Alfa] money because his companies were generating substantial amounts of cash then [...] But he bought companies he shouldn't have. Bad business decisions were made. They were on the same kind of roll that the Mexican Government was on then. Oil prices would know no limit. Grupo Alfa profits would know no limit. It all began to unravel in 1982" (Stockton, December 11, 1986).



providing instant positive results<sup>61</sup>. Under these circumstances, an ongoing intra-party cleavage between the ‘tecnicos’ and ‘politicos’ became more visible.

From late 1970s onwards, a new generation of U.S.-trained technocrats and economists had started to join the party and as of early 1980s they pursued to alter the ideological orientation and leadership of the PRI. Given the economic crises of the times and pressure by international governments and lending institutions to use this approach, this new generation of priistas -who sought to pursue an economic liberalization agenda, instead of the classical corporatist ISI economic model of the PRI- was considered perfectly suited for cabinet level and bureaucratic positions within the López Portillo and de la Madrid governments (Poli & Shirk, 2015, pp. 76-77). The rift between new generation and conservative-revolutionary cadre –a.k.a. ‘dinosaurs’- proved to be unsurmountable and caused an irreversible rupture in the party as the 1988 General Elections were approaching. In 1986, the conservative-revolutionary group within the party formed an intra-party faction called ‘*la Corriente Democrática*’ (Democratic Current), in reaction to the economic liberalization perspective which they argued to be adopted undemocratically under the influence of the technocrats who were becoming more powerful in recent years. The following year, the party was to nominate its presidential candidate. The tradition of the PRI gave a significant weight to the incumbent president’s will -*dedazo*, ‘finger-pointing’ in English- in the candidate selection process. De La Madrid sought the continuation of the economic liberalization policies and a complete transition to an export-led growth model.

---

<sup>61</sup> “Despite its repeated efforts at stabilization and the restoration of growth, the administration of President Miguel de la Madrid (1982-1988) barely made a dent on either front. Growth in the period 1982-1987 was -0.9 per cent, and per capita growth was -2.3 per cent. Inflation rose to 83.7 per cent, discouraging foreign investment and an outflow of portfolio capital. The political economic implications of these failures were the weakening of the corporatist ties that had enabled the PRI to successfully finesse previous challenges to its hegemony; and the tight constriction of fiscal and monetary policy such that the PRI’s old-style patronage funds were depleted”. (Cameron & Wise, 2004, p. 311).

For the sake of political coherence, Carlos Salinas de Gortari -De La Madrid's secretary of state in charge of the economic planning and public finance- was selected as the PRI's presidential nominee<sup>62</sup>. Given the intensity of the political divergence between the leftist Democratic Current and the rest of the party, the former group detached completely from the PRI, taking the additional support of other minor left-wing parties and then nominated Cuauhtémoc Cárdenas - the only son of former president Lázaro Cárdenas, who had a symbolic weight in the Mexican history due to his populist leadership during the consolidation of the revolutionary system- for the presidency.

#### **3.1.4. Mexico's transition to electoral democracy and context of the reforms**

The 1988 General Elections paved the way to the transition of Mexico to a procedural democracy almost in an inevitable way. First time in the history of Mexico, a PRI candidate almost -or actually- lost the elections. Left-wing candidate Cardenas' campaign succeeded in receiving huge popular support, however following a quite suspicious vote-counting process - tainted by an overall blackout in the vote-tallying system- Salinas was announced as the victor<sup>63</sup>.

In response, the opposition candidate Cardenas did not concede the results and called his

---

<sup>62</sup> "The crisis pushed the Mexican state toward a program of budget cuts, privatizations of state firms, and credit restrictions that limited the state's ability to continue subsidizing domestic industrialization. By 1985 De Madrid had agreed to join the General Agreement on Tariffs and Trade (GATT), making clear that his earlier policies were not merely short-term responses to a fiscal crisis but part of a longer-term reorientation of the economy. A full embrace of the ELG model came during the lowing administration under Salinas, who, besides accelerating his predecessor's privatization program, negotiated Mexico's entrance into North American Free Trade Agreement (NAFTA) with the United States and Canada beginning in 1994." (Samstad, 2002, p.5)

<sup>63</sup> "On election night, the computerized vote tabulation system mysteriously crashed when Cárdenas appeared to have a 2 to 1 lead in voting. When the system came back on line the PRI's Salinas de Gortari had mysteriously captured the lead. The official results of the election showed that Salinas won with 51 percent of the vote, a decisive victory, but a far cry from the 60-plus percent of the vote obtained by all of his predecessors. Both opposition candidates participating in the election, Cárdenas for the FDN and Manuel Clouthier for the PAN, claimed that the PRI had used electoral fraud to win. Their claims appeared to be substantiated by the fact that there were over 1,700 precincts that reported Salinas receiving 100 percent of the vote—a highly unlikely outcome." (Poli & Shirk, 2002, p. 89)

supporters to take to the streets. The PAN, whose candidate received less votes compared to Cardenas and Salinas, had a critical importance for the recognition of the election results and the way which the Mexican political system would follow in the aftermath of the contested elections. Politically speaking, the PRI's economic liberalization policies had provoked a rapprochement between two major rivals in the Mexican politics. In addition to this programmatic convergence, the PAN was known to be PRI's opponent but had never been an anti-system player. Any radical and anti-system reaction from the party was very unlikely. Besides, the PAN rationalized its presence in the game, which provided benefits at the lower level governance. In order to have their victory claims recognized at the state-level elections, the PAN was about to forge an interest-based cooperation with the ruling party<sup>64</sup>. Therefore, the PAN - was about to become PRI's major partner through programmatic and pragmatic ties, while shaping the first decade of the post-1988 Mexican politics. This cooperation was of utmost importance for the incoming president Salinas, because the PRI could acquire only a bare majority in the Chamber of Deputies; and it would need the support of the opposition to achieve the qualified majority, necessary for constitutional amendments. Hard times were ahead for the president, as whoever assumed the presidency would miss the congressional qualified majority -which their predecessors could use pretty easily.

The political power distribution in Mexico was evolving and a strong left-wing opposition was being formed against the PRI, whose only challenger has been the right-wing PAN for decades. In April 1988, announced the formation of the Partido de la Revolución Democrática (PRD) as

---

<sup>64</sup> "The more nuanced PAN has broadly pursued transition-seeking gradualism, but with a patronage-seeking alliance with PRI-state technocrats in the 1990s for enactment of PAN-PRI economic policies [...] Over two decades, the PAN shrewdly positioned itself as the fulcrum of balance between the increasingly technocratic PRI-state, its internal local dissent, and the more anti-regime left" (Eisenstadt, 2003, p. 274).

the institutionalization of the Democratic Current as a political party<sup>65</sup>. By the late 1980s, Mexico's hegemonic party system was turning into a multiparty system. The PAN was getting stronger and the PRI's intraparty schism was turning into a multidimensional and politically salient rupture which led to the formation of a third political party. All of these were indicators signaling the potentials for the undoing of the PRI hegemony, now surrounded from both right and left sides of the political spectrum.

However, transition to a genuine multiparty system, required a fair and competitive playing field and thus several steps to transform the institutional setting had to be taken. As of late 1980s, Mexico's recent transformation was still a 'perestroika without glasnost' as some call it<sup>66</sup>. From a democratization perspective, despite the changes in the economic realm, too much had to be done in the political system. During Salinas' presidency, Mexico underwent two drastic changes. First, in 1990, Mexico's first legally independent electoral oversight body Instituto Federal Electoral (IFE) was incorporated. In this study, I consider this institutional change as the democratic threshold of Mexican history. The IFE, marked the separation between the referee and the competitor formally. Its foundation was followed by a series of electoral reforms which made two democratically significant events possible: first, the PRI's loss of the legislative majority in the lower house in 1997: then three years later the electoral victory of an opposition candidate -Vicente Fox of the PAN- for the first time in the history. Second major change was Mexico's accession to the NAFTA in 1994 -which increased the international pressure on the

---

<sup>65</sup> Cardenas, the self-proclaimed victor of the fraudulent election: "The new party will be one whose objective is to carry out the nationalist program of the Mexican Revolution [...] It will not be a Socialist party, but a party that takes as its basis the principles of political and economic democracy, including a more just distribution of income and greater public participation in the making of economic decisions" (Rohter, October 22, 1988).

<sup>66</sup> Wayne A. Cornelius (1990), the then director of the Center for U.S.-Mexican Studies at UC San Diego, makes this analogy by quoting from historian Lorenzo Meyer.

Mexican governments for democratic progress and triggered a new wave of a reactionary domestic reaction.

Under these circumstances, the 1990s reforms were shaped by three dynamics. First, the incumbents needed to forge durable legislative alliances with the opposition parties – mostly with the PAN. Meanwhile, the very nature of the relations between the executive branch and the legislature were transforming due to the opposition parties' growing power and accusations regarding the democratic legitimacy of the regime<sup>67</sup>. Therefore, the Congress -especially the Chamber of Deputies, was becoming less tractable for the Mexican presidents. Meanwhile, the elections and how these elections were being held were creating considerable popular mobilization. In addition to legal challengers such as the PRD, illegal mobilizations by the armed rebel groups -see the EZLN's 1994 revolt which is going to be presented in the following section on the analyses of the electoral reforms- were referring to the unfair electoral system in their political rhetoric. Second, the presidents had to preserve their party's competitive advantage as much as they could. As a matter of fact, they were being criticized very severely by the fellow priistas, for giving away too much concessions to the opposition for the sake of compromise. Even though a considerable group had left and formed the PRD by joining their forces with some other leftist minor parties and movements, the pressure of the PRI conservatives on the pro-reform presidents persisted. In some instances, the criticisms were so harsh that the presidents were likened to the vampires sucking the life out of their own party, which they were even speculated to be annihilating by forming a new political party<sup>68</sup>. Finally,

---

<sup>67</sup> Outgoing president de la Madrid was booed by the opposition parties' legislators during his last state of the nation address (SOTA) despite his call for an interparty cooperation for the deepening of the democracy, due to the allegations of fraud in the elections (Rother, September 2, 1988). The incoming president Salinas' SOTA was no different in terms of the audience' reactions (Uhlig, 1990).

<sup>68</sup> "One Mexican political analyst likens Mr. Salinas to 'a vampire, sucking the life out of the party' and growing stronger as the PRI grows weaker. The country is rife with rumors that Mr. Salinas intends to extinguish the

the state of the Mexican democracy was about to become more of a concern for its powerful neighbors, with which Mexico was about to grow its already crucial ties even stronger by the NAFTA accession<sup>69</sup>. Therefore, the presidents' role as a gatekeeper was getting harder than before and the Mexican state had to deal with the 'lectures of democracy' generating from international organizations and the broader public opinion<sup>70</sup>.

In the wake of the 2000 General Elections, the dynamics of reform changed drastically once again. The president-elect Vicente Fox of the PAN, had run electoral coalition bringing his party and the Green Party (PVEM) under the banner of *La Alianza por el Cambio* -i.e. the Alliance for Change. Under these circumstances, Fox' victory which both promised and signaled a historic change, increased the demands of the pro-change actors vis-à-vis democratization and the rule of law. However, for each and every reform initiative he needed to forge legislative alliances as his recent predecessor, Zedillo. The PAN could not acquire a congressional majority, therefore the post-1997 divided government structure persisted. The 2006 General Elections, did not change the power structure as the PAN's Felipe Calderon won the presidency with a congressional minority. During the 12-year PAN presidency, the PRI's support was of

---

PRI. Under this scenario, the PRI would be renamed the National Solidarity Party, in the process gaining a new image and structure that would leave little role for the 'dinosaurs' who oppose Mr. Salinas's economic program and have blocked his efforts to groom young 'modernist' candidates for next year's crucial mid-term elections" (Rother, 1990).

<sup>69</sup> "Lacking domestic means to secure their right of "effective suffrage," Mexican opposition parties and independent civic organizations have filed complaints with the Inter-American Commission. The Commission has twice responded by notifying Mexico of its obligation to provide balanced electoral commissions and effective means of challenging electoral fraud. Ignoring treaty obligations, however, the Mexican government refuses to implement the rulings" (Reding, June 1, 1992)

<sup>70</sup> See Javier Trevino's (1990) -who served as the Minister for Press and Public Affairs at the Mexican Embassy in Washington D.C- op-ed "Mexico Doesn't Need Lectures in Democracy" published in the New York Times, as an example of the pro-nationalist reactions of the Mexican state to the international pressure. Meanwhile the President Salinas put an emphasis on the sovereignty of the Mexican democracy, and the Mexican people was the only judge in his first SOTA (Uhlig, 1990).

crucial importance and the latter was capable of blocking the reform processes in case the institution or the rule subject to change had a political significance for the party.

*Table 3.1. - Major political changes and reforms in the Mexican democratization*

Issue	Question	Institution	Year	Action	Window of opportunity	Cohesive discourse
Leveling the playing field	Representativeness and excessive majoritarianism	Governability Clause	1994	Abolition	Upcoming elections	Making of "a democratic state"
	Inclusiveness of the electoral oversight body	Federal Electoral Institute	1994	Reform	Upcoming elections and the EZLN uprising	Inter-party pact for social peace and governability
	Limited jurisdiction of the electoral oversight and separation of powers	Federal Electoral Institute and Federal Electoral Tribunal	1996	Reform	Incumbent change	"Democratic normalcy" - Definitive electoral reform
Restructuring the state system	Separation of powers and judicial review	Judicial System and High Judiciary	1994	Reform	Incumbent change	"Democratic normalcy" - Transformation of the judiciary
	Accountability and freedom of information	Access to Information Law	2002	Legislation	Incumbent change	A genuine reform of 'access to information'
	Accountability and separation of powers	Non-reelection clause	2013	Revised	Incumbent change	Pact for Mexico

In 2012, the PRI's Enrique Peña Nieto won the presidential elections and this third post-transition era, and this victory marked the 'normalization' of the Mexican democracy with regards to the incumbent change patterns. The hegemonic party of the pre-transition uncompetitive electoral authoritarian regime, proved itself as a political party which was capable of 'winning' the elections after the institutional design of the elections had become competitive

and fair enough for the victory of an opposition party. Under these circumstances, the PRI was under the pressure of proving its democratic credentials in governance. Therefore, the party found itself in a compromise seeking position. This gave birth to a series of political reforms on five policy areas— based on a tri-party consensus forged by a presidential initiative, for a democratically legitimate and inclusive reform cycle, immune to potential gridlocks in the congressional processes<sup>71</sup>.

During two and a half decades of Mexican democratic consolidation, several deficiencies of the system were discussed by the politicians and the students of Mexican politics. The first major dimension of deficiency in the Mexican democracy is about the electoral competitiveness, as the elections were originally designed to guarantee the victory of a particular party. Hence, the levelling of the playing field has been a major concern for the democratic deepening in Mexico -especially in 1990s -when a contender's chances for winning the elections was uncertain in the aftermath of the contested 1988 General Elections. The second dimension of the democratic deepening processes is about the overall system design. As presented in this introduction, the PRI was conceived as *the* party of the post-revolutionary Mexico and the political system lacked some necessary mechanisms (1) for the judicial oversight of the political processes, (2) which guarantee access to public information upon which the electorate can hold the political class accountable, (3) to strengthen the legislature vis-à-vis executive branch and the party cadre. Without reforming these democratically problematic aspects of the system design, the vestiges of the opaque state apparatus were to hinder democratic accountability. Lacking judicial

---

<sup>71</sup> Three major political parties of the Mexican Politics -the PRI, the PAN and the PRD, representing different segments of the political spectrum, converged on 95 political 'compromises' grouped under five policy areas- namely (1) a society of rights and freedoms, (2) economic growth, employment and competitiveness, (3) security and justice, (4) transparency, accountability and fight against corruption, (5) democratic governability. See the website for details. URL: <http://pactopormexico.org/> , Accessed: April 13, 2017.



oversight, the incumbents were likely to take unconstitutional and arbitrary decisions and finally the Congress would remain as an accessory to the executive branch, a rubber-stamp of the latter in the legislative realm -especially whenever a party wins the presidency and a congressional majority at the same electoral cycle. The rest of this chapter presents the analysis of six major reform processes -which alleviates the aforementioned democratic deficiencies (See *Table 3.1.*).



### 3.2. Levelling the Playing Field: Mexico's early electoral reforms

One of the most significant characteristics of the Mexican transition is the controlled, smooth and institutionalized 'management' of the electoral reform processes over decades by a single party in power. The 'perfect dictatorship' in Mexico was designed as a restricted multiparty system -where certain political parties were allowed and competed in the elections -which they were destined to lose to the ruling party PRI. As opposed to the single-party regimes in the popular democracies, rival political parties have existed and competed in the elections for decades. However, the ruling party did not lose a single seat in the Senate until 1988 and any gubernatorial competition until 1989. Besides it maintained a majority in the lower chamber of the legislature until 1997 elections.

The PRI's inescapable success was guaranteed through a multi-layered scheme of interwoven informal and formal institutions. First, the body in charge of the nationwide electoral supervision and organization -namely *Comisión Federal Electoral* (CFE) - was incorporated under the Secretariat of the Interior - *Secretaría de Gobernación*. The Secretary of Interior was charged with investigating the activities of political parties and could cancel their registration by pressing charges for the violation of laws and regulations (Klesner, 1997). Lacking the organizational independence necessary for fair elections, the CFE was serving the best interest of the PRI in candidate and party registration and the resolution of the contested election results. Besides, it was open to systematic electoral manipulation when necessary -as it was the case in the 1988 Presidential Elections. Second, the electoral law of the country was designed so as to guarantee a PRI majority in the both chambers of the legislature. Single Member District system in the lower chamber and the majoritarian rule in the higher chamber favored the PRI -which was tied

to the Mexican society through an inclusive scheme of corporatism<sup>72</sup>. Nationalist revolutionary ideology of the PRI was bolstered by the constitutional and legal structure of the Mexican state. In fact, the PRI was the embodiment of the nationalist revolutionary state in the realm of party system. Therefore, the PRI hegemony in the interparty competition was not only legitimate but also necessary for the continuation of the revolutionary ideals in the national politics. PRI's loss of presidency and/or the majority in the legislature was undesired, unexpected and unlikely.

In prior to the transition to the formal democracy, Mexico's electoral authoritarian regime was sustained through several institutional novelties -which sought to preserve the regime's legitimacy by increasing the political inclusiveness in a limited and controlled fashion, if necessary. Therefore, the electoral transition starts with incremental changes and spans over a few decades. The 1977 Political Reform which was a response to the escalating social unrest against the increasing political repression since the 1968 student protests -against which the armed forces were used to retain the social order, called as the Tlatelolco Massacre by the opposition. The new electoral law 'Federal Law of Political Organizations and Electoral Processes -i.e. Ley Federal de Organizaciones Políticas y Procesos Electorales (LFOPPE)- was a strategic step by the PRI. The LFOPPE increased the opposition representation in the Congress by introducing a 100-seat proportional representation quota to complement the 300 SMD seats majority of which the PRI could win through formal and informal mechanisms that guarantee a competitive superiority. However, the CFE was still not transformed into an independent body and was kept under the control of the executive branch -which was constantly in the hands of the PRI. Governability and the preservation of the regime legitimacy and stability have been the

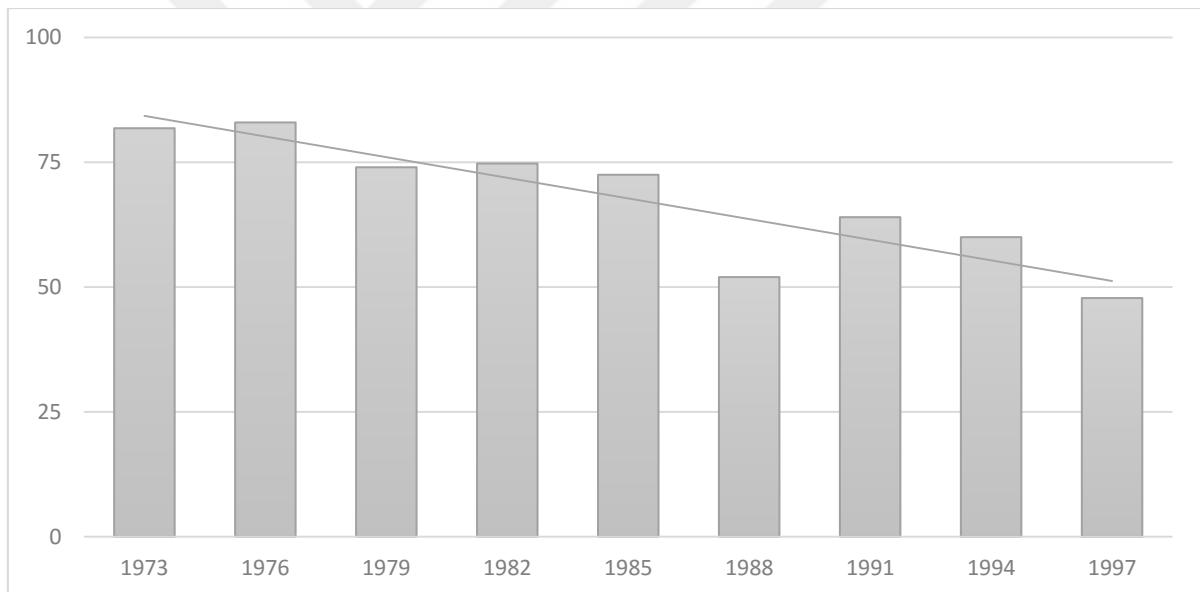
---

<sup>72</sup> Party corporatism and its transformation will be defined and addressed in the following section in a more detailed fashion.

main motivation behind the subsequent electoral reforms during the PRI rule until the incorporation of the independent electoral supervision organization in 1990. As late as 1986, 'stability' was still prevalent in the political discourse for PRI's policy for electoral politics and policy change -if the latter is necessary. In his State of the Nation Address, President de la Madrid called for the improvement of the electoral process by having pointed out how its credibility is essential to maintain 'order and tranquility' (Stockton, October 19, 1986). However, the pursuit of 'order and tranquility' does not necessarily bring democratic reforms. On the contrary, the electoral rule was changed for worse for the sake of "governability" -with the implementation of a majority-creating constitutional principle called after a euphemism 'Clausula de gobernabilidad' – 'governability clause'. According to Klesner (1997, p. 10), this was a step backwards threatening the representativeness of the congress and decreasing the potentials for the consensus-seeking in the legislature as this majority formation measure through the intervention of the electoral rule would hinder the need of consensus and compromise among political parties. From the PRI's point of view, the political conjecture was signaling the need of this legal intervention. By the second half of the 1980s, the loss of a legislative majority seemed to be very likely to the PRI elites who reckoned the chances of losing electoral support due to the shrinking public spending as a response to the economic crisis. Therefore, the electoral reforms, in prior to the transition were ambivalent and seeking some sort of optimality between the pursuit of legitimacy and uncompetitiveness. Electoral laws and institutions were barely democratized, in a way that the entire political system is 'legitimate' enough to avoid widespread sociopolitical unrest; and were kept or made 'uncompetitive' so that the PRI's political supremacy persists.

1988 Presidential Elections has been a turning point in the history of the Mexican politics as these elections signaled that the predominant support of the Mexican society for the PRI had declined to a point where it had almost -or actually- lost the Presidency in an unforeseen and unpredicted way. PRI's candidate Salinas was announced as the winner with a small margin by the CFE, following a blackout in the vote-tallying computing system which had shown PRD candidate Cardenas in the lead until then. Cardenas didn't concede to the official results and insisted on the electoral fraud. Moreover, he called for a nationwide popular resistance.

*Figure 3.2 - Percentage of the PRI seats in the House of Deputies*



Sources: electionresources.org  
& Inter-parliamentary Union Historical Archive of Parliamentary Election Results

To contain and control the fraud allegations, the PRI needed to divide and pacify 'the opposition' and get the recognition of Salinas' presidency by another actor in the system. The most appropriate 'ally' was the center-right PAN -which the pro-market PRI governments could cooperate with on some other issues like economic liberalization and the removal of the anti-

clerical derogations in the constitution. The question of the legitimacy and credibility of the elections, pushed the PRI to discuss the incorporation of the independent electoral organization -i.e. Instituto Federal Electoral *Federal Electoral Institute* (IFE) to replace the CFE. Additionally, a judicial organ, Tribunal Federal Electoral -i.e. *Federal Electoral Court* (TRIFE) was incorporated<sup>73</sup>. This groundbreaking institutional change is considered as a part of a backdoor deal between the PRI and PAN, in return for not supporting Cardenas' campaign on electoral fraud allegations (Haber et al., 2008, p. 133). In 1990, Mexico's transition to the electoral democracy was possible through a two-party deal, forged to restore the electoral legitimacy of an incoming president -whose victory was tainted by some systematic fraud<sup>74</sup>.

*El Codigo Federal de Instituciones y Procedimientos Electorales* (COFIPE) -Federal Law of Electoral Processes and Institutions- has been the major institutional step for the transition of Mexico to a competitive electoral system. Article 70 of the COFIPE clearly stated that the IFE was an independent body and it was unique and unprecedented in the sense that it no such institution could ever be formed in Mexico before. Despite that groundbreaking novelty, new system retained two major democratic shortcomings. First, the electoral rule -known as 'governability clause'- which attributes additional seats to the party which receives the most votes to guarantee a majority in the lower chamber of the legislature. Second, the IFE's General Council composition was designed in a way that it represents the ruling party's -which was still

---

<sup>73</sup> The IFE as the new agency, was to organize all national elections. Its responsibilities included registering candidates and parties, monitoring campaigns, auditing the finances of political parties, counting votes and declaring a winner. The TRIFE's major task was to solve legal disputes during elections. Besides, it was the court of last resort on all electoral matters and in charge of validating or revoking the election results.

<sup>74</sup> A very significant document proving the bipartisan agreement on the electoral reform -the letter of intent signed by the incoming president Salinas, was later revealed by the PAN as a response to the PRI's congressional group's initial resistance in the reform process (Eisenstatt, 2003, p. 45)

the PRI at that time- preferences in a decisive way. In this section, I will present three major reform processes targeting these two defects of the Mexican electoral democracy.

### **3.2.1. Unfair majoritarianism: Governability clause**

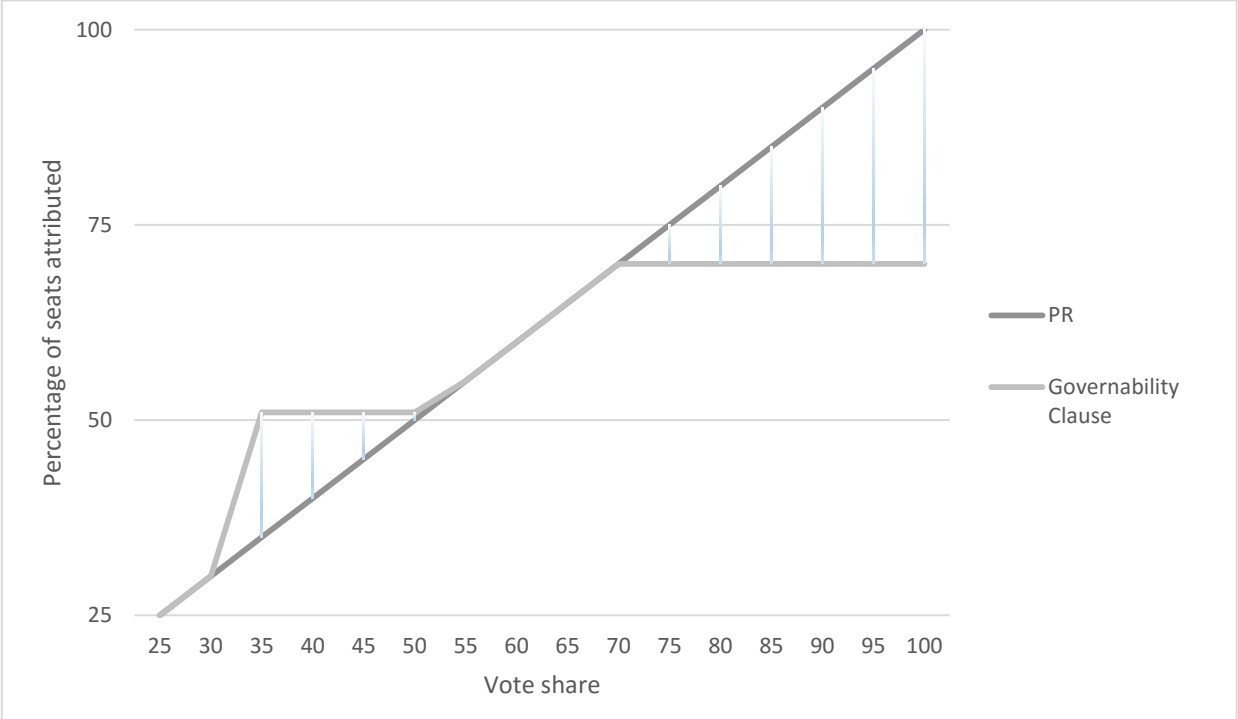
During the hegemonic PRI rule, political elites of the ruling party have pursued a reform strategy based on ‘give and take’ in a way that the party preserves its competitive advantage against its rivals. To this end, some reforms sought to *reverse* a previous step towards fairness or *redesign* the present rule to the benefit of the PRI. The introduction of the governability clause, a decade after the liberalizing LFOPPE, is an example of that. By late 1980s, the PRI’s popularity was in decline due to consecutive economic liberalization reforms, the then electoral system was found susceptible to shake the PRI-ruled stability. Under these circumstances, Mixed-member Electoral System adopted as a part of the 1977 Electoral Reforms for the sake of providing a ‘controlled’ voice for the opposition in the lower chamber, was re-considered as an institutional framework amenable to guarantee a majority for the winning party. The PRI, while responding to the demands of the opposition through a new electoral rule to be applied for the first time in the 1988 General Elections, increased the PR seats -from 100 to 200- therefore increased the representativeness at the first sight. However, additionally, it enacted a ‘cláusula de gobernabilidad’ -i.e. governability clause in the Constitution. According to the amended Article 54, the political party with the highest vote share would receive additional seats from the PR quota until it achieves a majority in the Chamber of Deputies. Therefore, the PR seats which were originally reserved to the political parties which fail to have their voices heard through the single member seats, would be granted to a majority party for the sake of governability<sup>75</sup>.

---

<sup>75</sup> The winning party, i.e. the party that wins the plurality in the SMD seats, would be given a total of 251 seats— an absolute majority of the Chamber of Deputies, regardless of its electoral performance. Hence, it would receive as many PR list seats as needed to complement the number of SMDs won by the party to the majority.

Although such measures in parliamentary systems are justifiable -as a majority in the parliament would facilitate the formation of a government which requires a vote of confidence- they are unnecessarily and excessively majoritarian in a presidential system and unfair, where the executive branch is determined through presidential elections<sup>76</sup>.

**Figure 3.3 - Effect of the Governability Clause in contrast with pure PR system**



Governability clause was received with an unease from the opposition -particularly from the PAN, the PRI’s strongest rival. The party’s legal counsels raised the issue as a violation of human rights in the Inter-American Commission on Human Rights (IACHR) -by referring to

---

While the original design did not indicate a threshold for a winning party to benefit from extra seats under the governability clause, in 1991 a 35%-nationwide-vote prerequisite was introduced (see Horcasitas & Weldon, 2003, for a detailed overview of the legal reforms in the Mexican electoral rule)

<sup>76</sup> With regards to the power structure in the Mexican politics -which has been dominated by the very same political party for decades, the majoritarian effect of the governability clause was meant to be for the benefit of one party -which is the PRI.



the other cases in the Americas, where such institutions are being used as a means for authoritarian persistence:

“The governability clause has also been a ground for denunciation [...] If the Commission decides to follow its own precedent relating to a similar clause approved by the dictatorial regime in Paraguay some years back, then the Commission will prove us right in the claim that there are serious human rights violations in Mexico.” (Livas, 1994)

However, such appeals with similar references, have remained fruitless for several times in previous years, as the Mexican government refused to comply with the IACHR decisions up until 1990s (Reding, July 28, 1992). These cases actually show that the PRI was capable of resisting to the pressure emanating from international organizations in specific reform areas, particularly in politics, despite the party was keen on opening up the Mexican economy<sup>77</sup>.

The dissolution of the governability clause could become a political issue as a part of the inter-party deals between the PRI and PAN. Such an inter-party deal had become almost a necessity for the PRI, in order to achieve an ex-ante credibility for the upcoming elections due to the long shadow of the contested 1988 General Elections<sup>78</sup>. In March 1993, the Interior Minister Garrido held a meeting with the General Council of the IFE -after which he emphasized the government’s will to achieve a ‘democratic state’ (“Se buscar afianzar un estado democratico,” 1993). A few days after the meeting, an interparty commission convened to discuss the electoral reform. In June, the PAN’s and PRD’s initial reaction to this call, was a joint roadmap and

---

<sup>77</sup> Mexican state, could delay the possible impact of the IACHR decisions in the national political realm up until 1998. In December 16, Mexico recognized the jurisdiction of the court; but only after the Mexican governments have adopted a fairly competitive electoral system and a democratic consolidation path already.

<sup>78</sup> “In the 1993 reforms, then, the PRI, concerned about the delegitimizing consequences of post-electoral confrontations, made some concessions on representation but essentially retained control of the congress so long as it did not collapse in the 1994 voting. For the opposition, it was more important that they had wrung further concessions from the government about the integrity of the electoral process and the levelness of the electoral playing field” (Klesner, 1997).

bargaining plan with the PRI (Labastida Martín del Campo & López Leyva, 1994). However, the PAN's efforts were not limited to this two-party deal. Following PAN's National Executive Committee meeting, held in July 10, 1993, the secretary of the party stated that the abolition of the 'governability clause' had to be included in any negotiable political reform plan ("Piden concreter propuesta de reforma politica al PRI," 1993). The party pursued a divided strategy with two other players and was into a bilateral deal with the PRI too. The PRI-PAN deal around PRI's 'democratic state' discourse led to the exclusion of the PRD deliberation and bargaining process. The PRI was under the obligation to concede to the PAN's demands to gain credibility for its reform package, which was of crucial importance for the image and the legitimacy of the upcoming elections -in order to avoid any possible governability crisis which might erupt due to post-electoral contentions. On the other hand, the PAN achieved an opportunity to get rid of the 'governability clause' which it had been complaining about since its introduction.

### **3.2.2. A fairer representation of the political parties in the IFE**

Article 74 of the 1990 COFIPE designates the composition of the IFE General Council - where the executive and legislative branches, the judiciary and national political parties are represented. Although that seems to be a balanced formula at first sight, the executive branch is given a privilege as its representative is the president of the General Council and the president is to determine the shortlist of the representatives of the judiciary<sup>79</sup>. Besides, the selection of the representatives of the legislature favored the majority party as one out of two legislative councilors would be determined by a majority vote and the number of political party

---

<sup>79</sup> "The representative of the executive branch shall be the Secretary of the Interior who shall serve as the President of the General Council."

representatives is proportionate to the nationwide vote<sup>80</sup>. All of these together, clearly tilt the balance in favor of the PRI -which has traditionally maintained the presidency, congressional and senatorial majority for decades. Therefore, despite the improvement in terms of organizational independence, the IFE's impartiality was questionable due to the meticulous fine-tuning which gave the PRI an upper hand in the formation of the General Council. For instance, a Carter Center report showed that the voting patterns of the magistrate councilors -who were shortlisted by the President himself- and small party representatives have tended to converge with the PRI representatives<sup>81</sup>. However, PRI's unfair domination in the IFE has been short lived. Just a few years after the incorporation of the IFE, ruling party's supremacy in the General Council formation process was ended by two consecutive reform packages, levelling the game field while the hegemonic party -the PRI- was still in power.

### **3.2.2.1. 'Social peace' and a partial reform**

1994 was a critical year shaking the stability of the Mexican system. On January 1<sup>st</sup>, 1994 NAFTA agreement which has been a major blueprint for the liberalization of Mexican economy entered into force and the very same day a left-wing peasant guerilla organization Zapatista National Liberation Army -i.e. EZLN- initiated an uprising campaign against the PRI government, in their stronghold Chiapas. Being an ardent opponent of Mexico's new

---

<sup>80</sup> "The councilors of the legislature shall be two deputies and two senators. For each representative, there will be two substitutes. In each chamber the majority will propose one of these councilors; the other will be proposed by the largest minority. Both chambers will have two representatives and their substitutes"

<sup>81</sup> "Technically, the PRI and government together controlled only seven seats in the General Council under the old system. Yet, the PAN and PRD believed that the PRI government could actually secure a majority of the votes or even a 2/3 majority through the votes of some or all of the six Magistrate Councilors and the three small parties. Our own study of voting patterns in the General Council revealed that the Magistrate Councilors would normally side with the PRI/government on important issues; the small parties tended to vote similarly although not on every important issue. (see our 1993 Report, pp. 23-28)" (The Council of Freely Elected Governments, 1994).

liberalization path, especially due to the annulment of the constitutional privileges of rural collectivities in the ejidos – i.e. redistributed lands after the Mexican revolution- they initiated a conflict against the security forces. Although the first peace talks were started in just 12 days, the escalation of the violence increased the vulnerability of the Mexican government ahead of the General Elections to be held later the same year. On January 17, 1994 a strong civil society initiative -called Twenty Compromises for Democracy (*Veinte Compromisos por la Democracia*) - urged the political parties to take action for the preservation of the social peace at stake. The first compromise, which all parties were expected to abide by was “respecting the vote” by promoting the legitimacy and the transparency of the electoral authorities.

Facing an emergency situation, the government acted rapidly and brought several political parties around the table for a series of urgent reforms- which included the revision of the IFE’s General Council composition just a couple weeks after the outbreak of the uprising. Despite the approaching elections, presidential candidates of eight political parties -including all three major political parties the PRI, PAN and PRD- came together and announced their ‘commitment to peace, democracy and justice’ (Golden, 1994). The first commitment was for a reform initiative to ascertain free and fair elections by guaranteeing impartiality of the electoral authorities (Orgambides, 1994). Interior Minister Jorge Carpizo McGregor -the former president of the National Commission of Human Rights, who was appointed to his new position ten days after the beginning of the Zapatista conflict was a key figure in the making of the pact. Following the meeting held on January 27, 1994 at the IFE headquarters, Carpizo stated that special sessions of the Mexican Congress would be called to change the legal framework, if necessary. The emergency situation had brought the parties -except the left-wing Popular Socialist Party around the discourse of ‘social peace and stability’. According Carpizo, ‘the most important matter for

the country was the re-establishment of a just and lasting peace', and holding impartial elections which are to be accepted by the political forces was a necessary condition to attain it (Schrader, 1994). The ruling party itself was aware of the pressing need of achieving electoral legitimacy in the approaching elections. To this end, international observers were allowed and invited to oversee the elections -for the first time in the history of Mexico. Then president of the PRI Ignacio Pichardo Pagaza admitted that the challenge in these elections was "not only to win but also to convince" (Gonzalez, 2008, p.196).

The impact of the EZLN, to give an impetus to the reform was decisive. Even the right-wing major opposition party the PAN referred to the Chiapas uprisings -with sympathy to some extent- while supporting its position in favor of the reform in addition to sharing Interior Minister's emphasis on the peace and governability. Jose Luis Torres, party's electoral committee director, argued that "Chiapas clearly showed that if credible conditions didn't exist whereby citizens - Indian or mestizo - could participate in deciding their political destiny, the violence would persist" (Scott, 1994). In addition to the timing-wise pressure effect, EZLN's demands which were released to public on March 1<sup>st</sup> 1994, were partially overlapping with the content of the legal reforms which were approved by the congress later<sup>82</sup>. The magistrate councilors, who were appointed through a dual process giving the President an upper hand against the Congress, were replaced by non-partisan citizen representatives to be elected by the lower chamber upon a 2/3 qualified majority. Besides, the political party councilors among which those representing smaller parties tended to side with the PRI's councilors were deprived from voting in decision making processes. In the congressional vote for the approval of the

---

<sup>82</sup> "Another way to guarantee free and democratic elections, is to recognize in national, state and local law the legitimacy of citizens and groups of citizens who, without party affiliation, would watch over the elections, sanction the legality of its results, and have maximum authority to guarantee the legitimacy of the whole electoral process." (Ejército Zapatista de Liberación Nacional, 1994/2002).

reform, the PRI and PAN partnership around the discourse of the ‘electoral credibility for social peace’ proved to be essential, as the representatives of these two parties constituted the backbone of the pro-reform coalition. However, these reforms did not end the discussion on the credibility of the electoral institutions. First, despite the balancing of the IFE’s General Council’s composition, the Minister of Interior maintained the presidency. Second, TRIFE’s organizational autonomy, limited jurisdiction regarding the presidential and state-level elections were still problematic<sup>83</sup>.

### **3.2.2.2. Zedillo’s ‘Democratic Normalcy’**

1994 electoral and reform processes were yet to be shaken by further violence. In March 23, 1994, the PRI’s presidential candidate Luis Donaldo Colosio was assassinated during his electoral campaign, and this clearly indicated how violent and risky the national politics in Mexico became for the first time probably ever since the revolution. Although the murderer, Mario Aburto Martínez, testified for being a lone wolf, several conspiracy theories revolved around the Colosio murder. Most of these theories were about intra-PRI power struggle with reference to the interest-based clashes among party elites and/or ideological divergences. Since 1980’s, the ruling party had lost its ideological unity, as the presidents who sought to stabilize the Mexican economy started to adopt a series of economic liberalization reforms. For many members of the party, these reforms were in contradiction with the nationalist revolutionary ideals of the PRI. Despite the departure of some party notables around a left-wing political agenda in prior to the 1988 Presidential Elections -in support of Cardenas’ candidacy, a

---

<sup>83</sup> The presidential elections remained under the assessment of the House of Representatives, which assumed the role of ‘Electoral College’ for this purpose. Moreover, as seen in the 1996 elections, state-level electoral disputes were under the jurisdiction of the state-level courts - credibility of which was continuously challenged by the opposition parties.

‘dinosaur wing’ remained as a significant faction in the party. They were in favor of the preservation of the social policies by pointing out the grassroots support reflected in the corporatist structure of the party, on the other hand they were skeptical about the political reforms opening up the regime towards a more competitive one -which would shake the decades long political stability during which Mexico achieved social peace and prosperity. The EZLN uprising in 1994 served as a fact to support that view on increased instability. All of these schisms provided the grounds for several explanations and rumors about the political story behind Colosio’s assassination -which remained as a mystery to this day<sup>84</sup>.

President Salinas, was a reformist economist hated by party’s most conservative elites who was considered as ‘a vampire, sucking the life out of the party’ and ‘growing stronger as the PRI grows weaker’ (Rother, 1990). So was his handpicked successor Colosio<sup>85</sup>. Just a week after Colosio’s assassination, Salinas handpicked another reformist Ernesto Zedillo as the party’s presidential candidate at the cost of more hatred from the ‘dinosaurs’. ‘Further democratization’ was one of the major themes of the 1994 General Elections, and the discussion on former

---

<sup>84</sup> “A 23-year-old mechanic called Mario Aburto Martinez allegedly shot Colosio. It is said that Mr Martinez shouted "I saved Mexico", as he was beaten and detained by an angry crowd. Some officials said Mr Martinez was "crazy" and that it was "an isolated incident". Few in Mexico are likely to believe this. There have been too many coincidences recently. Those under suspicion included the EZLN or its northern sympathisers; Colosio's former rival for the PRI candidacy, Manuel Camacho Solis, or his sympathisers; old-guard PRI factions unhappy with Colosio's plans to continue Mr Salinas's reforms; the military, worried that the PRI's slipping popularity would lead to a left-wing, populist president; the opposition National Action Party (PAN), strong in Tijuana and across the north; the main opposition populist Party of the Democratic Revolution (PRD) of part-Indian Cuauhtemoc Cardenas; drugs mafias wishing to create unrest; even the Catholic Church, which was strongly identified with the Chiapas Zapatistas and blamed by many for backing the rebellion.” (Davison 1994a); “Many Mexicans believe the "dinosaurs" were behind the killing in March of Mr Salinas's close friend and hand-picked successor, Luis Donald Colosio. Many also fear that the same old guard are determined to win Sunday's elections at all costs - through the kind of fraud and coercion the PRI has used for six and a half decades - and that Mr Salinas himself is now in the grip of the hardliners.” (Davison, August 18, 1994).

<sup>85</sup> As a part of his campaign he emphasized that he would keep up the democratization agenda of his predecessor Salinas: “In the medium term, I would propose to continue the democratic transformation of the country so that future generations can be confident of the political process, so that there will be clear rules in politics as there are in the economy [...] I am committed to the democratic transformation of the country [...] I do not want, nor do I need votes that are gotten outside the law. I need only the votes of Mexicans who are convinced of my proposals” (Golden, 1993).

electoral frauds -as skeletons in the closet- were brought to the table even by some bureaucrats despite the newly-implemented reforms the very same year. In June 1994, Arturo Nunez Jimenez, the director of the IFE, publicly stated that his predecessors had opted for the system to fail in the 1988 Presidential elections (Robberson, 1994). Besides, despite President Salinas' guarantees for the honesty of approaching elections, independent election monitoring watchdogs were still arguing that the present reforms were not sufficient to incite confidence in the electoral institutions<sup>86</sup>. Additionally, the PRD which proved its capacity to mobilize masses in case of widespread fraud six years ago, stated that they would launch a civil resistance campaign again -if need. Under these circumstances, the PRI was under a multilateral pressure to prove the legality and honesty of the elections (Diebel, 1994).

1994 Election results were way less contentious in comparison to the elections of six years ago. First, Zedillo's (PRI) winning margin was very high -almost 23 points ahead of his closest opponent Cevallos of the PAN. Second, major independent watchdog organizations and international observers reported relatively limited voting irregularities and reports. Finally, opposition parties did not pursue a post-election campaign to discredit the results -as they could not claim victory for another candidate (DePalma, 1994).

1995 marked the beginning of a new reform cycle. Zedillo -in line with his discourse emphasizing his commitment to further democratization started a multi-party effort to pursue a further democratization process. As he was after a 'definitive reform' campaign, only 42 days after his inauguration he convened with the representatives of the executive committee of the

---

<sup>86</sup> "The electoral system has undergone some very rapid, substantial reforms, but it still inspires doubts and a lack of confidence," said Sergio Aguayo, a human rights leader and director of Civic Alliance, an election monitoring coalition backed by the United States and the United Nations. "We don't think the changes are enough," he said, adding that "whether they will be enough to prevent disorder is impossible to say." (Adams, 1994)



PRD -a less likely ally for his party -compared to the center-right PAN which has been a constant partner in previous reforms (Zedillo, January 13, 1995). The very same week, on January 17, 1995, Zedillo forged an inclusive and consensual reform alliance -reminding of previous year's pact. During the signing ceremony, Zedillo evaluated the initiative as Mexico's "first step towards the construction of a full democracy without stain" and the beginning of a new historical (Gunson, January 19, 1995). In the radio speech which he delivered in the aftermath of the signing ceremony, he emphasized the importance of full autonomy of the electoral institutions for achieving full democracy<sup>87</sup>.

In the reform process, Zedillo had to deal with a two-sided pressure. On the one hand, dinosaurs in the party who have been critical of the ongoing economic and political transformation processes -which they argued to be undermining the party's interests and political ideology- insisted on minimizing the compromises in order to preserve the PRI's competitive advantages and privileges over other political parties (Brinegar, Morgenstern & Nielson, 2006). On the other hand, opposition parties questioned the 'credibility' of the government and present authorities. Both of the major political parties -PAN and PRD- were bringing the issue of credibility and trustworthiness, with reference to two allegations of fraud in the 1995 Gubernatorial Elections. PAN and PRD claimed that the PRI candidates were after undeserved victories in Yucatan and Tabasco consecutively. This led to an unprecedented rapprochement between the mainstream center-right PAN and leftist PRD, which were to leave the negotiation table (Gunson, 1995, June 20). In August 1995, these two parties signed a pact of convergence

---

<sup>87</sup> "Government reforms demanded by Mexico must eradicate the suspicions and reproach that tarnish our electoral processes. That is why dialogue and consensus, which will be promoted by the national political agreement, will certainly include a definitive electoral reform encompassing all the topics which have been the cause of discontent for a long time. This will include the financing of political parties, maximum campaign expenditures, full access to the media and *the full autonomy of the electoral organizations* [emphasis added]" (Zedillo, January 18, 1995).

for an electoral reform which created a stronger and unified opposition front (“Left and right wing unite in cause for more democracy,” 1995; “Diez puntos fundamentales para la reforma electoral. Seminario del Castillo de Chapultepec,” 1995).

Zedillo’s discursive strategy throughout this process was ‘democratic normalcy’ and it had twin-foci. In order to convince the opposition within his party -where the elites have tended to open up the regime gradually and for the sake of governability, only if necessary- he argued that his party was ready to compete under fair terms -as it is the case in other advanced democracies. Moreover, he wanted to forge the broadest political consensus to achieve the definitive electoral reform<sup>88</sup>. In order to prove his commitment to inter-party consensus-seeking and acquire credibility of the opposition, he sought to distance himself from his political party -and justified that distance as a strategically plausible political position in the eyes of his own party elite<sup>89</sup>. Besides, he gave concessions to his party as an organization -by limiting the president’s involvement in the candidate selection processes<sup>90</sup>.

At the end of a 19-month bargaining and deliberation process, the autonomy and independence of the electoral organizations were constitutionally guaranteed<sup>91</sup>. Minister of Interior’s role in

---

<sup>88</sup> Zedillo on ‘democratic normalcy’: “One of the first things I told my colleagues in the party [PRI] after the 1994 election was that this election had been clean and legal, that we had abided by the rules in force, and the votes were counted properly. But the election was not fair because the conditions for political competition were still not fair in Mexico [...] The day I took office as president, I announced my intent to work with all the political parties for something that I called ‘democratic normalcy’, [...]” “They said, “why are we doing this now, we don’t have any problem of legitimacy,” as happened at some other times in the past. [...] But there were many others who said, “Why not, if we have what it takes to wage this democratic battle, if we have what it takes to compete?” And there was confidence not only that the country was ready, but that the PRI was also ready to compete under the new rules of the game.” (Loeza, 2015, p. 183)

<sup>89</sup> “Some would like the relationship between the President of the Republic and the PRI to be tight and intrusive, so that they can claim and take the advantage of the fact that the boundaries between the Party and the government are unclear. But we will not give them pleasure.” (Zedillo, September 14, 1994).

<sup>90</sup> “[T]he reform reduced the president’s capacity to intervene and modify the results of state and local elections, benefiting the interests of local PRI bosses, while increasing the financial independence of the party from the federal executive.” (Garrido, 2012, p. 4)

<sup>91</sup> “[T]he organization of elections is a State function exercised by an autonomous public agency which has its own legal personality and budgetary resources and whose members are drawn from the executive and legislative

the IFE was terminated by the formation of a new position – i.e. Council Presidency. The Council President would be appointed by a two-thirds majority of the General Council, after being nominated by the President. TRIFE was restructured as an impartial organ under the organizational structure of the judiciary -i.e. Tribunal Electoral del Poder Judicial de la Federacion, the Electoral Tribunal of the Federal Judicial Branch. Besides it was given the authority to validate the presidential election, and recognized as the judicial review body to settle appeals against the election results at state-level. The magistrates of the reorganized electoral court, were to be nominated by the Supreme Court and then to be confirmed by a two-thirds majority vote in the Senate.

President Zedillo's 'definitive electoral reform' -which was implemented through a consensual process to achieve the 'democratic normalcy'- was tested in the 1997 Elections. In these elections, the PRI lost its majority in the House of Representatives for the first time. According to Zedillo, this was a symbolic and irreversible step towards democratic normalcy, and the elections day proved to be 'a democratic fiesta'<sup>92</sup>. The opposition -even Cardenas of the left-wing PRD, who became the first popularly-elected mayor of Mexico City- considered the elections as the triumph of democracy<sup>93</sup>. The new electoral organizations, which provided the

---

branches of the Union, national political parties and citizens, in accordance with the provisions of the law." Article 41, Political Constitution of the United Mexican States, December 1996.

<sup>92</sup> "I said then that Mexico demanded a reform which, based on a broad political consensus, would eradicate the suspicions, recriminations and mistrust that have clouded the electoral processes. I stated that all of the political forces, all of the party leaders, all of the social organizations, could and should, contribute to our leaving behind forever, doubts as to the legality of elections. I insisted then, that electoral democracy should cease to be a central concern of the political debate and a cause of bitterness and division. To achieve this, I said that I would call for a political reform to guarantee open and just elections. I pointed out that our common goal should be for the 1997 elections, these elections, to be unquestionable, and for all of us to be satisfied as to the way they were carried out, regardless of their results. [...] On this 6th of July, Mexico has taken an irreversible, definitive, historic step toward democratic normalcy." (Zedillo, 1997)

<sup>93</sup> "It's a triumph for democracy, a triumph for the people and the democratic forces, after a long struggle" (Gunson, 1997)

institutional impartiality necessary to end the traditional PRI majority in the legislature was a historic turning point in the Mexican political history<sup>94</sup>.



---

<sup>94</sup> Amalia Garcia -one of the founders of the PRD: "There's an old saying in Mexico that the power is neither ceded nor shared. But that's over [...] Power is going to have to be ceded, and it will have to be shared." (LaFranchi, 1997)

### **3.3. Restructuring the System**

Mexico's democratization has been different than the Turkish and Filipino experiences in the sense that the transition did not occur through a multidimensional institution building or a constitution-making process. Thus, some scholars argue that the Mexican democratization has focused almost uniquely on the electoral ground -and referring to that characteristic of the process, for instance Mauricio Merino names it 'voted transition' (Peschard, 2010, p.68). Although mostly the electoral reforms have been under the spotlight of democratization studies -due to the fact that they have been of vital importance for increasing the competitiveness, and relaxing the undefeatable PRI's grip in the Mexican politics; there have been other reforms which transformed the state structure considerably. In this section, I will present the analysis of three major institutional changes: First, judicial system reform -which increased the independence and jurisdiction of the judiciary in 1994; second, 2002 Access to Information Law, which made state institutions more transparent than ever and therefore accountability in an unprecedented fashion; finally, 2013 political reform initiative that ended the restrictions on the reelection of the legislators who lacked both the experience and autonomy vis-à-vis the party cadre's pressures. The significance of each reform process, the change which they brought to the system will be discussed in the corresponding sections.

#### **3.3.1. Judicial system reform**

According to Schatz (2000, p. 21), the second major reform in the Mexican democratization was the expansion of the Supreme Court's judicial review powers. In fact, the judicial reform was more than just the broadening of the Supreme Court's jurisdiction -by endowing it with the

constitutional review authority. It is necessary to underline that Zedillo's plan also weakened the presidential powers in the judicial appointments. Therefore, the political significance of the reform was two-fold: strengthening of the judiciary and the curtailment of the 'super-presidentialism'. In the Mexican Politics, presidents' chances for building a continuous personalistic power have been curtailed thanks to the rigid non-reelection clause, they enjoyed almost uncontested power over other state institutions during their six-year terms. However, throughout the PRI hegemony, Mexican presidents who have had control over a majority or mostly a qualified majority in the legislature- were also endowed with extensive appointment powers, so they could control the key bureaucratic organizations -including the judiciary and electoral oversight organs.

In his very first day as the new Mexican president, Zedillo announced that he was after a judicial reform initiative and he would submit his proposal to the Congress soon. The judicial reform process was steered by the presidency to a great extent. It was a premeditated opening initiative by the incumbent itself, rather than a reluctant response which the opposition parties pushed it into. Zedillo's inaugural speech had an emphasis on the link between the vital importance of the separation of powers and independent judiciary for the deepening of democracy -which was a requirement as the Mexican democracy was still a defective one, as he admitted<sup>95</sup>. The judicial

---

<sup>95</sup> "Fortunately, at the peak of our justice system, we have the Supreme Court of Justice, which has been able to gain the respect of the Mexican society given its ethical credentials and professional performance. In recent years, its role as the body responsible for ensuring the constitutionality of acts of public authority has been strengthened. Today we must strengthen that character. The Judiciary -with its renewed strength- will be consolidated as a pillar of democratic balance between the Powers of the Union, and will cross with the highest values of the Mexican legal tradition to the whole justice system. Soon, I will submit a Constitutional Reform initiative to our sovereign, if approved, will be the first step towards a profound transformation of our justice system. With all due respect, I invite the Honorable Congress of the Union to examine and enrich this initiative to achieve a more independent, stronger and more able judiciary to fulfill its responsibilities. I am determined to lead the construction of the Rule of Law, as Mexicans deserve and I will do it by acting under the law, within a framework of a strengthened democracy that will renew the life of the Republic, ensure participation, encourage respect and recognize the plurality. Mexicans want a democratic life [...] We must recognize, however, that democratic progress is still insufficient" (Zedillo, December 1, 1994).

reform was considered as the most significant part of the speech and daily *El Informador*'s headline was "Profound Transformation in the Justice System" ("Profundo transformacion en el sistema de justiciar," 1994).

Following a very rapid process in the legislature, by the end of his very first month in the office, a lengthy constitutional reform decree -amending 27 articles- was to be published in the Official Gazette ("Decreto mediante el cual se declaran reformados los artículos 21, 55, ...,," 1994). The aforementioned amendments were unprecedented advancements for the balance of power. The most crucial changes which concern the Supreme Court are about (i) the nomination of the justices and (ii) court's powers as an authority of judicial review. First, the 1994 reforms strengthened the legislature's role in the nomination process. In prior to the reforms, the Senate was given the authority to approve the president's nominee and the presidential nominations were very likely to be approved by the Senate where the ruling PRI has always maintained the majority. Zedillo's judicial reforms, reduced president's role in the nomination process to 'filtering'. President's tender -a shortlist of three candidates for a single position- was to be submitted to the consideration of the Senate, which was to decide among the three and approve one with a qualified majority of two-thirds, instead of a simple majority (Article 96). The condition of qualified majority required an interparty convergence in the Senate voting- as from 2000 elections on "no single party controlled two-thirds of the Senate, and so Court appointments must be brokered among rival parties" (Haber, 2008, p. 208).

The expansion of Supreme Court's jurisdiction as a constitutional review organ has been a huge step in the Mexican judicial system. Before the reform, Federal Courts' and Supreme Court's jurisdiction was limited to the resolution of controversies among different levels of governance and appeals which arise from the violation of individual or officially recognized communal

rights -such as those of the ejidos<sup>96</sup>. In the pre-reform judicial realm, these courts were to resolve the controversies case by case (see Constitutional Article 107, i.e. a trial in amparo), following the appeal of the claimant on a particular infringement of a specific right, privilege or authority. However, as the controversies were evaluated as particular cases and they were resolved individually. The Mexican system was lacking judicial mechanisms for checking the constitutionality of the laws. The 1994 amendment to the Article 105 has been a novelty, which endowed the legislative minorities -i.e. opposition parties- with a counter-majoritarian tool, in addition to the betterment of the political system from a separation of powers perspective<sup>97</sup>.

It is important to note that, 1994 Constitutional reform which transformed the balance of power structure in Mexico significantly, has been a textbook case for reform analyses built on rational choice institutionalism. According to that approach, incumbents in declining authoritarian

---

<sup>96</sup> Ejido is a piece of land which is managed and farmed collectively by the inhabitants. They are not private property, but they have a communal land tenure status. Given this tenure status, ejidos have had a specific credit and financial support program through public banks -which were controlled by the PRI government throughout the electoral authoritarian regime. Therefore, in the aftermath of the revolutionary land reform, a sizeable agrarian population could be included in the PRI's societal corporatist scheme thanks to the ejido system.

<sup>97</sup> Art. 105: The Supreme Court of Justice of the Nation shall take cognizance, in accordance with the terms provided by the corresponding law, of the following matters:

II. Of actions of unconstitutionality whose object is to pose the possible contradiction between a norm of a general character and this Constitution, with the exception of those referring to electoral matters.

The actions of unconstitutionality may be filed, within thirty natural days following the date of the publication of the norm, by:

a) The equivalent of thirty-three percent of the members of the Chamber of Deputies of the Federal Congress, against federal laws or those of the Federal District (Mexico City) promulgated by the Federal Congress;

b) The equivalent of thirty-three percent of the members of the Senate against federal laws or those of the Federal District promulgated by the Federal Congress, or of international treaties entered into by the Mexican State;

c) The Attorney General of the Republic, against laws of a federal, state or Federal District character, as well as international treaties entered into by the Mexican State;

d) The equivalent of thirty-three percent of the members of some of the State legislative organs, against laws promulgated by said organ; and

e) The equivalent of thirty-three percent of the members of the Assembly of Representatives of the Federal District, against laws promulgated by said Assembly.

The resolutions of the Supreme Court of Justice may only declare the invalidity of the challenged norms, as long as they receive a majority of at least eight votes." (Vargas, 1996, p. 313)



systems tend to increase the organizational independence and strength of the judiciary and bureaucracy. As the incumbent perceives itself in a vulnerable position, due to the increasing likelihood of a prospective incumbent change, it seeks to protect the system by making the bureaucracy more insular and independent vis-à-vis the incoming elected officials<sup>98</sup>. It is true that, the PRI was in decline in 1980s and 1990s and the strengthening of the judiciary and other bureaucratic organizations would be to its benefit. Besides, bureaucratic reform process was not limited to the judiciary. As a part of a broader economic liberalization campaign, Mexican Central Bank was granted partial independence (Boylan, 2001). However, the explanatory power of this analytical framework is limited to the cases of liberalization under authoritarian incumbents in decline. Democratic reforms are not limited to the making of insular bureaucratic organizations, and they continue after the incumbent change, i.e. when the power is not in the hands of authoritarian politicians who rely on uncompetitive regimes. Besides, even the very early stages of the Mexican democratization process cannot be explained through the lenses of pure rational choice institutionalism. During the electoral transition process, which made the system more competitive, 1994 and 1996 electoral reforms have been against the interest of the incumbent party. Meanwhile the party was not a monolithic player anymore, pursuit of a pro-democratic or anti-democratic path depended on the intraparty processes in addition to the party's power struggle at the national politics. As seen in the previous section, in such processes, the presence of a divergence -or schism- between reformists and anti-reform party cadre -

---

<sup>98</sup> “By the early 1990s, the Mexican president and ruling party had an interest in creating institutional insurance mechanisms to protect themselves, given the likelihood that their power would continue to diminish. Zedillo initiated the reform process, defined the parameters of the debate, and specifically tailored the Supreme Court's two new powers of judicial review to protect the ruling party where it perceived itself to be the most vulnerable.” (Finkel, 2005, p. 102)

overlooked by the rational choice analyses which mostly assume incumbents as unified actors- is of crucial importance.

The leading figure of the pro-reform coalition in judicial reform was President Zedillo -who presented the reform draft as soon as he assumed presidency. The reform was conceived as one of the greatest promises of the Zedillo administration. In addition to the significant improvements regarding the status and jurisdiction of the Supreme Court, the reform incorporated an independent body for judicial appointments and oversight, namely *Consejo Federal de la Judicatura* -Federal Council of Judiciary, presided by the Chief Justice of the Supreme Court<sup>99</sup>. As Zedillo's PRI was lacking a qualified majority to pass the constitutional reform, a congressional coalition was necessary. The PAN -as in many other democratization and economic liberalization reforms- has been PRI's primary legislative ally<sup>100</sup>. Ideologically speaking, the political content of such reforms- had made the PAN almost a "natural ally" for the reformist presidents. Additionally, Zedillo tried to bolster his strategic alliance by appointing Antonio Lozano Gracia -a prominent panista- as the Procurador General -i.e. Attorney General- in his cabinet ("Judicial Reform: Zedillo preparing to remove top judges," 1994). Both Zedillo's pro-reform discourse and the content of the reform were appealing to the PAN -as the main opposition party who has been after counter-majoritarian mechanisms for years<sup>101</sup>. However,

---

<sup>99</sup> See. Ley Organica del Poder Judicial de la Federación, Organic Law of the Federal Judiciary, Diario Oficial de la Federación, Official Gazette of the Federation, May 26, 1995.

<sup>100</sup> "PAN always played according to the rules -let's say the precarious rules of the formal but clearly imperfect democracy- and one of its lines of action was always to call for more democracy. They always did so in a civilized way; they always encouraged participation. We cannot play down the role of the parties other than the PRI; I couldn't say that the Communist Party believed in democracy, because that wasn't a matter of principle for it; on the left it's a different story" (Zedillo, 2015, p. 187)

<sup>101</sup> "[A]s President, I promoted a Reform of the Judiciary, a very important power of the Republic to give it total autonomy, total independence [...] I have also expressed as President, that I will observe with great interest any initiative of reform that strengthens the Legislative Branch. It is inherent in our republican and federalist regime that there is an adequate balance between the three powers, but to stick to that basic constitutional question does not in any way mean that I am relinquishing important faculties; I may be giving up some

the PRD -which was excluded from the process, harshly criticized the PRI-PAN reform alliance, due to the role of presidency in the legislative processes<sup>102</sup> Under these circumstances, a new incumbent -namely Zedillo- of the potential ‘anti-reform’ party, could easily steer a reform by attracting the support of the opposition partially - forging an alliance with the main opposition party, the PAN.

### **3.3.2. Making Mexico more transparent: Access to Information Law**

In 2000, Mexico was about to experience an unprecedented change. As of 1997, following the implementation of a more equitable electoral formula and the incorporation of a more inclusive, unbiased and fair electoral oversight organization, the PRI had lost the majority in the chamber of deputies for the first time in the post-revolution period<sup>103</sup>. Therefore, any legislation process required an interparty discussion and bargaining, which was something that the PRI was not familiar with. Previously, the party mathematically needed the support of other parties only for the constitutional amendments. Following a three-year PRI-minority in the Congress, an experience somewhat similar to a ‘divided government’, an incumbent change in the executive was conceived very likely.

---

practices that may have had some justification in the past, but which certainly have no justification in contemporary Mexico” (Zedillo, August 24, 1996).

<sup>102</sup> The PRD senator Guillermo del Rio Ortega argued that the ‘steam-powered reform process’ was ‘an excellent example of the dictatorship of the executive, which established its relations with the Congress, in way that it destroyed the balance of power and annihilated the legislative process’ -as the President’s initiative was approved by the Senate only two weeks after he shared it with the public opinion during his inaugural speech. However, the Panistas who were supportive of the bill -for instance Juan de Dios Castro Lozano emphasized that this ‘one of the most profound and fundamental constitutional reforms ever’ – argued that the betterment of the content was possible in future. Besides, the present reform package was argued to have overlapping aspects with the PAN’s legislative proposals. (“Aprobo el Senado las reformas,” 1994).

<sup>103</sup> ““We have new democratic instruments and institutions . . . which we firmly believe allow for unbiased and objective elections,” said Mr. Bravo Mena, [of the PAN] speaking at the National Democratic Institute on Wednesday. “These elections open a new chapter in our history.”” (Carter, 2000)

Although the first serious challenger of the PRI in a presidential election was Cardenas of the PRD in 1988, in 2000, center-right PAN's candidate Vicente Fox was the most-likely winner in a fair election. The upcoming elections were considered as a litmus test to observe whether Mexico had 'democratized' enough to have an incumbent change in the presidency. On July 2, the charismatic businessman Vicente Fox was elected president by getting 2.5 million votes more than his closest rival, Labadista of the PRI. President Zedillo, in his elections night speech, emphasized that Mexico had achieved 'an unquestionable electoral democracy' following a series of reforms implemented during his *sexenio*, and the PRI's role in this transformation should not be forgotten<sup>104</sup>. According to Peruvian opposition leader Alejandro Toledo, Vargas Llosa's 'perfect dictatorship' turned into a 'poster child' of democracy for Latin American democracies<sup>105</sup>. This emblematic incumbent change triggered several discussions for democratic consolidation in Mexico. This wind of change created a window of opportunity for a particular reform –initiated and forged by a citizens' initiative called 'Oaxaca Group'.

Transparency and citizens' access to public information were among the major issues for Mexican democratization. The problem was two-fold -state's tight grip on public information provided impunity for the political elites and bureaucrats who have been free to get away with in various incidents of corruption and abuse of power. In that sense, state's secrecy policy on public information was a cognitive veil served as a shield for the unaccountability for corrupt officers. On the other hand, this secrecy and opacity kept PRI's ties with state, business and

---

<sup>104</sup> "The PRI has contributed to reaching social peace, political stability, international respect, progress regarding the country's development, and the climate of liberties and rights we Mexicans have. I particularly express my acknowledgement to the PRI for having supported, in a convinced and resolute fashion, the reforms undertaken in this six-year presidential term, reforms that now let us say that Mexico is a fully and unquestionably democratic country" (Zedillo, 2000).

<sup>105</sup> "Mexico is becoming a new reference point for democracy in Latin America and a counterbalance to countries with democratic masks and dictatorial hearts" ("Toledo sees Mexico as democratic example for Latin America," 2000).

various social sectors behind a thick fog, concealing the systemic fraud and unfairness -thanks to which the party continued to have a great popular support for decades. Particularly, the media was one of the major sectors of the PRI cronyism, which created indirect mechanisms of censorship through various mutually beneficial pacts between the party and the media ownership. Unlike many other single party authoritarian regimes, state's direct investment and involvement in the media and journalism were quite limited. For instance, Mexican state didn't have a formal monopoly in the audiovisual media for decades despite the repression in the political realm. Mexico have had private television networks since 1950s. Televisa -founded as a merger of three television networks in 1973- benefited from holding a privileged nationwide private television broadcasting license for decades and tax exemptions. In return, it provided biased coverage in support of the PRI (Haber et al., 2008, p. 145). The network's long-time president and the controlling shareholder Emilio Azcárraga Milmo was known for his public statements like "We are the soldiers of the PRI" and "Televisa considers itself as a part of the governmental system" (Lawson, 2002, p. 30). However, by late 1970s, such as the emergence of alternative media outlets like Proceso magazine, a new wave of critical and investigative journalism diversified the Mexican media to some extent.

With regards to 'transparency' and 'right to know', the 1977 Constitutional Reforms is a good example for how constitutional articles remain shallow and ineffective, if not supported with additional legal and institutional mechanisms. Although the amendment to the Constitutional Article 60, recognized citizen's right to know -i.e. "El derecho a la informacion sera garantizado por el Estado"; the way in which the citizens would enjoy their right was unprecise<sup>106</sup>. As of late 1990s, there was still no extensive law incorporating and regulating the mechanisms of

---

<sup>106</sup> "The right to information is guaranteed by the state."

access to information. There were disunified laws, which state and describe various processes of access to public information on particular issues through diverse organizations and complicated processes.

After Mexican state declared its recognition of the jurisdiction of the Inter-American Court of Human Rights, citizen initiatives tried to influence the government by internationalizing the human rights issues. In 1998 and 1999, Inter-American Commission on Human Rights underlined that Mexican state was short of fulfilling its guarantee on freedom of expression and access to information -with reference to the criticisms of The Mexican Network for the Protection of Journalists and Media - La Red Mexicana de Protección a Periodistas y Medios- which pointed out that Mexico was one of seven countries with severe backwardness regarding the right to information (Caprizo & Villanueva, 2001, p. 95). In 2000, Iberoamericana University's Right to Information Project, directed by Ernesto Villanueva, ranked Mexico at 182 out of 189 countries in a survey of the constitutional rights of citizens to government information. As a welcoming response for a potential reform, Adolfo Aguilar Zinser, a top aide to president-elect Vicente Fox, stated that "transparency has never existed, so nobody knows anything [...] This is an area of immediate concern and it is one of the most important things we can do" (Jordan, 2000). In parallel to Zinser's earlier statements, Vicente Fox, in his inaugural speech, promised transparency and openness of public information for further democratization and putting an end to impunity<sup>107</sup>. In late 2000, Mexico was on the brink of achieving a pro-reform coalition bringing the newly-elected incumbent and civil society initiatives of academics and journalists. However, the reform process did not work out so

---

<sup>107</sup> "To provide to the state. Municipalities and communities. What is a reform that will ensure the transparency and accountability of the government. I don't know a lot of luck or to do away with corruption and deceit. Not in order. A reform that will reduce insecurity and wipe out impunity." (Fox, 2000).

smoothly and rapidly. The incumbent's expectations and civil society initiatives' demands were not overlapping.

The apparent consensus turned out to be almost a conflict following a seminary bringing together several respected journalists, academics and civil society representatives on the right to information in Oaxaca, in May 2001. The Oaxaca Group -to be named after that meeting- adopted two strategies for turning the constitutionally recognized right to public information into reality. First, a technical committee was formed to prepare a law draft; and put additional pressure on the President Fox so that he fulfills his promises of freedom of information and transparency (Escobedo, 2006, p. 66). The technical commission was to draft a law proposal reflecting the diversity of the Oaxaca group, matching with the standards of advanced democracies<sup>108</sup>. However, the government was about to prepare its own reform proposal over the summer. While the Oaxaca Group's technical committee's work was still in progress, the content of the government's reform initiative was leaked and found very conservative by the opposition parties and the Oaxaca Group itself (Gill & Hughes, 2005). Oaxaca Group's strategy to overcome the limits and restrictions in the government's initiative was keeping the issue on the public agenda, in a way that the government would be obligated to concede to the group's demands. For instance, Ernesto Villanueva, who was in charge of the Iberoamericana University's Right to Information Project which revealed Mexico's abysmal status with regards to transparency in a comparative fashion was also a prominent member of the group; and he continuously penned down several articles to defend the Oaxaca draft in comparison to the

---

<sup>108</sup> Juan Francisco Escobedo, Ernesto Villanueva, and Issa Luna Pla, from the Ibero-American University, joined this council; Jorge Islas, of the Faculty of Law of the UNAM; Salvador Nava, from the Anahuac University; Miguel Carbonell, of the UNAM, as well as Roberto Rock and Luis Javier Solana, editorial director and editor of *El Universal*; Miguel Treviño and Sergio Elías Gutiérrez, from the El Norte-Reforma Group; Luis Salomón, from *El Informador*, and Jenaro Villamil, from *La Jornada*.

government's draft (Villanueva, November 11, 2001; December 15, 2001). The government on the other hand -noting the Oaxaca Group's popularity due to its bottom up character, sought to generate grassroots support for its own initiative by holding forums where civil society organizations' propositions and demands were collected.

To counter government's attempts of accumulating popular support for its own initiative, the Oaxaca Group played a clever game and decided to use the political channels by getting in touch with the opposition parties<sup>109</sup>. The Group submitted its proposal to the Congress on October 11, 2001. The processual strength of the Oaxaca proposal -compared to the Fox draft- was reflected in the very introduction of its summary of motives<sup>110</sup>. From this point on, the Oaxaca Group's draft gained a political significance. By late December 2001, opposition parties, the left-wing PRD in particular, used Oaxaca draft as a reference point in their criticisms against the government's initiative ("Amalia Garcia senala carencias a la propuesta de Vicente Fox," 2001; "Afirmar diputados que la iniciativa del Ejecutivo tiene insuficiencias," 2001). In a few days, Oaxaca Group's draft was adopted as a law initiative by the opposition parties -namely PRI,

---

<sup>109</sup> A citizens' proposal against the Executive Branch, taking the democratic banners from the president and challenged the operators of the regime who intended to develop a minimalist initiative to get out of step on this crucial issue. It is curious that while The Secretary of the Interior was busy searching for speakers for their forums (by various means and common friends we were all invited by letters signed by Undersecretary José Luis Durán to participate in any of these meetings), the Oaxaca Group had not only submitted its proposal to the Chamber of Deputies, which the PRD immediately endorsed, but has also dedicated itself to working with the parliamentary factions, also obtaining the support of the PRI faction, taking advantage of the human capital in that parliamentary group, such as that of the deputy Maria Elena Chapa, who had presented in her home state, Nuevo Leon, an initiative with the same spirit and who has an in-depth knowledge on this matter." (Villanueva, November 11, 2001).

<sup>110</sup> "At last, *after having heard from and taken into account a variety of social groups made up of diverse institutions of higher education, non-governmental organizations, the country's leading news organizations, and the deputies and congressional groups working on this legal initiative*, we formally present before the relevant legislative bodies a proposed act concerning the right of access to public information. Asking that it be considered with professionalism, gravity, objectivity and commitment, we submit *this proposal* in order to broaden the positions and possibilities *that have been generated by a genuine social demand* for openness, transparency and accountability, and also to contribute to the political and institutional debate that seeks to strengthen a fundamental right, which must become law without delay for the benefit of the citizenry. We present a proposal that contains definitions, objectives, rights and specific procedures concerning the right to know public matters and the right to understand the affairs of government without any limitations beyond what is established as exempt by the same act." [Emphases added] (Oaxaca Group, 2001).



PRD, Labor, and Convergence for Democracy groups (“Propuesta del Grupo Oaxaca se convierte en iniciativa del rey,” 2001).

Major differences between two law initiatives were about (i) the autonomy of the agency which would control and supervise the information access channels and transparency mechanisms; (ii) appointment of the executive board members and (iii) the length of the secrecy time frame during which certain public information could be withheld due to exceptional concerns -like national security. The Fox’ law initiative gave the upper hand to the executive. The board members of the access to information organization would be appointed by the President, whereas the Oaxaca initiative required additional Senate approval. While the executive’s initial draft foresaw a maximum of 50 years for secrecy; Oaxaca initiative’s maximum limit was 10 years (Villanueva, December 15, 2001). The government’s strategy for avoiding a possible ‘anti-democratic’ image was to obfuscate these differences between two initiatives. For instance, Francisco Barrio Terrazas, Secretary of Public Affairs and Administrative Development, claimed that there was “more convergence than difference between two proposals” (“Coinciden en propuestas de ley de acceso a informacion,” 2001). However, Oaxaca Group’s pressure to determine the content of the law persisted. On the day the congressional commission would vote the initiatives, a letter for a genuine reform with an autonomous body appeared in newspapers (“Mexico necesita una autentica ley de acceso a la informacion publica,” 2002). The negotiations at the legislature proved to be to the advantage of the Oaxaca group and the opposition parties succeeded to get the support of the incumbent PAN for a common draft which almost overlapped with the Oaxaca Group’s initial draft – which foresaw an independent body, like the Instituto Federal de Acceso a la Información (IFAI) to be incorporated- (Villamil, 2002). In April 2002, both chambers of the Congress approved the law

initiative in unanimity and the law was published on June 11 2002, in the Official Gazette of the Mexican State (“La Camara de Diputados aprueba la Ley de Acceso a la Informacion,” 2002).

It is important to note that Oaxaca Groups’ cohesive discourse succeeded in (i) forming an oppositional coalition bringing diverse political parties under the very same pro-reform banner, including the leftist PRD and the former permanent incumbent of the Mexican politics PRI; and (ii) including the new incumbent PAN -although the latter tried to implement a more restrictive and less innovative legal framework. The Oaxaca Group’s emphasis on the need of a ‘genuine’ reform put the PAN’s credentials for being a pro-democratic party at stake. The congressional coalition supporting the Oaxaca Initiative held a congressional majority in both chambers, and Oaxaca Group played the game accordingly (Villanueva, 2002). If the incumbent party had refrained from joining the pro-reform coalition and insisted on giving no compromise over Fox’ law initiative, the party’s reformist image would have been damaged severely. In this case, although the incumbent change had triggered the reform process by opening the window of opportunity which the reformists were eagerly waiting for, neither the president himself nor his party in the Congress could steer the reform process and determine the content of the law initiative.

### **3.3.3. Transforming inter-elite relations: reconsidering the ‘non-reelection clause’**

The constitutional principle of non-reelection originates from an anti-authoritarian uprising - which was born as a reaction to then-president Porfirio Diaz who had hold onto power for 34 years. Diaz’ personalistic regime -known as Porfiriato- had achieved economic growth and maintained the social stability in Mexico by the end of 19th century, following a turbulent period marked by post-independence struggle for leadership. However, his rule started to lose grounds economically and politically by the turn of the century. Politically, the democratic liberals were

asking for the restoration of the liberal 1857 Constitution against the persistent authoritarianism. Additionally, the economic downturn damaged business circles' confidence and support for the regime and triggered successive and various labor protests and uprisings starting from 1906 due to plummeting wages. Diaz' attempt to serve another term strengthened the anti-regime groups' arguments in the eyes of the masses and paved the way for a broader opposition mobilization in prior to the 1910 Elections and Mexico was marked by a significant polarization. While the conservative Diaz supporters were reelectionists -who sought the continuation of the regime after Diaz' 6th reelection, a heterogeneous group including landowners, entrepreneurs, merchants, workers, constitutional liberals formed an anti-reelectionist block (Chavez, 2006, p.202). Under these circumstances, non-reelection served as one of the unifying slogans and ideas for the politically and socially diverse anti-Diaz movement. The opposition leader Francisco Madero's call for the organized insurgency to oust Diaz- i.e. the Plan of San Luis Potosi - had the non-reelection principle as a necessary rule to avoid personal accumulation of power and a single person's dictatorship in future. After years-long struggle and conflict, namely the Mexican Revolution, in 1917 Mexico had a new constitution which imposed a strict non-reelection clause for presidents. As a result, the revolutionary and anti-authoritarian slogan of non-reelection turned into a constitutional principle.

The year 1929 was a turning point in the turbulent and chaotic history of Mexico. Foundation of the National Revolution Party (PNR) -the forerunner of the present PRI- which was designed as *the* political party and political machine of the post-revolutionary Mexico and established a long-term political stability. As a part of the party's political institutionalization process, following ruling party's congressional decision in 1932, non-reelection clause was extended to the members of the legislature and lower levels of governance in 1934. According to Weldon

(2004, p. 574) rationale behind that move was the control of power in the hands of the central/national cadre, by increasing the circulation and rotation in the localities, in a way that no peripheral elite could become powerful enough to challenge the central leadership. Besides, politico-historical significance of the non-reelection clause is reflected in the Mexican government's motto 'Sufragio efectivo, no reelección' -i.e. 'Effective suffrage, no reelection'. Therefore, non-reelection clause was not an ordinary constitutional article, but also a part of the defining features of the Mexican state and remained politically unchallenged for a long time.

It is important to note that, due to the strictly adopted presidential non-reelection clause, Mexico has never turned into a personalistic authoritarianism, although the PRI-dominated electoral authoritarian regime was marked by 'imperial presidency' where the president has had 'metaconstitutional prerogatives' (Chavez 2006, p. 275; Schatz 2000, p. 24). Six-year presidential tenure -i.e. *sexenio*- has remained as an immutable rule of the post-revolution Mexican politics. However, non-reelection clause for legislators has created various democratic deficiencies, as stated by a 2011 Council of Hemispheric Affairs review (Council of Hemispheric Affairs, July 18, 2011). To begin with, in line with the original objectives, during PRI's hegemonic rule, legislative branch was turned into a subservient extension of the executive branch and the ruling party. As the PRI's domination in the Congress has ended thanks to consecutive and gradual electoral reforms, legislature's political role increased vis-à-vis the president. From 1990s onwards, presidents were obliged to forge interparty alliances for legislation. However, additional side effects of the non-reelection clause persisted. First, restrictions on consecutive reelection has hindered the formation of an experienced 'legislator

class'<sup>111</sup>. As a result, even permanent congressional committees have suffered from the lack of specialization and they have been criticized for not providing effective and efficient outputs for policy discussions (Nacif, 2000). Second, 'career politicians' have adopted a flexible pathway for staying in the game and this led to an elite culture of political survival. One of the major characteristics of the Mexican democracy is an eternal quest for finding new positions by the end of tenure. This 'political career jumping' -i.e. *trapecismo*, 'trapezing'- across various positions at the federal and local level does not only hinder accumulation of experience but also accountability ("Analistas critican a los 'chapulines' de profesión," 2009). Congressmen, following their tenure - depending on how good their ties with their party are – are "considered" for other positions and as they cannot run in the elections for the very same seat. They end up jumping from one position to the other like "grasshoppers". Their political career is almost never evaluated by their voters, so they are vertically unaccountable. Denise Maerker (2009) -a prominent political analyst- labels this as a "perverse system" of incentives<sup>112</sup>. Thirdly, although the fragmentation of the congressional floor among political parties thanks to a fairer competition environment made it impossible for a single political party to control the legislature entirely, the influence of the political parties and their prominent figures over the legislators have persisted to a great extent. Congressmen were still under the influence of the political party

---

<sup>111</sup> "Since 1933, Constitution does not allow immediate re-election of federal legislators. As a result, the hegemonic party concentrated the power in its hands, while giving mobility to the political class and allowed the entry of new cadres to the government. Now, non-legislative re-election no longer meets the original objectives, since PRI hegemony has disappeared, due to plurality of political parties in the congress. However, it has been argued that the prohibition of re-election reduces efficiency, since it prevents the emergence of a true legislative class" (Estefan & Sosa, 2005, p. 22).

<sup>112</sup> "That said, the current Mexican political class, which nobody likes and disapproves according to the polls, is precisely the product of the rules that govern us today, including that of non-reelection. Our democracy seems very deficient, our political class a disaster [...] We have ample evidence that non-reelection has produced a system of perverse incentives. That is why today Peña Nieto and two or three other governors have controlled a large part of the PRI's congressional floor, some have directly owed their candidacies and some others -based on the assumption that they are going to be presidential candidates of the party- are loyal to them during their three years in politics" (Maerker, 2009)

cadre to secure their prospects as ‘professional politicians’, even though that influence was not total control of the congress by a single party anymore.

The political discussion on the non-reelection has been a relatively recent one. During the PRI hegemony, demands for the reconsideration of non-reelection clause were seldom brought up. One of those rare instances had started by a group of businessmen who announced a campaign to amend Article 83 of the Mexican Constitution, which limits each president to one term. As a response, President Salinas underlined the inviolability of the ‘effective suffrage, no reelection’ principle (De Palma, 1994). Actually, the symbolic weight of the principle and the presidential non-reelection have not been challenged by the main opposition party (PAN). For instance, even after the incumbent change, the President Vicente Fox, of the PAN, underlined how essential the presidential non-reelection is for the Mexican politics. On the one hand, he referred to the state motto and how crucial it had been for the making of modern Mexico as a revolutionary slogan. Besides he emphasized that non-reelection of the president is a rule which prospective constitutional amendments should preserve<sup>113</sup>. However, limitations on the reelection of the legislators were about to become an issue to be brought up for reform during the Presidency of Vicente Calderon.

By June 2009, the PAN was known to be after a constitutional amendment to lift the restrictions on the reelection of the congressmen, for the professionalization of the legislature<sup>114</sup>. Towards

---

<sup>113</sup> “We have a legacy that must guide any constitutional amendment: no reelection of the executive; the representative system; the separation of powers, the federal regime, the freedom of the municipality, our sovereignty, the secular nature of the State, the commitment to social justice, secular and free education, the respect for cultural diversity, and the defense of individual and social rights.” (Fox, 2001); “Effective Suffrage, Non-reelection; The vote is the weapon of the democratic peoples, it is the weapon that demolishes tyrannies, that rooted liberties, that guarantees citizens’ rights, that leads us to the common good” (Fox, 2006).

<sup>114</sup> “The practice of politicians bouncing from office to office is common in Mexico, and those who move with frequency are known as “grasshoppers.” The platform of the National Action Party, or PAN, for the midterm

the end of the very same year, President Calderon has announced a prospective law initiative on the reelection of the legislators and mayors, to establish a link between the electorate and the politicians and increase the latter's accountability<sup>115</sup>. During the congressional deliberation process on the law initiative the following year, Lujambio Arazabal of the PAN -Secretary of Public Education- stated that reelection restrictions on legislators has been one of 'the most-ominous' feature of the Mexican constitution<sup>116</sup>. However, PRI's insistence on the preservation of the no-reelection rule has persisted. Although Calderon's law initiative was approved in the senatorial commission, it was blocked by the PRI deputies in the lower house commission. The most significant justification which the PRI deputies stated during the discussions was the argument that the new generations would not be given access to politics, if reelection was not restricted by law ("Rechazo a reelección, una lástima: Gabriela Cuevas," 2011). However, whether it is supported by some rational justifications or not, the PRI's hesitant or even anti-change position was well expected. For instance, according to Menendez (2013), non-reelection at the local politics and the legislature is only a taboo of the PRI's political perspective -and none of the arguments provided by the party to counter the reform actually made sense. During a round table on the reelection clause, Humberto Benítez Treviño of the PRI, referred to several potential problems. In addition to the 'new generations' argument which was widely shared among his fellow party members, he underlined the post-Porfiriato anti-authoritarian

---

elections calls for constitutional changes that would allow for reelection of lawmakers, a move that party officials say would "professionalize" politics in Mexico" (Agren, 2009).

<sup>115</sup> "This initiative consists of several profound changes, such as the consecutive election or reelection of legislators and mayors throughout the country, to bring politics closer to citizens and to make politicians more accountable" (Calderon, 2009).

<sup>116</sup> "We propose to end one of the most ominous aspects of our constitutional design. The Mexican do not have the right to reward mayors with their re-election or punish them with rejection. There is an irresponsibility [impunity] of the Mexican political class. We have no long-term vision, we do not have professionalism of the municipal cadres, we do not have the capacity to develop a policy or institutional framework that strengthens democracy in this space close to citizens. This is all the same for the legislators. It is necessary to professionalize the Chambers and give the citizen the possibility of judging their representatives." ("Según Lujambio, debater es la clave para avanzar," 2010).

significance of ‘non-reelection’ (Bello, 2011). Actually, he overlooked the fact that the suggested reform did not alter the presidential non-reelection. The justification of the PRI’s anti-change position, was not only supported by some counter-arguments in favor of the preservation of the reelection restrictions, but also by the political significance which transcends the scope of the reform. The PAN’s ‘professionalization of the legislature’ and ‘increased accountability’ arguments could not serve as a cohesive discourse and remained ineffective vis-à-vis the PRI’s reserves, objections and insistence.

The PRI’s return to the executive branch, after Enrique Peña Nieto’s victory in the 2012 Presidential Elections sealed the normalization of the Mexican party politics, as the PRI proved itself as some viable alternative at the national level in a fairly competitive system and it was not only a vestige of the pre-democratic order. Indeed, Nieto’s rhetoric regarding the PRI’s role in the Mexican politics had an emphasis on how the country has evolved and therefore the significance of a PRI government was going to be very different than it had been, under the present circumstances<sup>117</sup>. Under these circumstances, Nieto and his party were under the obligation to prove how their political vision and actions would differ in the new era. Nieto’s inaugural speech was marked by an emphasis on consensus seeking and interparty dialogue. Moreover, this rhetoric was supported by an extensive reform initiative -which brings the newly-formed government and three major political parties around a common consensual agenda ‘Pacto por Mexico’, i.e. Pact for Mexico<sup>118</sup>. The pact was signed and presented the day after the

---

<sup>117</sup> “Earlier this month, he denied the PRI’s return to power would be a return to the past. ‘It is not, because this is a different country,’ he said” (“Mexico’s Enrique Peña Nieto inaugurated as president,” 2012).

<sup>118</sup> “We have a vision of Mexico and it is within our reach that we can achieve if we banish the anger and discord. That is why I welcome the approaches and talks that have been held by the national political parties in order to promote a grand pact for Mexico. The Government of the Republic joins them with enthusiasm, in order to turn this agreement into reality. It is time to unite in common purposes, to commit ourselves to the peace, justice, prosperity, respect and pride of our common home, Mexico” (“Discurso íntegro del Presidente Peña Nieto a la Nación,” 2012).



inaugural speech, with a ceremony attended by the President Nieto, presidents of the PRI, PAN and PRD, and the chairpersons of both houses of the legislature. The agreement triggered a euphoria in the Mexican politics and its political significance was compared to the Moncloa Pact -which laid the groundwork for the post-Franco Spanish democratization<sup>119</sup>.

The *Pacto por Mexico* was a promising charter for a consensual and multidimensional reform process for three targets: (i) strengthening the Mexican state; (ii) democratization of the politics and the economy through the implementation of social rights; (iii) making the citizens the major actors in the design, execution and evaluation of the public policies. To this end, three political parties convened and agreed on 95 legal reforms on five areas, namely a. Society of rights and freedoms; b. Improving economy, employment and competitiveness; c. Security and justice; d. Transparency, accountability and combating corruption; e. Democratic governability<sup>120</sup>. Reelection of the legislators was taken into the reform agenda under the ‘democratic governability’ and the legislation process was planned to be completed by the first half of 2014. However, the congressional process took even shorter than it was originally planned. The ruling party PRI felt the urge to respond to the opposition parties’ political demands earlier, before the end of 2013, in order to move on to the energy sector reform which it was after<sup>121</sup>.

The reelection reform was guaranteed as part of a consensual agreement which seeks to achieve a more democratic Mexico right after the inauguration of the President Pena Nieto, although his

---

<sup>119</sup> “[A] sort of ‘Moncloa Pact’, as it was described by Madero [of the PAN] a few days ago, signed in October 1977 at the dawn of the Spanish transition” (Ponce, 2012). See Salmon (2012) for Governor Duarte’s comparison of the pact with Moncloa Pact.

<sup>120</sup> See the complete text (in Spanish) <http://pactopormexico.org/PACTO-POR-MEXICO-25.pdf> [Accessed March 20, 2017].

<sup>121</sup> “The opposition got the political reform before the energy reform. The result of the negotiations simply makes it clear that the Institutional Revolutionary Party (PRI) had to give way to the priorities of the National Action Party (PAN) and the Party of the Democratic Revolution (PRD): re-election (requirement of PAN); annulment of the limitations on the electoral campaign ceilings (PRD) [...]” (“Reforma política deja los institutos estatales al mínimo,” 2013).

party -i.e. PRI- resisted the change during the previous attempt followed by the initiative of the then president Calderon. The previous failure and the present success support one of the major findings of this study: A reform does not necessarily take place when the party which promotes the reform has a legislative majority or is the incumbent, in some cases they may even happen when a player which is most-likely to resist is in or comes to power. But how come this was possible in this case? First, in Calderon's initiative, the PAN's discourse was based on the specific merits of the reelection -which could easily be challenged by the opponents -such as the PRI members who could counter them just by pointing out the merits of non-reelection -i.e. encouraging the new generations to take part in the politics by restricting the prospects of the potential permanent players. Whereas the Pact for Mexico, takes the non-reelection reform to a higher level, one of almost a hundred steps to be taken to achieve a more equitable and democratic country. This consensual reform agenda was set during an incumbent change -during which the incoming party sought to reconstruct a positive and pro-democratic image, to replace the one which was marked by the memories of the pre-transition politics.

### **3.4. Conclusion**

The Mexican experience of democratic transition has been very different in comparison to the Turkish case, in the sense that it was not a planned sudden process; on the contrary, it is almost like an evolution where an inevitable democratic regime had to be born on the ashes of a stable authoritarian regime which died almost a natural death. The Mexican corporatist regime, where the PRI was the hegemonic political party which enjoyed de facto and de jure privileges at the cost of competitiveness in a seemingly democratic system, was shaken by the structural challenges due to unexpected developments in the international economy. Under these circumstances, the regime's political legitimacy was damaged - as it was short of meeting its promises with regards to redistribution, in addition to the social pressure for political freedom which was increasing since the late 1960s. Moreover, the organizational integrity of the ruling party was threatened due to a struggle for the control of the party between two major blocs - namely *politicos* and *tecnicos*. While the former group was known for their loyalty to the traditional values of the revolution, the latter were pushing for change towards liberalization and internationalization in order to deal with the pressing economic hardships. Following the transformation of this intraparty cleavage into a cessation -which resulted in the formation of a new left-wing party, namely the PRD; the PRI became ideologically and politically more vulnerable. The 1988 General Elections, overshadowed by a very strong case of fraud, paved the way to an electoral transition -in order to gain prospective legitimacy for the regime, by the incorporation of the first ever independent electoral supervision body, the IFE in 1990.

The analysis of the six reform processes presented in this section shows that, in contrast to the parliamentary regime in Turkey, presidents play a very crucial role in the reform processes.

Incumbent changes create very apparent windows of opportunity for reform processes. Particularly, presidencies of Zedillo and Pena Nieto of the PRI and Fox of the PAN stand out as windows of opportunity for reforms. While Zedillo's agency and leadership skill stand out as the major catalysts in the electoral and judicial reform processes in the quest of 'electoral normalcy', the cases of Fox and Pena Nieto are different. They seem to be under the pressure of proving their democratic credentials, so that they 'allowed' non-reelection and access to information reforms consecutively -the content of which do not overlap with their plans. Pena Nieto sought to steer a very inclusive and extensive reform agenda -in order to defeat potential doubts on his party, which was coming back to power 12 years after its first ever defeat in 2000. The abolition of non-reelection clause, was a part of an interparty deal, the Pact for Mexico, although his very own party had been a strong and persistent opponent of the PAN's reform initiative during Calderon's *sexenio*.

Regarding the access to information law, the presidential agency is much more complicated. Fox and his party was known to be planning a law initiative even before the elections. However, in the aftermath of the elections, a civil society initiative -Oaxaca Group- which found the Fox draft very restrictive and conservative, succeeded in forming a legislative coalition bringing diverse political parties under the very same pro-reform banner through a cohesive discourse. Later, it received the support of the incumbent PAN, as it emphasized how 'genuine' its own draft was content-wise and process-wise, put the PAN's credentials as a pro-democratic party at stake. This very last example illustrates how very unexpected players are capable of steering reform processes, in a convenient power distribution and when they assume legitimacy by forging a cohesive discourse, strong enough (i) to make alliances and (ii) to orient the incumbent

towards its own reform plan. However, even in such windows of opportunities, all democratic reform initiatives originating from the president could not end up with success<sup>122</sup>.

In terms of political stability, Mexican democracy seems to be consolidated in the sense that no incumbent was ousted through undemocratic and unconstitutional means. It is necessary to re-emphasize the civil-military relations regime in Mexico. After the stabilization of the sociopolitical realm in the post-revolutionary Mexico by the foundation of the PRI, the armed forces have never involved in coups or in indirect interventions in the government affairs (Serrano, 1995). After relatively very recent democratic incumbent change, in 2000, the military did not impose threat on civilian politics either. Therefore, Mexican politics seems to be immune to military-instigated challenges, thanks to the civilian supremacy over the armed forces under the hegemonic party system.

However, Mexican democracy suffers from incapacity or unwillingness of politicians for further deepening. Moreover, in some occasions, political elites may forge alliances for reforms which de-democratize political institutions in parts and pieces. For instance, Serra (2012) diagnoses a potential threat for the prospect of the Mexican democracy based on her analysis of the 2008 Electoral Reform, for which the representatives of the three major political parties seemed to converge for the curtailment of other players' channels to access and influence electoral politics. The public debate revolving around the results of the 2006 Presidential Elections enabled the political parties to revise the electoral system. The difference between the president-elect Calderon and the runner-up Obrador was less than half a point. However, the measures introduced by the legislature which is dominated by three major political parties were far from being remedial to the question of bare-plurality rule applied in the presidential elections. A two-

---

<sup>122</sup> See the details of the discussion on the 'State Reform' initiated by Vicente Fox in 2000, in Chapter 5.

round system was known to be the most effective measure to avoid contention in the prospective elections but the new electoral reform -to replace Zedillo's so-called definitive electoral law- did not include such a measure. Besides, according to Serra, it would lead to significant democratic backsliding with regards to electoral competitiveness due to four new measures<sup>123</sup>. The 2008 electoral reform, is a significant warning for the potentials for elite convergence for the worse, and this is a threat in the Mexican democracy -as it is for many across the world.

In 2018, Mexico will hold its third general election after the first democratic change of power and this will potentially open a new window of opportunity for reforms, The democratic credentials and the direction of the reform will probably depend on the incoming president's political agenda and capability to forge a cohesive discourse to form alliance in the legislature – in the chamber of deputies in particular, where a single party's chances of getting a majority is not very high in the present competitive three-party system.

---

<sup>123</sup> “First, electoral institutions were weakened. The parties represented in Congress infringed upon the autonomous and independent nature of the main electoral organizations. Second, the hegemony of party bosses within their parties was solidified. The dominance of party elites over party militants was reinforced to the detriment of intra-party democracy and accountability. Third, freedom of speech during campaigns was reduced to protect the parties' reputations. Public debate has become impoverished by the censorship of criticism of parties and their candidates. And fourth, political communication was monopolized by the parties. Civil society and common citizens are now banned from broadcasting political advertisements on television and radio.” (Serra, 2012, p. 32).

## CHAPTER IV

### THE PHILIPPINES

#### A shaky democracy built on the wreckage of two systems

##### 4.1. Introduction: Political landscape and an overview of reform dynamics

Compared to Mexico and Turkey, the political life in the Philippines is heavily marked by the lack of institutionalized programmatic political parties. Conventional Filipino politics offers a landscape without acronyms. As it is going to be presented in the rest of this section, the Philippines used to have a consolidated two-party system where two ideologically discernable parties used to compete, by relying on clientelistic relations at the local level to a great extent, during its first democratic experience which dates back to the beginning of last century. However, the personalistic Marcos dictatorship ended this tradition and the post-Marcos democracy was built around a new generation of ‘trapos’ and ‘trapo parties’ organized as formal tools and legal entities to be used for the electoral competition<sup>124</sup>. Therefore, instead of political parties -which do not mean much for the course of politics, an insightful depiction of the political landscape requires the presentation of functionally-differentiated political actors and their

---

<sup>124</sup> “In Philippine party politics, turncoatism is a venerable tradition — politicians flit like butterflies from one party to another. Post-Marcos parties, in particular, are said to reflect the undeveloped or malformed character of the Philippine political party system. Far from being stable organizations, they have proven to be nebulous entities that can be set up, merged with others, split, resurrected, regurgitated, reconstituted, renamed, repackaged, recycled, or flushed down the toilet any time. Most politicians belonging to the main parties have come to be derogatorily called trapo, which is short for "traditional politician", but ordinarily means an old rag used for wiping off dust and dirt that often becomes grimy or greasy.” (Quimpo, 2007, p. 277).

significance in the national politics. These are: presidents, legislators, 'party-list parties', military factions and armed groups.

The political system in the Philippines has traditionally had a presidential government system and the president serves for a six-year term. Given the political vacuum which the lack of institutionalized political parties engenders, the president emerges as the central and most accountable political actor in the system. Majority of the reform processes -even they have a legislative aspect- are not only initiated but also steered by the presidents. Therefore, the fate of a presidential reform initiative mostly depends on the nature of relations between the Congress and the president. Congressional deliberation and bargaining processes seem to have very little effect on the reforms, unless the issue is directly related to the rules of the game which concern the 'congressmen' -who almost act as a 'class on its own' (See Chapter 5 for the persistent failure of the 'anti-dynasty bill'). The weakness of party institutions actually goes hand in hand with multiple sociological and institutional factors which contributes to the unaccountability and insularity of the *trapos* -who are typically descendants of wealthy families - i.e. *dynasties* - whose power can be traced back to the colonial era. Although the Philippines has a unitary administrative system, the legislature is bicameral. In addition to the lower chamber -where majority of the seats are allocated on SMD rule, there is a 24-member senate – for which elections are held in every three years for the half of the seats. In senatorial elections, the entire country is a single-constituency. While the SMD system serves the best interest of the local notables, senatorial electoral rule increases the winning chances of the national-level *trapos*.

In reaction to the domination of the political sphere by the *dynasties* and *trapos*, some partially-effective measures for the levelling of the playing field have been taken. The introduction of the party-list system in the 1990s, gave birth to a new segment of political parties which represent



the disadvantaged groups in the Congress -although their effect has remained limited due to the quota and limits set by the legal formulation<sup>125</sup>. In addition to these formal and legal actors which are at the heart of the political landscape, several unconventional political actors are still present in the Filipino politics and they may become very influential in the political decisions and calculations of the political elite. The history of two major armed groups predates the present democratization episode and even the Marcos dictatorship. First one is the New People's Army (NPA) -the armed wing of the Communist Party of the Philippines, a chain in the history of communist politics in the country. The primary objective of the organization was a peasant revolution, to this end it sought to expand a rural-based guerilla force through recruitment and acts against the government targets. The second is the organizations of Moro insurgency -Moro National Liberation Front (MNLF) and Moro Islamic Liberation Front- which are active in the southern provinces where the Muslim minority communities live. Towards the end of Marcos regime, the Filipino political landscape further diversified with the emergence of 'military factions' – the most prominent of which has been the Reform the Armed Forces Movement (RAM). The relations between these groups and political elite have been rather ambivalent and unsteady, varying from cooperation to struggle at times.

Having provided a brief overview into the actors of the post-transition Filipino politics, this introductory section will be complemented with a historical narrative, which will better illustrate how the players in the playing field have been interacting. At the end, before the presentation of reform episodes which correspond to two major democratic deficiencies in the Philippines, I will provide a summary table, as in the preceding chapters.

---

<sup>125</sup> See the section (4.2.2.) on the 'Party-List System Law' for the details.

#### **4.1.1. Birth of a post-colonial nation and the failure of the first democratic era**

Political history of the Philippines is shaped under two consecutive colonial rules. Following the lead of Muslim sailors who arrived the archipelago in 14<sup>th</sup> century, the Spanish launched a colonization campaign by the 16<sup>th</sup> century. Spanish political domination in the Philippines faced two major challenges, on the one hand some indigenous groups sought to preserve strongholds by moving to mountainous regions as the Spanish advanced from coasts into the inlands; on the other hand, the Muslims in the south tried to retain their territory. Three-century long Spanish colonial rule which relied on a partnership with the Catholic Church, left strong marks particularly in the social fabric of the archipelago. Majority of the population was catholicized throughout this period and power relations were shaped in accordance with the economic strategies of the Spanish colonial rule, namely the hacienda system. Local resources were extracted via large plantations controlled by selected few families -who were able to transfer their privileged status to the political realm as well. The political dynasties which have been dominating the politics in the modern Philippines were formed out of the hacienda system.

The end of 19<sup>th</sup> century was a turning point in the country's history. In 1896, a nationwide armed conflict between the pro-independence Filipino nationalists and the Spanish broke out. Two years later, the Spaniards faced another threat -namely the United States- over the control of the Caribbean. The latter war extended to the Pacific and the Americans were involved in the Philippines against the Spanish. After the Spanish were defeated and gave up the control of the archipelago on behalf of the US, the second phase of the Filipino war started -this time between the Filipino Revolutionary Government -i.e. the First Republic- and the Americans. Following a three-year war, the Filipino Revolutionaries were defeated and the First Republic of the Philippines was dissolved. Under the American colonial rule, major institutions of the

representation and self-government -albeit with a limited authority- were incorporated<sup>126</sup>. In 1935, the Commonwealth of the Philippines was established -as a transitional political entity. Early 1940s were marked by a resistance bringing nationalists, communists and Americans against one common enemy: the Japanese who invaded the Philippines as a part of their expansionist campaign during the World War II. The American protectorate ended in 1946, a year after it.

Post-colonial political history of the Philippines is best understood as three consecutive phases: First, early democratic experience which lasted until the rise of Marcos; second, Marcos' personalistic authoritarian rule; and finally, the present democratization episode which was triggered by an 'electoral revolution' in 1986. The first Filipino democracy was designed as a presidential system with a bicameral legislature -almost an emulation of the colonizer's system, albeit a unitary state instead of a federation. Presidential elections were held every four years from 1949 until the making of Marcos' authoritarian regime. Senators were elected from a national constituency, whereas members of the House of Representatives -the lower chamber- were elected out of single-member-districts. As in many other SMD countries, there was a two-party system -Nationalist Party and Liberal Party. The electoral rule, coupled with a society marked by a deep inequality and the colonial heritage which preserved and bolstered the local notables and rich families, favored the socioeconomically strongest candidates -coming from strong families<sup>127</sup>. As a result, the representative democracy in the Philippines was a game

---

<sup>126</sup> 1902 Organic Act, established the elected Philippine Assembly as the lower chamber of the legislature which also had a higher chamber of the appointed members. The Jones Law, in 1916, redesigned the bicameral legislature -as the House of Representatives and the Senate.

<sup>127</sup> While the Spanish colonialism left an unequal social structure due to the hacienda economy, American non-interventionist colonialism, which implemented a self-government principle relying on that structure without forging a new bureaucratic elite, paved the way to the transfer of the economic inequality to the political realm. Therefore, political and economic power remained at the hands of the land-owners across the country (Hicken, 2009, p. 158).

played among a handful of elites -landed notables who were mostly the heirs of hacienda economy -dating back to the Spanish colonial rule. This elitist mode of representation was considered as the trademark deficit of the Filipino democracy<sup>128</sup>.

#### **4.1.2. Marcos' personalistic authoritarianism and its downfall**

In 1965, the election of Ferdinand Marcos as president, was a blow to the defective Filipino democracy. Although he came to power through the existing electoral processes, he transformed his regime into a 'sultanistic' one gradually. He emphasized that the Filipino society was in need of a series of critical reforms, such as the strengthening of the executive power. Until then, the country was ruled under the 1935 Constitution written and ratified under the American protectorate. In 1971, a Constitutional Convention was given the mandate to prepare a draft - the post-independence constitution of the nation. In September 22, 1972, Marcos declared Martial Law -in order to fight against the unrest, violence and communist guerrilla insurrection effectively. Then he started to build a new system according to the concept of 'constitutional authoritarianism' – which implied 'lawfulness' and a prospective return to the democratic order once the crisis ends (Casper, 1995, p. 42). He shut down the Congress and implemented a new constitution in 1973. Using state patronage to build a crony capitalistic economy and a strongly anti-communist discourse to appeal to the US, he co-opted partners both at domestic and international level. This strategy provided a political balance suitable for building a personalistic rule -without reference to any social sector or class but for 'the benefit of family and friends' (Thompson, 1995, p. 51). According to Wang (1994, p. 257), from 1972 to 1985, the Marcos rule was a combination of military dictatorship, fascist corporatism, authoritarianism, crony

---

<sup>128</sup> There has been a plethora of concepts suggested by different scholars, to refer to that problem: e.g. 'cacique democracy' (Anderson, 1988), 'patrimonial oligarchic state' (Hutchcroft, 1998), 'oligarchic democracy' (Kingsbury, 2001), 'clientelist electoral regime' (Conroy, 2001).

capitalism and kleptocracy. During this period, one of the major change in the Filipino politics was apparently about the role of the military. The Armed Forces of the Philippines (AFP) was never a politically influential institution. The pre-Marcos system -despite an unequal power structure- was a relatively healthy democracy vis-à-vis the civil-military relations. Marcos' strategy to fill the institutional vacuum -which occurred after the abolition of state institutions and the dissolution of political parties- by increasing the role of the AFP as the guardian of his personalistic rule would turn out to be destructive for himself in a few years.

Following a six-year one-man rule -during which he held the legislative and executive power in his hand- Marcos sought to maintain the legitimacy of his regime by incorporating some formal institutions. In 1978, he established an interim unicameral legislature -where his political party New Society Movement (KBL) was the only significant player. In 1981, he lifted the Martial Law -but he retained many of the undemocratic executive and legislative powers in his hand. As the Martial Law was to be over, the country held the first Presidential Elections since 1969. Marked by a widespread opposition boycott -due to the unfair 1978 elections organized for the interim legislatures and the lack of transparency, the elections renewed Marcos' tenure with his remarkable victory of getting almost 90 percent of the votes. The year 1983 was an unexpected turning point for the regime – after which it proved not to be durable as much as Marcos predicted and wished for probably.

Back in 1978, Marcos had signaled that he would liberalize the regime by incorporating the sine-qua-non-institutions of democracy, however the rigged elections showed that he was keen on holding on to power. In the early 1980s, in parallel to the liberalization of the regime and the reintroduction of the elections, political opposition and dissent became more visible and effective. The assassination of Benigno Aquino Jr. -Marcos' former political rival and senator-

upon his arrival in the Manila Airport from his three-year exile accelerated the regime's decay. The political pressure on the regime grew stronger and the murder of Aquino became a symbol which united the opposition around a common purpose which is smashing down the Marcos regime. Meanwhile, the participation of Cardinal Jaime Sin and the US Ambassador Michael Armacost to Aquino's funeral march was considered as a sign showing that the Marcos regime was about to lose two major supports, namely the Catholic Church and the US Government (Franco, 2001, p. 167). By the time, The Catholic Bishop's Conference of the Philippines (CBCP) became a vocal opposition player in criticizing Marcos for the excesses of his government and for using violence as a tool to suppress his opponents (Kingsbury, 2001, p. 314). The Church provided its media outlets -like Radio Veritas- almost to the service of the Filipino opposition. On the other hand, although the US government did not retrieve its support behind the regime yet, urged Marcos to change his ways (Thompson, 1995, p. 140). Meanwhile, in domestic politics, anti-Marcos movements were getting organized on several issues -e.g. JAJA (Justice for Aquino, Justice for All), PEOPLE (People's Opposition to the Plebiscite and Election), NAMFREL (National Movement for Free Elections). However, these efforts were not limited with the civilian realm. 'Reform the Armed Forces Movement' (RAM) -as a newly-formed fraction within the armed forces- sought to erode the Marcos regime's coercive capabilities.

Under these circumstances, in November 1985 President Marcos announced his decision to hold a snap election in an interview which he gave to the American network ABC. This call triggered an intensive bargaining among different opposition groups. In order to stand as strong as possible against Marcos, his opponents tried to unite in a single opposition ticket. Despite his initial reluctance, Laurel -who was expected to run for the major opposition party UNIDO –

accepted to run as the vice-presidential candidate with late Benigno Aquino's widow Corazon, due to the pressure emanating from non-partisan opposition groups and civil society organizations. During her campaign, Corazon Aquino put an emphasis on 'honesty, sincerity and faith' and avoided any class-specific reference -despite a vague reference to a land reform (Thompson, 1995, p. 145). This campaign was in compliance with the political and social vision of two potential Aquino supporters against Marcos, namely the Church and the US.

The 1986 Presidential Elections turned out to be a textbook example of an immaculate opposition organization in which all parties played their part very well for the final blow to the Marcos regime. The NAMFREL, the independent electoral watchdog initiative, was organized for overseeing the elections as a systematic electoral fraud was very likely. In rural areas, where volunteer recruitment was difficult, priests filled in. Besides, the US government was reported to have channeled around 1 million USD to NAMFREL and supported Radio Veritas (Thompson, 1995, p. 148). The RAM -who was later revealed to have attempted to stage a coup against Marcos- provided intelligence about Marcos' plans for electioneering. The President was about to use the co-opted military officers for fraud. One week before the elections, the CBCP issued a pastoral letter warning the voters against the conspiracy of evil and urged them to vote- against Marcos in a tacit but comprehensible way ("Bishops urge Filipinos to fight for fair elections," 1986).

As expected, Marcos was proclaimed as the winner of the elections by the official office of elections (COMELEC) although the independent watchdog NAMFREL announced that Aquino had received more votes than the incumbent authoritarian president. The CBCP released a statement on February 14, declaring that the elections were the worst in the history of the Philippines, marred by widespread fraud committed by the pro-Marcos network (Casper, 1995,

p. 121). Following the allegations of nationwide and systematic fraud- Aquino's supporters called people to take to the streets<sup>129</sup>. The RAM also continued its support to the opposition and succeeded to influence the overall position of the AFP -which Marcos needed if he was to coerce the popular unrest. As a last resort, he turned to his -former -ally, the US. Following the American government's clear answer for not supporting him against the opposition, he fled for the US on February 25, 1986. The series of events -baptized as the People Power Revolution- turned out to be an unusual democratic transition 'because electoral and revolutionary legitimacy went hand in hand' (Thompson, 1995, p. 163).

#### **4.1.3. Making of the present Filipino democracy**

During Aquino's presidency, country underwent an institutional restoration process, in parallel to the president's objectives<sup>130</sup>. To this end, Aquino disbanded the Marcos' legislature formed in the aftermath of the non-competitive 1981 Elections. Additionally, she formed a Constitution Commission and gave it the mandate for the preparation of a new democratic constitution. Meanwhile, she initiated a purge against the pro-Marcos civilian bureaucracy and military officers. In the interim period until the legislative elections, she was the sole legislator and she could alter any policy through presidential decrees (Baum 2011, p. 93). However, despite the revolutionary appearance and momentum of that era, Aquino was no revolutionary. Major purpose of her reforms -as her purges- was *de-Marcosification*. Therefore, this was an era of 'restoration' rather than 'revolution'. The institutions built under Aquino, were similar to those

---

<sup>129</sup> Epifanio de los Santos Avenue in Manila (EDSA) was the primary center of the protests and the estimated number of protesters was around 1 million.

<sup>130</sup> "I believe that I was called to the Presidency to reestablish democracy and secure our freedoms by the separation of the powers that had come into my hands... To that end, I bent all my efforts, convinced that that was our people wanted first and foremost: a true democracy." Corazon Aquino on March 26, 1987 (Baum, 2011, p. 80).



of pre-Marcos era: e.g. bicameral legislature was revived, presidential powers were limited, national police forces were separated from the military. Aquino's transition agenda -in parallel to the lack of a class-specific social justice dimension of her campaign- did not aim at an extensive social transformation either. On the contrary, Marcos cronies were allowed to stay or come back, in case they agreed to make deals with the Presidential Commission of Good Government (PCGG), an institution which Aquino set up to avoid capital flight (Thompson, 1992, p. 162). However, she launched two major campaigns: peace talks with the communists and Muslim separatists from a human rights perspective and land reform to assuage the socioeconomic inequality. Unfortunately, these two issues turned out to be lethally antagonistic. While the former triggered an unrest among the military factions like RAM -which had an undeniable role in the toppling of Marcos, the latter was against the interests of the business elites and conservatives. These antagonisms have been strong enough to change the Aquino's political direction. Her presidency was shaken by seven major coup attempts in four years until 1990 (Quimpo, 2008). In response, she adopted an ambivalent strategy. On the one hand, she stood tough against the mutineers, on the other hand she scaled down her reconciliation reforms, to maintain the elite cohesion behind herself; "she reassured their core interests would be protected even as politics were democratized" (Case, 2002, p. 228). In parallel to the characteristics of the People Power revolution, Aquino government was composed of (i) diverse civilian elites both at the legislature and the cabinet -which lacked a solid ideological and programmatic orientation- and (ii) the Marcos era military rebels (Thompson, 1992, p. 13). As it is going to be discussed in the next section in length, military adventurism did not die out after the transition to electoral democracy. The RAM did not disband and other military factions followed them to become effective game changers.

Aquino's successor was Fidel Ramos and his presidency (1992-1998) was a period of stability -during which the military factions remained tractable. By fostering a multilateral plan -which included the military factions as a part of the process- he could launch a more sustainable peace process with the communist insurgents and the Muslim separatists. He was on good terms with the military -as an 'insider'. He was the former chief of the Philippine Constabulary under Marcos -but later defected and joined forces with the opposition for putting an end to the authoritarian regime. After transition, he was appointed as the Chief of Staff, and then Secretary of National Defense. He has been loyal to the civilian authority, and to the President Aquino; so, he gained her support in his political career and was endorsed to be her successor. During his presidency, he adopted a moderate position in several democratic reform issues in general. For example, he abolished the Anti-Subversion Act which criminalized communist politics, he encouraged the legislature to pass the electoral reform plan prepared by the COMELEC in order to increase the inclusiveness and representativeness of the system. However, the political stability which reigned during his term turned out to be quite ephemeral. His personal control over the military factions and his pragmatic approach in the management of the civil-military relations had detrimental effects on democratic consolidation<sup>131</sup>.

Joseph Estrada (1998-2001) and Gloria Macapagal-Arroyo (2001-2010) periods were unfortunate times for democratic consolidation in the Philippines. The corruption allegations against them eroded the image of civil politicians in the eyes of the Filipino society -and that

---

<sup>131</sup> "Although Ramos' control over the AFP was secured, he did not attempt to dismantle different factions in the AFP and reorganize it into a cohesive organ. Due to civilian leaders' lack of ability or willingness to reform the AFP, factional groups lingered in Philippine politics and rumors of coups continued to haunt the society even after two decades of democratic trial. Although the Philippines has not returned to military-dominant dictatorial rule during this period, its democratization process has been tainted by the numerous coup attempts. The biggest barrier to stable democracy in the Philippines has been and will continue to be the ongoing insubordination and politicization of AFP officers, which will continue until the AFP is converted into a professional and cohesive organization" (Woo, 2010, p. 380).

costed Estrada's political career and freedom and inflicted a continuous instability and polarization for his successor -whose network was accused to be as tainted as his<sup>132</sup>. Estrada, who attracted a popular support with his remarkably populist pro-change rhetoric, built a vast and informal network which connect the business and politics circles in a quite apparent fashion. The kumpadre system (meaning 'buddies') – an informal shadow cabinet of up to 200 advisors and consultants- was channeling the connected businesses' interests to the decision-making processes (Manacsa & Tan, 2012, p. 73). In January 2001, Estrada was tried for corruption charges by the Senate to whether to impeach him. In reaction to the majority of senators' decision to disregard some potential evidence against him, a mass protest outbroke. Cardinal Sin called people to take to the streets and to the Epifanio de los Santos Avenue (EDSA) -as they did for overthrowing Marcos just 15 years ago. Former presidents and the Vice-President Arroyo, who had pulled her support from Estrada, called him to resign. Moreover, the armed forces defected too. Besides, widespread protest started and the power changed hands in an unconventional way. Without an official resignation coming from the president or a textbook impeachment process, the Supreme Court -which convened rather extraordinarily- issued the order that ended Estrada's presidency and permitted the Vice-President Arroyo to swear in in his replacement (Borsuk, 2001). This 'revolutionary' and unconventional incumbent change - called EDSA II, with reference to the People Power of 1986 as EDSA I- left the successor Arroyo vulnerable too. When she came to power, some revered her due to her potentials for honest politics -compared to her predecessor, however she lacked the democratic legitimacy of 'a president-elect'; her presidency was questioned by another group in society which considered

---

<sup>132</sup> "Under the governments of President Joseph Estrada and Gloria Macapagal Arroyo, traditional clientelism has given way to pervasive corruption, a systematic plunder of government resources and the rapid corrosion of public institutions into tools for predation" (Quimpo, 2009, p. 335).

Estrada's ouster as a 'foul play', a 'judicial coup'. Moreover, due to the role of military in the incumbent change, the effect of the military factions and military adventurism lingered throughout her tenure. Military's assistance -defection to side with the opposition - increased its influence in politics and subsequent coup attempts persevered the instability of the civilian rule under Arroyo for almost a decade (Chamber, 2014, p. 103).

Arroyo's presidency was marked by a constant struggle against the rebellious military factions -therefore she was obliged to be 'a great compromiser' to stay in power (Quimpo, 2009, p. 347). Even though she had an extensive reform agenda, her efforts for an extensive constitutional reform -including transition to parliamentarianism- remained fruitless. Following the break of a scandal around wiretapped telephone conversations, she faced allegations of corruption and fraud in 2004 Elections and challenged by the opposition but saved by a majority supporting her in the legislature<sup>133</sup>. Meanwhile, towards the end of 2005, her popularity plummeted<sup>134</sup>. As a result, in 2007 Senatorial Elections, the anti-Arroyo bloc achieved a remarkable victory by winning 9 out of 12 seats.

In addition to such 'conventional' challenges, she had to deal with the pressure of military factions, amounting to coup attempts and mutinies, which sought legitimation on the basis of different accusations varying from instigating favoritism in the military, to arms trafficking to rebel fighter groups. The most crucial of these attempts -aka Oakwood Mutiny- was staged in July 2003 and it showed how vulnerable the Filipino democracy with regards to troublesome

---

<sup>133</sup> "Arroyo survived impeachment after her allies in Congress threw out the allegations of corruption and election fraud. The second attempt to impeach her—on the same charges, as well as for political killings supposedly perpetrated or tolerated by the military, and her government's efforts to clamp down on dissent—ended in August 2006 as Arroyo's congressional coalition, led by House Speaker Jose de Venecia, junked the complaint." (Coronel, 2007, p. 178).

<sup>134</sup> A public opinion survey in December 2005 showed that Arroyo enjoyed 'the lowest ratings of any president since the transition from authoritarian rule in 1986' (Hedman, 2006, p. 189).

civil-military relations. During Arroyo term, the country's record of civil rights has deteriorated -due to the repressive measures which she adopted under the pretext of holding the country together and maintaining stability. Journalists, activists and opposition politicians faced mass investigations: and were even murdered (Case, 2009; Quimpo, 2009). In 2009, the number of murdered journalists sky rocketed due to the deadliest single attack to target the journalists in the world. In Maguindanao massacre, more than fifty people were killed after an attack to a convoy, including 32 journalists who were to report the electoral campaign of a local politician in Mindanao (Aguilar, Mendoza & Candelaria, 2014).

Following a decade long political instability, Benigno Aquino III, former president Corazon Aquino's son, was elected as the successor of Arroyo. He has been a calm -even 'too calm'- leader and came up with a reformist agenda. He put forward an extensive roadmap -what he called 'A Social Contract with the Filipino People'- covering reforms in various policy issues. Although he emphasized that he was the political heir of Ninoy and Corazon Aquino in his program, the latter lacked a democratic deepening perspective<sup>135</sup>. Despite an emphasis on corruption and clean elections, there was no promise for a substantive institutional change<sup>136</sup>. That weakness is clearly reflected on Aquino's unprepared and ambiguous initiative for the making of an anti-dynasty law, and its failure.

Following the end of the term of a second Aquino in the office, populist leader Rodrigo Duterte was elected the 16<sup>th</sup> President of the Philippines. Renowned for his anti-US foreign policy rhetoric in the international politics, Duterte launched an extensive fight against the drug lords

---

<sup>135</sup> "Anchored on Ninoy's and Cory's legacy of change through the ways of democracy" (Benigno S. Aquino III Platform of Government, 2010).

<sup>136</sup> "The Main weakness in Aquino's reform efforts, however, is that they do not fully confront the core problem in the Philippines' oligarchic democracy: the stranglehold on wealth and power by an elite few." (Quimpo, 2014, p. 131)

-as his Mexican homologue Calderon did in mid 2000s. Due to the human rights violations, i.e. extrajudicial killings, he faced allegations for not recognizing the rule of law. Following a long local politics career as the mayor of Davao City, Duterte re-entered the national politics as a fresh face -despite a very brief experience in the House of Representatives in late 1990s- with a loaded reform agenda, including a major constitutional amendment plan for a deep-rooted systemic change towards parliamentarianism and federalism (Arugay, 2016).

#### **4.1.4. Reforming the Filipino democracy**

The literature on the Filipino democratic consolidation and the post-transition political history of the country signals two major problems regarding the inclusiveness of the system and democratic stability. *Cacique* democracy -as it is called by the experts- have persisted through the expansion, succession and making of political dynasties, despite partial reform initiatives to be analyzed in the following section<sup>137</sup>. Politicians who do not come from affluent families face an undeniable disadvantage over organizational capabilities and economic resources, as they compete against the members of politically and economically influential families and clans which hold on to their deep roots in the localities. Secondly, waves of mutinies and coup attempts - during Aquino and Arroyo's terms- have posed threats to the presidents, who had to reconsider their policy positions and appointment decisions to save their seats and maintain governability. In the following sections, successes and failures in major reform processes will be reviewed in length (see *Table 4.1.*).

---

<sup>137</sup> *Cacique* is the term used for local strongman in the Spanish colonialism. Despite the social and economic evolution in the post-colonial Philippines, the political landscape is marked by the domination of the prominent individuals from affluent and notable families. This politico-economic pattern can be traced back to the governmental and managerial practices of the Spanish Empire. The details will be discussed in the following section.

**Table 4.1. - Major political changes and reforms in the Filipino democratization**

Issue	Question	Institution	Year	Action	Window of opportunity	Cohesive discourse
Persistence of cacique democracy	Restrictions on political participation	Anti-Subversion Law	1987	Revision	Incumbent change	De-Marcosification
			1992	Abolition	Incumbent change	Resilience of democracy and free market of ideas as an offshoot of 'national unification'
	Participation of disadvantaged sectors and new political parties	Party-List System Law	1995	Legislation	End of the deadline determined by the constitutional provision	Constitution Commission decision and Presidential call for substantive electoral reform
	Prohibition of political dynasties	Anti-Dynasty Bill			Persistent failure (see Chapter 5)	
Civil-military relations	Civilianization of the law enforcement agencies	Philippine Constabulary	1990	Abolition	Incumbent change and coup attempt	Efficiency of the law enforcement -> bureaucrats Undoing the vestiges of the Marcos regime -> post-Marcos political coalition
	Preventing military rebellions and mutinies	Anti-Rebellion Law	1990	Legislation	Coup attempt	Anti-authoritarian solidarity
		Pacification of the military rebel factions		1992	Peace agreement	Incumbent change
		AFP-Counter Intelligence Group (AFP-CIG)	2005	Incorporation	Wave of coup attempts	Military discipline and professionalization -> a government-military alliance

The major common characteristic observed in these reform processes -in contrast to the reform processes analyzed in Turkish and Mexican cases- is the ineffectiveness, invisibility and almost non-existence of the political parties. In the Philippines, political parties are weak and ephemeral institutions which mostly fail to provide programmatic trajectories and ties among legislators (see the section on 'cacique democracy'). Therefore, presidents -as the primary political actors

of this weak party presidentialism- are the most significant players in the reform processes. Under these circumstances, bicameral legislature is sometimes an accessory in the reform processes -as it is the case in Ramos' peace initiative- or a significant veto player as a body which is resistant to change depending on the vested interests of legislators who are difficult to motivate at their cost -as in the Anti-Dynasty Bill.

Among all presidents of the post-Marcos era, Corazon Aquino and Fidel Ramos seem to be two major politicians capable of producing the most significant cohesive discourses amenable to legal reforms. Corazon Aquino could take the profit of being the first democratically elected successor of an authoritarian ruler and launched a large scale de-Marcosification campaign. On the one hand she initiated a purge to 'cleanse' the military and civilian bureaucracy from Marcos-loyalists, on the other hand she undid and dismantled some major institutional vestiges of the Marcos regime -like the enlarged Anti-Subversion Law and the Philippine Constabulary. After Aquino, Ramos could come up with a 'national unification' discourse -through which he could abolish the Anti-Subversion Law, pacified the military rebels -but only temporarily- and initiate a multilateral peace scheme including the communist guerillas and Muslim separatists in the south. Unfortunately, 2000s turned out to be a very unfortunate decade -marked by the revival of the military adventurism and loss of agency required for reforms. Arroyo -despite being the longest serving president of the post-Marcos era- lacked the credibility and power to initiate reforms. Then, Noynoy Aquino's 'social contract with the Filipino people' – i.e. his stabilization and reform plan - lacked a systematic and programmatic democratic deepening and consolidation plan.



## 4.2. Cacique Democracy

The elitist mode of representation is considered as one of the major ills of the Philippine democracy. A handful of families, powerful in economic realm, dominate the political sphere where a stable party system and consolidated and strong political parties are lacking. Such institutional weaknesses contribute to the persistence of political dynasties as well. The Philippine political parties -without programmatic and ideological orientations and objectives- are loose coalitions of political figures who use parties as tickets for competing in the elections. In some occasions, competition is among ephemeral coalitions -which solely focus on power balancing and incumbent change. Under such circumstances political parties obsolesce or even perish, by losing their essential role as the instruments of electoral competition<sup>138</sup>. Therefore, despite the introduction of the procedural democracy after Marcos, power regime is still quite oligarchic. The oligarchic character of the politics paves the way to a political representation crisis -which in return constitutes one of the major structural justifications for the unconventional and illegal political struggles and even violence by several militant social movements and armed groups with various political agenda<sup>139</sup>.

It is important to note that both political dynasties and the oligarchic power networks may exist even in consolidated democracies at local and national level. For instance, the USA is a notorious case of political dynasties among consolidated democracies. However, the form and

---

<sup>138</sup> In 2007 Senatorial Elections, incumbent change and the weakening of its power were the major objective for the opposition. “Genuine Opposition” -a list initiative bringing various political figures with different party affiliations together- was the most prominent political movement – which carried 8 candidates into the Senate for the election of 12 seats in total.

<sup>139</sup> Military factionalism, Leftist and Muslim-separatist insurgencies which operate in and abuse this political vacuum will be addressed in the following section of this chapter.

intensity of the political dynasties make them a crucial issue in the Philippines. In contrast to the American case, Filipino political dynasties do not only evolve in a pattern of succession but also expand in a given time. In the US, a dynastic successor usually steps in following the retirement of the dynasty founder. The American political dynasties have a temporal persistence but they do not spread across offices, seats and political institutions at the same time. For instance, only 7 percent of the American congressmen had a relative in the Congress when they were elected. Whereas in the Philippines, 72 percent of the politicians enter the office, while their relatives still hold an office (Querubin, 2015, p. 2). Therefore, family ties become a vital determinant for one's chances for getting into the office; and socioeconomic groups which lack such ties face almost an unsurmountable substantive representation problem.

The weakness of political parties and the dynastic politics reinforce each other. As political parties are unable to acquire members and electoral bases around ideologies or on concrete and stable policy positions, they are deemed to remain politically decentralized and ineffective in nomination processes too. On the other hand, the political parties tend to rely on the local political power of the prominent politicians -mostly members of political dynasties, to maximize their seats<sup>140</sup>. This symbiotic relationship between weak political parties and political elites who are capable of bringing electoral success in their constituencies explains the persistence of the problem clearly.

---

<sup>140</sup> “For the most part, parties are classic election machines and often preoccupied with achieving material gains for their leaders and office-seeking instead of policy-seeking. They also lack ideological appeal and party platforms that would link them with social groups to provide a voice to the populace. The ‘cadresque’, inchoate and decentralized nature of political parties in Thailand and the Philippines has allowed personalism, clientelism and kinship ties to prevail among party members” (Croissant & Volkel, 2010, p. 249); “[...] Philippines parties are generally organized around a powerful leader, or a temporary alliance of leaders, and tend to be primarily concerned with distributing the spoils of government to themselves and their local supporters.” (Hicken, 2009, p. 152).

The emergence of the dynastic politics dates back to pre-Marcos politics and even to the colonial era. Therefore, this is not a Marcos-generated disease although he used that power scheme when he built his personalistic cronyism. For Conroy (2001, p. 181), pre-Marcos electoral democracy was already limited to ‘elite competition for and dispersal of patronage’. The competition was among local notables who heavily engaged in patronage, corruption, fraud and even terrorism - which became undeniably apparent as electoral violence. Benedict Anderson (1988) calls this defective democracy pattern observed in the Philippines as ‘cacique democracy’<sup>141</sup>. In his seminal article on the origins of that power relation scheme, Anderson underlines the importance of the American colonialism -which introduced the national institutions of representation in the US on top of the existing social structure of the Philippines<sup>142</sup>. The American had a vision of self-government for the Philippines since the very early years of their rule and set the objective for the incorporation of a bicameral Filipino legislature as the backbone of the Filipino political establishment with the 1902 Organic Act -which was the legal framework paving the way to the elections for the Philippine Assembly in 1907. However, the electoral competition was quite limited and reserved to the prominent figures in the electoral districts. These prominent figures are the products of complementing historical processes. First, Spanish rule’s hacienda economy had created privileged groups -which could transfer their economic power to organizational capabilities -mostly relying on patronage relations. Second, in these years, majority of the population relied on the local languages and the national language -the medium of the newly-

---

<sup>141</sup> The political significance of the word ‘cacique’ can be traced back to the Columbine invasions- after which the word has been used for the local chiefs of the indigenous groups -which the Spaniards came across with. Later on, the word acquired a broader meaning and was started to be used for referring to the political bosses in the periphery and influential local political figures.

<sup>142</sup> “When the Americans obtained the Philippines from Spain through the 1898 Treaty of Paris, they transplanted their representative democratic traditions and institutions atop this prevailing land-based socioeconomic structure. They failed to institute policies that could have placed the political system into a more level playing field” (Manacsa & Tan, 2012, p. 52)

built national politics- was spoken by the elites. Thanks to 'language', the elites had an additional advantage in entering the national politics. As a result, 'provincial fiefdoms' were converted into 'national-level political power' (Anderson, 1988, p. 11).

In appearance, post-independence political party structure was a rather stable bipartism, between the oldest party the Nacionalista Party - which was established in 1907 when the very first Congressional elections were held- and the Liberal Party. However, the Liberal Party was founded by the liberal wing of the Nationalist elites, therefore two parties differed very little with respect to the socioeconomic character of the party elites. Both parties were 'cadre parties' and neither of them reached the electorate through organizational ties -such as party membership. Therefore, they relied on their candidates' organizational skills in localities -where caciques stand out due to their networks and economic capabilities. As a result, formal bipartism at the national level was built on the elections where the game was played on 'guns, goons, and gold' in the localities (Thompson, 1995, p. 22).

During Marcos' sultanistic rule between 1972 and 1986, political parties were wiped from the Philippine politics. They lost their formal role in the electoral politics too and no elections were held for years until 1979 -when the Marcos regime founded the KBL as an apparatus to dominate the legislature with rigged elections. Although Marcos regime introduced a rupture in terms of power distribution by collecting all political power in his hands in a centralist fashion, politicians of the previous generation who were condemned by the Marcos governments, turned up as local leaders of the KBL (Franco, 2001, p. 150). Two opposition groups which were formed against Marcos' KBL, namely UNIDO and LABAN turned out to be ephemeral. While the former was dissolved after the 1987 Elections, the latter was split into two separate movements in 1988 under the leadership of two prominent figures: Aquilino Pimentel Jr. and Jose Sumulong

Cojuangco Jr<sup>143</sup>. Since the democratic transition under Aquino, the weakness of political parties has persisted and the political elites have kept organizing in a flexible fashion for the elections. According to Anderson, cacique democracy would be the natural outcome of the Philippine transition unless strict institutional mechanisms to avoid it were introduced<sup>144</sup>. Unfortunately, during the transition process, pre-Marcos representative mechanisms were implemented as they were. In that sense, the Filipino democratization turned out to be a restoration. Electoral rule for the lower chamber of the Congress -House of Representatives was majoritarian and the house was still composed of single-member-districts -where powerful families and their descendants could dominate the politics in the localities. Besides, Aquino abstained from founding a durable political party and relied on the continuation of the support -namely People's Power coalition- which emerged around anti-Marcos wave and their support in the legislature<sup>145</sup>. As a result, 'of the 200 representatives elected in 1987, 169 (nearly 85 percent) were classified as belonging to traditional clans' (Thompson, 1995, p. 177). The Senatorial elections which were held in every three years for 12 seats out of 24 seats in total, required a certain level of nationwide personal reputation and personalistic power or 'charisma', given the fact that all candidates were

---

<sup>143</sup> Cojuangco family is one of the most powerful politico-economic dynasties in the Philippines. The family owns a 6543-hectare sugarcane plantation called Hacienda Luisita. First President of the post-Marcos era Corazon Aquino -who was married to Marcos' major rival Senator Benigno Aquino- and her son Benigno Aquino III -who served as the President between 2010 and 2016- are members of that family. Jose Sumulong Cojuangco Jr. and Corazon Aquino are siblings and their father Jose Chichioco Cojuangco -founder of two banks and a trade company in addition to the ownership of the Hacienda Luisita- was member of the Philippine Legislature for over a decade representing his region Tarlac, before the independence.

<sup>144</sup> "What was needed in 1986, as in 1916 and 1946, was cacique democracy. If elections could be promptly and freely held, the oligarchy could hope to return to its pre-1972 control of 'the rule of law', and put everyone—the middle class, the military, their tenants, and the 'rabble'—in their respective places" (Anderson, 1988, p. 27).

<sup>145</sup> "Since President Corazon C. Aquino refused to form her own political party, an assorted array of political parties who supported her candidacy in 1986 formed a coalition to carry the administration banner. The Lakas ng Bayan (People's Power) coalition was composed of the PDP-Laban, the LP, Lakas ng Bansa (Nation's Power, Lakas), UNIDO, National Union of Christian Democrats (NUCD) and the Bansang Nagkaisa sa Diwa at Layunin (Nation United in Spirit and Objective, BANDILA). The various personalities, ambitions and political dispositions that comprised the ruling coalition manifested themselves in internecine conflicts that underscored its fragility" (Teehanke, 2002, p. 163).

competing to receive the highest number of votes at a single-constituency comprising of the entire country. In addition to that, a major institutional constraint which limited the legal paths for left-wing politics -namely the Republic Act 1700, aka Anti-Subversion Law- was still in effect. The Anti-Subversion Act, not only curtailed the political sphere for the opposition – and for the socialist movement in particular; but also was a justification for the illegalized communist organizations -which has been using insurgency as a means of politics not only during Marcos authoritarianism, but also during pre-Marcos and post-Marcos democracies.

With regards to the elite-dominated democracy of the Philippines three major reform issues were crucial. These are: legalization of the left-wing politics, introduction of a quota for the representation of the disadvantaged groups and political parties and imposition of a ban on political dynasties. While first two issues have been resolved -at least on paper; the latter seems to remain in suspense as of 2016.

#### **4.2.1. Abolition of the Anti-Subversion Law**

The Anti-Subversion Law, was the major legal framework which provided Marcos regime with extensive powers to criminalize, punish and control the opposition. It is important to note that Anti-Subversion Law of 1981 was actually the merger of two different legal documents of two different time periods. Before Marcos, the Philippines already had an Anti-Subversion Law (Republic Act No. 1700) which dated back to 1957. The objective of this law was criminalization of particular organizations, namely the Communist Party of the Philippines, its armed wing 'Hukbong Mapagpalaya ng Bayan' (People's Liberation Army) and their successors.

After their alliance with the Philippine Commonwealth and the US against the Japanese occupation, Communists (the Huks) sought to initiate a revolt by organizing the Filipino

peasants and became a threat to the pro-American government. As it is the case for many other Communist groups of the Cold War era, the Filipino communists were organized as both political and armed factions. Since then, Philippines have had a vibrant illegal communist movement and insurgency -even more so after the victory of the Communists in China. The communist insurgency was one of Marcos' major justifications for the Martial Law indeed.

On February 3, 1976 Marcos extended the scope of the Anti-Subversion Act with the Presidential Decree no 885, which gave his regime a legal justification for imposing severe sanctions on all opposition whether moderate or radical, of left or right orientation<sup>146</sup>. In 1981, pre-existing Anti-Subversion Act and the Presidential Decree no 885 were merged into a single Anti-Subversion Law by the Presidential Decree no 1835. In 1985, the final version of the Anti-Subversion Law (1981) was achieved with a Presidential Decree again -no. 1975- which sought to 'temper' the sanctions for subversion by repealing the provisions about the forfeiture of the citizenship and the confiscation of the real and personal property of the convicted. Besides, the sanctions were revised to vary between 'temporary imprisonment with disqualification from holding public office for life' and death penalty, depending on the number of convictions for violating the very same law.

As indicated in the introduction of this chapter, de-Marcosification was the main political framework according to which Aquino's transition government acted. Aquino's actions regarding the Anti-Subversion Law was in perfect harmony with the planned scope of her government, democratic perspective and political orientation. The uniting theme and discourse

---

<sup>146</sup> "Any association, organization, political party, or group of persons organized for the purpose of overthrowing the Government of the Republic of the Philippines with the open or covert assistance and support of a foreign power by force, violence, deceit or other illegal means shall be considered and is hereby declared an illegal organization." (Marcos, 1976)

of the People Power was the end of Marcos regime and Aquino's primary political objective - especially until the making of the new constitution and the legislative elections in 1987- was cleaning the state from the Marcos-era institutions and rules. To this end, on May 5, 1987 -a few months after the ratification of the new constitution and almost one week before the 1987 elections- Aquino passed the Executive Order no. 167, which actually de-Marcosified the Anti-Subversion Law. Marcos' Presidential Decrees which had extended the pre-Marcos Anti-Subversion Law beyond its initial scope were repealed. In return, the Republic Act 1700 -aka Anti-Subversion Law (1957) - was revived. Justification for the Executive Order was the incongruence of the 1981 Anti-Subversion Act with the newly-ratified constitution, as the former restricted the 'right to form associations'<sup>147</sup>.

Procedurally speaking, the revival of the Anti-Subversion Law is coherent with Aquino's vision of democracy too. Although she had become the president in a quite revolutionary fashion, she did not seek a revolutionary regime change. Therefore, continuity with the pre-Marcos democracy and its institutions, or reference to the Supreme Court rulings were admissible within her reformist perspective of procedural democracy. Besides, politically speaking, as a moderate or centrist politician she probably had neither the will, nor the incentive for the abolition of the Anti-Subversion Act at the cost of creating a governability crisis. Even she had had, she would have probably failed, due to the fragility of her power and the coalition behind her on that very

---

<sup>147</sup> "WHEREAS, the above-mentioned Decrees unduly restricts the constitutional right to form associations; WHEREAS, there is therefore a need to repeal Presidential Decrees Nos. 1835 and 1875; WHEREAS, the Supreme Court in the case of People vs. Ferrer, (8 SCRA 382) has, however, found the Communist Party of the Philippines to be an illegal association working for the overthrow of the Philippine Government by armed struggle and establish a communist form of government. WHEREAS, the repeal of the above-mentioned Decrees would leave a vacuum in the sense that membership in subversive organizations like the Communist Party of the Philippines would no longer be punishable, thereby posing a grave danger to the stability and existence of the Government; and WHEREAS, considering the foregoing premises, it is likewise imperative to revive Republic Act No. 1700." Executive Order No. 167. (Office of the President of the Philippines, 1993)



particular issue. As will be shown in the following section, any step towards a reconciliation with the insurgents or the inclusion of pro-left figures in the decision-making processes- was considered as a legitimate justification for taking back the support behind the government or even for overthrowing the president with a military coup. Apparently, in response to the consecutive military coup attempts, which the mutineers tried to justify on the grounds that the government was too lenient on insurgents, Aquino's policy position against both rebel organizations and the insurgents had become more hawkish (Kizilos, 1990)<sup>148</sup>. In addition to these factors at the domestic level, in those days, any deal with the communists or any reform attempt to decriminalize communist activities might still have some unbearably burdensome significance for a newly-elected president vis-à-vis the global balance of power which she was obliged to evaluate meticulously. The US support was crucial for her victory in the 'electoral transition', and it proved to be as crucial even during her rule. She could hold onto her seat partially thanks to the US support, during some of the military coup attempts which she encountered one after the other.

President Ramos' election led to a shift in the peace policy in the Philippines. In his inauguration day and later in his first State of the Nation speech, entitled 'Reform, Change and Growth' on July 27, 1992, Ramos presented his roadmap for a multilateral peace plan. In that speech, he announced that he was to submit an amnesty proclamation to the Congress -for 4500 former rebels from the leftist CPP-NPA and the Moro's MNLF. In addition to this amnesty wave, Ramos called for the legalization of the Communist Party -by urging the congress to abolish the

---

<sup>148</sup> According to the Davide Commission Report, some AFP members believed that the human rights violations of the AFP and the leftist CPP-NPA were treated and punished unevenly, and that uneven treatment -perceived as leniency towards the insurgents fighting against them- has been one of the major political concerns and grievances voiced by the AFP members (Davide Fact Finding Commission, 1990, p. 471). The tension between the Aquino government and the AFP members and factions is to be discussed at length in the following section.

Republic Act no. 1700 -aka Anti-Subversion Act- which his predecessor had revived. But how come was that possible?

Marcos' peace plan -which loosened the grip on the left-wing politics had two major characteristics. The peace plan was built on the simultaneous execution of three reconciliation processes, including the mutinous military groups which were refused a similar deal by the former President Aquino -whom they sought to overthrow several times. Talks for granting a large-scale amnesty to the members of these mutinous armed groups made them a stakeholder and a beneficiary of the peace process -rather than a possible veto player. In that sense, the pro-change coalition was quite wide -as it included its most likely challengers and opponents. Besides, the pro-reform discourse was admissible for the Armed Forces of the Philippines (AFP) too. The key notion of the process was 'national unification' and the very institution to determine and execute the roadmap for the whole process was named after that<sup>149</sup>. Moreover, the AFP was considered almost as an equal partner to the Department of Defense in the execution of the roadmap -which is to be determined by the National Unification Commission (NUC)<sup>150</sup>.

Following the unanimous approval of the bill which abolished the Anti-Subversion Act by two chambers of the assembly -which were almost accessorized in the political planning of the process- the President Ramos, underlined (1) the national security concerns during the time period when the bill was adopted and (2) the Philippines' commitment to the democracy and

---

<sup>149</sup> The formation of the National Unification Commission (NUC) to submit an executive report to the Presidency was also announced by the President Ramos in his State of the Nation speech entitled "Reform, Change and Growth".

<sup>150</sup> In an interview, on the role of institutions in the peace process Defence Secretary Renato de Villa: "Insofar as we are concerned, we will defer totally to the NUC . . . Whatever the NUC recommends and the President approves . . . this will be carried out by the Department of Defence and the Armed Forces of the Philippines". ("Manila Reds now need not lay down arms to talk peace," 1992).

national stability; then invited the communists to take their place in the ‘free market of ideas’. In his address, he used his multiple titles and identities: the president, Commander in Chief and ‘a veteran’ – probably to have the sympathy of the AFP members -who had been fighting against the leftist insurgents for decades<sup>151</sup>. As a result, previously “de-Marcosified” Anti-Subversion Act was abolished completely during Ramos’ presidency as a part of a multilateral peace process which included the possible veto players, namely the right-wing military factions -as beneficiaries and stakeholders on the one hand; and the AFP - as an executive institution on the other hand.

#### **4.2.2. Party-List System Law: Layering the unrepresentativeness**

In the Philippine cacique democracy, candidates coming from notable families -which turned into political dynasties over decades- have the upper hand in the system, whereas candidates for political parties with relatively more significant political agenda and candidates who have relatively limited resources for the dissemination of the political message and for non-programmatic strategies like vote buying and clientelism were permanent underdogs. Actually, this fact has not been discovered as an ex-post revelation by the political elite, it was predicted even when the rules of the game were being discussed during the transition stage. President Aquino’s proposition to overcome this problem was guaranteeing the substantive representation

---

<sup>151</sup> “Republic Act 1700 was passed 35 years ago—when Communism seemed the wave of the future—by a Philippine State fearful of being submerged in its tide. Today we repeal it—confident of our national stability and confirmed in the resilience of our democracy. By assuring Communist insurgents of political space, we also challenge them to compete under our constitutional system and free market of ideas—which are guaranteed by the rule of law. An end to the killing. We are reaching out to Communist rebels without any illusions that the rest of the way will be easy. Even so, we are willing to sit and dialogue with them in the hope that we can put an end to the killing and the suffering; and bring back to civil society the young men and women—the cadres of the movement—who are also its sacrificial victims. It is to these young people that my heart goes out—as President, as commander in chief, as a veteran, as a parent.” (Ramos, September 2, 1992).

of the disadvantaged sectors by reserving some seats in the House -with a sectoral quota<sup>152</sup>. It is important to note that ‘sectoral quota’ was something which Marcos had introduced in the Philippine politics in 1978. The unicameral interim legislature, which he incorporated a few years after the dissolution of the democratically-elected Congress, had reserved seats for the labor and the youth. However, during the transition phase, the constitution commission was divided on whether implementing the sectoral quota as a permanent institution or a temporary measure. Constitution Commissioners like Joaquin Bernas, who were in favor of permanentizing the quota, underlined how slowly socio-economic power structure would evolve, until a levelled playing ground for fair elections could be achieved<sup>153</sup>. However, such a social justice discourse was not acceptable at that time, probably because the Philippine transition and its elites did not have a political motivation for a socioeconomic empowerment mechanism<sup>154</sup>. Upon the Commission’s voting, the Constitution adopted a temporary sectoral

---

<sup>152</sup> “We should provide for *perpetual reservation of institutional seats for the basic sectors* – and by that, we refer to the peasants, the labor, the youth and the urban poor... The problem with Philippine politics now is that the concentration of socioeconomic and political power is in the hands of the few, while the majority of the people are destitute and powerless. Now is the time and *the unedited opportunity for us to transfer the center of gravity of socioeconomic power from the people on top to the people below*. The proposal for sectoral representation is hardly iconoclastic; it is not a leftist aberration as some of us are inclined to think.” (Tangkia & Habaradas, 2001, p. 6)

<sup>153</sup> “[...] I would like to say a few words in support of the amendment proposed by Commissioner Tadeo for the ‘permanentizing’ of reserved seats for the sectors. The basic premise for this is that by these sectors, we mean the underprivileged masses. That is clearly what is in our mind. The sectors mentioned are understood as the underprivileged masses. In the 1935 and 1973 Constitutions and again in our new Constitution, we have enshrined the concept of social justice not so much as a philosophical concept but as a practical concept, meaning, that those who have less in life should have more in law. Now we are placing sectoral representation side by side with the party list system, and I think it is important to look at it in that context. *The effort to introduce the party list system has for its objective the equalization of political power*. In other words, in order that political power will not be concentrated in two parties, we are attempting to introduce a party list system in order to distribute political power among various parties. *But the distribution of political power is very much dependent, we might even say essentially dependent, on the distribution of economic power and the effective distribution of economic power would take quite a while.*” (Tangkia & Habaradas, 2001, p. 7)

<sup>154</sup> Although the Filipino democratic transition was ‘revolutionary’ in the sense that it overthrew an existing authoritarian regime with a popular mobilization, it did not have a ‘socialistic’ intent or a political agenda. First, the popular uprising was a response to a fraudulent electoral process and motivated to defeat the biased electoral institution and the results it announced. Moreover, the elites who executed the transition process were mostly the bourgeois elite of the country -who challenged and overthrew the authoritarian president in the elections organized by the latter.

quota for the first three election cycles -which is considered as a preparatory stage during which the disadvantaged sectors of the population could organize and then compete for party-list seats -that would constitute up to 20 percent of the House of Representatives<sup>155</sup>. As the election of the sectoral representatives turned into an inconclusive debate in the Commission, the Commissioners agreed to continue Marcos' formula: presidential appointment of the sectoral representatives (Wurfel, 2007, p. 21). This was actually a systemic travesty, a contradiction with the very spirit of the presidential system which relies on the strict separation of the executive and the legislative branches; and the post-Marcos government's emphasis on the destruction of the Marcos-era institutions, as the temporary solution to be used until the new legislation was borrowed from Marcos.

Making of the Party List Law -which was left to the Congress by the Constitution- was not an easy task either. In 1994, President Ramos in his State of the Nation address, referred to the need of an extensive electoral reform -to move the democracy away from 'the politics of patronage, guns, goons and gold'. In addition to the President's call, some civil society organizations such as the NAMFREL, KUMPARE (Citizens' Movement for Electoral Reforms), the Consortium for the Electoral Reform (CER) and the Institute for Political and Economic Reform (IPER) were lobbying in the Congress. However, the Congress was way too reluctant to get into the action. First, it broke the electoral reform plan into its components and delayed some of them almost perpetually; second the present representatives sought to engineer the laws

---

<sup>155</sup> "The party-list representatives shall constitute twenty per centum of the total number of representatives including those under the party list. *For three consecutive terms after the ratification of this Constitution*, one-half of the seats allocated to party-list representatives shall be filled, as provided by law, by selection or election from the labor, peasant, urban poor, indigenous cultural communities, women, youth, and such other sectors as may be provided by law, except the religious sector." [emphasis added] The Constitution of the Republic of the Philippines (Article 6, Section 5).

in a way that it serves their interest<sup>156</sup>. For instance, the IPER reported that the traditional politicians' discussions on the Party-List System indicated a pursuit of 'another avenue for legislating more seats for themselves over and beyond the majority of the 200 House seats which they presently control' (Eaton, 2003, p. 478)

The constitution was the very source of the pressure on the shoulders of the congressmen to fill the legal gap, albeit they were reluctant to do so despite the constitutional deadline which required the application of the new law during the 1998 Legislative Elections. In addition to the president's encouragement and NGO's lobbying endeavors, the congressmen were under the obligation of 'passing a law' due to the pre-existing constitutional requirement. Couldn't they free themselves by abolishing the constitutional article which necessitated a party list system law -which they kept on delaying? Probably not, due to many reasons. There was a civil society pressure for the making of the law which was to serve for the operationalization of a political right which was already given by the constitution. Therefore, the social reaction for undoing it would be very high for the congressmen. Besides, the president was for the making of the law - and the president's position for a reform was of vital importance in the Filipino politics. Given the lack of political parties' power to generate a cohesive discourse for a constitutional change against president's will, the president's pro-change discourse and the constitutional requirements were potentially unchallengeable. Therefore, they passed a law to fill the legal loophole in a way that it serves to the best interest of the congressmen, as they had the chance to shape the content in the legislature.

---

<sup>156</sup> "The Senate leadership had earlier decided against the passage of the whole Code but only selected eight priority electoral reform bills given the limited legislative calendar the 9<sup>th</sup> Congress is faced with. Five of these measures are considered controversial, namely party list system; absentee voting; lifting of the political media ban; continuous registration; and anti-political dynasty bill have already been calendered for consideration by the Senate" (Villanueva, 1994).

The law -Republic Act No. 7941- adopted by the legislature, seems to confirm the IPER's criticisms and concerns on two points: the eligibility and the allocation of votes to the seats. On eligibility, the law classifies political parties, sectoral parties, sectoral organizations and party coalitions, however considers all as equally eligible. For instance, a nationally organized political party, a local party and/or an organization formed to represent the interests of a disadvantaged social group could run for party list seats on equal terms. These entities with different organizational structures and capabilities -despite their noted differences- were put in the same basket. In congruence with the spirit of the constitutional article and presidential call, major political parties were held ineligible for the party list law- but only temporarily<sup>157</sup>. Therefore, after 1998 Elections, traditional political parties could use the party list system -via their youth organizations or nominating eligible candidates -which contradicts the rationale of the Constitution Commission in 1987.

The case of Party-list Law is a brilliant example which illustrates how the law-makers tend to delay reforms, if they observe that their vested interests -generating from the status quo- will be hurt due to the likely outcome of the reform which had the potentials to end their present privilege. Under these circumstances, they seek a formula to alleviate the cost of the reform -as they have the final say about the content of the law in the legislature. What if there was no constitutional deadline or a temporal requirement for the law of that sort -which turned out to be a pre-determined window of opportunity in this case? Probably the congressmen would 'fail' to fill the legal loophole and the several law initiatives would keep on dusting in the shelves of

---

<sup>157</sup> "For purposes of the May 1998 elections, the first five (5) major political parties on the basis of party representation in the House of Representatives at the start of the Tenth Congress of the Philippines shall not be entitled to participate in the party list system" (Republic of the Philippines, March 3, 1995).

the congressional committees- similar to the Anti-Dynasty Bill case which will be presented in the fifth chapter.





### **4.3. Civil-Military Relations in the Philippines**

The pre-Marcos Philippine democracy was not a praetorian system at all, despite its various flaws, such as the domination of political dynasties and widespread electoral violence. Military was out of the political game and the civilian politicians were not obliged to consider the political priorities of the Armed Forces of the Philippines (AFP) as a potential veto player. However, in the post-Marcos democracy, military has become a crucial actor which is capable of triggering political changes and shaking the governments. Besides, there has been several military coup attempts by different military factions. Although 1987 Constitution assumed the separation of military and civilian spheres, by leaving no room for politically motivated military interventions and banning active military officers from holding civilian political and bureaucratic positions, the Filipino democracy was far from consolidation and stability with regards to the civilian control of the military, as constant rumors of coups d'état have lingered even after two decades of democratic trial" (Woo, 2010, p. 381). To understand that difference between the pre-Marcos and post-Marcos democracies, characteristics of the Marcos regime and the dynamics of the democratic transition should be taken into consideration.

According to Wurfel (1989), politicization of the AFP - first by Marcos and then against him- has been the primary threat to the democratic consolidation in the Philippines in the aftermath of the last transition. Imposition of the martial law in 1972 was a breaking point for military's role in the Philippine politics. As the martial law weakened and disbanded conventional institutions of the democratic politics, the military assumed new functions of administrative sort. For instance, some top-ranking officers served as chief executives at the local administration.

In addition to these de jure functions, military officers were given some of the de facto functions of the pre-Marcos civilian elites. They became the executive agents of machine politics in the periphery, ‘dispensers of political patronage’ as Hernandez (2006, p. 394) calls them. During Marcos’ rule, the size of military expanded and the AFP turned into a regime guard (Beeson, 2007, p. 459). In 1974, with a Presidential Decree, the National Police Force merged under the Philippine Constabulary – therefore of the AFP became the sole organization of coercion (Chambers & Croissant, 2010, p. 130). Not only such institutional reforms, but also widespread social unrest and insecurity -due to the communist and Moro insurgencies particularly- bolstered the importance of the AFP for the Philippine politics. The military -which was redesigned according to the needs of the new order and the conflictual conjecture- gained an indispensable role in the Marcos regime, which is defined as a combination of military dictatorship, corporatist authoritarianism and kleptocracy (Wang, 1994, p. 257).

However, it is important to note that Marcos’ control over the military has been rather subjective, as the very nature of his authoritarian rule also was. The way the military was connected to the political class was quite different than it has been in well-institutionalized one-party or military dictatorships. The military, as an entity, was accountable to Marcos himself:

“The military dictum ‘theirs was to do or die and not to reason why’ became the single most important commandment emphasized by the commander in chief and gave Marcos a free hand to completely turn the military into a quasi-private army.” (Guerrero, 2007, p. 51).

However, the regime’s decline damaged its capacity to control the military too. The weakening of the political control over the military by the 1980s, is related to both global trends and country-specific factors. According to Heiduk (2014) not only in the Philippines, but in the Third World countries in general, the armed forces had a crucial role in the containment of communism and in providing the human capital required for the modernization and

transformation in both military and social realms in the post-WWII era. As a result, when civilian elites failed to ‘steer the country’ and civilian governments could not fulfill their functions, the military found itself in a position to complement the weak civilian institutions, at the cost of paralyzing or replacing them entirely. In various cases, military officers who assumed superiority over the civilians based on their distinctive human capital -due to their membership to an elite network of security experts– stepped into the political sphere and took control of the government, after overthrowing the incumbent -whether the latter had been democratically-elected or not. By the 1980s, this self-image among the military cadre, provided suitable grounds for the politicization of the military in reaction to the authoritarian regime in decline in the Philippines. Casper (1995), in his study on the impact of church’s and military’s politicization during democratic transition, refers to an ideological change towards professionalism on the matter of national security, rather than the preservation of the leaders’ personal interest. Under these circumstances, the ‘Reform the AFP Movement’ (RAM) emerged as a movement for the professionalization of the Philippine Armed Forces. According to these ‘reformists’, corruption had detrimental effects on the AFP’s capacity to counter and fight against the insurgents. Authoritarian regime’s prioritization of loyalty -to Marcos for sure- over meritocracy paved the way to undeserved promotions. Promotion system depended on ‘bootlicking and personal loyalty’ (Guerrero, 2007, p. 56). Consequently, those who were promoted to higher ranks instead of more apt and able officers, caused a national security failure; regime’s survival strategy conceived to be the major reason behind AFP’s ineffectiveness against the growing insurgency and violence. These views made the RAM a potential ally to the opposition for ending (i) Marcos’ subjective control over the military and (ii) the intra-institutional corruption, which they claimed to be originating from regime’s governance strategy.

It is important to note that military officers' support for the RAM was not only about its political objectives but also for voicing their profession-specific grievances. The AFP personnel were not well-off -in comparison to the civilians. Most officers faced difficulties in providing enough to fulfill household needs. Therefore, the RAM acquired a solid support from the frustrated AFP members, thanks to its professional objectives and its claims about the political consequences of the institutional ills -which were at the heart of the military personnel's grievances. The contested Presidential Elections of 1986, provided the political opportunity for the RAM's agency in the Philippine politics. As a faction within the military, it provided intelligence to the opposition about government's plans for electoral fraud and violence -although it failed to prevent the majority of the AFP from electioneering on behalf of Marcos (Thompson, 1995, p. 149). On February 16, the RAM released a statement which emphasized that the elections were fraudulent and called for non-violent action against Marcos regime (Casper, 1995, p. 135). The mutiny of the RAM, and then the AFP as an institution at large was conceived as the final blow to Marcos' regime. The RAM's decisive role in the downfall of Marcos granted it a prominent political position in the post-transition period. The military has been the last pillar of the Marcos regime and its political intervention to end it was not questioned by the civilians at that time from a democratic perspective yet (Guerrero, 2007, p. 57). As a result, a military faction's vital contribution to the downfall of the authoritarian regime paved the way to a problematic civil-military relations pattern in the post-transition period, marked by a failure of normalization of these relations.

The 1987 Constitution left no room for direct involvement of the AFP members in politics -by banning all military officers from holding any position in civilian bureaucracy and from running for office in local or legislative elections. Besides, it sought to establish civilian control over the

AFP as it underlined that the ‘civilian authority is, at all times supreme over the military’ (Section 3, Article 2). In parallel to this constitutional objective, The Commission in Human Rights -which is the organizational successor of the Presidential Committee on Human Rights introduced by the President Aquino in 1986- was given the task to investigate the human rights violations, including those which have been instigated by the military against its fight against the insurgents and rebel organizations. The Congress was given investigative powers on public spending -including security-related expenditures- through specialized congressional bodies such as Committee on Accountability of Public Officers and Investigations – i.e. ‘the Blue Ribbon Committee’ – in addition to the approval of the annual budget. In addition to such legal reforms, new government sought a rupture from the pro-Marcos signification of the military by changing the name of the AFP as the ‘New Armed Forces of the Philippines’. Additionally, 23 out of 29 overstaying generals were retired in the very first months after the transition (Casper, 1995, p. 139). Despite these institutional measures, armed forces and military officers preserved their political importance in the Philippines. According to Woo (2010, p. 381), this has been the case due to the civilian political leaders’ unwillingness or inability to remove factions and implement wide-ranging reforms.

Regarding military factionalism, the RAM continued to be a prominent group in the Philippine politics, besides new intra-military factions such as the Young Officers’ Union (YOU) -which has adopted an anti-American and nationalist discourse to discredit and delegitimize the ‘Aquino regime’- emerged (Guerrero, 1990). Therefore, intra-military factions not only persisted but also diversified. But how come this has been possible in a country which was undergoing a democratization process supported by diverse civilian political groups?

First, the military elite legitimized the political involvement of the military factions in the post-Marcos period by their narrative -which actually did not contradict the facts entirely indeed. The RAM played an indispensable role in the transition and retired to their barracks -conditionally, as some members later revealed: “We -RAM and Enrile, asked for two positions -secretary of national defense and chief of staff. The military [pulled back] to let her [Aquino] rule” (Casper, 1995, p. 136). In parallel to these demands, Fidel V. Ramos was appointed as the chief of staff, and Juan Ponce Enrile -an anti-Marcos mutineer like Ramos- kept his position as the Secretary of National Defense. The latter appointment shows that there was room for Marcos-regime elites in Aquino’s rainbow cabinet -in case they had defected during the EDSA revolution. Apparently, in the early days of the Aquino rule, the RAM was considered to be a political pressure group owing its legitimacy to its role in the downfall of Marcos. However, this civil-military co-existence turned out to be too unstable and far from a sustainable formula.

The Aquino Government was targeted by seven major coup attempts in just three years. Just a couple of months after the transition, predominantly RAM-affiliated officers started their preparations for a military coup. Philippine Constabulary Chief Renato de Villa states that ‘silent recruitments’ had started for a prospective attempt as early as May 1986 (Office of the President of the Philippines, June, 1992, p. 5). Following the most serious coup attempt in December 1989, President Aquino issued an administrative order for the formation of a fact-finding commission (aka the Davide Commission). The final report prepared by the Davide Commission provides an extensive list of motivations behind these coup attempts and these can be grouped under three major headings: (1) dissatisfaction with the present power distribution, (2) political divergence between the civilian government and some military members and (3) professional grievances -a relative deprivation among the military officers.

As previously indicated, after a purge targeting the pro-Marcos high ranking officers in the AFP, the military wing of the transition coalition expected at least a partnership between civilians and military as co-equals. For Casper (1991, p. 196) from the perspective of the RAM members, the best option was some sort of a transitory military-civilian junta which would be in charge during the making of the new regime. Rene Sagusiag -the then Presidential Spokesman- evaluated the civil-military relations crisis as follows:

“There was tension in relating with the military because we were pushing for civilian supremacy. On the other hand, the RAM subscribed to the school of thought advocating power sharing, on the theory that the government assumed power because of the military.” (Office of the President of the Philippines, June, 1992, p. 9)

Any political development which sidelined the military partners of the Aquino government, or the exclusion of some actors or groups in the appointments led to frustration. Power distribution at the individual level was an important issue too. Those who were entirely left out of the game during appointments, made themselves available for partnerships with Aquino’s opponents who plan to overthrow her, whereas the others who were given offices in the post-Marcos era felt politically-neglected whenever they were excluded from particular decision-making processes. Such concerns and dissatisfactions facilitated the involvement or indirect support of those who were holding offices in these mutiny waves<sup>158</sup>. The anti-Aquino tendencies among some of the military factions were growing so strong that they could side with their previous enemies. Davide Commission pointed out that a faction within the RAM -namely RAM Honasan Fraction, RAM-HF in short- had become an ally with the Marcos loyalists to overthrow Aquino -presuming that they could not get the political role that they had deserved after the transition.

---

<sup>158</sup> For instance, Juan Ponce Enrile -the Secretary of National Defense- in 1986 ‘God Save the Queen’ coup attempt and Salvador Laurel in 1989 December coup attempt faced such allegations and lost their positions.

Ideological divergence was another major problem between the military and civilian components of the post-Marcos alliance. Aquino's preference for extending the ruling coalition in a way that it also represents leftists created a tension. On top of that the peace talks with communist insurgents and for a ceasefire was considered as 'by-passing' the military in a national security issue. Some AFP members believed that the human rights violations of the AFP were treated and punished more severely than those of the leftist CPP-NPA fighters (Davide Fact Finding Commission, 1990, p. 471). After the God Save the Queen coup attempt in November 1986, Aquino did not only fire Enrile for his involvement in the coup, but also some left-leaning secretaries in the cabinet such as Aquilino Pimentel Jr., to regain military's loyalty (Casper, 1995, p. 143). Besides, Aquino announced a 'total war' policy against insurgent groups following early coup attempts in February 1987 and launched an extensive campaign which is widely criticized due to human rights violations especially in the regions where guerilla groups are strong (Kizilos, 1990). All of these actually show that coup attempts were partially effective in fine-tuning the civilians' preferences for policy-making and political appointments. Finally, even after the collapse the Marcos regime, the AFP as an institution and the AFP members were worse-off, compared to the militaries and the military officers of the countries in the region -those of the ASEAN member states in particular. Although officers' incomes and privileges were limited during the Marcos era too, several high-ranking officers were given shares, positions and privileges in case they join the crony network of the regime. The end of that informal and corrupt opportunity structure paved the way to an increased relative deprivation in the post-Marcos era (Davide Fact Finding Commission, 1990, pp. 101 - 102).



#### **4.3.1. Aquino's reforms: De-marcosification and the 'restoration' of the democracy**

In terms of the coercive capabilities of the putschists, December 1989 coup attempt was likely to succeed, had the US not given an active military support to the pro-government forces (Kingsbury, 2001, p. 318; Croissant & Kuehn, 2009, p. 196). However, the threat was not only critical in terms of the sheer muscle of the uprising, the Philippine political elites did not come up with a principled and unified reaction against the mutiny. Neither the main opposition party -Nationalists- nor the Vice-President Laurel -who had been sending messages against his Aquino for years- took a clear anti-coup position during the mutiny<sup>159</sup>. The Central Committee of the Nationalist Party emphasized the government's faults and responsibility in paving the way to a military intervention in the party's official statement, after having amended the first draft which had also condemned the military intervention to the civilian political realm (Davide Fact Finding Commission, 1990, p. 505). In compliance with the nationalist discourse of the party, the statement evaluated Aquino's call for the US support as a 'shameful' action, lacking a national honor and dignity. Besides, it is important to note that Nationalist Party's leader during the incident was Enrile -who had been expelled from the cabinet by Aquino due to the allegations about his involvement in the previous coup attempts. Meanwhile, VP Laurel seemed to be in quest of using the mutiny to tilt the power distribution on his behalf. In an interview he

---

<sup>159</sup> In addition to the secretive organizations and plans discussed behind closed doors, the public actions and attitudes of some of the most visible and very prominent actors of the post-Marcos civil-military alliance showed that they didn't even care about a pro-democratic image. In one of these earlier coup attempts, Vice-President Laurel was accused of being indifferent and even secretly supportive. President Aquino told reporters that Laurel could have showed up in an emergency counter-coup cabinet meeting late in the afternoon -as he had later told her that he had been playing golf earlier in the day. On the other hand, Laurel who had reluctantly accepted to be Aquino's running mate by the insistence of the opposition movement and church despite his plans to run against Marcos in the 1986 Presidential Elections as 'the only candidate of the opposition', was openly calling for Aquino's resignation by accusing her of corruption and poor leadership skills. In an open letter, he even argued that the democratic transition under Aquino turned out to be for the worse -in comparison to the Marcos regime. Laurel did not hesitate to criticize his rival-turned-partner at the cost of sending an 'anti-democratic' message by comparing her government with her authoritarian predecessor Marcos. (See, "Vice President Wants Aquino to Quit," 1988; "Aquino's Vice President urges her to step down," 1988).

had given to the BBC, he asked the president Aquino to step down to avoid further bloodshed and a probable civil war -by indicating that he avowed that he was ready to assume presidency following Aquino's resignation on the basis of the constitutional requirements. The most interesting part of the interview which revealed his understanding of the civil-military relations was his answer to BBC Reporter John Eidonow's question about whether he condemned the military coup or not:

“Well I don't want to prejudge them, I condemn the method. But I cannot condemn the cause because they have been quoted as fighting for good government. How can you be against good government” (Davide Fact Finding Commission, 1990, p. 501)

These statements and positions clearly indicate that the political elite -not only those in the opposition but also who held an office in the executive branch- were far from uniting against the coup attempts. Thus, it was no surprise that civil-military relations would remain a political issue on the table for the deepening of democracy in the Philippines in the coming years.

Aquino's 'rainbow coalition' which sought the representation of all major stakeholders at the beginning, was first curtailed due to the pressure emanating from its military-wing supporters who succeeded in eliminating some of the left-leaning actors from the cabinet. Then later it was proved to be lacking a common will and discourse to set the democratic standards for the normalization of civil military relations. The likelihood of an extensive legal reform around a concrete programmatic agenda was very unlikely and even the Davide Commission itself could not propose substantive legal and institutional reform framework – but urged all the political actors to come around the idea of 'unity in diversity' which provides no particular direction or guidance for a reform initiative (Davide Fact Finding Commission, 1990, p. 520). However, towards the end of her tenure, Aquino changed her attitude against the opposition too. She adopted a more confrontational position in her dealings with the opposition -i.e. 'a get-tough

policy' probably due to the fact that the campaigns for ousting her involved not only military rebels but also some politicians at national and local level (Johnson, 1990).

Under these circumstances, the major step for the normalization of civil military relations was the passing of the new policing bill (Republic Act No. 6975) which abolished the Philippine Constabulary (PC) by the incorporation of the new Philippine National Police (PNP)<sup>160</sup>. This was apparently an attempt to de-Marcosify the security organizations institutionally -which were merged under Marcos rule. The Philippine Constabulary was the coercive apparatus of the Marcos regime and during this era, it had achieved a horrible image as an institution, due to the human rights violations committed then.

Despite the constitutional mandate for the formation of a new police force by the 1987 Constitution and the initial plans to dismantle the PC by 1988, President Aquino could undo the PC with a two-year delay ("Philippine paramilitary Constabulary to be dismantled within year," 1987). In 1987, she presided the ceremonies celebrating the 86<sup>th</sup> anniversary of the PC -despite the plans to undo this organization soon. There she brought up the issue of 'proliferation of arms nationwide and impunity of gun-related violence' as a grave problem of national security and signaled that an extensive reform initiative was of crucial importance (Yabes, 1987). Two months later, she issued the Executive Order No. 309; for the formation of the National Peace and Order Council (NPOC) -comprised of civilian and military bureaucrats from different

---

<sup>160</sup> "It is hereby declared to be the policy of the State to promote peace and order, ensure public safety and further strengthen local government capability aimed towards the effective delivery of the basic services to the citizenry through the establishment of a highly efficient and competent police force that is *national in scope and civilian in character*. [Emphasis added] Towards this end, the State shall bolster a system of coordination and cooperation among the citizenry, local executives and the integrated law enforcement and public safety agencies created under this Act. The police force shall be organized, trained and equipped primarily for the performance of police functions. Its national scope and civilian character shall be paramount. No element of the police force shall be military nor shall any position thereof be occupied by active members of the Armed Forces of the Philippines." (Republic of the Philippines, December 13, 1990).

organizations. The Chief of the PC was on the board too. The NPOC was to report, advice and draft policies to the President. Apparently, Aquino was trying to include the stakeholders, probably partially out of the fear of losing the support of the military bureaucracy entirely under the threat of successive coup attempts instigated by the military factions.

In 1989, Aquino presented the government's plan for the formation of the new police forces from a security and efficiency based point of view. She addressed the lack of efficiency in the present system -which is required to be overcome by the unification of the policing services<sup>161</sup>. Meanwhile the NPOC complemented the unification of the security organizations approach by extending it to the question of private armies -i.e. 'guns and goons' which the notables have traditionally been using to protect their economic and political interests unlawfully. The report was announced by the Chief of the PC himself ("Manila's private armies on the march," 1989). In that sense, the PC as an organization and the PC members were included in the security reform process as stakeholders -where an emphasis on the betterment of the national security served as a cohesive discourse admissible for them.

However, Aquino's security reform discourse was ambivalent. The second layer referred to the 'revolution' and post-Marcos structuring of the state. For sure, de-Marcosification, i.e. dismantling of the Marcos era institutional structure was the major unifying motivation of the post-Marcos Rainbow Coalition. The 1987 Constitution which gave the mandate for the incorporation of a 'civilian police force' in lieu of the PC, sought a rupture from the old order<sup>162</sup>.

---

<sup>161</sup> "[P]ush through the unification of the constabulary and police into one national police force dedicated single-mindedly to bringing law, order, and security to our communities [...] the task of policing the community, of securing lives and property, of laying down that modicum of order without which we cannot call our society civilized, is not a job: it is a duty and a calling." ("Philippine president on confusion of National Police System," 1988).

<sup>162</sup> "Article XVI SECTION 6. The State shall establish and maintain one police force, which shall be national in scope and civilian in character, to be administered and controlled by a national police commission. The authority of local executives over the police units in their jurisdiction shall be provided by law."

In compliance with the broader agenda of de-Marcosification, which was appealing to the actors of change and revolution, President Aquino put an emphasis on the significance of the undoing of the PC vis-à-vis the Marcos-era civil-military relations and organizational setting during the inauguration ceremony of the PNP:

“We have taken the final step towards cutting off the remaining vestige of the past authoritarian regime when civilian and military functions were merged to consolidate political power in support of the dictatorship.” (“Aquino forms powerful police force separate from military,” 1990).

Incorporation of the PNP to substitute the PC has always been a possibility from a constitutionalist point of view, given the aforementioned constitutional article. However, the constitutional ground could be of use, after Aquino achieved a window of opportunity in the aftermath of the December 1989 Coup attempt, which had almost overthrown her government. The December 1989 Coup attempt and the systematic investigation of the successive coup attempts, provided a window of opportunity for the consideration of the civil-military relations in the Philippines. During this transition process Aquino government succeeded to disband the PC by using two cohesive discourses at the same time. While (i) ‘the unification of security organizations’ was appealing to the security sector bureaucrats, who had been included in the security-related reform processes by the newly-reorganized National Peace and Order Council; (ii) getting rid of the vestiges of the authoritarian past -i.e. de-Marcosification- was the second discursive justification – in parallel to the objectives of the post-Marcos process.

Another major improvement was an anti-coup law, which provided clear definitions for the rebellion, coup, sedition and disloyalty in the Revised Penal Code<sup>163</sup>. In addition to clear

---

<sup>163</sup> “The crime of rebellion or insurrection is committed by rising and taking arms against the Government for the purpose of removing from the allegiance to said Government or its laws, the territory of the Republic of the Philippines or any part thereof, of any body of land, naval or other armed forces, or depriving the Chief Executive or the Legislature, wholly or partially, of any of their powers or prerogatives [...] The crime of coup D’ÉTAT is a swift attack accompanied by violence, intimidation, threat, strategy or stealth, directed

definitions, the new legal framework determined the sanctions for these crimes. Again, on the making of this law, Corazon Aquino was the major figure to urge the passing of law and she could do it by having the support of the chief military officers and the legislators by pointing the importance of the common achievement of leaving the Marcos era behind, with a reference to the communist insurgency and right-wing military factions as possible threats to turn the country back to a repressive order<sup>164</sup>. However, the effect of this law -which was to be -almost- overridden due to Ramos' amnesty in practice- in deterring possible rebellion and coup attempts has been very limited.

#### **4.3.2. Ramos' 'National Unification' plan**

The 1992 Elections was the first presidential elections after the democratic transition. Fidel V. Ramos who served as the chief of staff and then as the secretary of defense in Aquino government was elected president. Before the transition, he was the chief of the Philippine Constabulary -so a military elite of the Marcos era- and then defected to support the People Power Revolution. Given his loyalty to the democratic order in post-transition era which was rather shaky due to incessant coup threats by military factions, Corazon Aquino endorsed him – as the most likely candidate ‘to pursue the vision of a democratic society’ (Shenon, January 26, 1992). Despite his predecessor's support, Ramos could receive less than a quarter of the votes casted in the ballot box.

---

against duly constituted authorities of the Republic of the Philippines, or any military camp or installation, communications networks, public utilities or other facilities needed for the exercise and continued possession of power, singly or simultaneously carried out anywhere in the Philippines by any person or persons, belonging to the military or police or holding any public office or employment, with or without civilian support or participation, for the purpose of seizing or diminishing state power.” (Republic of the Philippines, October 24, 1990).

<sup>164</sup> “We...have to persevere in our stand against the forces that seek to bring us back under the control of a repressive government, whether they come from the left or from the right”. (“Aquino urges unity against all rebels,” 1990)

Aquino, in her final address to the military officers as the president, openly stated her expectation for ending military's involvement in the Philippine politics: "you, too, are leaving politics with me" (Sanger, 1992). Apparently, Ramos had a plan to end the effect of the military factions' in politics: a multilateral peace scheme covering communist, Moro nationalist insurgents and rebel military factions. The plan included a large-scale amnesty to the members of these armed groups. It is important to note that although Ramos seemed to be the successor of Aquino's pro-democracy agenda – their attitudes towards military rebels were diverging. Aquino was not into a deal with these armed groups which constantly sought to topple her, although she aspired for peace with the leftist and separatist guerilla at the cost of the nationalist military factions' coup threats. In that sense, Ramos' enlarged peace framework was a novelty. To some extent, it can be argued that the extension of the peace agenda was a pragmatic step. Ramos' motivation for including the rebel military factions as the beneficiaries of the peace plan could be a preventive measure against armed forces' and military factions' costly reactions to peace talks with the leftist and Muslim-separatist insurgents. It was no secret that Aquino's peace-seeking initiatives constituted one of the major political justifications for the military factions' coup attempts. However, some might argue that this inclusion may not even be necessary, but as Ramos' political or even personal preference as a retired general turned politician. It is claimed that Ramos' connections within the military sufficed for his control over the military establishment and his ascendancy made military coup 'redundant' in the eyes of the rebel factions (Chambers, 2014, p. 115)<sup>165</sup>. But such an emphasis on the 'personal control'

---

<sup>165</sup> In addition to the fact that Ramos was a former general, some analysts refer to the role of gender in their explanations for military's and military factions' comparative satisfaction with Ramos administration: "Equally problematic from the AFP's perspective was its diminished access to the President; the fact that she was a woman had a further, palpable psychological impact on the military [...]" (Beeson, 2007, p. 485).

requires a calculation of Ramos' pure influence without any carrots -which would be a quite difficult endeavor or mere speculation, once the carrots were there in reality.

Given the presidential system's characteristics and case-specific weakness of the political parties -and therefore legislature's role in generating reforms- this multilateral peace campaign emerged as a presidential project. In his inauguration day and later in his first State of the Nation speech in the Congress, entitled 'Reform, Change and Growth', Ramos presented his roadmap of his multilateral peace plan. In that speech Ramos announced that he was to submit an amnesty proclamation to the Congress -for 4500 former rebels from the leftist CPP-NPA and the Moro's MNLF. In addition to this amnesty wave, Ramos called for the legalization of the Communist Party -by urging the congress to abolish the Republic Act no. 1700 -aka Anti-Subversion Act which was enacted in 1957 to criminalize almost all pro-communist political activities at organizational and individual level in the heyday of the leftist insurgency. Besides, he announced the formation of the National Unification Commission (NUC) -as an advisory body to prepare a report to be submitted to the Presidency which was in need of a roadmap for the rest of the process (Ramos, July 27, 1992).

It is important to note that the novelty of the Ramos' peace initiative was not only in the content. As he extended the peace project with the inclusion of the military rebels, he shifted the political discourse too. While Aquino's peace plan's major emphasis for the peace plan was on the 'human rights', Ramos used a national unification discourse and a more pragmatic approach which facilitated the support of the military -as an institution<sup>166</sup>. According to Chief of Staff

---

<sup>166</sup> As indicated in the Davide Fact Finding Commission Report (1990, p. 471), human rights investigations -which were at the heart of Aquino's transitory justice policy for achieving peace with the Marxist and secessionist fighters were not approved by the military officers who argued that these investigations were seeking to reveal the crimes committed by the armed forces rather than the insurgent groups.



General Lisandro Abadia, who announced his support for the process, government's peace strategy was proven successful as it caused a political schism among the leftist insurgents; and military capabilities-wise their recruitment pace was in decline. A few months after the launch of the peace plan, he released a series of estimations: the number of insurgents had fallen to 12,500, from a high of 28,000 in 1988. Their territorial influence had been 2,500 villages then, down from 7,800 in 1986. He projected that the rebel numbers would be reduced to less than 10,000 by the end of 1992 (Chua, 1992). In addition to the military's support, popular support behind President Ramos was almost trebled in comparison to his vote share in the Presidential Elections held earlier that year. Country's most reliable polling organization reported that the Ramos government enjoyed 70 percent popular support (Shenon, November 13, 1992).

The peace agreement between the government and the rebel military factions could be achieved in three years. In parallel to the talks with these organizations, major steps for other conflicts were taken too. The NUC concluded its assessments within a year -following the extension of its mandate by the President Ramos- then submitted its report to the Presidency. Under the light of NUC's recommendations, institutional framework of the 'comprehensive peace process' was laid by the Executive Order No. 125. This document officially adopted a multi-faceted peacemaking process -built on the principles such as the pursuit of social, economic and political reforms; consensus-building and empowerment; peaceful and negotiated settlement with different groups; reconciliation, reintegration and rehabilitation within the broader society. On the other hand, it incorporated new institutions for the rest of the execution and supervision of the process – such as the Presidential Adviser of the Peace Process (PAPP) (Office of the President of the Philippines, 1993). With respect to the leftist insurgency, a groundwork for formal peace negotiations with the CPP-NPA-NDP could be achieved during the preliminary

talks until February 1995. Several key figures of the CPP were freed. Meanwhile, talks for interim agreements for a peace agreement with the MNLF continued.

In October 1995, the peace agreement with the military rebels was signed with three rebel organizations -namely Rebolusyonyong Alyansang Makabansa (RAM), Soldiers of the Filipino People (SFP) and Young Officers' Union (YOU) - and granted amnesty to the mutinous members of the AFP who committed a politically motivated crime within the period between February 22, 1986 and December 23, 1992 -when signatory parties converged on the principles of the peace process. Crimes covered by the amnesty agreement included coup attempts, mutinies, illegal assemblies and associations, rebellion and insurrection; but excluded torture, massacre, rape, and other crimes committed against chastity and crimes committed for personal ends. Beneficiaries of the amnesty were to be determined bilaterally -by the Government Panel negotiating with the Military Rebels (GRP Panel) and the rebel organization which the applicant was a member of. The National Amnesty Commission (NAC) was the designated authority to conduct the verification, processing, and final determination of the applicants whether they are entitled to the grant of amnesty<sup>167</sup>.

Ramos' peace initiative built on the national unification discourse seemed to have brought success. In response to Ramos' call for unity and solidarity upon the signing of the agreement, Gregorio 'Gringo' Honasan's interpretation of the present amnesty agreement was 'a ray of light' and he told that he could guarantee that there would not be coups anymore upon the signing and implementation of the present agreement (Perez, 1995). Honasan, the former rebel military leader who later became a Senator and the chairman of the Peace and Unification

---

<sup>167</sup> The details about the execution of the peace agreement were defined in the Presidential Proclamation no. 723 and the Executive Order no. 299.

Committee at the Senate, is a key figure to understand the civil-military relations debate and the characteristics of the Ramos-era peace plan. Unsurprisingly, former president Aquino at an event which she attended the very same they abstained from making any comment -probably to signal her unease with the deal her successor achieved with the forces which tried to topple her in various occasions (“Pact is ‘ray of hope’ for Philippine prosperity,” 1995).

The ‘ray of light’ which Honasan referred to, did not turn out to be very bright. Only a few months after the signing of the peace deal, in February 1996, he claimed that the RAM was becoming stronger than ever within the armed forces. He warned that if the government did not take necessary measures for fighting against crime, poverty and ethnic insurrection, military dissidents would ‘rise up and extra-constitutionally address this issue’ and under these circumstances it would be ‘very difficult to send them completely back to barracks’ (Baker, February 22, 1996). To the accusations about his possible involvement in military insurrection in future, he responded by claiming that such an intervention would be led by ‘a younger man, more imaginative, more skilled, more anonymous and better-organized’ (Baker, February 22, 1996). Ramos’ multilateral amnesty served to pacify the present rebel groups for a while but it was clear that it would not provide a historical milestone after which military adventurism would never materialize into acts. On the contrary, it paved the way to the normalization of a ‘rebellion-and-amnesty’ cycle -which is to be repeated in less than a decade. Aquino’s anti-coup act was superseded by the very political dynamics among actors who could not converge on a principle of the normalization of civil-military relations for years.

#### **4.3.3. A new surge of military adventurism**

The presidency of Estrada -with a considerably higher vote share than his predecessor Ramos- could be an opportunity for the making of the necessary reforms for the democratic deepening

and consolidation in the Philippines. Pretty soon after he was sworn in to the office, he launched a constitutional reform initiative -called CONCORD, by giving a mandate to an advisory council to shape the reform agenda. However, that effort failed to create a fruitful reform discussion at that time due to many reasons. First, Estrada's reform agenda had a focus on economic liberalization rather than the political. Second, Estrada's reform agenda was not taken as a credible democratization opportunity by the pro-change sectors – his motive for change was rather considered a part of his overall pursuit of expanding his very subjective power and that was going hand in hand with the making of a new network, a new class of privileged businessmen. Third, making of this network led to an anti-Estrada block -unified on the allegations of corruption which paved the way to a social-political-military campaign -again on EDSA, symbolically reminding of the People Power movement- which succeeded in unseating him unconstitutionally. Regarding the civil-military relations, Heiduk (2014, p. 116) describes Estrada era as 'rudderless frailty'. Estrada was not subservient to the military and signaled that by appointing Senator Orlando Mercado – first civilian to serve as Secretary of National Defense in post-Marcos democracy.

After Estrada was ousted, Gloria Macapagal-Arroyo -Estrada's former vice-president- pursued an appeasement strategy in her relations with the military -in order not to face any challenges from that wing of the unofficial coalition which paved the way to her presidency. She enlarged the military's budget, appointed several retired officers to senior civilian positions and boosted the benefits to the military officers who are still serving. However, her authority was built on very shaky grounds. On the one hand, the way she came to power was found illegitimate by a large segment of the electorate- Estrada-supporters in particular; on the other hand, military factions realized that they were still capable of unseating presidents -in case they forged strong

alliances with political elites or outsiders who could mobilize masses which were at utmost importance for bringing some sort of a 'bottom-up' legitimacy that would substitute the formal democratic legitimacy<sup>168</sup>. EDSA II proved that 'unconstitutional' and 'unexpected' incumbent change was still possible in the Philippine democracy -in case the opposition campaign was well-coordinated. Under these circumstances, the regime in the Philippines -whatever that was- was open to change whether for more democracy or for more repression, for better or for worse. Arroyo era -despite the success in the economy in the early years- was marked by a continuous and democratically unconventional struggle for power among different groups. Different groups within the military were known to be getting prepared to act against the Arroyo government from mid-2002.

On July 27, 2003 a group of officers and several thousands of troops -who announced that they broke the chain of command- occupied an upscale residential complex -called Oakwood Premier Ayala Center and issued a statement demanding the resignation of the president based on the allegations of corruption and arms-trafficking to several insurgent groups. Besides, the group argued that Arroyo was about to stage a series of violent attacks -based on which she would seek to strengthen her personal grip in the country by announcing a state of emergency. In that sense, they described their intervention as a 'preemptive strike' to avoid an approaching self-coup. The retrospective legitimacy of the putsch was linked to the unconstitutional ousting of the former president Estrada, who would be sworn into the office instead of Arroyo. However, following his restoration to the presidency for just a few days, the rebel soldiers were discovered to oust him for the second time and to form 15-member military government and would pursue

---

<sup>168</sup> Former Armed Forces Chief of Staff Rodolfo Biazon: "Because of the Marcos experience, many military officers acquired the code that they can judge a government, and the Estrada revolt reinforced the belief that they have a right to replace a government" (Chambers, 2012, p. 138)

a national stabilization program. During the investigations of Feliciano Commission, the aforementioned program -namely 'National Recovery Program'- was found to be penned by Senator Gregorio Honasan -who was named as the political mastermind behind the organization. He was accused not only for preparing the post-coup political blueprint, but also taking an active role in the recruitment process based on several mutineers' statements and testimonials (Contreras & Burgonio, 2003). Although the Commission was not given the task to determine whether those who were alleged with the coup were innocent or not, its report suggested that this had to be conceived as a coup attempt with reference to the political roadmap of the mutineers- the implementation of Senator Honasan's National Recovery Program (NRP). The mutiny ended following a dialogue between government and the rebel soldiers, as the latter surrendered in response to the former's ultimatum<sup>169</sup>. According to the commission report, major weakness of the plan which led to its inevitable failure was a miscalculation about the public opinion. People were not dissatisfied enough to take the streets against the present government- which replaced the previous one only two years ago again in an 'unconventional' way.

#### **4.3.4. Arroyo's credibility problem: A limited improvement on professionalization**

The preliminary findings which diagnosed the incident as a full-blown coup attempt could provide a window of opportunity amenable to an extensive civilianization program, based on a cohesive discourse. However, it was not the case. To some extent, that was due to the 'political

---

<sup>169</sup> Later, it was claimed that the mutineers surrendered conditionally -on the basis of a "gentleman's agreement" which involved a guarantee by the government that no criminal charges would be filed against all but five of the mutineer offices. As the political support behind the Arroyo government declined, anti-Arroyo opposition brought up that issue as 'the betrayal of the pact' – which indicated how unreliable the Arroyo government was, not fulfilling its commitments in deals which it brokered for its very own survival (Antiporda & Manahan, 2008).

ambivalence' of the Feliciano Commission report. Although the report revealed that, the mutiny was an unconstitutional attempt to overthrow the government, complaints and claims of low-rank officers which are linked to a bunch of intra-organizational grievances and corruption was far from mere subterfuge. For instance, ineffectiveness of military's pension system and the mismanagement and lack of military accommodation were recognized as serious issue, which should be addressed by the government. Besides, Arroyo's strategy of 'favoritism' and 'co-optation' to guarantee her seat, had alienated the junior officers who participated the mutiny with rather 'apolitical' motives (Chambers, 2012.p. 154). That was reminiscent of Marcos' strategy of handling the military, albeit in a smaller scale.

The Arroyo government's response and reaction to the coup attempt had twin-foci. On the one hand it responded to these grievances, in order to minimize the legitimacy of similar attempts in future probably. Just a few months after the mutiny, the Department of National Defense announced that the recommendations of Feliciano Commission are to be implemented as a part of the military modernization plan which is to be supported by the United States financially (Esguerra, 2013). On the other hand, the revival of a military counter-intelligence unit is probably the most significant institutional improvement for the normalization of civil-military relations. The AFP Counter Intelligence Group (AFP-CIG) stands as a multifunctional body. Following the establishment of the group, Lt Col Buenaventura Pascual, the AFP spokesperson, announced that the AFP-CIG would not only help pre-empting destabilization plans against the government generating from the military, but also address other intra-organizational problems such as disloyalty or any act of violation of ethical standards and code of conduct (Jimenez, 2005). In that sense, the body was designed in convergence with the military discipline and

professionalization discourse which brought the top-ranking officers of the AFP and the government together.

The grievances -as confirmed by the report, mutineers' attitude, and the clarity of their statements accepting responsibility had a positive effect on people. Even Roland Narciso -a member of the Feliciano Commission- shared his sympathy with the mutineers in that respect. For him, they were some "idealists manipulated by politicians who were 'not man enough to face the consequences of whatever actions they had started'" (Feliciano Commission twas power grab," 2003). However, the commission clearly emphasized that a strict judicial process and deterrence were necessary to avoid the reoccurrence of similar incidents or any military adventurism of that kind in future. Commission Report openly states that Ramos' amnesty policy in 1995 was a grave error which should not be repeated:

"Failure on the part of the Government to enforce the law deprives the law of its power to deter, particularly among those who had engaged in previous coup plots against the Government but who were granted unconditional amnesty in 1995 without prior punishment. A number of former coup plotters who had been punished for their participation in the coup attempts of the 1980s and returned to the military after the 1995 grant of unconditional amnesty, have turned their back on military adventurism. Members of their units did not join the Magdalo group in Oakwood. But some of those who received unconditional amnesty without prior punishment were in the list of members of the NRP Council." (Feliciano Fact Finding Commission, 2003, p. 39).

Therefore, Feliciano Commission Report provided a technical and almost supra-political justification for the government's uncompromising attitude for the preservation of a strictly retributive judicial process. The executive branch -i.e. Department of Justice and the President- and the judiciary converged and adopted a solid anti-amnesty position. The only exception was for the low-rank officers, who had been deceived by their superior. That was conceived as



legitimate grounds for discharge or acquittal<sup>170</sup>. Besides, throughout the trials, several officers were offered plea deals. As seen in the example of the incorporation of the AFP-CIG, the government could achieve a cooperation scheme on the basis of the ‘military discipline and professionalization’ perspective with the military, however a deep-rooted political reform was impossible due to the severe polarization in the political realm. For instance, the legislature was not a part of the consensus. In May 2005, Jose de Valencia -the speaker of the House of Representatives- asked Senator Alfredo Lim to draft an amnesty bill -to be presented to the both chambers of the legislature for discussion and approval. Lim was positive about the amnesty idea as he underlined that some of the mutineers deserved a second chance, given their indispensable role and credentials in the struggle against the insurgents<sup>171</sup>. For government, amnesty could never be an option - but not only due to its adherence to the recommendations of the Feliciano Commission. After 2004 Elections, the government become crucially vulnerable and unstable. Arroyo government’s legitimacy was harshly questioned by the opposition with allegations of electoral fraud. These allegations expanded the opportunity space for the rebel factions in the military. In January 2006, a group of rebels fled their detention cells claiming that Arroyo government was a bogus regime without legitimate grounds for ruling the country. The spokesperson of the YOUNG (Young Officers Union- New Generation, antecedent of the YOU) Lt. Col. Arsenio Alcantara stated that their escape was also a protest to reject Arroyo's favoritism and co-optation strategy which ‘rewarded incompetent and corrupt generals, including those involved in the 2004 massive electoral fraud’ (Alave & Bernardette, 2006).

---

<sup>170</sup> “Upon the recommendation of the AFP pre-investigation panel, President Arroyo ordered the release of 133 officers and soldiers who were found to have been misled into joining the Oakwood Mutiny” (“Oakwood mutiny timeline,” 2007).

<sup>171</sup> “These people have already proven their worth. What they did [at Oakwood] was wrong, but we should forgive them and give them a second chance. If they make the same mistake, then we will shoot them” (Antiporda, Canlas, Danao, & Torres, 2005).

Arroyo's second term in the office was marked by an unsurmountable conflict between two blocs in the Philippines politics which cross-cut the civil-military divide. While Arroyo had several high-rank officers behind her, an anti-Arroyo opposition -including rebel factions in the military- questioned not only the political actors but also the military support behind them - claiming that this military-civilian power coalition was crooked and it was an extension of Arroyo's corrupt network. Some civilian politicians -who formed an alliance for Arroyo's impeachment- openly gave their support to the military intervention of the 'reformist' factions within the military. For instance, Jejomar Binay, -Mayor of Makati City and the leader of cross-party movement called 'United Opposition'- and Bagong Alyansang Makabayan Chairman Carol Araullo held a press conference to announce their sympathy and solidarity with military groups against the no-longer-legitimate government<sup>172</sup>. Again, in February 2006, the officers who had escaped the prison previous month, called for a popular protest against the government<sup>173</sup>. Although the military commanders stated that a classical coup could not be possible any more, they provided some intelligence to the government about a 'destabilization plan' revealed in some documents found in the possession of the recaptured rebel Magdaló member, Lt. Lawrence San Juan. According to these documents, rightist groups and the leftist underground movement had forged a tactical alliance, with a common goal of overthrowing the Arroyo administration (Vargas, 2006). In response, the government announced state of emergency on February 24 and a widespread operation against a rebellion plan was launched.

---

<sup>172</sup> "We expect the military to do something. This government is not legitimate and majority of Filipinos want a new government, Bagong Alyansang Makabayan Chairman Carol Araullo said" (Domingo, 2006).

<sup>173</sup> "In the next several days, let us show and proclaim our displeasure at the sham regime. Let us demonstrate our disgust, not only by going to the streets in protest but also by wearing red bands on our left arm," the soldiers said in a message dated 13 Feb., stressing, "Let us show the establishment that we know the truth and will no longer put up with (its) treachery. In this way, we will also be telling (Mrs.) Gloria (Arroyo) that her stepping down from power is the first step towards genuine change," ("Philippine rebel soldiers call on people to join anti-Arroyo protests," 2006).

Makati Regional Court expanded the ongoing Oakwood Mutiny trials, with orders for the investigation and detainment of several congressmen and senators -including Senator Honasan. Government's struggle against the military factionalism included an extensive purge on officers who are allegedly-linked to the destabilization plan. However, tense relations between military rebels and government did not end. 2006 and 2007 were marked by speculations and investigations about 'hit lists' targeting politicians and secretaries, coup plots and rebel officers' protests.

Meanwhile, 2007 Senatorial Elections signaled crucial decline in the popular support behind Arroyo. The anti-Arroyo coalition -Genuine Opposition, successor of the United Opposition- had a huge success, and got 8 seats out of a possible 12, whereas the pro-Arroyo coalition could only get 2 seats. With regards to the normalization of civil-military relations, two candidates and their victories can be considered as a signal about how government's anti-coup discourse was received by the electorate. Antonio Trillanes -the leader of the rebel Magdalo faction and who was still detained for charges on Oakwood Mutiny when he announced his candidacy- was elected from the Genuine Opposition list. Besides, Gringo Honasan was re-elected after having run as an independent candidate. 2007 Elections results have been a test for the regime competitiveness too. Despite widespread and systematic fraud allegations regarding the 2004 Elections, the system was still competitive enough to make a catastrophic defeat for the incumbent coalition.

It is important to note that opposition's criticisms about the electoral competitiveness have been rather ambiguous, indeed. Despite the allegations of systematic fraud -which made Arroyo government illegitimate enough to be overthrown by rebel military factions in the eyes of some opposition politicians- trust in the elections was not lost. For instance, Magdalo rebel faction

leader Trillanes, who almost threatened the Arroyo government with an upcoming wave of rebel activism in January 2006, weeks before the launch of the ‘destabilization plan’ - announced that the elections were actually the only peaceful way left for a leadership change the very same year and therefore he would pursue his chance in the upcoming Senatorial Elections -after which he could become a senator<sup>174</sup>. His success paved the way to the politicization of rebel soldier’s grievances and their substantive representation in the conventional politics.

---

<sup>174</sup> “Lieutenant Senior Grade Antonio Trillanes IV, one of the leaders of the Oakwood mutiny, said on Thursday that the escape of their comrades was "just part of bigger things to come." (Vargas & Esteves, 2006); “I have arrived at this decision because I cannot helplessly watch the incessant rape of our people's dignity and our country's wealth," said Trillanes in a statement sent through e-mail. "I would like to pursue the advocacies we started three years ago in a different forum," he added; "I believe the elections are the only peaceful avenue left for the Filipinos to effect change in leadership of this country," (Vargas, December 9, 2006).

#### 4.4. Conclusion

In this chapter, two crucial deficiencies of the post-Marcos Filipino democracy and the analyses of major reform initiatives to overcome these deficiencies were presented. The ‘cacique democracy’ which severely decreases the participation and representation opportunities of everybody else but the strong families were partly alleviated through two reforms -namely the abolition of the anti-subversion law and the part-list system act. On the question of military factionalism and civil-military relations, which have threatened the governmental stability severely several times, two improvements were important: the dismantling of the Philippine Constabulary under Aquino and the incorporation of the AFP-CIG during the presidency of Arroyo.

With regards to the former issue, political parties’ weakness and their lack of institutionalization persist; and that strengthens the impact of powerful families and individuals in the political realm. A major law initiative to prevent and weaken political dynasties has not turned into a law yet, despite three decades of discussion and deliberation<sup>175</sup>. Additionally, the struggle for the normalization of the civil military relations remained partial and political fractionalization in the AFP has persisted as a potential threat to the democratic stability. Looking back to the history, it is important to note that major changes were possible partially thanks to the frameworks provided by presidential fact-finding commissions -namely Davide and Feliciano Commissions. However, the execution of their suggestions and proposals depended on presidents’ ability to come up with a cohesive discourse. Gloria Macapagal-Arroyo

---

<sup>175</sup> The fate of the long-awaited Anti-Dynasty Bill will be covered in the following chapter.

governments' legitimacy crises, corruption and fraud allegations restricted her capabilities to forge an inclusive cohesive discourse severely. During her presidency, the only major improvement vis-à-vis the control of intra-military mutiny and disobedience activities was the very formation of the AFP-CIG, for which a partial pro-change coalition could be formed between the government and the military.

In terms of organizational change, Aquino's success in dismantling the Philippine Constabulary has been a remarkable step for the separation of military and civilian coercive tools of the state. However, the impact of her 'anti-rebellion law' which defined and set sanctions for the crimes of military-coup and insurrection has been very limited and almost ephemeral. This was due to her successor Ramos' multilateral peace plan which granted an extensive amnesty to the Aquino-era mutineers. The detrimental effect of the Ramos' cease-fire plan was later observed in the revival of the military adventurism, first during the ousting of the President Estrada -i.e. the EDSA II and the new cycle of military uprisings targeting the President Arroyo.

Arroyo's 'no-amnesty' policy which aimed at undoing the effects of Ramos' plan was pretty short-lived and the signals for that were even visible when the electoral bloc formed against her had a smashing success in the Senatorial Elections. While Arroyo was obviously losing popularity, Trillanes and the rebel Magdalo group hardliners rejected plea deals as they claimed that they had not committed any crime. Trillanes -referring to his electoral success, emphasized that he had been 'acquitted by the people' and announced that he would not attend the trial anymore<sup>176</sup>. Meanwhile the no-amnesty coalition uniting Arroyo government, the AFP and the judiciary turned out to be not as solid and committed as it used to be when the investigation was

---

<sup>176</sup> "Today, I refuse to participate any further in this travesty of justice just as the GMA [Gloria Macapagal Arroyo] administration has lost all moral authority to render any judgment over me and my companions." (Galvez, 2008)

first launched five years ago. First, the AFP Chief General Hermogenes Esperon announced that he would recommend a pardon for the officers who ask pardon -if his opinion was asked. (Antiporda, Canlas & Samonte, 2008). Then, despite Justice Secretary Gonzalez reservations about showing clemency to mutineers, Assistant Chief State Prosecutor Richard Anthony Fadullon announced that the court would not object any presidential pardon (Debasupil & Luna, 2008). On May 28, 2008, following a vibrant debate on the future of detained officers over Oakwood Mutiny, Arroyo accepted to extend a conditional pardon to only those who plead guilty (Depasupil, Antiporda, Martin, Luna & AFP, 2008).

On the other hand, those who did not accept charges and ask for pardon intensified their politicization strategy, announcing that they ask accreditation as a political party, to make their voices and concerns heard in conventional politics<sup>177</sup>. Although the request was denied by the electoral commission at first due to group's credentials and potentials for allegiance to democracy and its possible attempts to threaten the democratic order, later the group was first recognized as a political party and then got representation in the congress after having competed as a party-list group. Benigno Aquino's election as president was the final blow to the anti-amnesty discourse in decline. The president-elect – former president Corazon Aquino's son- had previously been elected a senator under the umbrella of the Genuine Opposition, which included Trillanes -the leader of the military rebels. Within one month after his election, Aquino paved the way to the amnesty by shifting the predominant discourse in the executive chamber. He argued that Oakwood Mutiny or others which followed it shall not be considered as coup attempts, due to the fact that civilian residences and hotels are not listed among places listed

---

<sup>177</sup> “We understand that if we are to affect or pursue meaningful change in governance [we] will have to be part of [the] governance mechanism but we cannot do so if [we] are not elected. That's why we are pursuing this endeavor to be accredited as a political party based in the National Capital Region.” (David, 2009)

among locations to be treated as a ‘coup siege’ according to the Republic Act 6968<sup>178</sup>. Although this seems to be a plausible interpretation, it contradicts with the findings and the evaluation of the Feliciano Commission. Therefore, Feliciano Commission Report had lost its status of being the almost supra-political blueprint for the regulation of military-civilian relations in the Philippines -given the fact that the very narrative which it had presented on the incident that it had been commissioned for was challenged (Collas-Monsod, 2010). For Feliciano Commission, Oakwood Mutiny regardless of the location where it took place, was a full-blown coup attempt with objective of overthrowing the incumbent and replacing with another -which had a specific political agenda on its own. President Aquino’s pro-amnesty agenda had the majority support in the legislature. From Aquino’s perspective, mutiny was military officers’ ‘way of protesting the wrongdoings and injustices in the AFP’ (Curato, 2011, p. 24). Later, the Amnesty Resolution was signed by 17 out of 24 senators, although some senators interpreted the resolution as an ‘attempt to short-circuit the judicial system’ (Esguerra, Cabacungan Jr & Salaverria, 2010). In October 2010, The Senate Committee on Peace, Unity and Reconciliation approved a resolution concurring with the grant of amnesty to everybody involved in the Oakwood mutiny, the Marines standoff and the Manila Peninsula siege - all failed attempts to overthrow former President Gloria Macapagal Arroyo. Meanwhile, some actors sought to whitewash all of these mutinies on the grounds that Arroyo government was illegitimate. Some claimed that any attempt to overthrow her was legitimate and all officers who were involved in these campaigns not only be granted amnesty but also taken back to the armed forces. One of the leaders of the 2006 Marines Mutiny, argued that they “were simply questioning why some Armed Forces personnel were involved in cheating in the 2004 elections. That was not acceptable to them.”

---

<sup>178</sup> “(...)any military camp or installation, communications networks, public utilities or other facilities needed for the exercise and continued possession of power(...)” (Republic of the Philippines, October 24, 1990).



(Danao, 2010). However, from an objective point of view this discourse was not quite compelling. First, the beginning of the mutiny cycle predated the allegations of electoral fraud. Second, 2006 mutiny was a quite ‘late reaction’ for the rigged elections in 2004. Apparently, this was a post-Feliciano era in the Philippine politics -reminding of the Ramos’ amnesty which had overridden the Davide Commission report.

As of 2016, the mutinies of the military factions were white-washed to a great extent. A prominent rebel faction -namely Magdalo- turned into a political party. A presidential candidate revered the mutinous actions of the Magdalo in prior to becoming a legal political party, after getting its endorsement for the elections<sup>179</sup>. Despite these reforms, the ‘military problem’ in the Philippine democracy persists today. The rumors of coup plots for ousting the present populist president Duterte are still on the table as a serious possibility (Mangosing, 2016; Victor, 2016). On the other hand, the new president Duterte’s populist-nationalist discourse, policy plans and handling of the country’s drug problem suggest at the making of a new problem -a new variant of strong presidentialism, susceptible to undo the limited improvements in the Filipino democracy -including a conflictual revival of the Philippine Constabulary<sup>180</sup>. The latter example shows how these limited democracies are amenable to be hit by new and unprecedented ills, in

---

<sup>179</sup> “I am thankful for the support that Senator Antonio Trillanes has declared in the name of the Magdalo party. The courage of Senator Trillanes and the members of the Magdalo against the abuses and corruption in government and those who lead the previous administration is an important part of history” Senator Grace Poe – 2016 Presidential Candidate (Escano, 2015).

<sup>180</sup> “Noting that Hitler had murdered millions of Jews, Duterte said, “There are 3 million drug addicts (in the Philippines). I’d be happy to slaughter them.” “If Germany had Hitler, the Philippines would have ...,” he said, pausing and pointing to himself. “You know my victims. I would like (them) to be all criminals to finish the problem of my country and save the next generation from perdition.” [...] In August, Duterte threatened to withdraw the Philippines from the United Nations after it called for an end to the killings.” (Lema & Mogato, 2016); “The police force will be supplemented through another project coming up...the Philippine Constabulary may be reactivated,” Abella said in a Palace briefing. [...] “The plan of President Rodrigo Duterte to revive the Philippine Constabulary (PC) ... is a vestige of martial law even as it is unconstitutional,” Lagman (*congressman*) said. Lagman said Duterte’s plan violates Section 6, Article XVI of the 1987 Constitution which states that: “The State shall establish and maintain one police force, which shall be national in scope and civilian in character, to be administered and controlled by a national police commission.” (Corrales, 2017).

addition to those which persist. Such historical evolutions of these democratization episodes, makes issue-based classifications of these hybrid regimes very vulnerable across time.



## CHAPTER V

### CONCLUSION

#### A recapitulation and an epilogue

This very last chapter has two objectives: first, a recapitulation of the theoretical and analytical contribution of this research, based on the analyses of three persistent failure episodes, which provide several instances of ‘near misses’<sup>181</sup>. These will enhance and strengthen the suggestions of the analyses presented so far in two ways: (i) the analytical priority given to the understanding of partial reform processes instead of wholesome institutional changes will be justified empirically, by illustrating how and why the latter is so hard, (ii) the importance of ‘the cohesive discourse’ as a necessary factor for democratic reform processes will be emphasized. To this end, the analyses of three major failed reform processes will be presented<sup>182</sup>. First, Turkey’s failed attempt for a consensual constitution making will show how different political actors with diverging political lenses and priorities fail to forge an all-encompassing legal framework,

---

<sup>181</sup> “Whether the ‘near-miss’ outcome is the result of predominantly structural and impersonal conditions or the product of essentially exogenous decisions and events, it is important to underscore that such “negative-case” episodes are fully amenable to empirical study: Plausible, near-miss counterfactuals can be supported by historical evidence as much as “factuals” (e.g., Lebow, 2000a). Reconstructing the motivations and structural forces shaping pivotal decision makers in a narrowly failed reform can be empirically investigated as much as the study of events that actually happened (Fearon, 1991; Lebow, 2000b; Levy, 2008; Tetlock & Belkin, 1996; Turner, 1999)” (Capoccia & Ziblatt, 2010, p. 943).

<sup>182</sup> The analysis of three failures is considered as an opportunity to enrich the findings and analytical frameworks suggested, based on the analysis of the successful -or at least partially successful- reforms. These failed episodes, including some instances of ‘near misses’, have the potentials for yielding additional insights and providing avenues of further reconsideration and recapitulation.

namely a constitution. This will be followed by the analyses of two persistently failing reform processes which are essential for the democratic deepening in Turkey and the Philippines, where the strength and institutionalization of the political parties which are the vital components for democratic consolidation diverge drastically. In addition to this recapitulation effort through the analyses of the failed reform episodes, analytical and theoretical propositions and limitations of this research will be briefly discussed, with a dialogue with key concepts in the institutional change literature -to reckon the direction this research might further developed into.

The very first section on the new constitution making initiative, will demonstrate how hard it is to have an inter-party consensus on the rules of the game, as the differences among political parties with respect to their evaluation of the political history and their calculations for the maximization of power in the prospective system -which they are building themselves- lead to unsurmountable divergences on their preferences of institutional design. For instance, while ‘decentralization’ of the administrative system is a sine qua non condition for a party it is unthinkable for another. On the other hand, the ‘presidentialism’ is the only effective remedy for the ‘defective’ system from an actor’s perspective, whereas it would be detrimental from another’s point of view. Therefore, a maximal institutional restructuring –like the making of a new constitution- is almost impossible, once a competitive system where the actors with alternative political views and calculations emerge. In that sense, this case supports this study’s prioritization of the partial reforms instead of all-encompassing change initiatives in democratic consolidation processes, as the latter are very rare, extraordinary and very likely to fail.

In the two failed partial reform episodes, we observe how reforms are blocked by the political elite either in a strong interparty competition environment or in a weak party setting. Throughout the persistent failure of the 10% threshold reform, we observe that the competition among

political parties which seek to maximize or preserve their advantage in the rules of the game is decisive; whereas in the Philippines' Anti-Dynasty Bill, the vested interest shared by the political class for the status quo in a weak party environment seem to be the major obstacle.

### **5.1. Turkey's Failed Constitutional Reconciliation Commission**

Turkey's transition process was planned and executed by a military authoritarian elite, who had taken over the political control of the country for a limited time. There was an interim authoritarian government –which claimed to reorder and restructure the system to overcome the ills and weaknesses of the previous one. In that sense, it was not a long-term authoritarian rule which sought to perpetuate itself –as opposed to Marcos' personalistic dictatorship. In the history of modern Turkey, this was not the first time when the Turkish Armed Forces (TSK) ousted a civilian government and stepped in to 'give an order' to the political realm and system. Only 20 years before the 1980 military coup, following a junta's initiative within the military, military had overthrown the Democratic Party government led by the Prime Minister Adnan Menderes – later executed with two other cabinet members after a much contested post-coup trial. During the military rule's reconstruction endeavor in 1960-1, military rulers had introduced several institutions –to rectify the 1924 Constitution which had not set an institutional backbone amenable to a competitive democratic regime- like the Constitutional Court and the State Planning Organization. Additionally, it had left its mark on the entire state design with an updated overarching legal framework –namely the 1961 Constitution. Although the new political system had several improvements with regards to the checks and balances and social rights, it had curtailed the elected officials' ability to steer the political processes by

dividing the legislature into two chambers and empowering the civilian and military bureaucratic classes.

After the 1980 military coup, The Committee of National Security, CNS, the executive body of the interim military authoritarian regime, emulating the 1960's military authoritarian elite's strategy, commissioned a constituent assembly –i.e. 'Advisory Assembly', *Danışma Meclisi in Turkish*, for drafting a new constitution. However, there was a significant difference between the constituent assembly of the 1960 military regime and the Advisory Assembly. Contrary to the 1961 experience, not only a specific political party, but entire political class was excluded from the process. Under these circumstances, although the constitution draft was prepared by the academics and state elites formally; the ruling military elite had an uncontested steering power and final say in the making of the constitution. Given some major institutional deficiencies diagnosed in the Chapter II, the post-transition politics in Turkey has been heavily marked by a constitutional reform and new constitution debate, almost as soon as the new constitution was put into force.

Within three decades after its ratification, 1982 Constitution was partially reformed, by several issue-specific changes which were analyzed in the Turkey chapter, and by three eclectic constitutional reform initiatives which took place under three different governments: first one was the DYP-SHP coalition government's 'democratization' initiative (1991-1995), second one was the DSP-MHP-ANAP coalition government's 'Europeanization' opening (1999-2001), the last one was the AKP government's constitutional package for the 'undoing of the 1982 order' (2007-2010). In addition to the content-wise eclecticism, all three reform processes share a timing-wise similarity. The preparation phases coincide with electoral cycles. While the first one is shaped in parallel to the 1991 General Elections –which led to the first-ever incumbent

change of the post-1982 Turkish democracy, the second was started in the aftermath of the April 1999 General Elections. Finally, the last one was brought up by the ruling AKP after the 2007 General Elections which renewed party's mandate, as the party acquired a majority in the legislature for the second time.

The eclectic character of the contents actually stems from the nature of the political processes. First, all reform processes were initiated by some political actors which were more concerned about particular deficiencies of the present system. For instance, the social democratic SHP was more sensitive about the restrictions over the social rights –such as the right to strike, trade union membership for public servants- during the 1991-1995 reforms; whereas the Islamic-conservative AKP which faced the resistance of the secularist-conservative judicial bureaucracy on the religious-freedom related reforms, had a priority to reshape the composition and the jurisdiction of the judiciary<sup>183</sup>. Besides, the contents of the reform packages were susceptible to change during the parliamentary deliberations, as the pro-change actors which initiate the constitutional reform had to seek the support of other players. The DYP and SHP, which had

---

<sup>183</sup> For instance, the AKP's Islamic conservative electorate was suffering from the restrictions on the Islamic headscarf in the public institutions for decades –even more so following the February 28 process in 1997. The ruling party had agreed on a constitutional reform to guarantee the freedom of headscarf with the MHP in 2008. However, following the secularist-republican CHP's appeal, the Constitutional Court –composed of a pro-secularist majority- overturned the reform package on the grounds of its contradiction with the secular principles of the republic. (See: Türkiye Cumhuriyeti. 2008, October 22). In a similar fashion, the judiciary was a veto player during many other successful or failed reform processes –especially in those which seek institutional and organizational restructuring of the state. Ömer Dinçer, a former minister and then-undersecretary of the Prime Minister's office, penned down a book on the failed administrative system reform (2003-2007), which aimed at a limited decentralization. According to Dinçer, the judiciary was one of the key components of the 'pro-status-quo alliance' which block and veto each and every reform plan in Turkish politics. After a workshop held together with the judges of The Turkish Council of State –i.e. Danıştay, the representatives of the judiciary argued that the law initiative would violate the *spirit* of the unitary state system [Emphasis added] (Dinçer, 2015, p. 50). Following the 2010 Constitutional Reforms, the AKP implemented a series of reform to lift the ban on headscarf in public sector, even in the military. None of these have yet been challenged by the post-reform high-courts, where composition of the councils have changed drastically. However, the then-failed administrative reform, which the AKP was pushing for so eagerly at the beginning, was cancelled. The centralized administrative system persists and the ruling party did not have it in its agenda as of 2016.

created a democratization program, as an extension of their coalition protocol in 1991; felt the need to narrow down the content of the reform and excluded some major changes regarding two problematic institutions of the Turkish democracy –namely the National Security Council and the powerful presidency- to maximize the chances of an interparty agreement in the parliament and to minimize the resistance of potential veto players such as the TSK<sup>184</sup>. Moreover, further fine-tuning was necessary during the parliamentary commission deliberations –which prioritized the interparty consensus and content-wise compromise in order to achieve a qualified majority, needed for the constitution amendments. For example, the 1995 constitutional reforms had a tense debate on the labor rights. While the center-left coalition partner CHP was eager to extend them as much as possible, its right-wing partner DYP –particularly its commissioner Coşkun Kırca- was known to be strongly against the unionization rights in case they included strike and collective contract provisions. He argued that these were not democratic requirements, and many consolidated democracies –such as the U.S., Denmark, Switzerland, Austria...- do not grant them to the workers constitutionally (Gülmez, 1999, p. 14). Kırca’s argument clearly questions the very compatibility of a specific content with the initial cohesive discourse - ‘democratization’ in this particular case.

In 2011, a window of opportunity was opened for the making of a new constitution. All four political parties which were to be represented in the parliament – i.e. AKP, CHP, MHP and the Labor and Freedom Bloc of independent candidates, later to form a parliamentary group under the banner of the BDP, with a pro-Kurdish outlook- had suggested to make ‘a new constitution’

---

<sup>184</sup> During the Q&A for the Democracy Package, Deputy PM Erdal İnönü was asked why National Security Council and the presidency were not included in the reform package. In his response, Inonu underlined that they would seek consensus for the constitutional reform, henceforth the government parties –which had different views as well- decided not to bring up these two institutions to gain the support of other political parties. However, limiting presidential powers was a part of the initial DYP-SHP democratization pact. See “Devrim gibi,” (1991) and “Demokrasi paketi hazır,” 1992 for further details.



in their electoral programs. The incumbent party AKP –which acquired a parliamentary majority- was working on several drafts for years and was very willing to substitute the 1982 constitution prepared and ratified under the military authoritarian regime with ‘a new, civilian and democratic’ constitution – pluralist and liberal in character (Adalet ve Kalkınma Partisi, 2011). Therefore, the party paved the way for the formation of a Constitutional Reconciliation Commission –where all four political parties in the parliament would be represented equally, and prepare a draft constitution consensually. On October 19, 2011 the Commission started to convene regularly and initiated a ‘participation, data collection and evaluation phase’ – during which 160 civil society organizations, university and union representatives are heard by three sub-commission. Besides, the Union of Chambers and Commodity Exchanges of Turkey (TOBB), one of the oldest business interest groups representing the commerce circles, organized a series of events across Turkey, in order to collect nationwide views and demands to complement complementary to the sub-commission hearings, in interaction with the commission. Additionally, thousands of associations and civil society organizations submitted their views, requests and demands with respect to the new constitution via internet. Finally, the process is enriched by reports analyzing the constitution making processes across the globe.

Following this initial phase, which the representatives of the political parties tend to laud, the political parties prepared their drafts based on an outline designed by the commission. Later, the commissioners were to convene regularly to seek consensus and write tentative articles for a draft on which political parties were expected to converge. However, overall process took 26 months with no prospects of consensus by the end of 2013 – although a consensual draft had to be delivered by the end of previous year. On December 25, 2013 the commission convened for the last time under the presidency of Cemil Çiçek, the Chairman of the TBMM, who announced

that the commission was no way near delivering a draft, and it would not succeed in preparing a consensual draft. So, he called off the meeting and stated that the commission would not convene anymore and the political parties would be informed on that soon (“Anayasa Uzlaşma Komisyonu feshedildi,” 2013). Therefore, the first attempt to make a new constitution was a failure despite a very fruitful preparatory phase during which not only the political parties but also several civil society organizations, trade unions and citizens’ initiatives showed their willingness for a brand-new constitution.

Following the consecutive general elections, the period between which was marked by failed coalition negotiations between the AKP and CHP and the escalation of violence and conflict following the PKK’s executive leadership organ KCK’s call for the formation of autonomous regional governments and defense units in several Kurdish-majority towns, the AKP attained a parliamentary majority. A few weeks after the inauguration of the new legislative year and the formation of the new government in December 2015, PM Ahmet Davutoğlu announced that a new constitutional reconciliation commission would resume the constitution making initiative, from the very point where the previous one had left. After the nomination of the party commissioners, three from each of the four political parties represented in the parliament, the commission convened on February 4, 2016 for the first time. However, the new commission was very short-lived. The initiative collapsed in the third meeting of the commission, on February 16, 2017. The apparent explanation for the failure was the severe divergence between the incumbent AKP and the main opposition party, with regards to the former’s insistence for the transition to a presidential system. After the last meeting, both parties accused each other harshly. While the CHP representatives argued that the AKP was after abusing the process insidiously, and rejected to give up on its presidentialism project; the AKP’s spokespeople

emphasized that the CHP was trying to block the society's demands for transformation and insisting on the preservation of the status quo ("Anayasa Uzlaşma Komisyonu 3. toplantısında dağıldı," 2016). In this section, I will analyze the factors which led these two new constitution-making processes to failure.

The analyses of the commission outputs, statements of political party representatives and the interviews which I conducted with the members of the second and very short-lived constitutional commission suggest that there are very deep, unsurmountable political divergences among four political parties with respect to their evaluation of the political history and their vision of democratic system design –which they suggest based on the former. These deep divergences make a content-wise consensus almost impossible and are clearly reflected on two major questions, first one was citizenship and the second was political and administrative systems design. On the political system design, the incumbent AKP and the main opposition CHP; with regards to the question of 'citizenship' pro-Kurdish BDP/HDP and the Turkish nationalist MHP are antagonistic dyads. AKP's and BDP's major organizational suggestions, namely transition to presidentialism and decentralization of the administrative structure consecutively, further isolated them as they even failed to achieve partial alliances. Hence, the prospects for consensus in the commission were drastically bleak.

In a televised interview, a few days before the collapse of the second reconciliation commission, Cemil Çiçek, former chairman of the TBMM who concluded the previous commission's mandate and now one of the AKP's representatives at the second commission, stated that Turkey had an enormous inventory and preparation with respect to data and opinion collection during in the previous attempt. Although there has been consensus in 43 issues out of 63 in the fundamental rights and freedoms, he underlined that there's too much to be done especially on

Table 5.1. - **Political parties' individual suggestions and concerns**

Article	Issue	Party	Suggestion and concern
3	Equality	MHP	Reference to ethnic background is unnecessary
6	Children's rights	BDP	Cultural and language rights should be included in the provision
15	Freedom of conscience and religious rights	CHP	Religious education courses should be elective, curriculum should reflect the diversity of faiths
		CHP	No one is allowed to use religious interpretations for social pressure and politics
		BDP	Affirmative action for disadvantaged faith groups
16	Freedom of expression	BDP	National security should not be grounds for restriction
17	Right to education	CHP	Principles of education: secularism, pluralism, liberty and gender equality
		CHP	Turkish as the only medium of education, freedom of linguistic courses in local languages
		MHP	Turkish is the only medium of education, education in foreign languages is possible based on international agreements
		BDP	State should guarantee access to education in mother tongue
18	Freedom of press	BDP	There should be no restrictions regarding 'national security'
23	Freedom of association	BDP	No restrictions for the sake of 'public order' and 'national security' -despite the consensus among three parties on judicial process to be followed
25	Right to a free trial	BDP	In a language of his/her preference
		MHP	No constitutional provision, access to translation should be guaranteed by law
29	Citizenship	MHP	The name of the citizenship should be 'Turkish citizenship'
		BDP	One can never be deprived of the citizenship
30	Right to vote and political participation	BDP	Against the restrictions on prisoner's right to vote
31	Right to form political parties	AKP	No restrictions at the constitutional level, details to be determined by law
		CHP	Restrictions on: the violation of the principles of the secular republic and integrity of the state, call to violence and criminal activities, racism, pluralist democracy, human rights and rule of law
		MHP	Restrictions on: the violations of the principles of the secular republic and integrity of the state and the nation, terror, activities to instigate hatred at the social level, human rights and rule of law
		BDP	Restrictions: on the violation of democratic constitutional system, rule of law and human rights; call for war, xenophobia, discrimination and hate crimes
		BDP	Parties can be closed down only for the violations of the constitutional principles at the programmatic level, parliamentary approval to start the judicial process requires a qualified majority vote of an evaluation commission where all political parties are equally presented (whereas other political parties adopt a parliamentary approval mechanism through a general session vote'
		AKP	An impartial committee (i.e. public officers' referees) intervenes, in case the parties fail to converge on a deal during the collective agreement negotiations. The decision of the committee is void as a deal.
		AKP	Right to strike is limited to the workers.
45	Right to truth	BDP	Access to public information with no restriction, as a constitutionally guaranteed right, state is under the obligation of incorporating necessary bodies, no temporal limitation for the trial of crimes against humanity and genocide (While the CHP doesn't give a support, the AKP and MHP
57	Right to mother tongue	BDP	Education in mother tongue, all public services shall be provided and enjoyed in mother tongue

the sections like systems design (Çiçek, 2016). However, the analysis of the commission studies output shows that even the fundamental rights and freedoms section was severely marked by the lack of consensus on politically very significant issues (see *Table 5.1.* and *5.2.*).

**Table 5.2. - Concerns and issues on which parties partly agreed without consensus**

Article	Issue	Parties	Suggestion or concern
14	Freedom of movement and right to travel	CHP and BDP	"substantial doubt" is a requisite for restrictions
15	Freedom of conscience and religious rights	CHP and MHP	religious education should be under state's supervision
		AKP and MHP	compulsory religious education
		CHP and BDP	fair distribution of public resources among faith groups
18	Freedom of press	AKP and MHP	Restriction based on 'common morality'
25	Right to a free trial	AKP and CHP	in a language he/she understands
29	Citizenship	AKP and BDP	'citizenship' instead of 'Turkish citizenship'
30	Right to vote and political participation	AKP and MHP	electoral rule to be determined around two principles: 'fair representation' and 'governmental stability'
		CHP and BDP	only constitutional principle for the electoral rule is 'fair representation'
31	Right to form political parties	CHP and BDP	gender quota
		AKP and BDP	fiscal supervision of the political parties by the Court of Accounts
		CHP and MHP	fiscal supervision of the political parties by the Constitutional Court

With regards to the citizenship, while the MHP was strongly supportive of the preservation of the monolingual features of the state and emphasis on Turkishness of the citizenship (e.g. Article 3, 17, 25, and 29), the BDP's suggestions were in the opposite direction. In addition to these strong disagreements on these topics, the latter was pushing for an additional article on right to mother tongue (Article 57) which no other party gave support for. On that matter, the AKP and CHP were more open to compromise, both parties had a tendency to 'neutrality' with regards to ethnic and linguistic rights –without suggesting additional restrictive or enabling provisions. The only biparty agreement between the latter two was about the language

provisions in the Article 25, regulating the right to a free trial. Regarding the name of the citizenship, while the AKP was after a neutrality, the CHP was ready to accept both the MHP's emphasis on 'Turkish' citizenship and the ethnicity-neutral labelling. The AKP's readiness to remove the 'Turkish' from the title of the citizenship article was criticized by one of the MHP commissioners during our interview, as he argued that "they avoid calling the name of this nation, although they keep on propagating 'one flag, one homeland, one nation, one state'" (M. Parsak, personal communication, March 1, 2016). The major difference between the AKP and the CHP is about the freedom of conscience. While the AKP shares the view of compulsory religious education with the MHP, the main opposition party CHP adopts some sort of a pluralist flexibility under the state supervision (see the Article 15 in *Table 5.1. and 5.2.*).

It is noteworthy that even this section –where the parties are thought to have achieved a significant consensus- is full of disagreements due to references to particular institutional and organizational references, which are very relevant to the question of democratization. For instance, the BDP was asking for a constitutional provision for 'right to truth' which requires the implementation of an access to public information agency with 'no temporal limitation for the trial of allegations for genocide and crime against humanity'. This has remained a very controversial suggestion and was not supported by any other political party in the writing phase (Article 45)<sup>185</sup>. BDP's other significant concerns –which was not shared by any other party was the question of 'national security' which they wanted to be removed as a ground for restriction

---

<sup>185</sup> The party is an exception in the Turkish politics, for its demands and position on the allegations of crimes committed by state against various ethnic groups at different time periods. The most significant of these are related to the allegations for the 1915 atrocities against the Armenians –which the party calls as 'the Armenian Genocide' and the war crimes claimed to be committed by the Turkish Armed Forces during its struggle against the PKK. The latter issue triggered further tension in the commission meeting, the MHP representatives asked for the removal of the allegations of war crime from the verbatim –although the commissionary principle was a total freedom of speech during the sessions. (Karabağlı, 2013; "Baluken 1915 Soykırımı İçin Meclis Araştırması İstedi," 2013).

in several political rights (see the articles 16, 18, 23). The BDP's significant difference is reflected in the number of major individual suggestions shown in the Table 5.1. While the BDP puts 11 suggestions on the table, the total of other parties' individual suggestions and concerns is 10. The party converged on 4 points with the CHP and 2 points with the AKP (see *Table 5.2*).

In terms of political rights and freedoms, major divergences in Article 30 and 31, are very significant indicators for these parties' visions of and expectations from representative politics.

In the Article 30, the commissioners are clearly divided by the left-right cleavage –as the CHP and BDP converge on the emphasis on the 'fair representation' as the sole reference for the electoral rule, the AKP and MHP preserve the twin-criteria of 'fair representation' and 'governmental stability'. As it is going to be discussed later in this chapter, the latter criterion serves as the justification of the 10-percent national electoral threshold –which the BDP and CHP have been urging to revise through several law initiatives which they submitted to the TBMM, with a bunch of alternatives varying between 5 percent and no-threshold. Apparently, the AKP and MHP are seeking for a justification to preserve the threshold from a right-based perspective. In the section where the legislature's formation, composition and the authority are defined, in line with the divergence in the Article 30, the BDP and CHP, suggest 5% and no-threshold as a constitutional provision, none of which is supported by neither the AKP nor the MHP (Article 64).

The Article 31, defines the grounds for a major political freedom, 'right to a political party'. The major divergence in the article is about the restrictions about the political parties' programs and objectives. On this matter, there is no consensus or partial convergence among political parties. While three political parties suggest restrictions according to their political priorities, the AKP

imposes no restrictions at the constitutional level<sup>186</sup>. The incumbent's preference to regulate some issues at legal level, instead of constitutional level is understandable. As the party has a legislative majority; it would be able to pass laws to regulate these issues with a minimal or even no compromise. So, the fact that the AKP has the least number of individual proposals among all parties is a rational strategy. The party has the legislative power to regulate 'details' all alone or through post-ratification amendments which is even possible with minimal legislative coalitions, whereas the opposition parties are under the pressure of getting as many compromises as possible from the incumbent, which holds the majority of the seats in the legislature<sup>187</sup>. The key issue which the incumbent seeks to take under the constitutional guarantee is the limitations on the social and economic rights (Article 38).

Political parties' views about what to consider as 'necessary' and 'unacceptable' even in the section on the individual rights and freedoms show the divergence among them and it was even wider regarding the system design: The most striking differences are about (i) the administrative structure and (ii) the design of the executive branch and separation of powers. Regarding the administrative structure, the BDP was pushing for a multi-level decentralization and a strengthened regional governance scheme. On the executive branch, the AKP was after a shift to the Presidential system. As the output of the Commission's studies reveals by the end of 2013, the latter issue was refused to be negotiated by the CHP –on the grounds that this was a suggestion which would change the political system design entirely. In the short-lived second

---

<sup>186</sup> While the propositions of the CHP and MHP converge to a great extent vis-à-vis the constitutional principles of the secular republic, major difference between these two parties is about MHP's distinctive emphasis on 'terror' and 'integrity of nation' as the Turkish nationalist party's major concern is pro-Kurdish party politics, which it argues to be inseparable from the terrorist organization PKK. On the other hand, the CHP proposes additional provisions such as the prevention of (1) the violation of 'pluralist democracy' and (2) call to violence. BDP's priority is regulation of the political discourse –provisions against hate speech, call for war, xenophobia and discrimination. The only feature of the state, that a party is prohibited to challenge is 'democracy'.

<sup>187</sup> The number of individual suggestions of parties are as follows: AKP 3, CHP 4, MHP 5 and BDP 11.



attempt, the CHP brought up the issue of presidentialism as a precondition for the continuation of commission's conventions. As the gridlock between two parties was not resolved, the preference between presidentialism and parliamentarianism has been the final blow to the inter-party constitution-making endeavor—which could only achieve consensus on 60 articles in four years.

The CHP's resistance to presidentialism has both retrospective and prospective grounds. In the interviews which I conducted after the collapse of the commission in February 2016, CHP representatives underlined that the parliamentarian system was the fundamental backbone of Turkey's democratic legacy which predates the Republic. One of the CHP commissioners emphasized that, had Turkey not lost the World War and not adopted republicanism in the aftermath, it would actually be a democratic parliamentarian monarchy, given the trajectory which Turkish polity started to follow since the 19<sup>th</sup> century (B. Tezcan, personal communication, March 4, 2016). They argue that the strong presidency was one of the major defects of the post-1982 democracy, and this has been in contradiction with the very logic of the classical parliamentarianism. It is necessary to underline that the party's –and its predecessor SHP's- position was very clear on the preservation of the parliamentarianism throughout 1990s, and it showed its prospective commitment for the 'strengthening of the parliamentarian system' in the 'new constitution' section of the 2011 Electoral Program (Cumhuriyet Halk Partisi, 2011, pp. 9-10).

On the other hand, the AKP's plans for transition to presidentialism were pretty new, compared to the party's long-term commitment for making new constitution. The party had had a constitution draft prepared by a non-partisan commission under the presidency of Professor Ergun Özbudun in 2007. The latter draft sought to consolidate the parliamentarian system,

which was considered to be derailed by the 1982 Constitution which had empowered the president in an unusual way, in the standards of the conventional parliamentarianism. The intense debate around the possibility of a system change under the AKP governments began as late as 2010, during the constitutional referendum campaign. In a televised interview, AKP leader and the PM Erdoğan, stated that Turkey should be ready to discuss the possibility of switching to presidentialism, which is falsely equated to a one-man regime or caliphate (Erdoğan, 2010). A few days later, the Chairman of the Parliamentary Constitutional Commission, Burhan Kuzu of AKP, raised the idea that the presidentialism is the only efficient system design for Turkey (“En sağlıklı model başkanlık,” 2010). Within a year, the system change became a priority for the incumbent, despite the initial opposition within the party – which had been very visible in the national media. In 2011, the system change was known to be brought to the parliament as a priority after the upcoming general elections (Hasan, 2011).

In November 2012, the AKP submitted its proposal for a presidential system design to the Constitutional Reconciliation Commission, although all other parties were for a reformed parliamentarian regime, where the presidential powers would be curtailed compared to the present system. From other parties’ perspectives, the AKP’s insistence on the presidentialism had multiple reasons. The CHP representatives, whom I interviewed, referred to the “tradition” of right-wing parties: “whenever the leader of a right-wing party is elected president, he seeks to avoid power-sharing and become the head of government too”. This interpretation actually overlaps with the history. For instance, once Özal’s term in the office started, his former political party ANAP and Özal himself brought up the issue of presidentialism several times. Özal’s major argument was about the discrepancy between the vast authority which the 1982 Constitution grants to the president and the president’s democratic weakness due to being

elected indirectly by the parliament. During his visit to France, Özal made references to the semi-presidential system in France, where the presidential authority is equivalent to the system in Turkey. He underlined that the French president had a democratic legitimacy and vertical accountability due to direct popular election (Sever, 1990). According to him, direct popular election of the president is the inevitable remedy for the normalization of the post-1982 Turkish political system –whether the system is redesigned entirely in conformity with the classical presidentialism or not. However, the 2007 Constitutional Amendments implemented this change, which Özal had wished for years ago, but did not end the presidentialism debate<sup>188</sup>. On the contrary, this change –which both CHP and MHP had opposed to in their referendum campaign, was stated as a critical step which persevered the systemic anomaly by the CHP and MHP commissioners during our interviews<sup>189</sup>. In addition to these historically informed evaluations, all commissioners of the opposition mentioned President Erdogan’s will to power,

---

<sup>188</sup> In 2007, President Ahmet Necdet Sezer’s was about to end and Turkey drifted into a severe political crisis on the election of a new president. The pro-secularist military bureaucracy and the CHP -main opposition party in the Parliament- emphasized that the incoming president’s worldview should be in conformity with the principles of the secular republic. In this context, whether the presidential candidate’s spouse was wearing Islamic headscarf or not became a top issue. The AKP, refused to take these criteria into account and Abdullah Gül was announced as the presidential candidate of the party. During, the parliamentary voting process, the CHP boycotted the general sessions and this escalated the tension. In the first round of the election process, the candidate who would get the vote of a 2/3 qualified majority would be elected president but due to the CHP’s boycott, the number of MPs who participate in the voting was less than 367 –which corresponds to the qualified majority sought for the election of the president. Then, the Constitutional Court, based on the CHP MP’s appeal, ruled that voting process cannot be started unless there is 367 MPs attend the general session. (Türkiye Cumhuriyeti, June 27, 2007) Following the court’s ruling, the AKP initiated a constitution reform process in order to switch direct election for Presidential elections, instead of the parliamentary voting which had ended up with a gridlock in the recent case. The amendment was adopted by a referendum (68.97 % voted for ‘Yes’).

<sup>189</sup> It is important to note that the MHP commissioners were clearer about the process which led to this constitutional change –whereas the CHP representatives were slightly ambiguous about their party’s role and involvement during the pre-electoral crisis. For Kadir Koçdemir (personal communication, March 3, 2016) of MHP, the present anomaly stemmed from the direct democratic legitimacy which the president assumed. The only way for normalization would be cancellation or undoing of the constitutional reform, once the previous president could be elected by a parliament voting after the 2007 General Elections, following the change of the parliamentary composition. After the latter elections, the MHP got representation in the parliament as it could surpass the nationwide electoral threshold. The party decided to attend the general sessions during the voting for the presidential elections. As the attendance was above the required minimum previously set by the Constitutional Court ruling, Abdullah Gül could be elected president by the votes of the AKP MPs.

and his wish to accumulate the entire executive power in his hands without sharing it with a Prime Minister, even if the latter would be from his -former- political party. Apparently, this interpretation was not baseless at all, given the fact that ‘ending the inefficient two-headed government’ was Erdogan’s most frequently pronounced justification for to presidentialism (Özer, 2015). Apparently, by 2016, both the incumbent and the opposition parties converged on the view that present system was untenable. However, the remedies they suggest diverged drastically, while the opposition parties were for the ‘undoing’ of the anomaly by stripping away some significant authorities from the president –and repositioning it according to parliamentarianism; the AKP assumed the direct vote and the present authorities given to the president as the benchmark upon which a presidential system should be built.

On the question of citizenship, the BDP/HDP’s loneliness seems to originate from its historical perspective which deviated from all other parties’ views. Therefore, the remedies suggested by the party in the commission were radically different from its interlocutors. For the BDP/HDP, there seems to be some proverbial elephants in the contemporary politics –which no one wants to talk about and which actually are vestiges of a series of grave errors, false preferences and systematic crimes committed in the history<sup>190</sup>. Built upon that perspective, the party’s proposals of decentralized administration and multicultural citizenship remain marginal and almost non-negotiable in the eyes of other political parties. As reflected in their suggestions for the preamble, these parties’ – CHP and MHP in particular- vision of contemporary politics rely on

---

<sup>190</sup> During our interview, Garo Paylan (personal communication, March 3, 2016), an HDP commissioner, presented a dense narrative of Turkish political history, marked by state-initiated massacres and atrocities as an extension of assimilationist nation-building policies, under ‘a monist paradigm’ as he calls it, still being committed against particular ethnic groups –i.e. the Kurds. Besides, Paylan was the only commissioner who refrained from naming a single institutional change or reform which contributed to the Turkish democracy positively. He argued that the partial reforms failed to create meaningful change in the Turkish politics and underlined that such reforms can be reversed anytime unless a common understanding of political conviviality is adopted.

a very heroic and positive historical narrative as opposed to the BDP/HDP's pejorative and gloomy depiction of the very same historical episode.

From the extremely opposite point of view, the MHP, with a significantly different historical narrative, suggests forging a completely 'antiethnic' national unity, which is perceived as discourse of 'denial' and non-recognition by the BDP/HDP. Koçdemir (personal communication, March 3, 2016) of the MHP, argued that had there not been a sense of 'national unity', very democratically designed political entities fail to generate democratic outputs, "as it has been the case in the European Union where democratic participation mechanisms do not work due to the question of democratic deficit".

As of late February 2016, these deep divergences proved to be unsurmountable once again. The second Constitutional Reconciliation Commission politically collapsed, after the CHP brought up three necessary conditions for the continuation of meetings –first, extension of the scope, so that not only the constitution, but major laws which are defective from a liberal democracy perspective will be evaluated and rewritten by sub-commissions synchronically; second, preservation of the immutable principles of the present constitution and finally, adoption of parliamentarianism as the common ground for the system design. The AKP's response was negative.

Following the failure of this second initiative, the future of a new constitution was uncertain. In 2013, the AKP had brought up the idea to initiate a partial reform process based on the 60 articles, however this suggestion was rejected by the CHP ("AK Parti'nin '60 Maddeyi Geçirelim' Teklifine CHP'den Ret," 2013). In 2016, the CHP brought up a similar idea of partial reform –which the AKP stood against this time ("CHP'li Böke'den Anayasa Uzlaşma Komisyonu açıklaması," 2016). That has been the strategy adopted after the failure of the state

reform initiative in Mexico, where a similar reconciliation commission –called ‘Comision de Estudios para la Reforma del Estado’ was formed in 2000. However, the failure to bring a common and consensual draft on all issues discussed by the commission did not lead to a dead end. The reform process, which was executed through sub-commissions, provided partial reform suggestions, some of which were reconsidered and evaluated one by one. However, making a new constitution is a very different and harder task. Constitutions –by nature- are inherently indivisible frameworks and the partial implementation of outputs generated by a commission may lead to problems of internal incongruence and inconsistency. One of the MHP commissioners, addressed the ‘impossibility’ of the partial implementation of consensual output saying that “if there’s no consensus on everything, there’s no consensus on anything. Partial implementation of some provisions may lead to unsustainable and inefficient institutional and organizational designs” (M. Parsak, personal communication, March 1, 2016).

According to İyimaya (personal communication, March 1, 2016), commissioner of the AKP, his party was ready to resume the process on its own, but would seek an ‘imagined reconciliation’ on the unresolved disputes by assuming and considering other party’s potential positions on contentious issues. This actually meant the end of consensual constitution making and the AKP was ready to adopt a conflictual path. Apparently, even more radical strategies were pre-considered, in case the second reconciliation initiative fails. İyimaya (2015), although he emphasizes his preference for a consensual constitutional making process from a politics of constitution-making point of view, he discusses very conflictual alternative formula –including “a single-party draft” and even “an interregnum by popular vote”<sup>191</sup>.

---

<sup>191</sup> “The nation may give a mandate to one party for the preparation of a new constitution, [*in the upcoming elections*, added by the author], by saying “here I give you 400 seats in the parliament, now you give me my constitution” [...] or the political authority can hold a popular vote to repeal the present constitution and go

Turkish political parties failed to come up with a new constitution despite the window of opportunity opened in the aftermath of the 2011 General Elections. Although all four political parties showed their commitment for a new constitution, deep divergences about their ideal system design and historical narratives made a consensual draft impossible. Political parties are sine-qua-non institutions of democracy but as they diverge on various issues, and compete against one another, a constitutional reconciliation turns out to be impossible. As opposed to other reform packages, given the very multidimensional nature of constitutions which define and determine the entire legal framework and rules of the game, parties can not overlook or exclude issues of divergence. However, the multidimensionality is not the only relevant factor for such failures. The analysis of the two reform processes to be presented in the following section shows that, even partial reforms may fail despite the convergence of interest and constitutional obligations.

## 5.2. Turkey's 10% National threshold

Turkey's national electoral threshold is a unique phenomenon<sup>192</sup>. Since 1983, political parties are required to receive more than the 10% of the votes casted nationwide, in order to enter the parliament. If not, the seats which they gain in the constituencies, are shared among the other political parties proportionate to their vote shares. However, the anomaly of the 10% National Threshold could become a politically significant issue in the mainstream politics as late as

---

for a very exciting and unconventional constitution-making during a period of unconstitutionality" (İyimaya, 2015, pp. 121-122).

<sup>192</sup> A report prepared by the Turkish National Grand Assembly Research Center pointed out that Turkey has the highest national threshold in anywhere with a proportional representation system, followed by Russia which has a 7% threshold. This is more than three times the electoral threshold limit, recommended by the Council of Europe's Parliamentary Assembly's Resolution 1547 in 2007. ("TBMM Araştırma Merkezi'nden 'seçim barajı' raporu," 2011).

2010s, around the authoritarianism-democratization discussions between the incumbent party AKP and the main opposition party CHP.

The justification for the implementation of the 10% national threshold back in the 1980s was in line with the Venice Commission's rationale for a high electoral threshold in new democracies indeed<sup>193</sup>. Professor Akyol, a member of the Constitutional Commission under the CNS, underlined that the national threshold would lead to a more stable party system where competition would be between a limited number of parties ("Akyol: Seçim sistemi basit," 1983). In 1980s, political discourse of the elites reflects that majority of the large political parties were content with the 10% national threshold, or at least they did not consider it as a threat. Center-right political parties ANAP and DYP were pragmatic and used the electoral threshold as a signal of self-confidence. For instance, Süleyman Demirel –even before he could take over DYP's leadership after the lift of ban on the pre-1980 politicians- argued that their major rival ANAP would not be able to surpass the national threshold in the upcoming elections ("ANAP'ın imha edecek şamarı atacağız," 1986). Özal was in favor of the national threshold as well. For him, 10% had become a psychological limit, in his argument about the persistence of the secular regime in Turkey. In an interview, he underlined the fact that no pro-Islamic party could ever have more than the 10% of the votes. This can be perceived as an early example for the use of 'protection of the system' discourse in the defense of the 10% national threshold ("Özal meydan okudu," 1986). In 1987 electoral campaign Democratic Left Party (DSP) was the only political

---

<sup>193</sup> A Venice Commission report, released in March 2010, finds relatively higher national thresholds which do not exceed 10% 'admissible' only as a precautionary principle to achieve a stable political party system in the early years of democratic transition. The very same report illustrates the 2002 Turkish Elections as a model-example for how high national thresholds may lead to unacceptably unrepresented votes and disproportionate representation (European Commission for Democracy through Law, 2010). The 2002 Elections was a critical turning point after the 2001 Turkish Financial Crisis, not only three parties forming the coalition government –Democratic Left Party (DSP), Nationalist Movement Party (MHP) and ANAP- but also two major opposition parties -center-right True Path Party (DYP) and the pro-Islamic Felicity Party (SP)- failed to surpass the 10% national threshold.



party with a lower ‘national threshold’ agenda. Bülent Ecevit –a few months before becoming DSP’s new leader- called for a change in the electoral system to increase the representativeness of the system, without a direct reference to the threshold. Later, just a few months before the elections, DSP Parliamentary Group Leader Cahit Karakaş urged for a new electoral rule with a lower national threshold and argued that the present electoral rule was no different than Mussolini’s electoral rule (“Mussolini’nin seçim yasası,” 1987). However, DSP –having achieved a parliamentary group only after 25 MPs of the HP joined DSP following the merger of the HP with the other social democratic party SODEP in 1986- had no power to provoke such a change in the electoral system, then. They could only promise a fair electoral system with higher representativeness in their 1987 Electoral Program, and they did so.

The SHP –the merger of HP and SODEP- was still the largest left-wing party in the parliament but they did not have any concrete plans for decreasing the 10% threshold yet. Moreover, in their program they came up with a conspiracy theory, according to which DSP was a proxy political party formed to decrease the power of the left wing politics in the parliament –as the votes casted for DSP would be wasted due to DSP’s very-likely poor performance which they claimed to fall short of the threshold in the upcoming elections. This was a typical example of ‘don’t waste your vote’ strategy, adopted by many political parties against their relatively weaker alternatives. Therefore, even for the ‘pro-democratic’ SHP, the 10% threshold was just a strategic tool to deter its rival and attract their potential voters ‘as a stronger alternative’ which guarantee representation, without any risk.

The 1991 General Elections was a turning point as the minor political parties started to develop strategies to cope with the national threshold –which has become an immutable reality. Some minor political parties –which could not be represented after the 1987 General Elections due to

10% national threshold- adapted themselves to the rules of the game. Two smaller right-wing political parties (IDP and MHP) joined their forces under the flagship of relatively stronger Islamist RP and surpass the national threshold. Additionally, pro-Kurdish party HEP got representation –with 18 MPs- following their agreement with the SHP, as the latter reserved prominent slots in Kurdish-majority electoral districts in the Southeast. As a result, 99% of the votes were represented in the parliament whereas this was around 80% in the 1987 General Elections.

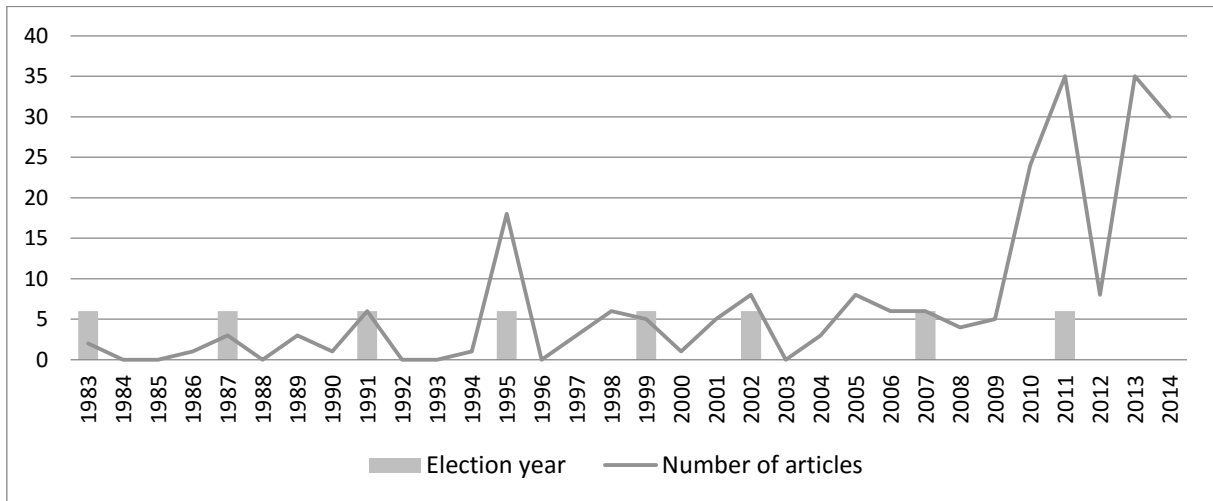
Electoral rule debate started again only a few months before the elections –despite the fact that after the 1991 elections power changed hands. In 1995, coalition partners -DYP and CHP- reached a consensus for an electoral rule which could increase the proportionality in the upcoming elections. Actually, the DYP was in favor of a two-round majority system, in contrast to CHP which was after a PR system with a lower national threshold –which is 5%- and no regional threshold. The consensus was nothing closer to their initial plans and involved a restricted PR system, with larger electoral districts and lower regional threshold. 10% national threshold was again preserved. However, the new electoral rule was taken to the Constitutional Court by the DSP leader Ecevit on the basis of several objections, including the 25% regional threshold and 10% national threshold which is argued to be violating the ‘fairness in representation’ principle. The Court revoked the new electoral act partially including the article about the regional threshold, however it voted in favor of the preservation of the 10% national threshold with a majority decision (8 to 3) (“Kim neyin iptalini istedi?” 1995). The Court decision is crucial as it shows judiciary’s approval for 10% national threshold in terms of fairness and constitutionality.

Following the Court decision, a new bill was prepared amid severe tension between Prime Minister Çiller (DYP) and the Vice Prime Minister Baykal (CHP) – as the former is rumored to prepare an alternative draft with the RP which ended with Baykal’s threats to end the coalition partnership (“Çiller-Baykal yine anlaştı,” 1995). Yet, the new proposal, erupted a conflict between the PM Çiller and the President Demirel. Demirel told that he would take the new bill to the Constitutional Court due to the article about 10% regional threshold –claiming that it was unconstitutional following the Court’s decision which had revoked the article on regional thresholds in the previous bill. According to Milliyet’s article about the standoff between the PM and the President, Çiller’s riposte was harsh. She was claimed to open the president’s mandate to discussion in the parliament, in case he insisted for judicial review (Çevikcan, 1995). Following Demirel’s appeal, the Court decided to repeal the regional threshold in the new bill as well. At the end, 1995 Elections were held under again with a different electoral rule which is slightly more proportional, as the regional threshold was revoked by the Constitutional Court. However, the nationalist MHP and pro-Kurdish HADEP -with 8.18% and 4.17% consecutively- could not get any seats due to the national threshold. 85% of the votes were represented in the parliament, which is lower than the previous elections.

In March 1997, ANAP and DYP were rumored to be working on a two-round system, which was expected to limit ‘anti-systemic’ or ‘radical’ parties’ chances to be represented in the parliament. This was a ‘rational’ initiative from these center-right parties’ point of view as the previous elections was marked by the victory of the Islamists, who were in the lead with 21.38%, whereas these parties were left behind with 19%. ANAP MP Tevfik Diker’s electoral rule report can be considered as the first concrete document to signal a pro-change approach regarding the 10% threshold by a center-right party.

Diker, argued for a national threshold of 5% in a two-round system (“İki turlu seçime destek,” 1997). However, this document could not turn into a policy framework as CHP, DYP and RP insisted on keeping the national threshold at 10%. RP and DYP’s will to preserve the 10% was explained by two rationales: (1) to keep pro-Kurdish HADEP clear out of the national threshold –as the party could receive more than 4% in the previous elections; (2) to maintain their parties’ advantage in receiving extra-seats due to unrepresented votes of the political parties which fall short of 10% at national level. DYP and RP’s calculation was not unsupported (“Çiller’e üç engel,” 1997). These two parties were strong in the Central and Eastern Anatolia, as Nationalist MHP and HADEP were too. In that system, a party’s failure to surpass the national threshold benefited other strong political parties in the electoral districts where the former received a considerable support. Therefore, HADEP and MHP’s failure to surpass the national threshold was more likely to be in the advantage of DYP and RP.

*Figure 5.1. - Overtime change in the frequency of debates on 10% national threshold*



This figure, shows the distribution of the content relevant to the national threshold debate, retrieved from Milliyet daily archive.

In 1998, party leaders started to negotiate for a lower national threshold –probably for the first time. Following the collapse of the Refah-Yol coalition in the aftermath of the February 28 Memorandum, a pro-secular coalition –called ANASOL-D - was formed by ANAP, DSP and DTP<sup>194</sup>. The significance of this coalition for the discussion on the 10% national threshold was, the coalition partners’ willingness for a lower threshold. The DSP was an ardent supporter of a lower national threshold since 1980s, ANAP was known to be working on electoral rule drafts including some alternatives with 5% national threshold, as seen in the Diker report. The junior coalition partner DTP was desperately in need of a lower national threshold, as its prospects for surpassing the 10% threshold were bleak. Besides, the DTP was building a new political discourse around the antidemocraticness and uniqueness of the 10% threshold (“Genel seçimi erteleyelim,” 1998). In April 1998, President Demirel sent an official report to the Prime Minister and the President of the TBMM, recommending a new electoral rule with a 5% the national (“Demirel’den Alman modeli,” 1998). However, these three parties did not have enough power to alter the electoral rule, the ANASOL-D was a minority government. The fate of the government and any legislation depended on CHP’s support –as it was the case for the vote of confidence. The CHP was against such a change and ruling parties’ efforts were fruitless. In 1999 elections, the DTP could not surpass the national threshold and their votes were not even close to it, only 0.58%. However, the CHP which was against the reform, became the victim of the 10% threshold as it received only 8.71% of the votes. Although CHP’s calculations did not prove to be right, the DYP which was for keeping the national threshold, gained additional 13 seats, thanks to CHP’s and pro-Kurdish HADEP’s failure to surpass the 10%.

---

<sup>194</sup> Democratic Turkey Party was a small center-right political party founded by the pro-secularist MPs who resigned from DYP in early 1997, while the latter was still in a coalition with the pro-Islamic RP. The leader of the party was Hüsametdin Cindoruk, one of the close figures to the President Süleyman Demirel, who was also disturbed by his former party’s ongoing coalition with the RP.

Throughout 1980s and 1990s, majority of the political parties in the parliament used ‘the national threshold’ strategically to signal their strength against their rivals, and even humiliate them. The only exception was Ecevit’s DSP, which was the underdog in the center-left. The party not only called for a change from the very beginning; but also took part in the negotiations in the first serious attempt to lower the threshold even though the major motivation of the pro-change actors did not seem to be the fairness or representativeness, but saving the junior coalition partner from doom. Additionally, even though the DSP was consistently a pro-change actor; it failed to disseminate a convincing political discourse or present a legal framework for a lower national threshold. Even the wording of the section in party’s electoral program about a ‘fair electoral system’ did not change throughout 1990s. Not only larger parties, but also smaller parties took the national threshold as given and they were obliged to adapt themselves to it, as it was the case in the 1991 Elections.

After the 1999 General Elections, members of HADEP came up with a strong but ineffective anti-threshold campaign, a three-day hunger strike. Another victim of the 10% threshold was a mainstream political party: the CHP, where the election results provoked a leadership change. Altan Öymen, a famous journalist, was the new leader of the party and party was into a discursive change on the electoral threshold. The new CHP Secretary-General Tarhan Erdem, argued for the abolition of the national threshold in an interview, as he underlined that a lower or no threshold was a requisite for democratic transition (“Seçim barajı sıfırlanmalı,” 2000). However, these political parties had no representation and their anti-threshold discourse remained outside the parliament. Besides, the CHP’s anti-threshold discourse lasted for a very short time, as the former leader came back to the party only 15 months after his resignation and gave up the new discourse and adopted a pro-threshold discourse. He even defended a ‘higher

national threshold' instead of lower, probably in order to signal his confidence for the party's success in the upcoming elections ("Yüzde 10 baraj Baykal'ı kesmiyor," 2001).

On the other hand, the electoral threshold was about to become a serious concern for the second time in the history for the incumbent parties. The 2000 and 2001 economic crises triggered a huge political shock and it was no secret that the electoral support for three parties in the coalition –namely ANAP, DSP and MHP- was plummeting. By the year 2002, the parliament had become more fractionalized than the post-election period. Following the dissolution of pro-Islamic Virtue Party, which was in the opposition, two new political parties were established. While the traditionalists –those who are loyal to Erbakan's National Outlook ideology- founded the Felicity Party (SP), the reformist wing gathered under the leadership of the banned politician –former mayor of Istanbul- R. Tayyip Erdoğan. The former was expected to be challenged by the national threshold, and the reformist wing was confident about their success. In July 2002, political shock turned into a government crisis. A group of MPs –including ministers- resigned from the DSP to form a new political party – named the New Turkey Party (YTP) later. Following this split, the government lost its majority in the parliament. On July 22, MHP leader Devlet Bahçeli urged his coalition partners to hold early elections in order to 'restore' a parliamentary majority which is amenable to form a new government. Bahçeli was clear about the date as well: November 3, 2002.

This time, the 'threshold anxiety' was more widespread compared to the one in 1999. The potential victim was not only the junior coalition partner of the coalition; but all three parties in the coalition, plus a few others in the opposition faced the danger. Under these circumstances, given the number of potential victims, a reform for a lower electoral threshold was more likely. In September 2002, ANAP, SP and YTP started to work on an electoral reform draft with a 5%

national threshold (“Baraja karşı üçlü ittifak,” 2002). DYP leader Çiller was against such a change and she had already started a pro-threshold campaign –similar to CHP, in order to signal her trust in her party’s performance in the elections. Çiller’s other strategic motivation was probably her calculations on her party’s rival ANAP’s chances of failure. In case ANAP remained under the threshold, DYP would become the only center-right party in the parliament. The MHP, with the greatest group in the parliament, wanted to stay out of the national threshold debate and was quite reluctant for a change as the party’s leader underlined that chances for making a new bill was very low (“Şimdi de Baraj Tartışması,” 2002). To some extent, Bahçeli was right. The opportunity window was way too narrow. However, another factor seems to have urged the political parties to delay their calculations. The military wing of the MGK was reported to have briefed the political parties in government, about the pro-Kurdish HADEP’s ‘undesirable potentials’ of success, in case the parties make a deal to pull down the threshold way too low. Parties were urged to pay attention to HADEP’s power in their calculations (Bila, November 1, 2002; Bila, November 25, 2002). The pro-change parties did not have a cohesive discourse which would encourage MHP –as a potential victim of the threshold; and persuade the military which had stated its concerns regarding the potentials for larger representation of anti-system parties in the parliament.

In line with Bahçeli’s predictions, political parties’ efforts for a new electoral rule remained fruitless. In 2002 General Elections, none of the political parties in the parliament –except the AKP- could surpass the threshold. CHP which had failed to do so in the previous elections became the major opposition party, while the AKP won a clear majority in the parliament despite having received only 34.2% of the votes. The DYP was a victim of its own pro-threshold campaign with a tragic 9.5%. Total of the unrepresented votes was about 46%, while the AKP



acquired 67% of the seats with 34.2% of the votes, the CHP got 33% of the seats in return for the 19.5% of the votes.

Only a few weeks before the elections, there has been a turning point in the national threshold debate. The European Court of Human Rights (ECHR) announced its decision to hear a case on the Turkey's electoral threshold, following DEHAP candidates' appeal based on 1999 Election results<sup>195</sup>. This added a Europeanization dimension to the debate. Later on, from the EU progress reports to the EU officials and politicians' speeches, Turkey's high electoral threshold became a major issue. However, the EU's impact remained quite limited. Although the AKP government was pursuing a pro-EU reform agenda at that time, the Prime Minister and AKP Leader Erdoğan was strongly against an electoral rule change. Besides, he claimed that there was no electoral threshold conditionality and the EU should not bring new things from one day to the other ("Seçim barajı diye bir AB kriteri yok," 1995). Besides, the MHP Leader Bahçeli –despite his own party got no seat in the parliament due to the national threshold in the previous election- in a letter which he addressed to Erdoğan, supported him in not changing the national threshold. The other issue in the letter was PKK Leader Öcalan's prison conditions. This shows Bahçeli's motivation for his pro-threshold position: a high national threshold was a protection mechanism against pro-Kurdish representation in the parliament. Erdoğan's rationale for keeping the 10% threshold was not a 'security' concern. In a public meeting he avowed that they could not even consider lowering the threshold for at least two or three elections, as this would have detrimental effects on the AKP's electoral performance ("Baraja devam!" 2006).

---

<sup>195</sup> Later in 2005, Resul Sadak and Mehmet Yunak's –again two pro-Kurdish candidates of former-DEHAP- appealed to ECHR.

In the early 2000s, the only major pro-change actor was President Ahmet Necdet Sezer. Contrary to Erdoğan's claims about the novelty of Sezer's position on national threshold, Sezer was actually known to be one of the three judges who ruled against the national threshold in 1995 (Kim neyin iptalini istedi?" 1995). Later on, in 2005, TÜSİAD (Turkish Industrialists' and Businessmen's Association) joined Sezer's call for a lower threshold. However, not only Erdoğan but also the CHP Leader Baykal responded negatively. Erdoğan argued that a lower national threshold was against Turkey's national interests, Baykal -from an anti-EU perspective- referred to some dangerous efforts of 'EU circles' to create minorities in Turkey.

Given political parties' convergence in keeping the electoral threshold at 10%, there was no prospect of reform. Besides in 2007, the ECHR ruled that the national threshold was not a violation, but only recommended the adoption of a lower national threshold. Until 2010, pro-Kurdish parties remained as the only pro-change group in the parliament. The issue remained dormant as an issue of tacit approval between the ruling AKP and the main opposition party CHP.

Re-politicization of the issue in parliamentary politics was only possible after a leadership change in the main opposition party CHP. Following the CHP leader Baykal's resignation due to a sex tape scandal, the incoming leader Kemal Kılıçdaroğlu –in the speech he delivered during the 33th Party Congress- started to signal that he was after a complete discursive change with regards to 'democratization'. Throughout the 2000s, the incumbent AKP was renowned for its 'democratization' effort –despite its firm resistance against the demand of lower electoral threshold- given the party's role in a series of the Europeanization reforms and its rival CHP's 'conservative' and pro-status-quo political discourse built on the preservation of the secular and unitary republican institutions. Actually, the latter party did not signal a concern for 'democratic

consolidation' even at discursive level. Surprisingly the CHP's electoral programs in that period lacked a 'democratic reform' plan of any kind.

By the turn of the decade, several law proposals -with varying percentages- were submitted to the TBMM. On July 8, 2010 CHP sent a legislative proposal for decreasing national threshold to 7%. The CHP's proposal was higher than pro-Kurdish BDP's alternative proposal for 3%. However these two proposals could trigger a public debate over the national threshold (Kesler, 2010). On the other hand, Erdoğan continued to stick to his original position and wanted to keep the question in the 'Europeanization' realm. While answering a question on the national threshold during a Parliamentary Assembly of the European Council (PAEC) session, he underlined that the national threshold was none of the Europeans' business; the issue would only be considered by the Turkish people ("Yüzde 10'u size soracak değiliz," 2011).

In 2011 Elections, CHP's discursive change on national threshold gained an official character in the party's electoral program which argued for 5% national threshold. After the elections CHP MPs delivered several legislative proposals to keep the issue on the table. Apparently, CHP's new strategy was building a pro-democracy discourse in some areas where the AKP would be hesitant or resistant to take necessary steps. The AKP's reluctance would cast a shadow on AKP's 'conservative-democrat' identity. As late as September 30, 2013, as a response to the domestic and international pressure, questioning AKP's democratic credential and PM Erdoğan's authoritarian tendencies- Prime Minister announced a new democracy reform package, which included an electoral rule change. There, the AKP proposed two alternatives: (1) a straight-forward Single-Member-District model with no national threshold and (2) a Five-Member-District model with 5% national threshold - Erdoğan told that his party would be ready to negotiate any of these two alternatives, besides his party was satisfied with

the present system with 10% national threshold and they were inclined to keep it if no political party responds to their proposals. Given both pro-change actors, BDP –and its successor HDP– and CHP were after a PR system; the AKP’s ‘majoritarian’ electoral rule proposals did not lead to a fruitful negotiation process.

As shown above, the persistence of Turkey’s decades-old national threshold is a story marked by parties’ strategic maneuvers and calculations for maximizing their competitive advantages for decades. The major serious inter-party negotiations were possible during two windows of opportunities in 1999 and 2002, when the incumbent parties faced a serious threat of becoming the victims of the threshold. However, even the convergence of interests did not suffice for a legal change in these occasions. Particularly, in prior to the 2002 General Elections, the pro-change parties’ failure to generate a cohesive discourse amenable to forge a legislative coalition among parties and to pacify the TSK which was against the reform due to its potential positive effect on the pro-Kurdish parties turned out to be detrimental to the majority of the parties in the parliament, and led to a party-system change.

Among all political parties, one stands as a very peculiar case worth-studying separately: the MHP. The party was an ardent supporter of the preservation of the threshold –even after it became one of the victims. The representation of the pro-Kurdish parties in the parliament and its prevention seem to be a more crucial issue than the party’s own fate. In that sense, the ideological concerns of the party are heavier than its calculations as a player. During our interview with one of the MHP MPs in 2016, admitted that the threshold is an anti-democratic provision by itself indeed; and it has now become a negotiable issue as the pro-Kurdish parties can easily surpass it. Under these circumstances, the political significance of the threshold, and the cost attached to it seems to have changed for the MHP.

### **5.3.The Story of a Three-decade Resistance to Change: Anti-Dynasty Bill**

According to Ronald Mendoza, executive director of the Asian Institute of Management's Policy Center, Filipino democracy will not be sustainable and credible in the long run if dynasties are not abolished -referring to a study which reveals that dynasties typically thrive in impoverished localities, where the poor find themselves obliged to support the incumbents in order to meet their basic needs (Linao, 2013). In fact, the political dynasties were banned by the 1987 Constitution<sup>196</sup>. At that time, the Constitutional Commission pointed out the entrenchment of 60-80 rich families, but the definition and therefore the implementation of the constitutional provision was left to the Congress which was to pass a law on that matter (“Senate revives anti-dynasty bill,” 1993). Actually, the lack of a definition in the Constitution was due to the lack of a consensus or a powerful majority in the Commission -which was divided and polarized not only on a working definition of the political dynasty but also on the necessity and even the legitimacy of imposing restrictions on political dynasties<sup>197</sup>. Without a legal definition of the dynasty, the anti-dynasty principle in the constitution remained unimplemented.

From 1987 onwards, more than ten different anti-dynasty bills were discussed in both chambers of the legislature. From 1980s to 2010s, the anti-dynasty bills which were discussed, evolved towards less restrictions. While the first ever bill (Senate Bill No. 82) discussed in the Senate in 1987 had a quite inclusive definition of a political dynasty- extending to fourth degree both in affinity and in consanguinity i.e. restricting the political office for individuals having a

---

<sup>196</sup> “SECTION 26. The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law” The Constitution of the Republic of The Philippines, Article II.

<sup>197</sup> “The deliberations on the anti-dynasty provision of the present Constitution had been contentious and polarizing. Despite what its main proponent, Commissioner Jose Nollado, claimed as overwhelming popularity of the measure in public consultations of the 1986 Constitutional Commission, the members of the latter were evenly split on putting an explicit ban on political dynasties within the charter (The Constitutional Commission 1986: 935).” (Cruz & Mendoza, 2015, p. 24)

grandparent/grandchild or a cousin who hold a political office; the more recent bills came up with less inclusive definitions -limited to second degree in affinity and consanguinity- for the sake of achieving a winning majority in both chambers. However, the long-awaited anti-dynasty bill could not become a law for almost three decades so far. In that sense, the fate of the anti-dynasty bill is quite similar to the 10-percent national electoral threshold in Turkey -despite the constitutional obligation which urges the legislature to fill the legal loophole for the former.

While evaluating the debate revolving around the anti-dynasty bills, we confront the major weaknesses and features of the Filipino democracy: the bills are not brought to the table by political parties -as parties are not organized around political programs and policy position, therefore we don't observe an interplay or bargaining among political party representatives. The bills and drafts are discussed in the commissions of the legislature -where the representatives are not motivated through party institutions<sup>198</sup>. As a result, politicization of the issue depends on whether there is a presidential initiative or not -which is also the case for other reform processes analyzed in this chapter.

Three presidents -namely Corazon Aquino, Ramos and Benigno Aquino- had different positions vis-à-vis the anti-dynasty bill<sup>199</sup>. Although Corazon Aquino was renowned as a 'pro-democracy politician', she did not take the initiative for filling the legal gap. To justify her position, she

---

<sup>198</sup> In the former legislature, there were three bills in Congress taking up the issue of political dynasty---Senate Bills 1906 and 2649, filed by Senators Jose Victor Ejercito and Miriam Defensor-Santiago individually, whereas the House Bill 3857 was sponsored by the Alliance of Concerned Teachers (ACT) – one of the party-list groups which do not have the capacity to urge the other parties easily due to their insignificant size in the legislature.

<sup>199</sup> The ousted president Estrada and his successor Macapagal-Arroyo did not have a significant agency on that matter probably due to different factors which we do not observe for other presidents. While the former's presidency has been quite short-lived, the latter had a quite antagonistic relationship with the members of the legislative branches which she would not have the chance to convince through a cohesive discourse. Even her legitimacy as the President was an issue constantly used by first the supporters of her predecessor Estrada, then the anti-Arroyo bloc which had an impressive victory in the 2007 General Elections -in the aftermath of which they acquired a majority in the Senate.

came up with diverse arguments. In compliance with the importance which she attaches to the ‘procedural democracy’, she rejected to fill the gap with an executive order and left the task to the legislature. Moreover, referring to the fact that her relatives held office, she argued that her imposition for the ban would be unfair<sup>200</sup>. However, her reluctance was also about her preference to take the political dynasties as an individual decision and her understanding of ‘political dynasty’. She avowed that she could “not prohibit any qualified Filipino citizen from running in the election” but if her opinion was asked she would strongly discourage a relative from being a candidate. Additionally, she underlined that she would not allow her son or daughters to compete in any election until her death. Meanwhile four congressmen and a senator were members of extended family. In ten years -her son Benigno who later would become the President too- her son would become first a representative in the House, then a senator before her death. On the other hand, she emphasized that she would not stand against an anti-dynasty bill approved by the legislature either (Chua, 1987).

However, just in a few months, Aquino’s reluctance for an anti-dynasty bill became obvious. First, she did not avoid signaling that she was not in supportive of an anti-dynasty bill which would come up with a broad definition of ‘political dynasty’ -openly referring to her position: “if there were an anti-dynasty law, then Danding, who is related to me within the fourth degree could not run” (“Aquino not keen on anti-dynasty measure,” 1988). Moreover, she encouraged her kin to revive the LABAN and other organizations headed by her relatives (“Aquino orders kin to revamp their groups,” 1988). This encouragement came to reality soon. In 1988, the PDP-LABAN -the anti-Marcos alliance- was split on a leadership-based divide and Jose Sumulong

---

<sup>200</sup> “Why should I issue an EO baning political dynasties in the country when some of my relatives have already been elected?” (Evangelista, 1987).

Cojuangco -her brother- was the leader of one of the two wings. As a result, Aquino period - marked by an inconsistent political discourse and reluctance on the anti-dynasty law- did not bring the reform.

In contrast, Ramos and Benigno Aquino raised the question of anti-dynasty bill legislation in their State of the Nation Addresses in 1994 and 2015 respectively. Under Ramos (1994), anti-dynasty measure was revived as a political issue, as the party-system law was, with reference to the COMELEC's Election Code suggestions. Aquino's call which came pretty late during his term -in his very last SONA where he pointed out that his presidency might be a window of opportunity reckoning the risk of having a successor who would avoid an anti-dynasty legislation out of his/her personal interest for building a political dynasty<sup>201</sup>. However, none of these calls were influential enough to trigger a conclusive legislation process in the Congress.

First, these calls were not accompanied by a cohesive discourse. Ramos' reference to the COMELEC's proposal was very broad and the legislature -with the comfort brought by the complexity and multidimensionality of the COMELEC's recommendations- broke it into separate bills. Therefore, the timing of each bill could be arranged in a flexible fashion. Aquino's argument for the window of opportunity implying his disinterested and honest leadership – almost only a self-evaluation of his personal traits- was even unable to unite the executive. Vice-President Jejomar Binay was known for his disapproval of the anti-dynasty measure at that

---

<sup>201</sup> “But I have realized: There is something inherently wrong in giving a corrupt family or individual the chance at an indefinite monopoly of public office. It is exactly for that reason that, when someone suggested that I stay on as President, even just for three more years, I myself argued against it. If I agreed to this suggestion, I would open the door for such a practice to be repeated in the future. And we cannot be certain if the person who will succeed me will possess sincere intentions—he may instead choose to lord it over our people to pursue his personal interest. I believe it is now time to pass an Anti-Dynasty Law. [Applause]”



time<sup>202</sup>. Moreover Aquino himself had not considered the bill as a priority, just a year ago<sup>203</sup>. Last but not least, even the members of the Presidential ‘dynasty’ have been vocal against the bill and they shared some of the preexisting arguments pronounced by the opponents of the anti-dynasty measure since the issue was raised in the Constitution Commission in 1986 - i.e. emphasis on the freedom to run for the office and the operationalizability of the concept of dynasty -without referring to the intent of the ‘politically-strong families’<sup>204</sup>. As a result, all the discussion around the anti-dynasty bill, marked by a lively bargaining process for finding an admissible formulation -which would inevitably hurt the interest of the legislators detrimentally- remained fruitless by the end of Aquino’s tenure and the beginning of the campaign process for the 2016 General Elections.

It is necessary to underline that the passing of the anti-dynasty measure with an external cohesive discourse -generating from the Presidency- is not easy. First, due to the very nature of the bill, this is going to be a self-imposed restriction. The congressmen -which are mostly members of the dynastic families- are expected to limit their prospects for running in the elections. Second institutional configuration -such as the SMD rule- and perennial weakness of the Filipino parties contribute to the atomization of the representatives and makes formation of

---

<sup>202</sup> “His endorsement of the proposed anti-dynasty law, opposed by Vice- President Jejomar C. Binay and his family, was also applauded by Congress even as this institution has been widely criticized for political dynasties among its ranks” (Tubadeza, 2015).

<sup>203</sup> "I want to see the whole of it [...] I want to see all of the details and I am asking for your apology that it is not a priority for the moment, but if I look at it and it is doable, why not" (Lozado, 2014).

<sup>204</sup> “Senator Nancy Binay, whose sister Abigail is in Congress, whose brother Jejomar Jr. is mayor of Makati City, and whose father Jejomar is Vice-President of the Philippines, argued, somewhat disingenuously, that an anti-dynasty bill "may limit what the Constitution says about who can run. It may also go against the principle of Vox Populi, Vox Dei. [...] And then there's Senator "Bam" Aquino - whose cousin Benigno III is President of the Philippines, whose uncle Jose Cojuangco is a former congressman, and whose aunt Margarita, Jose's wife, was a congresswoman (both are in other capacities in government), Aquino had his own definition of political dynasty when he ran for the Senate and won in 2013: "If you look at a dynasty as a family with a vested interest, which has a territory it protects, I don't think we (the Cojuangcos and Aquinos) are not a dynasty.” (Teodoro, 2014).

pro-change coalition even harder. Congressmen who represent the single member electoral districts where they dominate the political life, feel free to act according to their individual interests -which is the preservation of the dynastic power networks as they are- and parties do not have the capacity to take party-level decisions. Third, there is a wide array of arguments to challenge and oppose the anti-dynasty measure. Some of these, date back to the 1986 Constitution Commission debates which resulted in an impasse and left the task to define what a political dynasty is to the Congress with a separate law.

One of the most widely used and oldest arguments which politicians have been referring to for the justification of their opposition to the anti-dynasty measure is ‘the right to vote and right to run for office’<sup>205</sup>. According to this view, the anti-dynasty law by restricting the access of certain people to the politics on the accident of being born into a particular family would violate the latter principles. Another frequently used argument to counter the anti-dynasty measure, is about the definition and operationalizability of the ‘political dynasty’. Politicians who avoid opposing the anti-dynasty bill directly, signal their reluctance by pointing out how hard or even impossible a working definition of political dynasty would be<sup>206</sup>. Some point out how ‘clean’ their political involvement as a family is, therefore they question the fairness of a possible definition which would solely rely on the formal appearance of family ties<sup>207</sup>. Building upon the ‘cleanness’ of

---

<sup>205</sup> See the Constitution Commission debates: “MR. RODRIGO: Is it not fair for a nephew to be penalized, to be disqualified merely because he has an uncle not of his choice? [...] MR. NATIVIDAD: This [the anti-dynasty provision] is a diminution of the power of the people to elect, so we must be circumspect with regard to the matter.” (Cruz & Mendoza, 2014, pp. 18-21); See Jejomar Binay quote in footnote 204.

<sup>206</sup> “I am not saying that I am not in favor of the anti-dynasty bill, but I am confused of the definition of what is political dynastism” Rep. Juan Ponce Enrile. (“Enrile asks Congress: Go Slow on Anti-Dynasty Bill,” 1994).

<sup>207</sup> “Our political base is one of the most highly developed province where the voters who voted us into the office are intelligent voters. The fact that our family is durable only goes to show we have been serving our constituents properly otherwise we would not have been re-elected” Sen. John Osmena (“Sonny O vows to fight anti-dynasty measure,” 1994). “If you look at a dynasty as a family with a vested interest, which has a territory it protects, I don't think we (the Cojuangcos and Aquinos) are not a dynasty.” Sen. Bam Aquino (Teodoro, 2014)

their family involvement, some politicians insisted on ‘fine-tuning’ the bill during congressional discussions<sup>208</sup>.

Under these circumstances, vested interest of the politicians for the continuation of the cacique democracy and political dynasties will remain decisive, unless a cohesive political discourse succeeds in transcending their personal calculations and concerns. In the case of ‘anti-dynasty bill’, ‘conflict of interest’ is still both an explanation and an excuse for the persistent hindrance<sup>209</sup>. We also observe that even a constitutional requirement is not a strong imposition by itself in case it does not set a deadline.

#### **5.4. Conclusion**

In the persistent failure of the Philippine Anti-Dynasty Bill, we do not observe an inter-party struggle as opposed to the Turkish 10 percent electoral threshold case, or deep political divergences and an ideological impasse as it has been the case in the failed constitutional reconciliation commission in Turkey. On the contrary, the resistance to change emanates from the vested interests of the congressmen as ‘individuals’. They benefit from the persistent legal gap thanks to which political dynasties -which the politicians are a member of. As the political parties are very ephemeral and noninstitutionalized in the Philippines, the legislators with very weak or almost no party ties prioritize individual advantages in the status quo and stall the long-

---

<sup>208</sup> “Speaker Feliciano Belmonte Jr., who himself has relatives in elective positions, wanted the bill to be amended to allow at least two relatives in public office. He also said the bill that would be passed would allow politicians’ relatives to run in other jurisdictions and get away with it.” (Cayabacab, 2015).

<sup>209</sup> “They could not be expected to legislate against their own interests” Rep. Sorsogon (Maragay, 1994); “I have not participated in any vote with respect to it. Given the conflict of interest that I have, given that I am a product of a dynasty, I don’t think we should pass the political dynasty law” Rep. Francis “Chiz” Escudero (“There will never be an antipolitical dynasty enabling law,” 2007). “The Arroyos, Aranetas, Madrigals and the Cojuangcos [and Aquinos] who ran in the May 10 polls, are part of the 200 families who are relatives and political enemies, [and] will always support each other for the sake of power.” Sen. Manuel Villar (Dacanay, 2010).

awaited and constitutionally-required legislation. Therefore, the weakness of political parties seems to be one of the factors leading to the failure.

The story in the Filipino case directs us to fine-tune our preliminary inferences about the role of political parties in the failed reforms in Turkey. Although the divergence among political parties –as competitive political organizations which try to maximize their comparative advantages and hold onto their ideational and programmatic aspirations- seems to provoke a failure in the constitutional reconciliation commission in Turkey, their weakness in the Filipino democracy demonstrates how vital they are for the formation of legislative coalitions and cohesive discourses, indeed. When the reforms are against the personal interest of the political class, the latter seems to be successful in blocking the reform process due to the lack of an ideological or disciplinary motivation. The persistent failure of these reform processes leaves us with a question about the ‘democratic credentials’ of the political class, in ‘defective democracies’. Unfortunately the following question still remains unanswered: Through what ways and mechanisms can an anti-reform political elite and political parties be motivated for a reform, especially when all the players are for the preservation of the status quo?

\*\*\*

This study, through the comparative historical analysis of more than twenty reform episodes lying at the heart of three structurally and institutionally different democratization episodes – namely Turkey, Mexico and the Philippines- yields to a simple explanation about how democratic reforms come to reality. Two concepts constitute the backbone of this explanation, namely: ‘window of opportunity’ and ‘cohesive discourse’. This final part is a theoretical and conceptual reconsideration, where I am going to evaluate the merits and some limitations of this study’s contribution, by touching upon the key concepts of the institutional change literature.

Although this study is located at the heart of the democratization literature, this brief inquiry will seek the avenues through which it can be further refined, by establishing a contact with the institutional change theories.

The institutional change literature offers several insightful explanations on how and when the reform processes start. In that body of literature, the timing of reforms constitutes one of the main puzzles. The key concepts, used for capturing the timing are ‘window of opportunity’ and ‘critical juncture’. In this research, the former is preferred instead of the latter. Despite an apparent affinity, ‘window of opportunity’ is more compatible with the change processes which are analyzed here, namely democratic reforms. Critical junctures are mostly defined as moments of crisis -or exogenous shocks- which shake the institutional status quo<sup>210</sup>. Therefore, the end of the stability stems from the fact that the institution is no more tenable as it is. In critical junctures, timing of the changes mostly depends on the ‘life’ of the specific institutions. However, in majority of the democratization reforms analyzed in this research, the processes are observed to be triggered by the agency-related changes -such as changes in the power distribution in the aftermath of elections or the perceived change in the cost of the preservation of the institution as it is. The agent-centric aspect of ‘window of opportunity’ -in contrast to the ‘critical juncture’ is illustrated pretty clearly by Alston, Melo, Mueller and Pereira (2016, p. 174), in their recent analysis on reforms in Brazil as follows:

“To stress this difference, we use the term ‘window of opportunity’ rather than ‘critical junctures’ to refer to the shocks that initiate a process of change. Although the difference may appear subtle, ‘window of opportunity’ implies that there is a role for leaders to purposefully react to the new circumstances to change institutions [...] A critical

---

<sup>210</sup> “A critical juncture is considered an event or crisis which disrupts the path of institutional development and creates a situation when ‘influences on political action are significantly relaxed for a relatively short period’ (Capoccia and Kelemen 2007, p. 343.) [...] Given the path-dependence of discourses at a time of stability, the critical juncture opens up a wider variety of options for an institution than would have previously been available, by creating ‘multiple paths of future development’ (Horak 2007, p. 21)” (Galpin, 2017, p. 24).

junction, on the other hand, conveys to the notion of a shock in the more distant past to which rulers and citizens reacted with less understanding of all that was involved and a weaker notion of what could possibly be done [...]"

In democratization reforms, major players are elected officials, whose powers -therefore the powers of their discourses- are susceptible to change within a competitive framework provided by regular elections. In many occasions, democratic reforms do not start due to the collapse or exhaustion of an institution. As empirically shown in this study, in most cases, bargaining for reform is triggered with election cycles. For instance, the end of the congressional non-reelection clause in Mexico or changes in the State Security Council in Turkey do not start with an institution-related crisis, or an unexpected shock which catches the politicians off-guard. The agents have a more 'hands-on' approach in democratic reforms, and more capable of seizing their windows of opportunities, as they are acting in regulated competitive environment where they can bargain with their contenders, without watching for institution-specific shocks. Under these circumstances, the analytical focus of the present research for the initiation of the reform processes has been on the agents rather than the specific institutions.

Having presented the rationale behind the preference for the 'window of opportunity' as an explanatory concept, I want to touch upon an analytical weakness of the study. The study - unfortunately- yields very little explanation about the antecedent and permissive conditions leading to the 'windows of opportunities'. In order to overcome this weakness, the agency-centric approach adopted in this research can be complemented with a structure-centric perspective, in order to enhance the explanation on the making of democratic reforms. An interesting question might be: In addition to the inter-agent playing field and the power distribution among players, do *economic or cultural factors and their changes* facilitate the opening of windows of opportunity?

The final issue which I will address in this theoretical epilogue is my preference for the introduction of a new concept, namely the ‘cohesive discourse’. In discursive institutionalism, Schmidt’s (2008) seminal article has been a very important contribution for the elucidation of the functions of the political discourses. For Schmidt, coordinative and communicative discourses fulfill two different functions and have different audiences. While the former is a tool in the policy sphere, amenable to be used in the deliberation and bargaining for change processes, among policy actors sharing a similar cognitive and cultural background; the latter is a means for conveying the ideas and messages in the political sphere to the broader public. This analytical distinction is very fruitful especially for the analysis and understanding of the organizational change processes -where (i) the stakeholders in the deliberation are mostly experts and (ii) they initiate a more specialized discussion process, which may remain insular from the broader public for a while. However, in democratization reforms, discourse is multifunctional and ambivalent. In most cases, given the identity of the key players -i.e. elected officials running for the office in the elections- the deliberation processes do not remain insular -on the contrary in some occasions are initiated in public in prior to the bargaining among peers. The most remarkable and clear example of this is, the transition to presidentialism debate in Turkey. The idea is conveyed by the leaders who are supportive of the change, in front of the public, without an initial deliberation among parties or even party cadre. Why is it the case? In such political reforms, ‘democratic legitimacy’ is a key issue and players often seek to achieve the popular support during -or even prior to- the bargaining with their contenders. Sometimes, popular support and transparency of the process create additional pressure on the parties involved in the reform processes. The Oaxaca Group’s strategy to win over the government for a ‘genuine’ access to information law through an intensive media campaign is a brilliant example. In response to this discourse, initiated and circulated in the public sphere, a major

contender –namely the incumbent president and his party PAN- had to accept the proposal generating from an unexpected reform initiator - a civil society initiative. In such occasions, the pro-reform actors do not necessarily convince or persuade potential contenders, but urge them to concede by using the public opinion as a leverage. In cohesive discourse, contrary to the communicative and coordinative discourse, the function of the message is fused; audience is both the peers and the broader public at the same time.

Comparative historical analysis of reform episodes in unconsolidated democracies, sheds light on how democratic deepening happens in parts and pieces in defective democracies. The contribution of this research can yield further theoretical and analytical novelty in many ways. From a theoretical point of view, the mechanism through which the *window of opportunity* and *cohesive discourse* lead to democratization reforms can be illustrated more meticulously with a closer and deeper analysis of crucial cases. Unfortunately, the scope of this research remains limited in the sense that it captures the two essential factors necessary for change without addressing how they operate in different cases - based on which the way these processes work out can be explained more succinctly. From an analytical point of view, this agent-centric approach applied for the analysis of democratizing reform episodes can be extended to the analysis of a more recent and curious type of institutional change, namely to de-democratizing reforms. How do ‘pro-change actors’ in formal democracies -like Hungary, Poland or Russia in 2000s- succeed in introducing and justifying anti-democratic institutions? This question is very likely to pave the way to a very relevant research agenda as the number of cases keeps increasing.



## References

- 7/11/1982 Tarihli ve 2709 Sayılı Türkiye Cumhuriyeti Anayasasının Bazı Maddelerinde Değişiklik Yapılması Hakkında Kanun Teklifi, [Legislative proposal to change the Constitution of the Turkish Republic]. Submitted to the TBMM Presidency in April 5, 2010.
- 26 are killed as Kurds clash with Turkish forces (1992, March 22). *The New York Times*. Retrieved from: <http://www.nytimes.com>
- 28 Şubat'a ağır darbe [A heavy blow to the February 28] (2000, February 27). *Milliyet*, p. 1.
- 163 geri geliyor [163 is coming back] (1997, March 2). *Milliyet*, p. 1.
175. Madde için 267 oy gerek [We need 267 votes to change the article 175] (1987, April 21). *Milliyet*, p. 8.
175. Madde için Cindoruk'tan yeşil ışık [Cindoruk is ready to give support for Article 175] (1987, February 28). *Milliyet*, p. 8.
- AB üyeliğinde MGK faktörü [NSC factor in EU members] (1999, December 25). *Milliyet*, p. 20.
- Adalet ve Kalkınma Partisi, [Justice and Development Party]. (2002). *AK Parti seçim beyannamesi: Her şey Türkiye için*, [AK Party election program: Everything is for Turkey]. Retrieved from: TBMM Kütüphanesi, TGNA Library website: <https://kutuphane.tbmm.gov.tr/>
- Adalet ve Kalkınma Partisi, [Justice and Development Party]. (2011). *AK Parti 2011 genel seçimleri seçim beyannamesi*, [AK Party general elections electoral program 2011].
- Adams, D. (1994, August 12). Salinas faces test of faith in democracy. *The Times*.
- Afirman diputados que la iniciativa del Ejecutivo tiene insuficiencias [Deputies say that the Executive's initiative is insufficient] (2001, December 5). *El Informador*, p. A2.
- Aguilar Jr, F. V., Mendoza, M. P., & Candelaria, A. L. K. (2014). Keeping the state at bay: The killing of journalists in the Philippines, 1998-2012. *Critical Asian Studies*, 46(4), 649-677.
- AK Parti'nin '60 Maddeyi Geçirelim' Teklifine CHP'den Ret [CHP refuses the AKP's proposal for partial constitutional reform] (2013, November 7). *Milliyet*. Retrieved from: <http://www.milliyet.com.tr>
- Akyol: Seçim sistemi basit [Akyol: Electoral rule is simple] (1983, April 22). *Milliyet*, p. 8.
- Alave, K. L., & Domingo, B. S. (2006, January 20). Fugitive mutineers claim growing military support for GMA Ouster. *Business World*, p. 11.
- Alston, L. J., Melo, M. A., Mueller, B., & Pereira, C. (2016). *Brazil in transition: Beliefs, leadership, and institutional change*. Princeton, NJ: Princeton University Press.
- Amalia Garcia senala carencias a la propuesta de Vicente Fox [Amalia Garcia points at the weaknesses of the Fox' proposal] (2001, December 3). *El Informador*, p. A7.
- Aman DEP'i kapatmayın [Do not close down DEP] (1994, June 13). *Milliyet*, p. 11.

Analistas critican a los ‘chapulines’ de profesi3n: Prohibici3n de la reelecci3n fomenta el ‘trapecismo’ politico [Analysts criticize professional ‘grasshoppers’ by profession: Prohibition of re-election promotes political trapezing] (2009, June 22). *El Informador*, p. 17A.

ANAP, atakta [ANAP is attacking] (1993, April 6). *Milliyet*, p. 13.

ANAP’ı imha edecek řamarı atacađız [We will smack ANAP and annihilate it] (1986, October 7). *Milliyet*, p. 7.

Anayasa deđiřikliđi gözden geirilsin [Constitutional reform should be revised] (2001, June 30). *Milliyet*, p. 18.

Anayasa deđiřikliđi uzlařma ıkmazında [Constitutional reform is at political deadlock] (1992, April 18). *Milliyet*, April 18, 1992.

Anayasa iin referandum [Referendum for the new constitution] (1991, September 14). *Milliyet*, p. 16.

Anayasa Mahkemesi haklı mı? [Is Constitutional Court right?] (2001, January 24). *Milliyet*, p. 23.

Anayasa Mahkemesi kararları sadece kelebekleri bađlamaz [Constitutional Court decisions bind everyone but butterflies] (1995, April 24). *Milliyet*, p. 20.

Anayasal muhtıra [Constitutional memorandum] (2001, January 21). *Milliyet*, p. 18.

Anayasa Uzlařma Komisyonu 3. toplantısında dađıldı [The Constitutional Reconciliation Commission collapsed in the third meeting] (2016, February 17). *Hürriyet*. Retrieved from: <http://www.hurriyet.com.tr/>

Anayasa Uzlařma Komisyonu feshedildi [The Constitutional Reconciliation Commission abolished] (2013, December 25). *Milliyet*. Retrieved from: <http://www.milliyet.com.tr>

Anderson, B. (1988). Cacique democracy and the Philippines: Origins and dreams. *New Left Review*, 169.

Anderson, L. E. (2009). The problem of single-party predominance in an unconsolidated democracy: The example of Argentina. *Perspectives on Politics*, 7(4), 767-784.

Antiporda, J., Canlas, J., Danao, E. L., & Torres, M. T. (2005, May 13). Plea bargain splits Magdalo officers. *Manila Times*.

Antiporda, J., Canlas, J., & Samonte, A. S. (2008, April 10). AFP open to pardon for Magdalo soldiers. *Manila Times*.

Antiporda, J., & Manahan, R. D. (2008, April 17). Ex-officer sees betrayal of Oakwood agreement. *Manila Times*.

Aprobo el Senado las reformas [Senate approves the reforms] (1994, December 18). *El Informador*, p. A2.

Aquino forms powerful police force separate from military (1990, December 13). *United Press International*.

Aquino not keen on anti-dynasty measure (1988, January 11). *Manila Standard*, p.1.

Aquino orders kin to revamp their groups (1988, January 23). *New Straits Times*.

Aquino urges unity against all rebels (1990, June 11). *Manila Standard*, p.2.

Aquino III, B. S. (2015, July 27). *State of the Nation Address of His Excellency Benigno S. Aquino III President of the Philippines to the Congress of the Philippines*.

Retrieved from: <http://www.gov.ph>

Aquino's Vice President urges her to step down (1988, August 14). *The New York Times*.

Retrieved from: <https://www.nytimes.com/>

Arceneaux, C. (1996). Democratic consolidation or deconsolidation?: Military doctrine and the 1992 military unrest in Venezuela. *Journal of Political & Military Sociology*, 24(1), 57-82.

Armony, A. C., & Schamis, H. E. (2005). Babel in democratization studies. *Journal of Democracy*, 16(4), 113-128.

Arugay, A. A. (2016, November 2). Duterte's plan to revive Philippine democracy. *Bertelsmann Transformation Index Project Blog*.

Retrieved from: <https://blog.bti-project.org>

Asker 69'u MGK'ya götürüyor [The military will bring up the Article 69 reform to the NSC meeting] (2000, February 29). *Milliyet*, p. 20.

Asker düşmanlığı yapmayalım [We shall not be hostile towards military] (1991, February 16). *Milliyet*, p. 14.

Askerden 4 istek [Four demands of the military] (1999, January 30). *Milliyet*, p. 16.

Askerden üç vize [Military grants three visa] (2000, May 9). *Milliyet*, p. 21.

Atong Paglaum et al. vs. COMELEC, Supreme Court General Register No. 203766. (April 2, 2013).

Retrieved from: <http://sc.judiciary.gov.ph/jurisprudence/2013/april2013/203766.pdf>

Avrupa Konseyi'ne davet [Invitation to the Council of Europe] (1994, July 12). *Milliyet*, p. 17.

Avrupa yol haritası hazır [Road map for the EU is ready] (2000, January 24). *Milliyet*, p. 19.

Baker, M. (1996a, February 22). Former outlaw warns Ramos of military coup. *The Age*, p. 10.

Baker, M. (1996b, February 22). 'Gringo' hints at Manila putsch. *Sydney Morning Herald*, p. 12.

Balfe: Siyasi yasaklar kalkmalı [Balfe: Political bans should be lifted] (1987, January 8). *Milliyet*, p. 12.

Baluken 1915 Soykırımını için meclis araştırması İstedi [Baluken asked for a parliamentary investigation on the 1915 Genocide] (2013, April 24). *Bianet*.

Retrieved from: <http://bianet.org/>

BANAT et al. vs COMELEC, Supreme Court General Register No. 179271. (April 2009)  
Retrieved from: <http://sc.judiciary.gov.ph/jurisprudence/2009/april2009/179271.htm>

Baraja devam! [Keep the threshold!] (2006, March 14). *Milliyet*, p. 17.

Baraja karşı üçlü ittifak [A three-party alliance against the threshold] (2002, September 15). *Milliyet*, p. 20.

Baraja kırmızı ışık [Red light to the national threshold] (2005, December 22). *Milliyet*, p. 22.

Barrington, L. (2012). *Comparative politics: Structures and choices*. Boston, MA: Wadsworth, Cengage Learning.

Başarır, E. (1989, March 9). SHP, anayasa yolunda [SHP on the way to the constitutional court]. *Milliyet*, p. 8.

Başkanlık sistemine hayır [No to presidential system] (1991, April 23). *Milliyet*, p. 10.

Başkentte kapatma saflaşması [Camps on the party dissolutions] (2000, December 13). *Milliyet*, p. 24.

Baum, J. R. (2011). *Responsive democracy: Increasing state accountability in East Asia*. Ann Arbor, MI: University of Michigan Press.

Bazdresch, C., & Levy, S. (1991). Populism and economic policy in Mexico, 1970-1982. In R. Dornbusch & S. Edwards (Eds.), *The macroeconomics of populism in Latin America*, (pp. 223-262). Chicago, IL: University of Chicago Press.

Beeson, M. (2007). Civil-military relations in Indonesia and the Philippines: Will the Thai coup prove contagious?. *Armed Forces & Society*, 34(3), 474–490.

Beetham, D. (1992). Liberal democracy and the limits of democratization. *Political Studies*, 40, 40-53. doi: 10.1111/j.1467-9248.1992.tb01811.x

Belediyelerde hayal kırıklığı [Despair for municipalities] (1989, July 28). *Milliyet*, p. 14.

Belge, C. (2006). Friends of the Court: The republican alliance and selective activism of the Constitutional Court of Turkey. *Law & Society Review*, 40(3), 653-692.

Bello, V. (2011, July 16). El debate de al reeleccion [Debate on reelection]. *El Informador*, p. 8a.

Benigno S. Aquino III Platform of Government. (2010). *A social contract with the Filipino people. The Government Platform*.

Retrieved from: <http://www.gov.ph/about/gov/exec/bsaiii/platform-of-government/>

Benitez, M. R., (2010). Reforming civil-military relations during democratization. In A. Selee & J. Peschard (Eds.), *Mexico's democratic challenges: Politics, government, and society*, (pp. 162–186). Redwood City, CA: Stanford University Press.

- Berg-Schlosser, D. (2008). 'Neighborhood effects' of democratization in Europe. *Taiwan Journal of Democracy*, 4(2), 29-45.
- Bila, F. (1999, February 27). Asker: Askersiz DGM [Military: Demilitarized DGM]. *Milliyet*, p. 1.
- Bila, F. (2002, November 1). HADEP alarmı! [HADEP alarm!]. *Milliyet*, p. 1.
- Bila, F. (2002, November 25). Ordu, HADEP'in çıkışından rahatsız: Terör bitti, partiler yattı [Military at unease due to HADEP's rise: Terror ended, parties did nothing]. *Milliyet*, p.1.
- Bingölecer, S. (1997, January 27). Çeteleri kurtarma taktiği [Tactics to save the gangs]. *Milliyet*, p. 16.
- Bishops urge Filipinos to fight for fair elections (1986, January 29). *Orlando Sentinel*. Retrieved from: <http://www.orlandosentinel.com/>
- Bogaards, M. (2009). How to classify hybrid regimes? Defective democracy and electoral authoritarianism. *Democratization*, 16(2), 399-423. doi: 10.1080/13510340902777800
- Bordadora, N. (2012, October 26). Serge says House won't pass measure even if Senate does. *Philippine Daily Inquiry*.
- Borsuk, R. (2001, January 22). How Estrada's Presidency unraveled: Senate decision accelerated his fall. *The Wall Street Journal*. Retrieved from: <http://www.wsj.com>
- Boylan, D. M. (2001). Democratization and institutional change in Mexico: The logic of partial insulation. *Comparative Political Studies*, 34(1), 3-29.
- Brinegar, A., Morgenstern, S., & Nielson, D. (2006). The PRI's choice balancing democratic reform and its own salvation. *Party Politics*, 12(1), 77-97.
- Brown, S. (2004). Theorising Kenya's protracted transition to democracy. *Journal of Contemporary African Studies*, 22(3), 325-342. doi: 10.1080/0258900042000283494
- Brumberg, D. (2002). The trap of liberalized autocracy. *Journal of Democracy*, 13(4), 56-68.
- Bunce, V. (2003). Rethinking recent democratization: Lessons from the postcommunist experience. *World Politics*, 55(2), 167-192.
- Çakırözer, U. (2003, August 1). Uyum askersiz geçti [Harmonization package passed without military's support]. *Milliyet*, p. 18.
- Calderon, F. (2009, November 29). *Palabras del Presidente Calderon durante el evento tres años de gobierno [President Calderon's speech after his third year in the office]*. Retrieved from: <http://calderon.presidencia.gob.mx>
- Cameron, M. A., & Wise, C. (2004). The political impact of NAFTA on Mexico: Reflections on the political economy of democratization. *Canadian Journal of Political Science*, 37(2), 301-323.
- Capoccia, G., & Ziblatt, D. (2010). The historical turn in democratization Studies: A new research. *Comparative Political Studies*, 43(8/9), 931-968.

- Carothers, T. (2002). The end of the transition Paradigm. *Journal of Democracy*, 13(1), 5-21.
- Carothers, T. (2007). The “sequencing” fallacy. *Journal of Democracy*, 18(1), 12-27.
- Carpizo, J., & Villanueva, E. (2001). El derecho a la información: Propuestas de algunos elementos para su regulación en México” [Right to information: Proposals of some elements for its regulation in Mexico]. In D.Y. Valades & R. Gutierrez (Eds.), *Derecho Humanos, Memoria Del IV Congreso Nacional del Derecho Constitucional III*, (pp. 71 – 102). Mexico City, Mexico: Universidad Nacional Autónoma de Mexico.
- Carter, T. (2000, March 14). Opposition savors chance to unseat PRI: Party has been dominant since 1929. *The Washington Times*, p. A13.
- Case, W. (2002). *Politics in southeast Asia: Democracy or less*. London, UK: Routledge.
- Case, W. (2009). Low-quality democracy and varied authoritarianism: Elites and regimes in Southeast Asia today. *The Pacific Review*, 22(3), 255-269.
- Casper, G. (1991). Theories of military intervention in the Third World: Lessons from the Philippines. *Armed Forces & Society*, 17(2), 191–210.
- Casper, G. (1995). *Fragile democracies: The legacies of authoritarian rule*. Pittsburgh, PA: University of Pittsburgh Press.
- Casper, G. (2000). The benefits of difficult transitions. *Democratization*, 7(3), 46-62.
- Cayabacab, M. J. (2015, July 25) Aquino fails to see dream of BBL passage before his last SONA. *Philippines Daily Inquirer*. Retrieved from: <http://www.inquirer.net/>
- Çekemoğlu, Ü. (1987, August 9). AET'nin yolu referandumda [EEC accession depends on the referendum results]. *Milliyet*, p. 9.
- Çevikcan, S. (1995, May 3). Avrupa'nın 12 şartı [12 conditions of Europe]. *Milliyet*, p. 14.
- Çevikcan, S. (1995, December 1). Pencereden atardım [I would throw her off the window]. *Milliyet*, 1995, p. 16.
- Çevikcan, S. (1999, May 25). Köşkün hükümetten üç acil talebi var, [President Has Three Urgent Requests from the Government]. *Milliyet*, p. 16.
- Çevikcan, S. (2001, January 24). Demokrasi adına, [In the name of democracy]. *Milliyet*, p. 18.
- Chambers, P. (2012). A precarious path: The evolution of civil-military relations in the Philippines. *Asian Security*, 8(2), 138-163.
- Chambers, P. (2014). Superficial consolidation: Security sector governance and the executive branch in the Philippines today. In F. Heiduk (Ed.), *Security sector reform in Southeast Asia*, (pp. 102–130). London, UK: Palgrave Macmillan.
- Chambers, P. & Croissant, A. (2010). *Democracy under stress: Civil-military relations in South and Southeast Asia*. Bangkok, Thailand: Institute of Security & International Studies, Chulalongkorn University.

- Chávez, A. H. (2006). *Mexico: A brief history*. Berkeley, CA: University of California Press.
- CHP'li BÖke'den Anayasa Uzlaşma Komisyonu açıklaması [BÖke of CHP on the Constitutional Reconciliation Commission] (2016, March 2). *Cumhuriyet*. Retrieved from: <http://www.cumhuriyet.com.tr/>
- Chua, L. (1987, November 11). Cory says she will not veto bill on political dynasties. *Manila Standard*.
- Chua, R. (1992, September 25). Ramos pardons former chief of Communist Party. *The Straits Times*.
- Çiçek, C. (2016, February 11). Interview by Ş. Payzın, *Ne Oluyor?* [Television broadcast]. Istanbul: CNN Türk. Retrieved from: <https://www.youtube.com>
- Çiller'e üç engel [Three obstacles on Çiller's way] (1997, June 4). *Milliyet*, p. 19.
- Çiller-Baykal yine anlaşta [Çiller-Baykal deal, again] (1995, November 21). *Milliyet*, p. 18.
- Cindoruk'tan eleştiri [Cindoruk's criticisms] (1992, July 9). *Milliyet*, p. 10.
- CMUK'ta kim kazandı [Who is the winner in CMUK] (1992, November 20). *Milliyet*, p. 12.
- Coinciden en propuestas de ley de acceso a informacion [Agreement on Access to Information Law proposals] (2001, December 7). *El Informador*, p. 8.
- Collas-Monsod, S. (2010, July 22). Calling a spade: Oakwood incident revisited. *Business World*, p. 1-4.
- Commission of the European Communities. (2001, November). *2001 Regular Report on Turkey's Progress towards Accession*. Retrieved from: <http://www.ab.gov.tr>
- Contreras, V. & Burgonio, T.J. (2003, September 4). Army major spins beans on Honasan. *Philippine Daily Inquirer*.
- Coppedge, M., Gerring, J., Altman, D., Bernhard, M., Fish, S., Hicken, A., . . . Teorell, J. (2011). Conceptualizing and measuring democracy: A new approach. *Perspectives on Politics*, 9(2), 247-267.
- Cornelius, W. (1990, March 25). What Mexico needs is a shot of glasnost: Government: Under Salinas, political reform has not kept up with economic liberalization. Hard-liners within PRI are largely to blame. *Los Angeles Times*.
- Cornelius, W. A. (2000). Blind spots in democratization: Sub-national politics as a constraint on Mexico's transition. *Democratization*, 7(3), 117-132.
- Coronel, S. S. (2007). The Philippines in 2006: Democracy and its discontents. *Asian Survey*, 47(1), 175-182.
- Corrales, N. (2017, January 31). Philippine Constabulary revival eyed for war on drugs. *The Inquirer*. Retrieved from: <http://www.inquirer.net/>

Council of Freely Elected Heads of Government. (1994, August 1). *Elections in Mexico*, The Carter Center of Emory University. Retrieved from Carter Center website: <https://www.cartercenter.org/resources/pdfs/pdf-archive/electionsinmexico-thirdreport-08011994.pdf>

Council of Hemispheric Affairs. (2011, July 18). *Democracy in Mexico: The past, present and future*, COHA.

Retrieved from: <http://www.coha.org>

Croissant, A., & Kuehn, D. (2009). Patterns of civilian control of the military in East Asia's new democracies. *Journal of East Asian Studies*, 9, 187–217.

Croissant, A., & Volkel, P. (2010). Party system types and party system institutionalization: Comparing new democracies in East and Southeast Asia. *Party Politics*, 18(2), 232–265.

Cruz, J. F. P., & Mendoza, R. U. (2015, August 6). *Does dynastic prohibition improve democracy?*. (Asian Institute of Management, Rizalino S. Navarrao Policy for Competitiveness Working Paper).

Retrieved from: <http://dx.doi.org/10.2139/ssrn.2640571>

Cumhuriyet Halk Partisi, [Republican People's Party]. (2011). CHP seçim bildirgesi, [*CHP electoral program*]. Retrieved from: TBMM Kütüphanesi, TGNA Library website: <https://kutuphane.tbmm.gov.tr/>

Curato, N. (2011). The road to Oakwood is paved with good intentions: The Oakwood mutiny and the politics of recognition. *Philippine Sociological Review*, 23–48.

Dacanay, B. M. (2010, May 14). Villar says political dynasties behind suffering of poor. *Gulf News*.

Dağı, İ. (2008). Turkey's AKP in power. *Journal of Democracy*, 19(3), 25–30.

Danao, E. L. (2010, October 19). Senate panel approves amnesty measure. *Manila Times*.

David, E. N. J. (2009, September 4). Rebel group goes into mainstream politics. *Business World*, p. 12.

Davide Fact Finding Commission (1990, October). *The Final Report of the Fact Finding Commission (Pursuant to R.A. No. 6832)*. Manila, Philippines: Bookmark Inc.

Davison, P. (1994, March 25). Candidate's murder throws Mexico into crisis; The Zapatistas or a political rival could be behind Luis Colosio's assassination. *The Independent*, p. 14.

Davison, P. (1994, August 18). Poll will cast Salinas as hero or villain; Mexico's President will make history if he cedes power to the opposition. *The Independent*, p. 10.

De Palma, A. (1994, September 8). New president is snubbed by opposition in Mexico. *The New York Times*, p. A11.

De Palma, A. (1994, December 4). Do term limits work? Ask Mexico. *The New York Times*, Section 4, p. 1.



Decreto mediante el cual se declaran reformados los artículos 21, 55, 73, 76, 79, 89, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 110, 111, 116, 122 y 123 de la Constitución Política de los Estados Unidos Mexicanos, [Decree concerning the amendment of the articles 21, 55, 73, 76, 79, 89, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 110, 111, 116, 122 y 123 of the Constitution of the United States of Mexico]. *Diario Oficial de la Federacion, [Official Gazette of the Federation]*. (1994, December 31).

Retrieved from: <http://dof.gob.mx>

Demiral'ın gözü Refah'ta [Demiral keeps his eye on Welfare Party] (1994, November 29). *Milliyet*, p. 14.

Demirel: İyi oldu, Yüksel: Benimsemiyorum [Demirel: It's good, Yüksel: I don't embrace] (1999, June 19). *Milliyet*, p. 18.

Demirel'den Alman modeli [German model from Demirel] (1998, April 25). *Milliyet*, p. 18.

Demokrasi paketi hazır [Democracy package is ready] (1992, April 12). *Milliyet*, p. 12.

Demokratikleşme paketi [Democratization package] (1991, November 15). *Milliyet*, p. 14.

DEP'ten telkinlere olumlu yanıt [DEP responds positively to suggestions] (1994, June 14). *Milliyet*, p. 12

Depasupil, W. B. & Jayson, C. L. (2008, April 11). Pardon for Oakwood mutineers not yet clear: Justice Sec. Gonzalez says granting clemency to Magdalo soldiers can be misinterpreted. *Manila Times*.

Depasupil, W. B., Antiporda, J., Martin, S., Luna, J. C., & AFP. (2008, May 13). President pardons 9 convicted coup leaders. *Manila Times*.

Devrim gibi [Like a revolution] (1991, November 15). *Milliyet*, p.1.

Diamond, L. (1997). Consolidating democracy in the Americas. *Annals of the American Academy of Political and Social Science*, 550.

Diebel, L. (1994, August 21). Mexico: On the brink -- at last -- of democracy; Troops on alert as tension builds on eve of crucial national vote. *The Ottawa Citizen*, p. A4.

Diez puntos fundamentales para la reforma electoral. Seminario del Castillo de Chapultepec, [Ten fundamental points for an electoral reform. Castillo de Chapultepec Seminary]. (1995, August 10).

Retrieved from: <http://www.memoriapoliticademexico.org>

Dinçer, Ö. (1995). *Türkiye'de değişim yapmak neden bu kadar zor?*, [Why is it so hard to make make reforms in Turkey?]. İstanbul, Turkey: Alfa Yönetim.

Discurso íntegro del Presidente Peña Nieto a la Nación [President Peña Nieto's address to nation] (2012, December 1). *Excelsior*.

Retrieved from: <http://www.excelsior.com>

Disk'e destek [Support to Disk] (1986, June 17). *Milliyet*, p. 8.

Doğru Yol Partisi, [True Path Party]. (1991). *21 Ekim sabahı yeni bir Türkiye, [A new Turkey in October 21]*. Retrieved from: TBMM Kütüphanesi, TGNA Library website: <https://kutuphane.tbmm.gov.tr/>

Domingo, B. S. (2006, February 1). Opposition to support coup vs. administration. *Business World*.

Doorenspleet, R., & Mudde, C. (2008). *Upping the odds: Deviant democracies and theories of democratization*. *Democratization*, 15(4), 815-832.

DYP ile SHP anlaşamıyor [DYP and SHP fail to agree] (1992, September 24). *Milliyet*, p. 11.

DYP’de destek bildirisi krizi [DYP in crisis after the presidential statement of support] (1997, December 27). *Milliyet*, p. 18.

DYP’li Diker’den anayasaya neşter [DYP MP Diker seeks a constitutional reform] (1992, January 19). *Milliyet*, p. 15.

Eaton, K. (2003). Restoration or transformation? Trapos versus NGOs in the democratization of the Philippines. *The Journal of Asian Studies*, 62(2), 469-496.

Ecevit ve Yılmaz sıcak [Ecevit and Yılmaz are positive] (2000, July 21). *Milliyet*, p. 20.

Ecevit’in mahkumiyetine tepki [Reactions to Ecevit’s conviction] (1987, January 25). *Milliyet*, p. 8.

Ecevit’ten TRT’ye ağır suçlama [Ecevit’s heavy criticism to TRT] (1990, February 20). *Milliyet*, p. 10.

Editorial: Political reform (2009, December 16). *The News* (Mexico City).

Edmonds-Poli, E., & Shirk, D.A. (2012). *Contemporary Mexican Politics*. Lanham, MD: Rowman & Littlefield.

Edmonds-Poli, E., & Shirk, D. A. (2015). *Contemporary Mexican Politics*. Lanham, MD: Rowman & Littlefield.

Eisenstadt, T. (2000). Eddies in the third wave: Protracted transitions and theories of democratization. *Democratization*, 7(3), 3-24.

Eisenstadt, T. (2003). *Courting democracy in Mexico: Party strategies and electoral institutions*. Cambridge, UK: Cambridge University Press.

Ejército Zapatista de Liberación Nacional, EZLN. (1994/2002). EZLN Demands at the dialogue table. In G.M. Joseph & T.J. Henderson (Eds.), *The Mexico Reader: History, culture, politics*, (pp. 638 - 46). Durham, NC: Duke University Press.

Ek 1- Demokratikleşme - VII. Demirel Hükümeti koalisyon protokolü [Addendum 1 - Democratization 7th Demirel Government coalition protocole] (1991). Retrieved from: <https://www.tbmm.gov.tr>

En sağlıklı model başkanlık [Presidentialism is the healthiest model] (2010, September 14). *Milliyet*. Retrieved from: <http://www.milliyet.com.tr>

- Enrile asks Congress: Go slow on Anti-Dynasty Bill (1994, November 13). *Manila Standard*.
- Epstein, D. L., Bates, R., Goldstone, J., Kristensen, I., & O'Halloran, S. (2006). Democratic Transitions. *American Journal of Political Science*, 50(3), 551-569.
- Erdoğan, R.T. (2010, September 10). Interview by T. Akyol. *Eğrisi Doğrusu* [Television broadcast]. Istanbul: CNN Türk.
- Escano, E. (2015, August 20). Magdalo group supports Poe. *Business World*, p. 10.
- Escobedo, J. F., (2006). Obstáculos fundacionales a la información pública estatal [Foundational obstacles to state-level public information]. *Democracia, transparencia y constitución. Propuestas para un debate necesario [Democracy, transparency and constitution: Proposals for a necessary debate]*, (pp. 63-77). Mexico City, Mexico: IJ, UNAM-IFAI.
- Esguerra, C. V. (2003, November 16). Reforms resulting from Oakwood mutiny on the way. *Philippine Daily Inquirer*.
- Esguerra, C. V., Cabacungan Jr, G. C. & Salaverria, L.B. (2010, October 13). Why not all senators are for rebels' release. *Philippine Daily Inquirer*.
- Eski DEP'li dört milletvekiline tahliye [Four former-DEP MPs are going to be released] (2004, June 9). *Hürriyet*.  
Retrieved from: <http://www.hurriyet.com.tr>
- Eski siyasetçilere sınırlı serbestlik [Limited freedom to the pre-coup politicians] (1986, March 13). *Milliyet*, p. 6.
- Estefan, D. D. & Sosa, L. C. (2005). *El sistema de comisiones, el cabildeo legislativo y la participación ciudadana en el Congreso Mexicano [The system of commissions, legislative lobbying and citizen participation in the Mexican Congress]*. Mexico City, Mexico: Fundar Centro de Análisis e Investigación.
- Exec. Order No. 167 Repealing Presidential Decrees Nos. 1835 and 1975, and Reviving Republic Act No. 1700 Entitled An Act to Outlaw the Communist Party of the Philippines and Similar Associations, Penalizing Membership Therein and for Other Purposes. (1987).  
Retrieved from: <http://www.lawphil.net>
- European Commission for Democracy through Law. (2010, March 15). *Report on thresholds and other features of electoral systems which bar parties from access to parliament II*. Strasbourg, France: Council of Europe. Retrieved from the Council of Europe website: [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2010\)007-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2010)007-e)
- Evangelista, R. E. (1987, July 19). Cory tosses anti-dynasty plan to Congress. *Manila Standard*, p. 18.
- Evren, siyasi affa karşı [Evren is against political amnesty] (1985, October 23). *Milliyet*, p. 7.
- Fazilet'in anayasa düşü [Virtue Party's constitution dream] (1999, November 12). *Milliyet*, p. 15.

Fazilet Partisi, [Virtue Party]. (1998). *Fazilet Partisi kalkınma programı, [Virtue Party development program]*. Retrieved from: TBMM Kütüphanesi, TGNA Library website: <https://kutuphane.tbmm.gov.tr/>

Feliciano Commission twas power grab (2003, October 18). *Philippine Daily Inquirer*.

Feliciano Fact Finding Commission (2003, October 17). *The Report of the Fact Finding Commission* (Pursuant to Administrative Order No. 78 of the President of the Republic of the Philippines Dated July 30, 2003). Retrieved from GMA News website: [http://images.gmanews.tv/pdf/factfinding\\_AO78\\_report.pdf](http://images.gmanews.tv/pdf/factfinding_AO78_report.pdf)

Finkel, J. (2005). Judicial reform as insurance policy: Mexico in the 1990s. *Latin American Politics and Society*, 47(1), 87-113.

Fox, V. (2000, December 1). *Inaugural speech at the Mexican Congress*. Mexico City, Mexico. Retrieved from: <https://www.c-span.org>

Fox, V. (2001, February 5). *Stenographic version of the words of President Vicente Fox Quesada, during the ceremony that he led on the occasion of the LXXXIV Anniversary of the Promulgation of the Political Constitution of the United Mexican States*, delivered in the Courtyard of the National Palace. Mexico City, Mexico. Retrieved from: <http://fox.presidencia.gob.mx>

Fox, V. (2006, November 20). *Palabras del Presidente Vicente Fox Quesada, durante la Ceremonia del XCVI Aniversario del Inicio de la Revolución Mexicana [President Vicente Fox' Speech during the Ceremonies held for the 96th Anniversary of the Mexican Revolution]*, delivered at the Presidential Palace, Los Pinos. Mexico City, Mexico. Retrieved from: <http://fox.presidencia.gob.mx>

FP'ye rahat yüzü yok [No good days for FP] (2000, December 15). *Milliyet*, p. 20.

Franco, J. C. (2001). *Elections and democratization in the Philippines*. Abingdon, UK: Taylor & Francis.

Fry, M. J. (1972). *Finance and development planning in Turkey*. Vol. 5. Leiden, Netherlands: Brill Archive.

Galpin, C. (2017). *The Euro crisis and European identities*. London, UK: Palgrave Macmillan.

Galvez, J. K. (2008, March 7). Trillanes scores Oakwood hearings. *Manila Times*.

Garrido de Sierra, S. (2012, April 14). *The definitive reform: Why did Mexico's PRI propose and approve the 1996 Electoral Reform?*. Retrieved from the Social Science Research Network website: <http://dx.doi.org/10.2139/ssrn.2151629>

Gasiorowski, M. J., & Power, T. J. (1998). The structural determinants of democratic consolidation - Evidence from the third world. *Comparative Political Studies*, 31(6), 740-771. doi: 10.1177/0010414098031006003

Genel seçimi erteleyelim [Let's postpone the general elections] (1998, August 7). *Milliyet*, p. 17.

- Gill, J., & Hughes, S. (2005). Bureaucratic compliance with Mexico's new access to information law. *Critical Studies in Media Communication*, 22(2), 121-137.
- Gizli işimiz olmaz [We don't have secret affairs] (2002, November 20). *Milliyet*, p. 17.
- Golden, T. (1993, December 9). Mexican candidate pledges campaign changes. *The New York Times*, p. A3.
- Golden, T. (1994, January 28). Mexican parties agree to reform. *The New York Times*, p. A1.
- Gonzalez, F. E. (2008). *Dual transitions from authoritarian rule: Institutionalized regimes in Chile and Mexico, 1970-2000*. Baltimore, MD: Johns Hopkins University Press.
- Gözübüyük, A. P. (1974), Devlet Güvenlik Mahkemesinin görevleri [State Security Court's jurisdiction], *Ankara Barosu Dergisi*, 1, 25-29.
- Guerrero, E. (1990, July 8). Obscure group claims to target Philippines: Revolution: The Young Officers Union says it leads an underground organization to overthrow the Aquino regime. But its existence is doubted. *Los Angeles Times*.  
Retrieved from: <http://www.latimes.com/>
- Guerrero, S. (2007). The Reform the Armed Forces Movement (RAM): A creation of historical experience. *Kasarinlan: Philippine Journal of Third World Studies*, 3(3), 51-58.
- Gülmez, M. (1999). 1995 Anayasa değişiklikleri ve sendikal haklar [1995 Constitutional amendments and trade union rights]. *Amme İdaresi Dergisi*, 32(1), 3-30.
- Güney, A., & Baskan F. (2008), Party dissolutions and democratic consolidation: The Turkish case. *South European Society and Politics*, 13(3), 263-281.
- Güneydoğu raporuna araştırma [Investigation for the southeast report] (1990, July 25). *Milliyet*, p. 14.
- Gunson, P. (1995, January 19). Mexican president and parties sign reform accord. *The Guardian*, p. 11.
- Gunson, P. (1995, June 20). Mexican opposition pulls out of political dialogue. *The Guardian*, p. 12.
- Gunson, P. (1997, July 8). The dawn of democracy, *The Guardian*, p. 16.
- Gunther, R., Diamandouros, P. N., & Puhle, H. J. (1996). Debate: Democratic consolidation - O'Donnell's 'illusions': A rejoinder. *Journal of Democracy*, 7(4), 151-159.
- Haber, S. H., Klein, H. S., Maurer, N., & Middlebrook, K. J. (2008). *Mexico since 1980*. Cambridge, UK: Cambridge University Press.
- Haerpfer, C., Bernhagen, P., Inglehart, R.F., & Welzel, C. (2009). *Democratization*. Oxford, UK: Oxford University Press.
- Hariri, J. G. (2012). The autocratic legacy of early statehood. *American Political Science Review*, 106(3), 471-494.

- Hasan, A. (1999, January 23). Çiller'in deęişim projesi [Çiller's transformation project]. *Milliyet*, p. 15.
- Hasan, A. (2011, June 14). Yeni meclisin ilk görevi anayasa [Constitution tops the new parliament's agenda]. *Milliyet*. Retrieved from: <http://www.milliyet.com.tr>
- Hazama, Y. (2011). Hegemonic preservation or horizontal accountability: Constitutional review in Turkey. *International Political Science Review*, 33(4), 421-440.
- Hedman, E. L. E. (2006). The Philippines in 2005: Old dynamics, new conjuncture. *Asian Survey*, 46(1), 187-193.
- Heiduk, F. (2014). *Security sector reform in Southeast Asia: From policy to practice*. Cham, Switzerland: Springer.
- Heper, M., & Keyman, E. F. (1998). Double-faced state: Political patronage and the consolidation of democracy in Turkey. *Middle Eastern Studies*, 34(4), 259-277.
- Hernandez, C. (2006). The Military in Philippine politics: Democratization, governance, and security sector reform. In T.S. E. Tadem & N. M. Morada (Eds), *Philippine politics and governance, An introduction*, (pp. 391-408). Dept. of Political Science, College of Social Sciences and Philosophy, University of the Philippines.
- Hicken, A. (2009). *Building party systems in developing democracies*. Cambridge, UK: Cambridge University Press.
- Horcasitas, J. M., & Weldon, J. A. (2003). Reforming election systems in Mexico. In M. S. Shugart & M. P. Wattenberg (Eds), *Mixed-member election systems: The best of both worlds*, (pp. 209-230). Oxford, UK: Oxford University Press.
- Howe, M. (1983, December 8). Turk will form first cabinet since 1980. *The New York Times*, p.A15.
- Huntington, S. P. (1993). *The third wave: Democratization in the late twentieth century*. Norman, OK: University of Oklahoma Press.
- Hutchcroft, P. D. (1998). *Booty capitalism: The politics of banking in the Philippines*. Ithaca, NY: Cornell University Press.
- İdam cezaları infaz edilsin [Death penalty should be executed] (1995, January 12). *Milliyet*, p. 15.
- İki turlu seçime destek [Support for the two-round System] (1997, March 17). *Milliyet*, p. 16.
- Incal v. Turkey, ECHR 41/1997/825/1031 (June 9, 1998).
- İntikam alırdınız [You would take revenge] (1990, March 14). *Milliyet*, p. 1.
- İrticacı personeli temizliyoruz mesajı [We are getting rid of the revisionist staff] (1998, March 28). *Milliyet*, p. 18.

İsveç'ten genel af istemi [A general amnesty request from Sweden] (1986, July 4). *Milliyet*, p. 5.

İşte krize yol açan fezleke [Here is the summary which led to the crisis] (1992, January 23). *Milliyet*, p. 11.

İyimaya, A. (2015). *Siyaset Hukuku Sorunları, İkinci Cilt [Questions of Political Law, Tome II]*. Ankara, Turkey: Yetkin Yayınları.

Jimenez, R. (2005, March 20). Military revives spy unit to fight terrorism. *Gulf News*. Retrieved from: <http://gulfnews.com>

Jimenez-David, R. (2000, September 30). Parties and the party-list system. *Philippine Daily Inquirer*.

Johnson, B. (1990, March 8). Aquino gambling with get-tough Policy, Experts say. *The Globe and Mail*.

Jordan, M. (2000, November 16). Mexicans seek to lift government's veil; Publisher leads one campaign: 'How can we have democracy without daylight?'. *The Washington Post*, p. A29.

Judicial Reform: Zedillo preparing to remove top judges (1994, December 14). *The Globe and Mail*.

Kantha, P. K. (2010). Nepal's protracted democratization in terms of modes of transition. *Himalaya: Journal of the Association for Nepal and Himalayan Studies*, 28(1), 59-70.

Kapatma davasında AKP'ye ağır suçlama [Serious charges against AKP in the dissolution case] (2002, October 24). *Milliyet*, p. 19.

Kaplan, R. D. (1983, June 25). Seek new party: Civilian political process tough for Turk generals. *The Globe and Mail*.

Kapusuz: Refah gider, Ferah gelir [Kapusuz: If the party is closed down a new one will born] (1997, September 1). *Milliyet*, p. 14.

Karabağlı, H. (2013, April 24). BDP'nin savaş tazminatı önerisi MHP'yi kızdırdı [MHP furious over BDP's suggestion of war reparations]. *T24*. Retrieved from: <http://www.t24.com.tr>

Karadayı'dan formül [Karadayı's formula] (1998, June 10). *Milliyet*, p. 21.

Karakatsanis, N. (1997). Do attitudes matter? The military and democratic consolidation in Greece. *Armed Forces & Society*, 24(2), 289-313.

Karakuş, A. & Tahincioğlu, G. (2003, January 3). Kapatılmanın dayanağı yok [No grounds for the dissolution], *Milliyet*, p. 16.

Kazancıgil, A. (2014). Türkiye'de modern toplumun oluşumu ve Kemalizm, [Making of the modern state in Turkey and Kemalism]. In E. Kalaycıoğlu & A. Sarıbay (Eds.), *Türk Siyasal Hayatı, [Turkish Political Life]* (pp. 191-212). Bursa, Turkey: Sentez Yayınları.

Kenan Evren'in Türkiye'yi karanlığa taşıyan darbe açıklaması [Kenan Evren's coup announcement which carried Turkey into the darkness] (2015, May 10). *T24*.

Retrieved from: <http://t24.com.tr/>

Kesler, M. (2010, July 15). 245 aydından 'seçim barajı indirilsin' çağrısı [A call for 'lower electoral threshold' by 245 intellectuals], *Milliyet*.

Retrieved from: <http://www.milliyet.com.tr>

Kılıç: DGM'ler kaldırılmalı [Kılıç: DGMs should be abolished] (2004, April 24). *Milliyet*, p. 16.

Kim neyin iptalini istedi? [Who wanted to revoke what?] (1995, November 20). *Milliyet*, p. 19.

Kingsbury, D. (2001). *South-East Asia: A political profile*. Oxford University Press.

Kirca, C. (1989, May 22). Nasıl bir seçim sistemi? [What kind of an electoral system]. *Milliyet*, p. 11.

Kizilos, K. (1990, February 16). Aquino's total war. *Herald*, Weekend Section, p.9.

Klesner, J. L. (1997, August). *Electoral reform in Mexico's hegemonic party system*. Paper presented at the Annual Meeting of the American Political Science Association, Washington D.C. Retrieved from: <http://www.kenyon.edu>

Knack, S. (2004). Does foreign aid promote democracy?. *International Studies Quarterly*, 48(1), 251-266.

La Camara de Diputados aprueba la Ley de Acceso a la Información [The Chamber of Deputies approves the Access to Information Law] (2002, April 25). *El Informador*, p. 1.

Labastida Martín del Campo, J. & López Leyva, M. A. (2004). México: una transición prolongada (1988-1996/97) [Mexico: a prolonged transition (1988-1996/97)]. *Revista Mexicana de Sociología*, 66(4), 749-806.

Lacauarta, G. G. (2001, April 11). Ban bogus party-list bets Comelec asked. *Philippine Daily Inquirer*, p. 2.

LaFranchi, H. (1997, July 8). Mexicans say si to real democracy. *The Christian Science Monitor*, p. 1.

Lauth, H., J. (2004). *Demokratie und Demokratiemessung: Eine konzeptionelle Grundlegung für den interkulturellen Vergleich [Democracy and democracy measurement: A conceptual foundation for intercultural comparison]*. Wiesbaden, Germany: Vs Verlag FR Sozialwissenschaften.

Lawoti, M. (2008). Exclusionary democratization in Nepal, 1990-2002. *Democratization*, 15(2), 363-385.

Lawson, C. (2002). *Building the fourth estate: Democratization and the rise of a free press in Mexico*. Berkeley, CA: University of California Press.

Leal, E. R. (2010). Transnational influences in a protracted democratization: The case of Mexico. *Norté America*, (July-December 2010), 15-43.



Leeson, P. T., & Dean, A. M. (2009). The Democratic Domino Theory: An empirical investigation. *American Journal of Political Science*, 53(3), 533-551.

Left and right wing unite in cause for more democracy (1995, August 22). *Deutsche Presse*.

Lema, K. & Mogato, M. (2016, October 1). Philippines' Duterte likens himself to Hitler, Wants to kill millions of drug users. *Reuters*.

Retrieved from: <http://www.reuters.com>

Li, Q., & Reuveny, R. (2003). Economic globalization and democracy: An empirical analysis. *British Journal of Political Science*, 33, 29-54.

Linao, G. (2013). Philippines politics very much a family affair. *Business Recorder*, 49, 132.

Linz, J.J., & Stepan, A. (1996). *Problems of democratic transition and consolidation: Southern Europe, South America, and Post-Communist Europe*. Baltimore, MD: Johns Hopkins University Press.

Livas, J. (1994). The Mexican election system as a violation of international human rights law. Perspective from the right: National Action Party ('PAN'). *Loyola LA Int'l & Comparative Law Journal*, 16, 373-763.

Loaeza, B. S., & Lowenthal, A. F., (2015). *Democratic transitions: Conversations with world leaders*. Baltimore, MD: Johns Hopkins University Press.

Loaeza, S. (2000). Uncertainty in Mexico's protracted transition: The national action party and its aversion to risk. *Democratization*, 7(3), 93-116.

Lobo, M. C. (2001). The role of political parties in Portuguese democratic consolidation. *Party Politics*, 7(5), 643-653.

Lozada, B. (2014, January 29). Anti-dynasty bill not on Aquino's priority list. *Philippine Daily Inquirer*.

Maerker, D. (2009, December 7). Respuesta a Carlos, [Reply to Carlos]. *El Informador*, p. 2A.

Magic Box yayın yapamaz [Magic Box cannot broadcast] (1990, July 28). *Milliyet*, p. 8.

Mahoney, J., & Rueschemeyer, D. (2003). Introduction. Comparative historical analysis: Achievements and agendas. In J. Mahoney & D. Rueschemeyer (Eds), *Comparative Historical Analysis in the Social Sciences*, (pp. 3-40). Cambridge, UK: Cambridge University Press.

Mainwaring, S. (1989). *Transitions to democracy and democratic consolidation: Theoretical and comparative issues*. (Working Paper). University of Notre Dame, Helen Kellogg Institute for International Studies.

Malley, M. (2000). Beyond democratic elections: Indonesia embarks on a protracted transition. *Democratization*, 7(3), 153-180. doi: 10.1080/13510340008403676

Manacsa, R. C., & Tan, A. C., (2012). 'Strong republic' sidetracked: Oligarchic dynamics, democratization, and economic development in the Philippines. *Korea Observer*, 43(1), 47-87.

- Manila Reds now need not lay down arms to talk peace (1992, September 7). *The Straits Times*, p. 14.
- Manila's private armies on the march (1989, November 8). *Australian Financial Review*.
- Mangosing, F. (2016, October 3). AFP 'seriously' looking into coup plot reports vs Duterte. *The Inquirer*.  
Retrieved from: <http://www.inquirer.net>
- Mansfield, E. D., & Snyder, J. L. (2007). The sequencing 'fallacy'. *Journal of Democracy*, 18(3), 5-10.
- Maragay, F. V. (1994, October 22). Ramos: Speed up reform bills. *Manila Standard*.
- Marcos, F. E. (1976, February 3). *Presidential Decree No. 885 Outlawing Subversive Organizations, Penalizing Membership Therein and for Other Purposes*.  
Retrieved from: <http://www.lawphil.net>
- Mardin, Ş. (1973). Center-periphery relations: A key to Turkish politics?. *Daedalus*, 102, 169-190.
- Mazucca, S. L. (2013). The Rise of Rentier Populism. *Journal of Democracy*, 24(2), 108-122.
- McFaul, M. (1999). The perils of a protracted transition. *Journal of Democracy*, 10(2), 4-18.
- Merkel, W. (2004). Embedded and defective democracies. *Democratization*, 11(5), 33-58.
- Meruenas, M. (2013, October 15). SC: Party-lists need not represent marginalized sectors, GMA News.  
Retrieved from: <http://www.gmanetwork.com>
- Mexico's Enrique Pena Nieto inaugurated as president (2012, December 1). *BBC World*.  
Retrieved: <http://www.bbc.com>
- Mexico necesita una autentica ley de acceso a la informacion publica [Mexico needs a true law on access to public information] (2002, April 18). *El Informador*, p. 15A.
- MGK Genel Sekreterliği bitti [It is the end of the NSC Secretariat-General] (2003, July 29). *Milliyet*, p. 17.
- Morlino, L. (2010). The two 'rules of law' between transition to and quality of democracy, In L. Morlino & G. Palombella (Eds.), *Rule of Law and Democracy: Inquiries into internal and external issues*, (pp. 39-65). Leiden, Netherlands: Brill.
- Muhalefet olumlu [Parties in the opposition are positive] (1987, April 15). *Milliyet*, p. 13.
- Muhalefet yakınlaştı [Opposition parties came closer] (1991, March 15). *Milliyet*, p. 17.
- Munck, G. L., & Leff, C. S. (1999). Modes of transition and democratization: South America and Eastern Europe in comparative perspective. In L. Anderson (Ed.), *Transitions to Democracy* (pp. 193-216). New York, NY: Columbia University Press.
- Munck, G. L., & Verkuilen, J. (2002). Conceptualizing and measuring democracy: Evaluating alternative indices. *Comparative Political Studies*, 35(1), 5-34.

- Mussolini'nin seçim yasası [Mussolini's electoral act] (1987, October 16). *Milliyet*, p. 7.
- Nacif, B. (2000). *El sistema de comisiones permanentes en la Cámara de Diputados de México [The system of permanent commissions in the Mexican Chamber of Deputies]*, Centro de Investigación y Docencia Económicas.
- Nasıl gelişti? [How did the process occur?] (1987, May 7). *Milliyet*, p. 13.
- Norden, D. L. (1990). Democratic consolidation and military professionalism – Argentina in the 1980s. *Journal of Interamerican Studies and World Affairs*, 32(3), 151-176.
- Oakwood mutiny timeline (2007, July 20). *GMA News*.  
Retrieved from: <http://www.gmanetwork.com/news/>
- Oaxaca Group. (October 11, 2001). *Oaxaca Group's Access to Information Law Proposal, submitted to the Mexican Congress*. English translation retrieved from the National Security Archive at the George Washington University: <http://nsarchive.gwu.edu>
- O'Donnell, G. A. (1994). Delegative democracy. *Journal of Democracy*, 5(1), 55-69.
- O'Donnell, G. A. (1996). Illusions about consolidation. *Journal of Democracy*, 7(2), 34-51.
- O'Donnell, G. A. (1998). Horizontal accountability in new democracies. *Journal of Democracy*, 9(3), 112-126.
- O'Donnell, G. A., & Schmitter P., C. (1986). *Transitions from authoritarian rule: Tentative conclusions about uncertain democracies*. Baltimore, MD: The Johns Hopkins University Press.
- Office of the President of the Philippines. (1992, June). *The Aquino Management of the Presidency: In the face of crisis*. Manila: Presidential Management Staff.  
Retrieved from: <https://www.scribd.com>
- Office of the President of the Philippines. (1993). *Executive Order Nos.: 1 – 125*. Manila: Presidential Management Staff.  
Retrieved from: <http://www.gov.ph>
- Office of the President of the Philippines. (1996). *Executive Order Nos.: 301 – 440*. Manila: Presidential Management Staff.  
Retrieved from: <http://www.gov.ph>
- Öğrencilerden Demirel'e alkış [Demirel applauded by students] (1989, May 25). *Milliyet*, p. 8.
- Oğuz, S. (2002, March 8). Askerden iki sürpriz [Military's two surprises]. *Milliyet*, p. 16.
- Oral, S., & Vardar, E. (1982, August 30). Sabrımız taşıyor [We are running out of patience]. *Milliyet*, p. 9.
- Orgambides, F. (1994, January 29). Pacto por la Paz, la Democracia y la Justicia, [Pact for Peace, Democracy and Justice]. *El Pais*.  
Retrieved from: <http://www.elpais.com>
- Ortíz, R. Y. O. (2000). Comparing types of transitions: Spain and Mexico. *Democratization*, 7(3), 65-92.

- Özal meydan okudu [Özal has challenged] (1986, October 24). *Milliyet*, p.4.
- Özal yasaklıları eleştirdi [Özal criticized the banned politicians] (1987, August 18). *Milliyet*, p. 9.
- Özden: SP'yi üzümlere kapattık [Özden: We closed down SP with regrets] (1992, July 13). *Milliyet*, p. 17.
- Özel radyolar yine kapatılıyor [Private radios are to be closed down again] (1993, June 16). *Milliyet*, p. 21.
- Özel TV için çağrı [Call for private television] (1990, March 15). *Milliyet*, p. 17.
- Özer, V. (2015, December 3). Erdoğan'dan sistem yorumu: Çift başlılık ortadan kaldırılmalı [Erdogan's comment on the system: Two-headed government should be ended]. *Hürriyet*. Retrieved from: <http://www.hurriyet.com.tr>
- Özkan, Y. (1998, March 28). Askerler: Geri adım yok [Military: No step backwards]. *Milliyet*, p. 18.
- Pact is 'ray of hope' for Philippine prosperity: Ramos signs truce with coup makers (1995, October 14). *San Jose Mercury News*, p. 21A.
- Paralı kanal kurulmalı [Paid TV should be founded] (1990, March 10). *Milliyet*, March 10, p. 17.
- Parti kapatma teklifi [Party dissolution proposal] (1997, March 6). *Milliyet*, p. 17.
- Parti kapatmak artık daha zor [It is harder to dissolve a party now] (2001, January 19). *Milliyet*, p. 17.
- Perez, L. (1995). Three military rebel groups lay down their arms. *The Straits Times*.
- Peschard, J. (2010). Federal and local electoral institutions: From a national to a fragmented system. In A. Selee & J. Peschard (Eds.), *Mexico's democratic challenges: Politics, government, and society*, (pp. 68–91). Redwood City, CA: Stanford University Press.
- Philippine Constabulary revival a 'vestige of martial law' – Lagman (2016, September 23). *Philippine Daily Inquirer*. Retrieved from: <http://www.inquirer.net/>
- Philippine paramilitary Constabulary to be dismantled within year (1987, March 25). *The Xinhua General Overseas News Service*.
- Philippine president on confusion of National Police System (1988, September 8). *The Xinhua General Overseas News Service*, September 8, 1988.
- Philippine rebel soldiers call on people to join anti-Arroyo protests (2006, February 14). *BBC Monitoring Asia Pacific*.
- Piden concreter propuesta de reforma politica al PRI [Call for a concrete political reform proposal to the PRI] (1993, July 11). *El Informador*.

Pisi pisine vurulmak istemiyordum [I did not want to get shot for nothing] (1990, December 25). *Milliyet*, p. 1.

Ponce, A. I. (2012, December 3). El Pacto por México: Todos a prueba, [Pact for Mexico: Everybody has signed]. *El Informador*, p. 4-A.

Power, T. J. (1996). Elites and institutions in conservative transitions to democracy: Ex-authoritarians in the Brazilian National Congress. *Studies in Comparative International Development*, 31(3), 56-84. doi: 10.1007/bf02738989

Presidency of the European Commission. (2004, April 22) *Declaration by the Presidency on behalf of the European Union on the verdict in the case of Leyla Zana*, EU Press Release 8762/04, Brussels. Retrieved from: [http://europa.eu/rapid/press-release\\_PESC-04-50\\_en.htm](http://europa.eu/rapid/press-release_PESC-04-50_en.htm)

Pridham, G. (1995). The international context of democratic consolidation: Southern Europe in comparative perspective. In R. Gunther, P. N. Diamandouros & H. J. Puhle (Eds.), *The politics of democratic consolidation. Southern Europe in comparative perspective*, (pp. 166-203). Baltimore, MD: Johns Hopkins University Press.

Profundo transformacion en el sistema de justicia [Judicial system to be transformed profoundly] (1994, December 2). *El Informador*, p. 1.

Propuesta del Grupo Oaxaca se convierte en iniciativa del rey [Oaxaca Group's initiative becomes a law initiative] (2001, December 6). *El Informador*, p.1.

Przeworski, A. (1993). Democracy as a contingent outcome of conflicts. In J. Elster & R. Slagstad (Eds.), *Constitutionalism and democracy*, (pp. 59-80), Cambridge, UK: Cambridge University Press.

Przeworski, A., Alvarez, M. E., Cheibub, J. A., & Limongi, F. (2000). *Democracy and development: political institutions and well-being in the world, 1950-1990*. Cambridge, UK: Cambridge University Press.

Querubin, P. (2016). Family and politics: Dynastic persistence in the Philippines. *Quarterly Journal of Political Science*, 11, 151-181.

Quimpo, N. G. (2007). The Philippines: political parties and corruption. *Southeast Asian Affairs*, 2007(1), 277-294.

Quimpo, N. G. (2008). *Contested democracy and the left in the Philippines after Marcos*. New Haven, CT: Yale University.

Quimpo, N. G. (2009). The Philippines: Predatory regime, growing authoritarian features. *The Pacific Review*, 22(3), 335-353.

Quimpo, N. G. (2014). The limits of post-plunder reform in the Philippines' oligarchic democracy. In E. S. K. Fung & S. Drakeley (Eds.), *Democracy in Eastern Asia: Issues, problems and challenges in a region of diversity*, (pp. 119-137). Oxford, UK: Routledge.

Ramos, F. V. (1992, July 27). *Message of His Excellency Fidel V. Ramos President of the Philippines to the Congress on the state of the nation: Reform, change and growth*. Retrieved from: <http://www.gov.ph>

- Ramos, F. V. (1992, September 2). *Speech of President Ramos at the signing of the bill repealing the Anti-Subversion Law*. Retrieved from: <http://www.gov.ph>
- Ramos, F. V. (1994, July 26). State of the nation address: From growth to modernization. *Manila Standard*, p. 30.
- Ramos, F. V. (1996, May 17). *Proclamation no. 723*. Official Gazette of the Republic of the Philippines. Retrieved from: <http://www.officialgazette.gov.ph>
- Randall, V., & Svåsand, L. (2002). Introduction: The contribution of parties to democracy and democratic consolidation. *Democratization*, 9(3), 1-10. doi: 10.1080/714000270
- Rechazo a reelección, una lástima: Gabriela Cuevas [Rejection of reelection, a pity says Gabriela Cuevas] (2011, September 29). *El Informador*, p. 5A.
- Reding, A. (1992, June 1). A human rights initiative for the Americas. *Christian Science Monitor*, p. 18.
- Reding, A. (1992, July 28). Mexico's elections: Far from democratic. *Journal of Commerce*, p. 8A.
- Refah'tan 163'e tepki [RP's reaction to 163] (1997, March 3). *Milliyet*, p. 17.
- Referandum Çankaya zirvesinde [Referendum to be discussed in Çankaya] (1986, August 23). *Milliyet*, p. 8.
- Reforma política deja los institutos estatales al mínimo [Political reform to minimize state institutions] (2013, December 5). *El Informador*, p. 2A.
- Republic of the Philippines. (1990, October 24). *Republic Act No. 6968*. Retrieved from Chan Robles Virtual Law Library: <http://www.chanrobles.com>
- Republic of the Philippines. (1990, December 13). *Republic Act No. 6975*. Retrieved from: <http://www.lawphil.net>
- Republic of the Philippines. (1995, March 3). *Republic Act No. 7941*. Retrieved from the COMELEC website: <https://www.comelec.gov.ph/php-tpls-attachments/References/RelatedLaws/ElectionLaws/RA7941.pdf>
- Rigger, S. (2000). Machine politics and protracted Transition in Taiwan. *Democratization*, 7(3), 135-152. doi: 10.1080/13510340008403675
- Robberson, T. (1994, July 26). '88 ballot still at issue as Mexican election nears, *The Washington Post*, p. A19.
- Rodrik, D. (1990). *Premature liberalization, incomplete stabilization: The Ozal decade in Turkey*. (NBER Working Paper No. 3300). Cambridge, MA: NBER. Retrieved from the National Bureau of Economic Research website: <http://www.nber.org/papers/w3300>
- Rohter, L. (1988, September 2). Leader booed in Mexican Congress. *The New York Times*, p. A3.

- Rohter, L. (1988, October 22). Mexicans in opposition finding unity elusive. *The New York Times*, p. 2.
- Rohter, L. (1990, July 5). Amid praise, Mexican chief draws fire on rights. *The New York Times*, p. A6.
- Root Jr, L. E. (1995). The Mexican electoral process: The perpetuation of fraud by restriction of citizen access to electoral information. *J. Marshall J. Computer & Info. L*, 14, 151-178.
- RP Avrupa'da sonuç alamaz [RP won't get anything at the ECHR process] (1998, January 22). *Milliyet*, p. 15.
- Ruhl, J. M. (1996). Unlikely candidates for democracy: The role of structural context in democratic consolidation. *Studies in Comparative International Development*, 31(1), 3-23. doi: 10.1007/bf02802956
- Rustow, D. A. (1970). Transitions to democracy: Toward a dynamic model. *Comparative Politics*, 2(3), 337-363.
- Salmon, A. (2012, December 3). Compara Duarte Pacto por México con los Acuerdos de La Moncloa en España [Duarte compares the Pact for Mexico to the Moncloa Pact in Spain]. *Diario*. Retrieved from: <http://www.diario.mx/>
- Samstad, J. G. (2002). Corporatism and democratic transition: State and labor during the Salinas and Zedillo administrations. *Latin American Politics and Society*, 44(4), 1-28.
- Sanger, D. (1992, June 26). Aquino urges military to yield its role in politics, *The New York Times*, p. A3.
- Satana, N. S. (2007). Transformation of the Turkish Military and the path to democracy. *Armed Forces & Society*, 34(3), 357-388.
- Savaş: FP yöneticileri vampir [Savaş: FP directors are vampires] (1999, May 8). *Milliyet*, p. 16.
- Sayarı, S. (2002). The changing party system. In S. Sayarı & Y. Esmer (Eds.), *Politics, parties, and elections in Turkey*, (pp. 9-33). Boulder, CO: Lynne Rienner.
- Schatz, S., & Rexach, J.G. (2002). *Conceptual structure and social change: The ideological architecture of democratization*. Westport, CT: Praeger Frederick.
- Schedler, A. (1998). What is democratic consolidation?. *Journal of Democracy*, 9(2), 91-107. doi: 10.1353/jod.1998.0030
- Schmidt, V. (2008). Discursive institutionalism: The explanatory power of ideas and discourse. *Annual Review of Political Science*, 11, 303-326.
- Schrader, E. (1994, January 28). Mexican revolt gives a reform a push. *San Jose Mercury News*, p. 1A.
- Scott, D. C. (1994, March 30). Mexico's long battle for credible elections. *Christian Science Monitor*, p. 6.

Se buscar afianzar un estado democratico [Seeking to establish a democratic state] (1993, March 12). *El Informador*.

Seawright, J., & Collier, D. (2010). Glossary. In H. E. Brady & D. Collier (Eds.), *Rethinking Social Inquiry: Diverse tools, shared standards* (pp. 313-361). Washington DC: Rowman & Littlefield Pub Incorporated.

Seçim barajı diye bir AB kriteri yok [There is no EU criteria about electoral threshold] (2005, June 27). *Milliyet*, p. 18.

Seçim barajı sıfırlanmalı [Electoral threshold should be abolished] (2000, January 19). *Milliyet*, p.20.

Seçim yasası gündemde: Baraj sistemi tartışılıyor [Electoral system in the agenda: Debate on the threshold system] (1983, February 3). *Milliyet*, p. 3.

Según Lujambio, debater es la clave para avanzar [According to Lujambio, debate is the key to progress] (2010, October 29). *El Informador*, p. 7A.

Senate revives anti-dynasty bill (1993, December 19). *Manila Standard*.

Serrano, M. (1995). The armed branch of the state: Civil–military relations in Mexico. *Journal of Latin American Studies*, 27(2), 423-448.

Sever, A. (1990, November 20). Özal’dan şartlı mesaj [Özal’s conditional message]. *Milliyet*, p. 16.

Shenon, P. (1992, January 26). Aquino endorses ex-army chief in vote. *The New York Times*. Retrieved from: <http://www.nytimes.com>

Shenon, P. (1992, November 13). For Filipino new dealer, a hard road to recovery. *The New York Times*, p. A11.

SHP lideri, DYP grubunu eleştirdi [SHP leader criticized the DYP parliamentary group] (1992, September 2). *Milliyet*, p. 7.

SHP’nin yeni anayasa taslağı eskisinden farklı [SHP’s new constitution is different] (1992, April 27). *Milliyet*, p. 13.

Şık, B. (2007, April 28). Gerektiğinde tavır koyarız [We shall take actions when necessary]. *Milliyet*.

Retrieved from: <http://www.milliyet.com.tr>

Sivil DGM için ilk adım [First step for civilianized DGM] (1999, June 15). *Milliyet*, p. 14.

Siyasi yasakları kaldırın [Lift the political bans] (1987, January 28). *Milliyet*, p.9.

Sonny O vows to fight anti-dynasty measure (1994, October 18). *Manila Standard*.

Sosyaldemokrat Halkçı Parti, [Social Democratic Populist Party]. (1991). *Yeni bir Türkiye için ilk hedefler, [Primary targets for a new Turkey]*. TBMM Kütüphanesi, TGNA Library.

Retrieved from: <https://www.tbmm.gov.tr>



Sözde değil özde laik cumhurbaşkanı [A secular-by-heart president] (2007, April 13). *Vatan*. Retrieved from: <http://www.gazetevatan.com>

Stockton, W. (1986, October 19). Mexicans look ahead: A new order but no revolution. *The New York Times*, p. 20.

Stockton, W. (1986, December 11). Banks to get stake in Mexico's Alfa. *The New York Times*. Retrieved from: <http://www.nytimes.com>

Tahincioğlu, G. (2009, August 27). Yüksek yargıyı değiştirme planı, [Reform plan for the high judiciary]. *Milliyet*.

Retrieved from: <http://www.milliyet.com.tr>

Tangkia, F. P., & Habaradas, A. B. (2001). *Party-list system: The Philippine experience*. Quezon City, Philippines: Ateneo School of Government and Pasig City, Philippines: Friedrich Ebert Stiftung Philippine Office. Retrieved from FES Library website <http://library.Fes.De/pdf-files/bueros/philippinen/50076>

Taş devrinde bile yok [Not possible even in the stone age] (1998, January 18). *Milliyet*, p. 19.

TBMM Araştırma Merkezi'nden 'seçim barajı' raporu [TGNA Research Center publishes an electoral threshold report] (2011, April 28). *Meclis Haber*. Retrieved from TBMM website: [https://www.tbmm.gov.tr/develop/owa/haber\\_portal.aciklama?p1=109111](https://www.tbmm.gov.tr/develop/owa/haber_portal.aciklama?p1=109111)

TBMM Tutanak Dergisi. (1986, April 2). Verbatim Report of the TGNA Debates, Term 17, Legislative Year 3, Volume 27, Session 87.

TBMM Tutanak Dergisi. (1987, May 13). Verbatim Report of the TGNA Debates, Term 17, Legislative Year 4, Volume 40, Session 102.

TBMM Tutanak Dergisi. (1987, May 14). Verbatim Report of the TGNA Debates, Term 17, Legislative Year 4, Volume 40, Session 103.

TBMM Tutanak Dergisi. (1991, November 6). Verbatim Report of the TGNA Debates, Term 19, Legislative Year 1, Volume 1, Session 1.

TBMM Tutanak Dergisi. (1992, June 18). Verbatim Report of the TGNA Debates, Term 19, Legislative Year 1, Volume 13, Session 85.

TBMM Tutanak Dergisi. (1993, Jul 5). Verbatim Report of the TGNA Debates, Term 19, Legislative Year 2, Volume 38, Session 122.

TBMM Tutanak Dergisi. (1994, March 2). Verbatim Report of the TGNA Debates, Term 19, Legislative Year 3, Volume 54, Session 78.

TBMM Tutanak Dergisi. (1997, March 5). Verbatim Report of the TGNA Debates, Term 20, Legislative Year 2, Volume 22, Session 64.

TBMM Tutanak Dergisi. (2000, March 29). Verbatim Report of the TGNA Debates, Term 21, Legislative Year 2, Volume 29, Session 73.

TBMM Tutanak Dergisi. (2001, September 27). Verbatim Report of the TGNA Debates, Term 21, Legislative Year 3, Volume 70, Session 134.

- TBMM Tutanak Dergisi. (2001, September 28). Verbatim Report of the TGNA Debates, Term 21, Legislative Year 3, Volume 70, Session 135.
- TBMM Tutanak Dergisi. (2004, May 4). Verbatim Report of the TGNA Debates, Term 22, Volume: 48, Legislative Year 2, Session: 83.
- Teehankee, J. (2002). Electoral politics in the Philippines. In A. Croissant (Ed.), *Electoral Politics in East & Southeast Asia*, (pp. 149–202). Singapore: Friedrich Ebert Stiftung.
- Teftiŝe geldiler [They came to inspect] (1986, June 19). *Milliyet*, p. 7.
- Teodoro, L. V. (2014, January 13). Vantage point: The real scandal. *Business World*, p. 4.
- There will never be an antipolitical dynasty enabling law (2007, March 11). *The Manila Times*, p. 2.
- Thompson, M. R. (1995). *The Anti-Marcos struggle: Personalistic rule and democratic transition in the Philippines*. New York, NY: Berghahn Books.
- Thompson, W. (1992). *The Philippines in crisis: Development and security in the Aquino era, 1986-91*. Springer.
- Toledo sees Mexico as democratic example for Latin America (2000, July 18). *Deutsche Presse-Agentur*.
- Tolstrup, J. (2013). When can external actors influence democratization? Leverage, linkages, and gatekeeper elites. *Democratization*, 20(4), 716-742.
- Trevino, J. (1990, August 11). Mexico doesn't need lectures on democracy. *The New York Times*, p. 24.
- Trinidad-Echavez, A. & Lacuerta, G. G. (2001, April 6). Party-list issue heats up. *Philippine Daily Inquirer*, p.2.
- TRT de Magic de Özal'ların [Both TRT and Magic Box are Özals' channels] (1990, July 29). *Milliyet*, p. 1.
- TRT'de büyük baskı var [There is great pressure on TRT] (1990, May 6). *Milliyet*, p. 5.
- TRT'de tek el kalksın [TRT's monopoly should be ended] (1990, February 28). *Milliyet*, p. 13.
- TRT'ye saldırı DGM'de [TRT attack to be investigated by the DGM] (1991, January 24). *Milliyet*, p. 11.
- Tubadeza, K. M. P. (2015, July 28). Aquino seeks reform continuity, *Business World*, p. 1.
- Türk, E. (2000, March 9). TÜSİAD, milletvekillerine demokrasiyi anlatacak [TUSIAD will lecture MPs about democracy], *Milliyet*, p. 10.
- Türk, E. (2001, May 22). TÜSİAD: MGK'da tek asker olsun [TUSIAD: There shall be one military member in the NSC], *Milliyet*, p. 8.
- Türkiye'den DGM savunması [Turkey's defence on DGMs] (1998, November 2). *Milliyet*, p. 7.

Türkiye Cumhuriyeti. (2007, June 27). *Anayasa Mahkemesi Kararı Karar Sayısı: 2007/54*, [Constitutional Court Decision No. 2007/54]. Retrieved from the Resmi Gazete website: <http://www.resmigazete.gov.tr/eskiler/2007/06/20070627-17.htm>

Türkiye Cumhuriyeti. (2008, October 22). *Anayasa Mahkemesi Kararı Karar Sayısı: 2008/116*, [Constitutional Court Decision No. 2008/116]. Retrieved from the Resmi Gazete website: <http://www.resmigazete.gov.tr/eskiler/2008/10/20081022-15.htm>

Turks urged to vote for continuity of regime (1983, November 5). *The New York Times*, p.10.

Tusalem, R. F. (2007). A boon or a bane? The role of civil society in third- and fourth-wave democracies. *International Political Science Review*, 28(3), 361-386.

TÜSİAD'ın yargı raporu: DGM'ler kaldırılсын [TUSIAD report on judiciary: DGMs shall be abolished] (1998, November 10). *Milliyet*, p. 6.

Tutuncu, İ. (1998, September 18). DGM'leri kaldırın, [Abolish the DGMs!]. *Milliyet*, p. 21.

Uhlig, M. A. (1990, November 25). Mexico's Salinas rains on his own parade. *The New York Times*, Section 4, p. 3.

Vargas, A. (2006, February 28). AFP bares massive coup plot conspiracy. *Manila Times*.

Vargas, A. (2006, December 9). Trillanes confirms he'll run for Senate. *Manila Times*.

Vargas, A. & Esteves, P. (2006, January 21). Escapees helped by lax security. *Manila Times*.

Vargas, J. A. (1996). The rebirth of the Supreme Court of Mexico: An appraisal of President Zedillo's judicial reform of 1995. *American University International Law Review*, 11(2), 295-341.

Ve yedek üye duruşmada [And the replacement judge is in courtroom] (1999, June 3). *Milliyet*, p. 18.

Veinte compromisos por la democracia [Twenty compromises for democracy] (1994, March 21). *El Jarocho Verde*, 7, p.8.

Veteran Federation Party et al. vs COMELEC, Supreme Court General Register No. 136781 (October 6, 2000).

Retrieved from: <http://sc.judiciary.gov.ph/jurisprudence/2000/oct2000/136781.htm>

Vice-president wants Aquino to quit (1988, August 12). *The Dispatch*.

Victor, A. V. S. (2016, October 3). Evasco: Groups displaced by Duterte may plan coup. *The Inquirer*.

Retrieved from: <http://www.inquirer.net>

Villamil, J. (2002, April 26). El Proyecto del Grupo Oaxaca, base para el quehacer de los legisladores [Grupo Oaxaca's project, basis for the legislators' task]. *La Jornada*, pp. 12-13.

Villanueva, E. (2001, November 11). Los foros de la decepción [Deceptive forums]. *Proceso*. Retrieved from: <http://www.proceso.com.mx>

- Villanueva, E. (2001, December 15). Acceso a la informacion y participacion democratica [Access to information and democratic participation]. *El Informador*, p. 5A.
- Villanueva, E. (2002, June 29). Lo que tiene y lo que falta de la Ley de Acceso a la Informacion [What is there and what is missing in the Law on Access to Information]. *El Informador*, p. 6A.
- Villanueva, M. A. (1994, October 18). Congress chided on dynasty issue on foundation day rites. *Manila Standard*.
- Wang, J. C. F. (1994). *Comparative Asian Politics: Power, policy, and change*. New York, NY: Pearson College Division.
- Way, L. A., & Levitsky, S. (2007). Linkage, leverage, and the post-communist divide. *East European Politics and Societies*, 21(1), 48-66.
- Weldon, J. A. (2004). The prohibition on consecutive reelection in the Mexican Congress. *Election Law Journal*, 3(3), 574-579.
- Welzel, C. (2007). Are levels of democracy affected by mass attitudes? Testing attainment and sustainment effects on democracy. *International Political Science Review*, 28(4), 397-424.
- Wiarda, H. J. (2004). *Authoritarianism and corporatism in Latin America: Revisited*. Gainesville, FL: University Press of Florida.
- Wilkinson, S. I. (2000). Democratic consolidation and failure: Lessons from Bangladesh and Pakistan. *Democratization*, 7(3), 203-226.
- Woo, J. (2010). Crafting democratic control of the military in South Korea and the Philippines: The problem of military factions. *Contemporary Politics*, 16(4), 369-382.
- Wurfel, D. (1988). Philippines' precarious democracy: Coping with foreign and domestic pressures under Aquino. *International Journal*, 44(3), 676-697.
- Wurfel, D. (2007). The party-list System: Sectoral or national? Success or failure?. *Kasarinlan: Philippine Journal of Third World Studies*, 13(2), 19-30.
- Yabes, C. (1987, August 9). President announces more searches, checkpoints to curb political violence. *The Associated Press*.
- Yargının zıt kardeşleri [Unlikely brothers of judiciary] (2000, March 19). *Milliyet*, p. 16.
- Yargıtay başkanı sert çıktı [Head of the Court of Cassation spoke frankly] (1988, September 7). *Milliyet*, p. 10.
- Yasaklar için güçbirliği [Cooperation to repeal the ban] (1986, October 29). *Milliyet*, p. 8.
- Yasakları millet koysun [The nation shall impose bans] (1987, February 12). *Milliyet*, p.6.
- Yılmaz: Fazilet sistemle barışsın [Yılmaz: Fazilet should make peace with the system] (1998, February 26). *Milliyet*, p. 18.
- Yılmaz, Ö. & Barçın, Y. (2000, June 23). Kopenhag kriterlerine ayar [Copenhagen criteria are adjusted], *Milliyet*, p. 23.

Yüzde 10 baraj Baykal'ı kesmiyor [10% threshold is not enough for Baykal] (2001, December 7). *Milliyet*, p. 20.

Yüzde 10'u size soracak değiliz [10 % threshold is none of your business] (2011, April 14). *Milliyet*.

Retrieved from: <http://www.milliyet.com.tr>

Zakaria, F. (1997). The rise of illiberal democracy. *Foreign Affairs*, 76(6), 22-43.

Zana'ya çifte umut [Double hope to Zana] (2004, April 23). *Milliyet*, p. 19.

Zedillo, E. (1994, September 14). *Desayuno con miembros de la Unidad Revolucionaria del PRI, [Luncheon with the members of the PRI Revolutionary Unity]*.

Retrieved from: <http://zedillo.presidencia.gob.mx/>

Zedillo, E. (1994, December 1). *Después de Rendir Protesta como Presidente Constitucional de los Estados Unidos Mexicanos, el Doctor Ernesto Zedillo Ponce de León Pronunció un Mensaje de Toma de Posesión [Doctor Ernesto Zedillo Ponce de León Delivers His Inaugural Speech]*. Delivered at the Congress of the Union, Mexico City, Mexico.

Retrieved from: <http://zedillo.presidencia.gob.mx>

Zedillo, E. (1995, January 13). Encuentro con integrantes del Comité Ejecutivo Nacional del Partido de la Revolución Democrática, [Meeting with the National Executive Committee of the Democratic Revolution Party].

Retrieved from: <http://zedillo.presidencia.gob.mx>

Zedillo, E. (1995, January 18). Zedillo welcomes national political agreement: Calls for democracy through dialogue. *Radio ACIR, BBC Summary of World Broadcasts*.

Zedillo, E. (1996, August 24). Entrevista al C. Presidente para el programa 24 Horas, [Interview with the President for the program 24 Horas]. Interview by J. Zabłudovsky. *24 Horas* [Television Broadcast]. Mexico City: Televisa.

Retrieved from: <http://zedillo.presidencia.gob.mx>

Zedillo, E. (1997, July 6). *Transcript of President Ernesto Zedillo's message to the nation on the occasion of the federal elections held today*. Delivered at the Presidential Palace, Mexico City, Mexico.

Retrieved from: <http://zedillo.presidencia.gob.mx>

Zedillo, E. (2000, July 3). *President Zedillo congratulates "next president" Vicente Fox*. Transcript of live broadcast on XEW Canal 2, Mexico City, Mexico. Retrieved from Lexisnexis academic database website: <http://www.lexisnexis.com/hottopics/Inacademic>

Zedillo, E. (2015). Interview with President Ernesto Zedillo. In S. Bitar & A. F. Lowenthal (Eds.), *Democratic Transitions: Conversations with World Leaders*, (pp. 182-202). Baltimore, MD: Johns Hopkins University Press.