

TABLE RONDE N°2

THE RHETORICAL CONSTRUCTION OF DEMOCRACY IN THE TURKISH PARLIAMENT

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Study in progress. Please do not quote without the authorisation of the author.

This paper dwells upon the rhetoric of democracy in the Turkish Grand National Assembly (TGNA). It attempts to reveal the variety of the meanings of democracy set out by the Turkish members of parliament and to display the dominant frames of interpretation concerning the problem of democratisation, as well as the limitations of this rhetoric.

In the last decade, Turkey has witnessed significant institutional and legal reforms concerning Turkish democracy's consolidation. Among these reforms, the constitutional modifications and the following legal adaptations concerning the Turkish democracy's adjustment to the democratic standards of the European Union countries are fundamental. Although the re-democratisation process after the military coup 1980 dates back to the second part of the 80's and partly to Turkey's quest for the reactivation of the Association agreement with EC in 1987, the wide-ranging constitutional reforms for restoration of democracy and human rights took depart in 1995, following the EU-Turkey association council's agreement on the customs union. The package negotiated by the GNA in 1995 proposed the most comprehensive amendments made to the Constitution 1982¹ until then. In July 1995, 15 articles of the constitution were changed before the voting of the Customs Union agreement in the European Parliament. After the approval of Turkey's candidate status for EU membership at the Helsinki Summit in December 1999, and the adoption of the

¹ This constitution was drawn up by a constituent assembly, which was appointed and supervised by the leaders of the 12 September 1980 military coup and adopted by a nation-wide referendum held under the extraordinary conditions of the military regime at the time.

“National Program” by Turkish authorities on March 2000, the constitutional and legislative amendments started to be conducted more directly by the motive of adjusting the Copenhagen Criteria. Many such amendments passed in October 2001, August 2002, June-July 2003, May and October 2004.

Even though one may claim that the amendments made after Helsinki Summit and the reforms that followed are more significant in scope and in content, in this study I focus on the constitutional amendments in 1995 and examine the minutes of the plenary debates in the GNA, as the example of the rhetoric of democracy in Turkish parliament. There are two reasons underlying such a preference: The first is that in 1995 the seats in GNA were shared by the deputies from seven political parties² contrary to the recent one, which is quantitatively pre-dominated by two great parties. The parliament that negotiated over the package of constitutional amendments in 1995 was to represent to some extent the whole variety of the main political tendencies in Turkey, except for the leftist and radical leftist parties, which are traditionally under represented in Turkish parliaments³. In the second place, although certain responsibility of the European Parliament in the constitutional modifications in 1995 can be claimed⁴, this endeavour may be conceived as a general undertaking shaped by the will of the Turkish parliament itself, since we cannot talk about clearly defined and dictated standards of EU in terms of democratisation, before the Helsinki Summit. This was the first comprehensive tentative to civilianise the 1982 Constitution prepared under the hegemony of the military regime. In this regard, I suppose to reach at certain more “comprehensive” understanding of the variety of meanings attributed to democracy and democratisation by the Turkish parliament.

² Those parties are True Path Party (TPP) Republican People’s Party (RPP); Motherland Party (MP), Nationalist Movement Party (NMP), Grand Union Party (GUP), Welfare Party (WP), Democratic Left Party (DLP). In that period, the TTP-RPP coalition was in government since 1993. The TTP was the big partner of the coalition that lasted until 20 September 1995. RPP, MP and WP were other parties having party groups in the GNA.

³ The traditional absence of the left and radical left parties in the GNA gives rise to an exclusionary rhetoric as we will see examples later in the course of the analysis. This is also an important problem of Turkish politics that may be interpreted as a crisis of representation, which mostly becomes visible through the violent activities of politically under represented parts of the society. As Liebert states, “Parliament is able to contribute to the integration of the forces of the extreme left or right, in particular of anti-system oppositions during the stage of democratic consolidation..” (Liebert, 1990:15)

⁴ Surely, as Dağı argues, the need to persuade the European Parliament about the prospect of democratisation in Turkey before the approval of the agreement on the customs union is an important motive that lies beyond the constitutional reforms on 1995 (2001:64?).

One main assumption of the study is that the rhetoric of democracy and the related rhetoric of human rights applied by Turkish political elites, are predominantly characterised by “mythical thinking” that operate through “irrational”, “sentimental” consideration of the world characterised by syntheticism, contradictions, images, dramatisation and a cyclical time concept (Taran, 2000:121...). The political discourse that celebrates democracy as an “object of desire” on the one hand, and emphasises the necessity to set its limits by referring to Turkey’s peculiar conditions on the other, exemplifies this “irrational” thinking. On the contrary, the “rational” reasoning may be characterised by an analytic outlook operating with concepts; impossibility of contradictions; neutrality and linear and equal time, as Taran claims (2000:121-127). In this regard, I argue that the problems encountered in putting the institutional and legislative reforms into everyday practice in Turkey are related to the absence –and/or inadequacy- of a rational outlook to democratisation.

Such a deficiency in developing rational conceptions of democracy is predictably connected to the history of democratisation in Turkey, which is widely motivated by external powers rather than the will of the people. Since the late 18th century, the political elites have played a significant role in Turkish politics by connecting Turkey’s political future to the western civilisation. As a consequence of the dominant role of political elites in Turkish politics, the project of democratisation has been largely conceived as the implementation of the institutions of the western democracy in a top-down fashion, whereas the role of citizens and/or their representatives was disregarded. The institutions of a liberal democracy have been adopted as the formal necessities of a democratic system preconceived by the Turkish elite, thus it is not the conclusion of a social transformation process realised by citizens themselves (Köker L., 1995, p.54; Çelik, 1996, 224-229; Mardin, 1995, 290-295).

The outcome of such process is a pragmatic consideration of democracy, which is widely criticized by students of Turkish politics, especially in terms of Turkey-EU relationship. For example, Giannakopoulos and Bozyiğit (2005) explain the disparity between legislative reforms and the everyday practices of local security or judiciary forces by referring to the problems deriving from the civil political authorities’ consideration of democratisation. Accordingly, “The civil political authority considers steps toward « democratization » as a function of the bargaining it has engaged in both with the status-quo-prone forces and the EU concerning the prospective integration

process and not as an ideal per se...” (2005:18). Similarly, Dağı emphasizes “the disparity between the aspiration to be European and its domestic political practice” as one main dilemma of Turkish political elites (2001:58). This dilemma becomes more evident by the political elites’ contradictory responses to the EU authorities’ appeals for democratisation. As Rumford states:

Turkey’s stance towards meeting EU requirements is often accompanied by a nationalistic rejection of human rights and democratic norms, . . . on the basis that these amount to foreign interference in the legitimate business of running the country. . . . However, the same political elites also accept European ‘interference’ if it accords with their current political agenda, and they profess to welcome the alignment of Turkey with European and global norms (2002: 51-52).

This ambiguous position of the Turkish political elites becomes visible at the discursive level, in their oscillation between two irreconcilable discourses: “A wholehearted embrace of EU norms on human rights and democratisation, on the one hand, and a nationalistically inflected rejection of outside interference in domestic matters, on the other.” (Rumford, 2002:51-52). Moreover, the conventionally secondary place of the representative elites in determining the policy priorities (Heper 1994; Özbudun 1988; Kalaycıoğlu, 1990) may also be considered as an obstacle before the promotion of “consistent” attitudes towards democratisation.

Obviously, Turkish parliament suffers from certain problems common to most contemporary democracies. Many authors who refer to the crisis of representation claim that legislatures “have been losing their essential function as the core of the decision-making process” (Gençkaya, 1999:2) and emphasise the incompetence of political parties in developing and proposing policy alternatives (Barnett, 1996:167); the exclusion of the nineteenth century’s “idealised” freewheeling discussion and the free competition of ideas from the parliament (Habermas, 1991; Schmitt, 1985); the rule of particular interests in the politics, mediatisation, professionalisation and commercialisation of the politics (Charaudeau, Ghiglione, 1997: 126); as well as the dominant position of the non-parliamentary actors, interest groups, governmental decision-makers, party leadership over the legislation (Guéhenno, 1993; Zarifian, 1997: 8-10, 30; Nino, 1996:84-85). Furthermore, some characteristics of Turkish politics such as the privileged position of the government over legislation; the rigidity of disciplinary

mechanisms; excessive stress upon solidarity within political parties; partisanship, patronage, clientalism, and corruption are matters discrediting particularly the parliament and the representatives themselves (Akşit, 1998; Şaylan, 1998).

In addition, the lack of institutionalisation caused by three military interventions that Turkish parliament suffered in its past may be also considered among the reasons of this loss of reputation. As a result of these interruptions, the rules of conduct in the parliament couldn't be conventionalised (Kalaycıoğlu, 2000, Gençkaya, 1999). As well, this lack of continuity in the GNA has strengthened the tension between different groups represented in the parliament, instead of promoting a conflict-solving environment. The subordinate position of the GNA lasted after 1982 when transition to democracy began. The GNA "couldn't become one major arena of encounters with social subjects of negotiations." (Liebert, 1990:6).

In this regard, the resulting conception of politics is shaped through a political rhetoric which privilege contradiction and conflict based tactics of partisanship by appealing to the sentiments of the electors. As a consequence, political elites in general and the representative elites in particular have remained incapable of producing and proposing differentiated policies on a rational basis (Heper, 1994, 2002; Özbudun, 1988, 1999). The inconvenience in producing alternative conceptions of democracy complicates the opposition's ability to produce new discursive fields that exceed the appropriate limits of the prevailing democracy discourse. The opposition restrained by established rhetorical strategies becomes inevitably ineffective and homogenised.

However, above-mentioned arguments about the limitations of Turkish politics in terms of the position and the role of the parliament as a political actor do not necessarily suggest that the parliament, as an institution, is completely ineffective. Needless to say, modern parliamentary procedures do not necessarily fulfil Carl Schmitt's (1991) idealised classical liberal parliamentarism's free and unhindered discussion and the rule of the best argument. But, "legislatures remain an integral part of many political systems" (Gençkaya, 1999:3) and the members of parliament must give final approval to the government's proposals. Even though their perceptions of democratisation are mostly shaped by their party line and affiliations, they are still representatives of the mass public (McLaren and Müftüler-Baç, 2003:196). They play an important role in the formation of the public opinion. As Scheuerman argues in his response to Carl Schmitt's critique of modern parliamentarism:

Broad-based, popularly elected parliamentary bodies conceivably are more effective at representing a greater diversity and heterogeneity of argumentative viewpoints than other, competing state institutions, and thus gain a renewed basis for insisting on their supremacy in the legislative process: parliament still may be the site where “particles of reason that are strewn together unequally among human beings” are able to manifest themselves, in a much richer, diverse, and multifaceted way than in alternative aspects of the political apparatus. ... a broad-based, *multivocal* elected legislature with hundreds of members arguably may be quite effective at reflecting the heterogeneity of “particles of reason” found in contemporary society (Scheuerman, 1995:152).

Therefore, the Parliament remains into certain extent the locus of public deliberation, which plays an important role in the formation of the language of democracy. As Dryzek and Holmes argue, “we should pay close attention to the variety of meanings that can be embedded in the language of democracy by political actors” (2002:5). These meanings can reveal what people can and do make of democracy and of the institutions. In other words, as it is well emphasised by Miller,

Rhetorical analyses of legislative debate can document how the discourse of a representative governing body serves to explicitly represent, omit, or modify public argument in its construction of public policy; and how public policy, once enacted, serves to advance certain meanings over others in public argument (1999: 362).

In this respect, the analysis of the rhetoric of democracy in the Turkish parliament is significant for two reasons: First, the priorities emphasised in the parliamentary debates characterise the basic dynamics of the process of democratisation in Turkey; and next, the variety of the meanings associated with democracy by the GNA represents for the most part, the prevailing ideas about democracy in the Turkish public sphere.

For this study, I read and analysed 930 pages of minutes from 12 parliamentary hearings that took place between 14 June and 22 July 1995. In so doing, I tried to focus on the dynamics of the deliberative practices during the “negotiations” as well as the style and the content of the arguments and the contextual preferences. The study attempts to display the dominant frames of interpretation set out by the Turkish parliament concerning the problem of democratisation and the limitations of this rhetoric.

The first section of the study concentrates on the practices of deliberation in the GNA. The role and the place of the deliberation in the parliamentary decision-making processes are explored through a general inquiry of the argumentative processes. In order to describe the general frame through which the rhetoric of democratisation in the Turkish parliament operates, I reveal two main questions: Which kinds of arguments are essential to the basic assertions of this rhetoric? How this argumentation operates? In answering these questions I am inspired by Taran’s distinction between mythical and logical types of reasoning to which he had recourse in his analysis on Ukrainian parliament. As I have mentioned in the introduction of this article, mythical thinking is characterised by synthetism⁵, possibility of contradictions, dramatisation⁶ and cyclic time conception⁷; as well it operates with images. On the contrary, logical reasoning is characterised by an analytic outlook⁸, operation with concepts or terms, and impossibility of contradictions, neutrality and linear and equal time (Taran, 2000: 121). I tried to find out which elements of these two argumentative styles are prevalent in the language of the members of parliament. In so doing, I took into consideration that no pure forms of these two types of reasoning are observable in genuine political conversation.

⁵ By referring to Huzinga (1994), Taran argues that “mythical thinking arranges the world into one singular universe. It looks at the world synthetically. The different appearances of the world are united in certain organic parts of this world.” (2000:121).

⁶ “Myth presents the world as an area of dramatic battle between good and evil. Mythical thinking thus paints the world in ‘black’ and ‘white’ and in such a way imposes a certain meaning of morality. ... Dramatization of the world within political discourse creates an important dimension of mythical thinking.” (Taran, 2000: 127)

⁷ “Mythical time is built according to natural order, it has a cyclic succession. ... Political discourse may confuse time. The past or the future can be more important than the present in political discourse. ... On the other hand, the past can become the present through political discourse”. (Taran, 2000: 125)

⁸ Accordingly, “analytical outlook splits the world into different components and investigates the relationships among them. From an analytical point of view, the world is not an organic singular universe, but unknown matter that must be split and explored rationally”. (Taran, 2000:122).

In the rest of the study I focus on the arguments themselves, engendered through the rhetoric of democratisation. I dwell upon the main assertions emphasised by different tendencies represented in the parliament. Thus, I aim to display the prevailing ideas in terms of state-society relationships and fundamental rights and freedoms. Thus, the second section deals with the manner in which the proposed modifications are explained and reasoned during the negotiations: “Rhetoric of adjustment” and “rhetoric of necessity” are two common rhetorical strategies that are usually applied for legitimising parliamentary reforms. Whereas the former refers to the need for adjusting to the changing conditions, situation or the environment (the necessity to adjust the Western criteria of democracy in our case) the latter emphasises the internal needs of the society and the demands of the public opinion. Two main questions pondered in this section are: How are democracy and democratisation described through this rhetoric? And through which arguments are the limits and/or limitations of the reforms justified?

Finally, the third section focuses on and examines the main ideas and arguments that frame the conceptualisation of fundamental rights and freedoms during the negotiations.

I. DELIBERATIVE PROCEDURES AND RHETORICAL PREFERENCES IN THE TURKISH PARLIAMENT

- The scope and the restrictions of the amendment package:

The package presented by the Constitution Committee to the plenary session of GNA included the motions of amendments on 21 articles. Although the package constituted the most comprehensive amendments made to the Constitution of 1982 until then, these modifications didn't comprise many central issues emphasised later by the Copenhagen Criteria that set the democratic standards required for harmonising with European Union Countries. For example, the provisions on the abolition of the death penalty, minority rights, education and broadcasting in mother tongue, the right to assembly, prevention of torture, gender equality, privacy of individual life, freedom of communication, and freedom of association have been the subject of further amendment

packages, have been voted after the declaration of the National Program by the Turkish authorities. On the other hand, although the civilianisation of the constitution was promoted as one of the main reasons of the modifications, the civilianisation of the National Security Organisation (MGK) that became later an important stage for harmonising with the EU's political standards was not comprised in the 1995 amendment package.

The amendment package was prepared by the Constitution Committee upon the compromise of three main parties in the GNA: True Path Party (TPP), Motherland Party (MP), and Social Democrat Populist Party (SDPP). The latter was afterwards divided into two: Democratic Left Party (DLP) and Republican People Party (RPP). Therefore, one can suppose that the amendment package presented to the voting of the GNA was expected to get a remarkable support from the members of the parliament.

However, despite the wide-ranging compromise, 6 of the 21 proposed amendments were rejected after the debates. One reason of such outcome may be related to the fact that the package prepared by the Constitution Committee didn't fit with the text of agreement signed by parties taking part in this compromise, as it is argued by many members of parliament during the debates. Besides, general elaboration of the rejected amendments may inform us about the prevailing conception of democracy in the GNA in 1995. Four of the proposed amendments that were rejected by the parliament concentrated on the rights of civil servants: A proposal to give all civil servants the right to form unions (Article 51); a proposal to restrict the government's right to end strikes or lock-outs (Article 54); A proposal to allow trade union and foundation executives to hold a seat in Parliament without first resigning their jobs (Article 82) and finally another effort to broaden the right of civil servants to form unions beyond that allowed by amendments to Article 53 (Article 128). Moreover, the amendment concerning the lowering of the minimum age to be elected to the Parliament from 30 to 25 years of age (Article 76) was also rejected. And finally, a proposal to delete from the Constitution the temporary Article 15, prohibiting the contestation of unconstitutionality of laws and decrees passed by the military administration between 1980 and 1983, was rejected by the GNA. Nevertheless, 15 amendments passed by the parliament may be evaluated under three topics. The first seeks to remove from the constitution the traces of the military regime following the coup d'état in 1980. The second group is composed of the modifications concerning the formation of a participative and pluralistic political

system. And the last focuses on the organisation of the working life and the syndical rights⁹.

-The Rules of procedures

The rules of procedures of the GNA are in a great extent decided by the sake of rendering legislature effective. In this respect, party affiliation over the deputies is provided very powerful. The committees too, which are responsible of preparing the proposals of bills and/or amendments, help to facilitate the superiority of the execution over legislation. The governing party elites are thus dominant in determining legislative policies (Kalaycıoğlu, 1990:197). Assigning committee membership is given to the authority of the party groups, which are consisted of at least twenty deputies: “Adherence to one of the party groups for a deputy is encouraged and party discipline is strengthened” (Gençkaya, 1999:6).

The motions of amendments on the constitution are processed in the plenary session in a similar way with the motions of amendments on the bills. But the formers are to be tabled two times in the plenary session (Bakırcı, 2000:461).

The representative of the party groups, the speaker of the Constitution Committee, the government spokesman and the deputies themselves (two deputies for each party) has the right to speak about the motions and the drafts. Yet, although the deputies who take the floor personally are authorised to speak for 10 minutes, the rest are able to speak for 20 minutes; as well, they have priority in turn taking.

The rules of procedure determine also the style of the speech in the plenary session: Rude, offending speeches are not allowed. The speaker of the GNA may interrupt the member of the parliament who doesn't respect the floor and who doesn't talk about the topic for which he asked the floor (Bakırcı, 2000:411-442).

-Rhetorical preferences

⁹ For a summary of amendments passed by the parliament on 23 07 1995 see Appendix I.

At the beginning of the debates, the deputies claimed their willingness to reach into a compromise through collective decision-making process directed by tolerance and mutual understanding. Despite this willpower, the speeches of the deputies were frequently interrupted by quarrels, conflicts and struggles. Moreover, although in principle, the conjunctive group decisions are not legitimate during the negotiations of the constitutional amendments, the party solidarity prevailed in the voting processes. The motions made over the text that Constitutional Committee prepared and the arguments asserted in order to justify these motions have not been taken into consideration. Therefore the deliberative attempts to “persuade” the others in conversation remained in a symbolic level and could not be successful in shaping the final decision, which strictly represented the dominant ideas of the party in power and/or of the ruling power block. As a result, the deputies speaking in their own name as well as in the name of the party have championed the thematic priorities emphasised by the party leaders or speakers. Such priorities have been the common motive of the arguments concerning every single article included in the package of amendment.

This practice of “over-persuasion” that the process of argumentation privileges during the debates is specifically based on the rhetorical appeals to the listener’s sentiments. In this way, parallel to Taran’s description of “mythical thinking” “the past became more important than the present” and the “world is overwhelmed with the dramatic contradictions” (2000:139). The metaphors such as “father state”, “flag” and “our martyrs” are frequently used by the deputies from right-wing parties mainly in terms of the restrictions of basic rights and liberties. However, the metaphors associated with national myths such as “Atatürk”, “the republic founded by Atatürk” and “the party founded by Atatürk: RPP” are widely applied by the deputies from left-wing parties.

The deputies also appealed to the sentiments of the spectator-electors who watch the negotiations on TV via diverse narration techniques and null slogans. Mainly during the speeches made in the name of the deputies themselves the dramatic way of argumentation occupied a central position. The parties claiming their arguments had recourse to poetry and songs, to utterances privileging an epic knowledge of history that mythicises the Ottoman Empire as well as their personal life-experiences. The “Single

Party regime”, “the 1960 Constitution” and the “1980 military regime” are used as elements of comparison between past and present while talking about secularism, instability and civilianisation.

Dramatic, synthetic and contradictory discourses are applied mainly in relation with the subjects the deputies are sensitive to: The national unity and indivisibility of the country, the economic interests of Turkey, freedom of religion and conscience, Turkish identity, and secularism provoked the use of mythical thinking. These subjects of sensitivity drew also the limits of the demands for democratisation. The rhetorical strategy of singularisation operates on this ground by focusing on a single value or cause when multiple causes or values are in play.

On the other hand, we can also notice the use of the rational arguments during the debates specifically in justifying the necessity of Constitutional amendments. As Taran argues, “Politicians who carry power try to preserve it by establishing a formal discussion.” (2000:139). For example, the Constitutional Committee’s spokesman who was the deputy of the party in power, and the party speakers applied usually the “rational arguments”. Mainly, the arguments claiming the package of amendments’ inadequacy in its compliance with the democratic criteria are justified via references to the authority positions such as the Western values, European Union, international laws or the scientific and the religious texts. However, the rhetoric of “reason” referring to the “current situation” instead of the past is attached for the most part to the discourse of “national interests” and “specific circumstances of the country”. The deputies, who refer to universal democratic values and to international agreements signed by Turkey in reasoning the reforms, put forward contradictorily the geographical position, the culture, the history and the social conditions of the country as the motive for restricting the democratic reforms. This may be considered as a point of fracture in the parliamentary rhetoric of democracy, which articulates rational reasoning with the elements of mythical thinking.

II. SIGNIFICANCE ATTRIBUTED TO CONSTITUTIONAL AMENDMENTS AND THE LIMITS OF DEMOCRATISATION

- Modernisation and Compliance with the Western Values /The rhetoric of Adjustment

Arguments from authority that refer to the Western values are fundamental motives of rational argumentation applied for the justification of the amendments. All parties justified the Constitutional modifications by referring in some extent to the “West” and by advocating that every modern country follows the same procedures, except for the Islamist oriented WP, known by its antagonism to the West. In this regard, the deputies associate the Turkish democracy’s progress with its adjustment to the western values. Democracy is portrayed as a “system of values based on fundamental rights, public will and secularism” and these values are attributed to western countries such as “United Kingdom, France, and Germany” (MP’s deputy, session 128, page 431 - MP, sess 128, p. 431 hereafter-). The adaptation of these values to the Turkish politics is seen as almost the unique condition of Turkey’s modernisation and democratisation. Besides, the constitutional amendments are supposed to supply “the stability in society, in economy and in politics” (MP, sess. 127, p. 343). Especially, the deputies from two central right parties, MP and TPP, highlighted the need to stability, the economic interest and the necessity to catch up with the modern world as one of the main reasons justifying the constitutional amendments. The big partner of the coalition-government, TPP, claimed that “the critics of the foreign world in terms of democracy and human rights” would be eliminated by these reforms (sess. 123, p. 383). On the other hand, the small partner of the power, the central left wing party RPP, conceptualised Turkey’s compliance with the modern world by referring to the values and procedures such as “democratic participation, deliberation, and the mutual transfer of knowledge and skill” (sess. 124, p. 69).

- *“Civilianisation” of the Constitution/ The Rhetoric of Necessity*

The mission of scrapping the remnants of the military regime from Turkish constitutional system is portrayed during the debates as one of the main reasons justifying the amendment package. Tansu Çiller, TPP leader and the prime minister of the period named the package as the first endeavour to civilianise the Constitution (sess. 123, p. 383). The RPP deputies identify this endeavour with “erasing the legitimate basis of the military regime from the Constitution” (sess. 123, p. 45). The leader of DLP, another central left party, argues, “Turkish society surpasses the limits of the Constitution which was compelled to it during the military regime.” (sess. 123, p. 385). Accordingly, the modification of the Constitution, which was not democratic in its preparation, in its essence and content, is presented as an “obligation” (necessity) for Turkish politics. By this reform, a new era in Turkish Republic would take start. In this respect, DLP’s political rhetoric focused on the idea to replace “the habit to change or to alter the Constitution under extraordinary conditions or transitory regimes” with more popular will based democratic methods (sess. 126, p.196). In a similar way, NMP that identifies itself as the most suffered party from military regime because of party closures explained its demand to judge the military regime’s governments on rational basis. The NMP deputies indicated that to get even with the coup d’état is the requisite of democracy rather than a counterattack (sess. 132, p. 290). On the other hand, the Islamic conservative party, WP’s arguments from “civilianisation” highlight different motives. According to WP deputies, “civilianisation” is the necessary condition for a state formation, which has confidence in its subjects and which takes into consideration the requirements of its citizens. It is also indispensable for the creation of tolerance and plurality in the society (sess. 129, p. 594). WP’s emphasis on toleration and plurality derives from the party policies at the time, which advocate the possibility of the formation of a pluralist political society, that associate an Islamic way of life with modern values. The militaries being the guardians of the secular state are thus seen as the main obstacle to the fulfilment of this project. Consequently WP deputies identified the mentality behind the 1982 Constitution as a prohibitive frame of mind, which must be totally rejected rather than modified (sess. 123, p. 24). They refused to vote for the package of amendment and proposed to make another constitution instead of modifying

the existing one, which was not “civilian”. They claimed that the proposed modifications that “keep the traces of the coup-d’état are suitable only for the third world countries but not for us” (sess. 129, p. 551). This stress upon the “civilianisation” as the fundamental condition of democratisation is accompanied by WP deputies’ insistence on the removal of the 24th article’s last part from the Constitution. The so-called article prohibits abuse or exploit of the religious feelings for the purpose of political influence. Such a fundamental positioning of WP against the military powers and the secular basis of the Republic recalled the secular/anti-secular conflict that occupies a central position in the Turkish politics. This tension composed one of the main axes of the democratisation debates during the negotiations of constitutional amendments. And it ended by the rejection of the proposal of amendment that aimed to delete from the Constitution the temporary Article prohibiting the contestation of unconstitutionality of laws and decrees passed by the military administration between 1980 and 1983.

Moreover, it led Turkey to get in a process that was ended nearly two years later, by the dissolution of WP and the resignation of the government after the National Security Organisation’s manifesto. This process is named afterwards as “civilian coup d’état”.

- Limits of Democratisation and the Specific Circumstances of the Country

As I have stated above, the comparison between the western and non-western countries is fundamental to the justification of the constitutional amendments. Nevertheless, despite this tendency to attribute a central position to the “western values” in terms of democracy and fundamental rights, the necessity to take Turkey’s “specific circumstances and requirements” into consideration is also put forward during the debates. The economic interests of the country, its cultural characteristics and the security concerns are identified as the main motives of such discourse of “limited democratisation”:

To start with, constituting equilibrium between the need to democratisation and the economic requirements of Turkey is seen fundamental for the future of the country.

Thus, the obligations of economic and social progress are conceived as the plausible limits of the democratic reforms. For example, the deputy speaking in the name of MP claimed, “We shall neither prefer the bread to the freedom, nor the freedom to the bread.” (sess. 124, p. 67).

In the second place, the arguments emphasising the significance of Turkey’s attachment to its own cultural values instead of wearing the “uniformed dress” provided by the “West” were championed mainly by the deputies of Islamic-conservative party, WP. According to this idea, Turkey could be a model for the western and non-western countries due to its own cultural values (WP, sess. 129, p. 551). By a similar motive, the radical nationalist party NMP argues, “although Turkish nation had dominated the world for thousands of years, at the moment, it stays behind in the competition between the nations, and backward in terms of economic, political, scientific, technological development. Consequently, it submits the IMF domination.” (sess. 128, s.505).

The parliamentary rhetoric that privileges the “specific circumstances of the country” in determining the limits of democratisation appeals to the sentimental motives as well. The country’s Islamic character and its being surrounded by external enemies are the central motives of such appeals. For example, WP, which accused the government of “imitating the West” emphasised Turkey’s Islamic character by claiming that imitation will damage Turkey. According to this way of argumentation, “the Constitutional amendments were proposed not because Turkish people was worthy of it but since the European Parliament and western countries desired.” (sess. 123, p. 410). Turkey’s imposing past is also referred to as sentimental motive of this rhetoric: “As a nation that was in a high position for centuries, it is humiliating enough, for all of us, to obey certain states that used to be yesterday in the position of our province.” (sess. 128, p. 468). Such arguments maintains also that the imperialist western powers would not be sincere in their demand for Turkey’s modernisation and progress, since their interests were in preserving the anti-democratic formation of Turkey (WP, sess. 132, p. 216).

Finally, the discourse of “Turkey’s specific circumstances appealed also to the threat of terror and divisiveness as a central restriction of democratisation”¹⁰. In so doing, the

¹⁰ We encounter the same discourse of “Turkey’s realities” versus “its international obligations” during the tabling of the new Penal Procedural Law in 1992. In his study on the re-democratisation of the TGNA, Gençkaya explains how the debates on this judiciary reform turned into an effort to determine what is terror crime and what is not (1994).

deputies from MP and especially from NMP insisted on keeping the existing statements in the Constitution, “the fundamental principles of the state” and “the indivisible integrity of the state with its territory and nation” instead of the proposed statements, “public order and national security”¹¹. The NMP deputies referred mostly to the terrorist activities of Kurdish separatist organisation, PKK (Kurdistan Worker’s Party), and other internal and external threats, in order to describe the limits of democratic rights and freedoms (sess.124, p. 28, 76, 55; sess. 127, p. 353; sess. 128, p.438, 505). On the other hand, the deputies speaking in the name of TPP focused on “the supreme interests of the nation and the state” (sess. 127, p. 311), the “requirements of protecting the society and the state” and “the necessity to take into consideration the abuse of these rights and freedoms” (sess. 124, p. 27). In this respect, the limits of democratisation are described via the argument that “Turkey should do its best for adjusting the criteria of the European Human Rights Treatise, but should not go beyond these criteria.” (sess. 124, p. 27).

III. THE ARGUMENTS ABOUT FUNDAMENTAL RIGHTS AND FREEDOMS

The reform package concerning the modification of the 1982 Constitution included the amendments about many articles in terms of the execution of fundamental rights and freedoms such as the freedom of association, syndical rights and the right to vote, to be elected and to engage in political activity. During the debates, the main point of agreement between the parties concerns the inappropriateness of prohibitions or limitations in terms of the political party memberships, the electoral rights and the organisational rights. The parties claim also the importance of the adaptation of these reforms to the actual practices.

¹¹ In this regard, Rumford’s observation that certain sections of the Turkish political elites view the EU’s emphasis on minority rights and pluralism with suspicion seems to be explicative. As he argues, “...Pluralism is seen as divisive and runs counter to the Kemalist notion of the people. .. References to ‘cultural rights for all Turkish citizens irrespective of their origin’, conform to the language of ‘one people’ and formally enshrined legal rights respected by the Turkish state” (Rumford, 2002:58).

One of the main axes of the debates over fundamental rights and freedoms focuses on the freedom of religion and conscience, which were put into the agenda by WP deputies. The parties declared different ideas about the freedom of religion and conscience as well as the recognition of the civil servants' right of collective bargaining and their right to strike. In this respect, the party policies played important role in shaping the arguments. The general frame of "fundamental rights and freedom", as it is considered in the Turkish parliament during the debates over the amendment on the 1982 Constitution, leaves the freedom of thought and opinion, freedom of expression and the freedom of the press, out of its scope. However, the freedom of association and the syndical rights were the issues included in the reform package.

-The Freedom of Religion and Conscience

Four themes pre-dominated the parliamentary debates over religious issues: The first theme concentrates on the WP deputies' demand for the removal of the last part of the Article 24, which prohibits the abuse of the religious feelings, from the Constitution. WP deputies considered this prohibition as the main source of the human rights violations in Turkey.

The second theme highlighted by WP deputies concentrates on the barriers set by state authorities to the execution of the freedom of religion and conscience. In this regard, WP deputies argues that judging people because of their beliefs, preventing them from public functions because of their wearing headscarves or their Islamic beards, refusing to organise the working-times as suitable to the execution of worship, violate the "human rights" (sess. 123, p. 379-380; sess. 129, p. 552-553, 618). Nevertheless, this rhetoric of "fundamental rights and freedoms" that claims the fulfilment of the freedom of religion and conscience for the Muslim majority refers neither to the problems of non-Muslim religious minorities nor to the freedoms of the minority sects and groups within the dominant Muslim population. Therefore the freedom of religion and conscience is conceived as necessarily connected to the cultural rights of the Sunni-Muslim majority.

In the third place, by RPP's interference to the topic, the focus of the rhetoric of democracy shifted from WP deputies' conceptualisation of freedom of religion and conscience to another thematic preference: The problem of secularism. The definition of secularism and the quest for attributing an identity to the secular and anti-secular parties of the debate had frequently occupied the agenda of the legislature (WP, sess. 123, p.411; sess. 127, p.347; ses. 129, p. 552).

The last theme of the debates focuses on the problem of regime. Accordingly, WP's conceptualisation of "democracy" that privileged the freedom of religion and conscience as the main component of its basic rights and freedoms discourse engendered the fundamentals of a crisis of regime. The emerging disagreement concentrates, at the rhetorical basis, on the conflict between the opponents and the supporters of the regime, the secular/anti-secular parties or the military and civilian powers. For example, RPP characterised itself as the party of Atatürk, and the guardian of the secular Turkish Republic. In so doing, it accused WP of creating a regime crisis through its anti-secular arguments (RPP, sess. 124, p. 71; sess. 126, p. 193, 194; sess. 127, p. 299, 300, 376, 384, sess. 128, p 427, 435). In a similar way, all parties represented in the parliament, took part at this disagreement, in opposition to WP (for example MP, sess. 126, p. 114; sess. 128, p. 430; DLP sess. 123, p.389). The resulting rhetoric of democratisation excluded the ideas external to these bi-polar oppositions.

-The Freedoms of Association

The parliamentary debates about the freedom of association focused mainly on the removal from the Constitution, of the restrictions concerning the associations', foundations' and other organisations' activities. At the discursive level, all parties seem to appreciate the significance of freedom of association as the condition of a democratic society. In this regard, they all supported the modification of the Article 33 that prohibited the associations from pursuing political aims, engaging in political activities, receiving support from or giving support to political parties or taking joint action with labour unions, with public professional organisations and with foundations. Nevertheless, during the debates, the deputies from many parties and mainly from NMP

(sess. 124, p. 28) supported also the restriction of the freedom of association in terms of the limitations brought by the Article 13, which restricted the execution of fundamental rights and freedoms “with the aim of safeguarding the indivisible integrity of the State with its territory and nation”.

- Syndical Rights

Although the amendment package recognised the civil servant’s right to form labour union, it deprived them of the right of collective bargaining and the right to strike. This issue composed a focal point of conflict during the debates. In this respect, the civil servant’s syndical rights are considered through opposite positions ranging from “the compliance with European standards” to “the specific -economic, political and cultural-circumstances of the country”. Particularly, the parliamentary debate over syndical rights varied from the arguments focusing on the contradictions between the fundamental rights and duties, as well as the contradictions between the participatory mechanisms and the general peace and public order, to the comparisons between the democratic and the military regime (TPP, sess. 126, p. 351; sess. 127, p. 242; MP, sess. 124, p.11; sess. 126, p. 121; sess. 127, p. 344; RPP, sess. 124, p.16). In this frame of reference, organised struggles of rights are excluded from the legitimate scope of the democratisation debates. The Constitutional Committee speaker’s statement that “the right is deserved not by force but by verdict” (sess. 123, p. 394) is the example of such an attitude that reduces the fundamental rights and freedoms to the political amendments to be executed as far as they are “allowed”. In this respect, not only the parties in power but also the parties in opposition considered the problem of the civil servant’s syndical rights as a “technical issue” (DLP, sess. 123, p. 387). RPP was the sole party that portrayed this issue from a different perspective that focuses on the democratic values of these rights. Unfortunately, that perspective was overshadowed by null slogans and sentimental articulations of the RPP deputies (sess. 123, p. 374).

-Political Rights

The rights to vote, to be elected and to engage in political activity are mainly considered by the deputies in terms of the restrictions of these rights. The question of the university professors', the students', the judges and prosecutors', and the Armed Forces' membership in a party occupied the agenda in a great extent. In this frame of reference, the rhetoric of democratisation in the Turkish parliament conceptualised the political rights in a restricted manner, as it was considered in the amendment package. Accordingly, the citizen participation into the politics is nearly reduced to formal procedures in terms of its structure and content (MP, sess. 127, p. 305; DLP, sess. 127, p. 352). Moreover, through this frame, the dissolution of political parties, that challenge the principles to be observed, is predominantly portrayed as a legitimate aspect of the political process (MP, sess. 132, p. 254). The WP, which was dissolved later on after the filing of a suit, was the sole party to criticise the legitimate position of party dissolution in the Turkish politics and to object the content of the article concerned (sess. 132, p. 252).

CONCLUSION

The amendments admitted in the parliament after long-lasting negotiations seem to under-represent the expectations of democratisation, which was formerly presented as the main justification of the reform package. This result may be evaluated as the extension of the dominant tendency in Turkish politics that regards the "specific circumstances of the country" as the central limitation of democratisation. The Turkish parliament that internalise the discourse of democratisation and identify its rules of existence with the presence of democracy in Turkey may contradictorily subjugate democracy to certain exceptions. In this regard, the parliamentary perception of democracy seems to be far from a system of values; democracy is rather recognised in a pragmatic manner. Democracy is considered from a restricted frame of reference; mainly through singularisation and by reducing different appearances of the world into certain sloganised, synthetic preferences. Moreover, the scope of the rhetoric of democratisation is mostly reduced to the discursive re-articulation of antagonism

peculiar to political parties, over-segmentation, and polarisation that pre-dominated the Turkish politics since 1960s. The conventional under-representation of the left or radical left-wing parties in the parliament narrows the margins of this scope: Alternative rhetorical strategies that may widen the scope of the meanings attributed to democracy were exempted from the parliamentary debates. Reforms were mostly discussed as conjunctural preferences between bipolar positions such as secularism and religion, Westernisation and national interests, civilianisation and national security rather than the solutions to the present social problems.

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APPENDIX I

A summary of each of the fifteen amendments is listed below:

1. Article 33: Legal actions against political activities by associations have been restricted.
2. Article 52: Enables trade unions to freely establish relationships with political parties and allows them to participate in political activities.
3. Article 53: Certain civil servants are given the right to form trade unions and are also allowed to engage in collective bargaining.
4. Article 67: The legal voting age is lowered from 21 to 18 years of age, prisoners and Turkish citizens living abroad prisoners are given the right to vote.
5. Article 68: Laws governing the formation of political parties and party membership are liberalized to achieve broader participation in the democratic process.
6. Article 69: Restrictions prohibiting trade unions, associations, foundations and vocational institutions from establishing relationships with political parties are repealed.
7. Article 75: The number of seats in the Parliament is expanded from 450 to 550.
8. Article 84: Rules governing the resignation of a Deputy from the Parliament are simplified. Also, the ability of Deputies to change parties is eased. In addition, Deputies belonging to a political party that is dissolved by the Constitutional Court will not lose their seats in Parliament.
9. Article 85: Deputies whose Parliamentary immunity has been lifted will be able to appeal that decision before the Constitutional Court.
10. Article 86: Technicalities regarding the allowances, travel expenses and pensions of certain government officials will be regulated by a special law.
11. Article 93: The Parliament will commence its session on the first day of October instead of the first day of

September of each year.

12. Article 127: Efforts will be made to hold general, local and by-elections at the same time when the elections are less than one year apart.

13. Article 135: Vocational institutions are permitted to engage in political activities.

14. Article 149: In cases where the Constitutional Court is considering dissolving a political party, the party leader or his/her proxy have the right to appear before the Court in the party's defense.

15. Article 171: Cooperatives are given the right to engage in political activities and to establish relationships with political parties.

(source: Turkey To Amend Constitution by Melihat Fidan Nowak Special to the Turkish Radio Hour; <http://www.b-info.com/places/Turkey/news/95-07/jul29.trh>)
