



European Journal of Turkish Studies

Social Sciences on Contemporary Turkey

3 | 2005

THEMATIC ISSUE

Being a MP in contemporary Turkey

Being an Opposition MP in the 22nd Turkish Parliament

Canan Aslan-Akman



Electronic version

URL: <http://journals.openedition.org/ejts/500>

DOI: 10.4000/ejts.500

ISSN: 1773-0546

Publisher

EJTS

Electronic reference

Canan Aslan-Akman, « Being an Opposition MP in the 22nd Turkish Parliament », *European Journal of Turkish Studies* [Online], 3 | 2005, Online since 04 March 2015, connection on 16 February 2020. URL : <http://journals.openedition.org/ejts/500> ; DOI : 10.4000/ejts.500

Citation: Aslan-Akman, Canan (2005) 'Being an Opposition MP in the 22nd Turkish Parliament', *European Journal of Turkish Studies*, Thematic Issue N°3, Being a MP in contemporary Turkey, URL : <http://www.ejts.org/document500.html>
To quote a passage, use paragraph (§).

Being an Opposition MP in the 22nd Turkish Parliament

Canan Aslan-Akman

Abstract. This article analyzes the role and strategy of the main opposition (CHP) party's MPs, their perceptions of their roles, their place in the legislative process and their relationship with their party in the 22nd Turkish Grand National Assembly. In multi-party Parliaments characterized by moderate to high levels of partisan competition, understanding the role of the opposition MPs calls for locating and analyzing three major constraints: the informal norms between the majority and the opposition, the place of the opposition MPs in the legislative process, and party discipline. In this context, a major question to be answered is whether there is a space where MPs can act as individuals in Parliament.

Introduction: the 22nd Assembly and the polarization of the political game

This essay aims at examining the role of the minority party (Republican People's party - CHP) MPs in the current legislative period and their perceptions of their role both in the party group and as individual MPs in parliament. Studies of the Turkish Parliament have so far predominantly dealt with its functions, institutional attributes and, occasionally, with analyses of the profiles and backgrounds of the MPs¹. The role of the opposition MPs within Parliament has not been the subject of special analysis largely due to the centrality of the majority party in the TBMM (Türkiye Büyük Millet Meclisi, Turkish Grand National Assembly). Other case studies of Parliaments in Western Europe have dealt with legislative opposition in the context of the government-parliament relationship, parliamentary control over the executive, and the diverse roles of individual deputies². Besides a clarification of the roles of opposition deputies, this essay aims at analyzing their relationships with their party, their positions *vis-à-vis* the majority party group, and their views on the legislative process in the TBMM.

[2] Since this essay deals only with the 22nd Assembly, it is necessary to explain the political context and in particular the ideological polarization of the Parliament after the election of November 3rd, 2002. Following the economic crises of November 2000 and February 2001, the early elections saw the majority of the voters cast their votes with frustration regarding the economic situation. The Justice and Development Party (AKP) ran in the elections as a 'new party', though not completely brand-new in terms of its cadres and worldview. In this atmosphere, the election results were not an utter surprise to voters and observers alike as the AKP was on the rise according to the pre-election polls, but the surprise may have been the failure of the parties of the incumbent government (MHP, DSP and ANAP) to enter the Parliament. The elections produced an unusual parliamentary situation in Turkey's fragmented party arena, with only two parties sharing the seats in Parliament due to the national threshold of 10 %. As the AKP polled 35 % of the votes, winning 362 out of 550 seats in the TBMM, it emerged as the largest party, with a sufficient majority to form a one-party government. Another surprise of the elections was the resurrection of the CHP (under the leadership of Deniz

¹ The most prominent and classical study which stands as such even today is Frey's (1965). Other works of significance include Özbudun (1978), Tachau (1980), Yücekok (1983), Turan (1985, 2003), Kalaycıoğlu (1988, 1990), Tanör (1990).

² For example, Muller and Saalfeld (1997), Bogdanor (1985), Foundethakis (2003), Bandeirera and Freire (2003).

Baykal), a party which could not enter the previous Parliament due to its poor showing, just below the 10% threshold. This time the CHP won 188 seats and became the only opposition party. It gained support due to its relentless defense of secularism as a guarantee against the AKP (Tosun 2002, Çarkoğlu 2002). As a result, the emergent Parliament came to be significant not only in terms of parliamentary arithmetic but also in the more substantive sense of representing an ideological polarization between the government and the main opposition party. Hence, three features make the current Parliament a 'critical' one. Firstly, it is the first time since the 1980s (with the ANAP) that the elections produced a majority party with the capacity to govern on its own and to pass legislation without being restrained by parliamentary opposition pressure. Secondly, this Parliament has from the beginning faced the challenge of deepening the political and economic reform process initiated by the previous coalition. Thirdly, the 22nd TBMM has the highest turnover rate since 1987, as the great majority (89%) of the MPs elected had no seat in the previous Parliament.

Table 1: Distribution of party votes and number of seats in the TBMM following the elections of 2002*

Party	Vote share	Number of seats	Seat share
AKP	34.28%	363	66 %
CHP	19.39%	178	32.4%

* Nine independent candidates entered the TBMM by gathering a total of 1% of the votes.

[3] From the beginning, the 22nd Parliament has had quite busy an agenda with many reform bills on democratization and economic management waiting in the pipeline. During the first and second legislative years, the Parliament's record of legislation was quantitatively impressive, but this point needs some qualification. In fact, the trend has been towards the subordination of the legislative to the executive due to ideological polarization and party discipline in the Assembly. The TBMM's confinement to a position of 'law-making factory' as envisaged by the 1982 Constitution (Tanör 1990: 157) has been strikingly evident in the 22nd Assembly.

[4] As underlined by observers close to parliamentary spheres, the current legislative period is characterized as a 'pressed legislative process', since many bills are turned into laws in a speedy

fashion³. During the first legislative year (November 2002-July 2003) a total of 199 laws were enacted by the TBMM; 49% of this legislation was prepared by the first AKP government; and 51% of these were submitted to the TBMM as renewed versions of the bills drafted during the previous Parliament⁴. Moreover, 42% of the legislation passed were 'laws of approval', each consisting of three articles approving international treaties. In fact, 23 % of the legislation enacted between 15th July and 1st August 2003 were the so-called 'harmonization laws'⁵ designed to adapt national legislation to previous constitutional amendments. In the first three months of the AKP government (29th November-28th February) out of the 44 laws passed, only 10 were original legislation prepared and submitted by the government (the others were approval laws and bills left from the previous Parliament). In the second legislative year (October 2003-July 2004), a total of 261 bills were enacted and 138 of these are approval laws, most of which had again been initiated by the preceding Parliament⁶. In the third legislative year (October 2004-October 2005) the number of laws enacted was 166, 43 of which were laws approving international treaties.

[5] The data on which this analysis rests comes from multiple sources: in addition to insights and information gathered from in-depth interviews with selected CHP MPs, relevant general assembly proceedings (i.e. those exemplifying the opposition's approach to government on controversial issues including that of the session on the government program), newspaper coverage of the parliamentary dynamics on relevant issues (those highlighting the opposition's approach, the MPs' activism and government-opposition relations), party publications on the Parliament's activities and secondary sources on the Parliament were used. In-depth interviews with ten selected CHP MPs and with the chief advisor to the CHP group in the TBMM were conducted between January and April 2005⁷. As the sample was quite small to gather in-depth data about the legislative dynamics,

³ This description was used by the chief advisor to the CHP parliamentary group, Levent Bayraktar, during my interview with him on 12 January 2005. I gratefully acknowledge his aid in providing me with some of the data about the legislature and in sharing his observations with me.

⁴ In accordance with the Article 77 of the Procedural Law of the TBMM.

⁵ Subsequently, these laws helped Turkey in meeting the Copenhagen political criteria required by the EU to start accession negotiations.

⁶ According to the most recent data available, the 22nd TBMM has passed a total of 620 laws until the end of the third legislative year (July 2005). In the third legislative year, 165 laws were passed.

⁷ Because the study did not intend to be a quantitative research, and also due to the practical difficulty of reaching a larger group representing a cross-section of the CHP parliamentary group, a small group of the MPs were selected among committee members and contacted to be interviewed. The interviews took place in the offices of the MPs in the TBMM except for the deputy secretary general of the CHP. He was interviewed in

personal contacts and contacts through the party organizations were used to reach those deputies who would be in a position to provide the necessary informations. Some of the deputies were chosen on the basis of the familiarity of the author with the figures from the national press. All the MPs interviewed were chosen from among various parliamentary committees (Constitution, National Education, Environment, Planning and Budget, Justice, Interior Affairs and National Defense Committee), so as to tap information about committee dynamics as well. The group included two ex-mayors from a South Eastern city and a Western town. One MP held a high administrative post in the party as Deputy Secretary General; five were members of the Party Assembly, which is an elected organ. One of them was recently excluded from the Party Assembly due to its support to the intra-party opposition during the recent CHP convention of January 2005. One MP also was a member of the Group Disciplinary Committee. Hence, these MPs were also able to comment on their relationship to their party and on the party policies in general on certain issues. Only one of the MPs in the sample had previous parliamentary experience as an opposition MP in the 18th Parliament (1983-1987). The group included deputies having professional backgrounds in academia, law, art, and education. Most (eight) of the MPs studied were long-time CHP politicians, who traced their involvement in the party to the pre-1980 period.

[6] Overall, the MPs interviewed are leading active members of the main opposition in Parliament with high levels of party affiliation, and they were thus able to supply detailed information on parliamentary dynamics, on their roles and their self-perceptions. According to their assignment into specialization committees, they are also elite MPs, 'elites within an elite' (Frey 1965: 224). However, this research is not based on a strong claim to representativeness of the sample; priority in the selection was given to the capability of the opposition representatives to provide as much information as possible about the deputy body of the CHP and the opposition MP activities. MPs were asked questions concerning the CHP's opposition strategy, parliamentary activities (in plenary and committee sessions), their roles, and the constraints they have to deal with, their observations about the MPs, their relationship with the majority group, and insights on the dynamics of the party group. The essay has traced the developments in the plenary sessions and committees until May 2005; hence, the qualitative data covered relates to the period up to that date. But quantitative data is

updated as of December 2005. Finally, for purposes of producing a focused work in the law-making process, the analysis excluded the activities of the opposition in the information gathering and control processes.

[7] The first part deals with the norms and discourses about the place of opposition MPs in Parliament, then with their role in the legislative process, and finally it proceeds to look at their relationship to the CHP party group.

I. Discourses and norms: the place of an opposition MP in Parliament

[8] This part focuses on the norms and attitudes in Parliament concerning the place and role of opposition MPs in order to comprehend better the perceptions held by MPs regarding their roles, functions and relations to the majority (AKP) group MPs.

Hostility and lack of trust as a tradition among majority-minority MPs

[9] The major aspects to be underlined here relate to the problems of inter-party trust within Parliament and of unruly behavior which disrupts the harmony of the plenary sessions. As students of Turkish politics have noted, historically, elected elites held a perception of politics in zero-sum terms, which did not facilitate peaceful co-existence in the Turkish Parliament. Since the 1950s, the confrontational nature of the government-opposition relations prevented the development of a culture of compromise in Parliament (Kalaycıoğlu 1990, Tanör 1990). However, we should focus here on the determinants and consequences of this situation in order to gain better insights into the perceptions of their roles by that CHP MPs hold *vis-à-vis* the majority party.

[10] Scholars looking at the problems of improper legislative conduct in the Turkish Parliament have often associated low inter-party trust levels with the patterns of floor behavior in the TBMM. While improper behavior is also an indication of the failure to learn and internalize proper legislative conduct in Parliament (Kalaycıoğlu 1990: 194), cultural orientations of the deputies in the TBMM pertaining opposition-government relations also need to be underlined. The range of 'unruly behavior' extends from loud protests to physical fight (verbal insults, threat of assault, shouting, clapping on the desks by a group of MPs in protest against an orator during the general assembly), or taking the floor without permission and exceeding one's speech time, all violations of the relevant

provisions of the Rules of Procedure (*İçtüzük*-RP) of the assembly governing the floor debates. Such behavior implies disrespect for the rights of other deputies, and by definition, it takes place 'among the members of different political parties' (Kalaycıoğlu 1988: 51). Looking at the unruly behavior of the deputies in the TBMM, Turan (2003: 159-163) noted that lack of trust among parties was an important factor behind unruly behavior⁸. In addition, one should underline lack of toleration as a motivating factor behind it in the context of the Turkish political culture, which identifies opposition with subversion and separatism (Kalaycıoğlu 1988: 54). In the post-1960 period, this was a crucial impediment for inter-party cooperation and compromise on policy issues in Parliament, although by that time the TBMM had achieved considerable institutionalization (Yücekok 1983: 178). In addition, the party system on the right and the left started to fragment visibly after 1987. Competitive dynamics and re-election motives have gained further predominance in the 1980s (Kalaycıoğlu 1988: 56). It has been argued that these factors also fostered unruly behavior among MPs, since concerns for re-nomination by the party leader placed them under more intense competition. They also wanted to further their political careers by showing sensitivity to constituency feelings (Kalaycıoğlu 1990: 193, 1988: 55).

[11] Weakness of socialization conducive to consensual orientations among the MPs, due to a high turnover, is also an explanation. It has been contended that high turnover rates since 1983 hampered the development of professionalism and binding norms on deputies (Kalaycıoğlu 1988: 55-57). Turnover rates have been quite high in Turkey (starting in 1950) especially after the 1980 military coup (Turan 2000: 26), reaching 89% in the 2002 elections⁹. However, this has not always been so in the pre-1980 period. Tanör (1990: 147) for example noted that the Turkish Parliament displayed stable membership as about half of the incumbent MPs re-entered the TBMM between 1961 and 1977. In the post-1980 era, a new generation of mostly inexperienced politicians took the stage. The TBMM reshuffling during the early 1980s fostered the development of a more moderate and conciliatory attitude among political elites. Kalaycıoğlu notes that the first assembly formed after the transition witnessed a 'cool period' with no unruly instances between November 1983 and June 1985.

⁸ It should be noted here that unruly behavior does not serve the amelioration of the public standing of the parliamentary institution. In the late 1990s, it was found that the support rate for the TBMM among the public stood at 58% (TESEV 1999: 45).

⁹ The percentage of MPs being not re-elected was 90.4% in 1961, and 93% in 1983.

During this assembly (1983-1987), the majority of MPs in the TBMM held relatively tolerant attitudes toward the opposition. This was largely due to the moderating impact of the military tutelage.

[12] Overall, however, a steady increase in the instances of unruly behavior of the MPs within the Parliament between 1946 and 1980 has been noted (Kalaycıoğlu 1990: 192). In the post-1983 assemblies, such behavior continued sporadically, as a more moderate and conciliatory style was adopted by the major party leaders (Kalaycıoğlu 1988: 53). Yet, the notion of opposition did not cease to bear implications of conflict, divisive tendencies, unscrupulous behavior, and hostility. The exclusion of anti-systemic actors (especially Kurdish nationalists) from Parliament in the 1990s via formal and informal means underlies this syndrome. Unruly behavior rarely led to grave consequences; a case in point was the death of an opposition MP from the DYP who, while opposing a constitutional amendment submitted by the coalition government in January 2001, had a heart attack during the push and shove in the debates.

[13] In the 22nd TBMM, unruly behavior broke out occasionally in the form of harassing MPs during their speeches, insulting each other, shouting and clapping, interrupting speeches and leaving the plenary or committee meetings in protest¹⁰. However, exact data on the number of cases is hard to come by and is not currently available¹¹. Debates on controversial bills are more likely to produce such behavior. On one instance, protests broke out during the debate on the constitutional amendment which included changes in the law on forestry, and the disputes between some opposition and government deputies during the voting forced the speaker of the assembly to introduce an interlude to the voting¹². In another example, in the third legislative year, during a session on a bill dealing with the appointments procedures for the administrative board of a major national science and research institution, one CHP deputy accused the government of favoring 'a moderate Islamist' model for Turkey; in response, the AKP deputies accused the CHP of 'abusing Atatürk and Islam'. Amidst mutual accusations in the plenary session some CHP deputies insulted

¹⁰ A recent example is the decision of the CHP group to desert the plenary session on reform laws on 1 July 2005 in protest of the changes made in the Procedural Law to speed up the deliberation of 'fundamental laws'. The CHP group declared the strategy of the government a 'civilian coup', *Radikal*, 2 July, 2005.

¹¹ As explained to me by the research unit in the TBMM, the range of unruly behavior is very wide and, since not all instances of disruptive acts has been recorded in the proceedings, it is almost impossible to reach exact data on the subject. The researcher should survey all the proceedings volumes and also watch the recorded plenary sessions, which should be an altogether separate and very lengthy process of research.

¹² The session in question was on the 4 April 2003.

and physically attacked the AKP deputies; then the session was suspended¹³. In general, plenary debates on some bills created more frequent but mild disruptions, such as interruptions with verbal harassment and objections from the MPs to the speakers. This was the case when an opposition MP delivered a speech on a controversial bill (known as the 'bag bill' - torba kanun) amending several laws at once¹⁴.

[14] The committee meetings in the present period are sometimes the scene of unruly behavior of the MPs, with protests, even disputes among the members of the government and opposition. Disagreements may overflow into verbal insults or disturbances during the discussions of contentious draft laws, such as the constitutive pieces of the so-called public administration reform, and the bills amending the criminal code which were dealt with in the TBMM mostly in the 2nd Legislative Year. Hence, some committees such as the Interior Affairs and Planning and Budget are more prone to such disputes, because it deals with bills on taxation, budget administrative issues over which the government and opposition disagree. For example, an instance of unruly behavior took place in a meeting of the Interior Affairs Committee during the discussion of a specific piece of the draft of the new Public Administration law in January 2004. Representatives from the national press were made to enter the committee meeting by the initiative of the Deputy Chair of the CHP group without the information and the consent of the government members. This was arguably in protest of the committee chair's 'conduct' against the Rules of Procedure, as justified subsequently in a press conference by the Deputy Chair of the CHP group in question¹⁵. In fact, the meetings in the Planning and the Budget Committee over the Public Administration Fundamental Law (comprising several laws) have sometimes been very tense, since opposition members challenged several parts of the draft laws under consideration due to many hesitations and oppositions of the CHP on the so-called public administration reform¹⁶.

¹³ *Milliyet*, 30 June 2005.

¹⁴ Proceedings of the TBMM, 22nd Period, third Legislative Year, Session: 69, date: 10 March 2005.

¹⁵ Interview with the advisor to the CHP group, 12 January 2005.

¹⁶ The law in question was enacted by the TBMM but subsequently vetoed by the President. When some of the laws were again passed, the CHP took them to the Constitutional Court on grounds of unconstitutionality. An account of these is beyond the attention of this limited essay but these laws included the Law on Municipalities, on Private Provincial Administrations, the law on Metropolitan Municipalities. The Law on Municipalities was annulled by the Court, others decisions are pending.

Discourse and Self-Perception of the Opposition

[15] Obviously, the self-perception of the opposition MPs is the criterion by which they judge the government's attitude toward them. In the Turkish context, this issue is related to the parties themselves. After the elections, in the general assembly session on the government program the CHP leader Baykal considered the 2002 elections a turning point with a first two-party Parliament since the 1950s in Turkey¹⁷. His various declarations and official statements suggested a discourse based on the theme of moderation and consensus with the AKP. This is not an exceptional stand, but not very common either in Turkey, especially between parties belonging to different ideological positions, and it usually has a strongly rhetorical character. The AKP leader, Tayyip Erdoğan, had been hampered from running as a candidate since he had been convicted of violating the provisions of the criminal law regulating freedom of speech. The CHP declared that it would support moves to rehabilitate Erdoğan's political rights¹⁸. In the immediate aftermath of the elections, Baykal declared that his party would display 'constructive criticism' instead of an opposition approach relying on 'sabotaging the government'¹⁹. He repeatedly said that his party would support all the steps to be taken by the government in the Parliament towards Turkey's future EU membership. As a result, as its leader explained, the CHP would act 'in accordance with the principle of consensus, with goodwill and oriented toward problem-solving'²⁰. At the same time, the CHP leader warned the government against any initiatives displaying an understanding of 'we have the majority, and power hence we can do anything'²¹. This warning can be regarded as a strategically motivated victimization discourse as the AKP came to possess a solid majority in a Parliament in which only 50% of the voters was represented due to the electoral system. Baykal also urged the AKP to refrain from tension creating policies especially on the foundations of the Republic and not to repeat the mistakes of the defunct Refah Partisi (Welfare Party)²².

¹⁷ Proceedings of the TBMM, 22nd Period, first Legislative Year, Session: 4, date: 26.11.2002, pp. 4-6.

¹⁸ Interview with a member of the Constitutional Committee, CHP deputy. 4 April 2005.

¹⁹ This point was underlined by all the deputies interviewed for this study. See also: *Radikal*, 6 November 2002.

²⁰ Proceedings of the TBMM, 22nd Period, first Legislative Year, Session: 4, date: 26.11.2002, pp. 4-6.

²¹ *Ibid.* p. 6. On this point Baykal particularly criticized the AKP's intention of making a new constitution relying on its numerical majority and its unwillingness to deal with the question of the limitation of parliamentary immunities. He expressed frustration with the AKP program on both points

²² 'Warning of the CHP to the AKP', *Radikal*, 6 November 2003.

[16] The first occasion in which the CHP would prove its conciliatory stance and constructive opposition arose shortly during the constitutional amendments in December 2002 aimed to open the way for Erdoğan's election as deputy. The CHP parliamentary group extended full support to an amendment in Article 76 of the Constitution which regulated eligibility in elections, on the grounds that the change would strengthen the process of democratization²³. This move also reflected a strategic concern for the opposition in the sense that if the leader of the governing party had stayed outside the Parliament and government (but informally active), the AKP could have very easily made use of this disadvantage to gain public sympathy, and to justify its failures by blaming it to this major deprivation²⁴. Moreover, as underlined in the interviews, the CHP group was aware that without the support of their party, the political situation would remain as a stalemate²⁵.

[17] For its part, the AKP declarations after the elections suggested that this consensual approach would be reciprocated, as the need for cooperation was underlined on the urgent reform laws to be passed during the process of the integration with the EU²⁶. However in time, especially during and after the March 2004 municipal elections the dose of mutual accusations and criticisms increased. Later the CHP rhetoric focused on the protection of secularism. The CHP sometimes reminded the government that they were the oldest party of the nation, one of the foundations of the Republic. On one occasion, 'derogatory' remarks from the AKP leadership about the CHP's historical mission in the political modernization of the country prompted reactions from the CHP group speakers in the TBMM who warned the AKP against an attempt to 'settle accounts with the CHP'²⁷.

[18] The opposition MPs interviewed for this study have generally supported this 'constructive' discourse of the party since the convening of the 22nd Assembly despite, in their opinion, the fact that the activities of the opposition were not provided sufficient attention in the national media. As a deputy put it: 'The CHP has been emphasizing Republicanism perhaps too much due to its concerns over the AKP's intentions. But due to the conjuncture and the conditions in which Turkey has found itself now, there is now an image of AKP defending freedoms and the EU,

²³ CHP (2003a); *Milliyet*, 18 December 2002.

²⁴ This point was emphasized in some of the interviews I made with the leading CHP deputies; it was claimed that the AKP has no excuse for its policies. See also CHP (2005a:7).

²⁵ Interview with a CHP deputy, member of the Constitution Committee, 4 April 2005.

²⁶ *Radikal*, 6 November 2002.

²⁷ The Press Conference of the CHP Group's Deputy Chair, 3 March 2004 (CHP 2004: 303-310).

instead of the CHP. The CHP is beyond the vision of the media. Media bosses are under government manipulation. But during one-party government the media has always supported the government'²⁸.

[19] In fact, these MPs were of the opinion that the CHP had lived up to its pre-election promises by displaying restraint and moderation in its relations with the government and by supporting the democratization reforms. In the eyes of the opposition MPs interviewed for this study, the CHP's opposition strategy was sometimes regarded as quite docile and inadequate with the public opinion. Yet this moderation and consensus-approach was considered the preferred route, based on the delicateness of the political and economic situation in Turkey²⁹. A deputy expressed this point in the following way: 'Our opposition is not destructive opposition. We are trying to make constructive opposition... In our system the role of the opposition is always constrained; but our major task is scrutiny... What else can be one in the Parliament? Hence I find the opposition currently in the Parliament sufficient'³⁰.

[20] While some MPs find the breadth and the dose of their opposition activism sufficient in the Parliament³¹, others seem to be more skeptical of their individual activities in the TBMM. A deputy referred to the problems of distorted portrayal of the CHP opposition in the Parliament and also to the insufficient nature of the individual deputy's activism in the following way: 'Had the CHP been able to overcome its internal problems, its opposition could have reflected better in the public opinion. CHP is the party which could best protect the secular Republic. But I personally think that there are deficiencies in our opposition activities as MPs. We can do a lot more while we are in the TBMM. Personally, I have put my signature on many law proposals, and I am also active outside of the Parliament and the floor. But we lack the opportunities and resources to put together serious projects. As MPs, we are not working with expert staff; for example we lack qualified advisors. We do not even have sufficient time to read draft bills on the agenda of the committees. The working conditions of the MPs are not satisfactory enough to be productive. There are also financial problems'³².

²⁸ Interview with a CHP deputy, member of the National Education Committee, 16 March 2004.

²⁹ Interview with a CHP deputy, another member of the National Education Committee, 15 April 2005. This point was emphasized many times during my interviews with the CHP deputies.

³⁰ Interview with a CHP deputy, the member of the National Education Committee, 15 April 2005.

³¹ This is a shared sentiment by all the deputies interviewed for the study, although individually some of them said that they ought to be more active as an MP on many platforms.

³² Interview with a member of the Interior Affairs Committee, an ex-mayor, 25 March 2005.

[21] At the same time, some opposition MPs acknowledged the pressure coming from their constituencies to present harsh opposition to the government even by physical acts of hostility and reaction in the Assembly; as a deputy put it: 'Should an effective opposition get involved in quarrels under the roof of the Parliament? Effective opposition under the roof of the institution representing national will should not be a 'you versus me' conflict (*sen ben kavgası*). Turkey has not gained anything with this style in the pre-1980 era. In the local organizations of the sub-provinces, citizens still demand physical (violent) opposition. But, we should extend support to all projects promoting public good'³³.

[22] None of the MPs who were part of this study considers violent acts as part of their opposition strategy, because they are incompatible, in their opinion, with their constructive opposition. For example, another MP claimed that, 'making opposition is not the same as making opposition in the field', hence unruly behavior and sensational activities are not regarded as appropriate course of action in the Parliament. In general, their criticism of the AKP deputies stems from their perception of the government's legislative strategy as 'one-sided' and reflecting a *fait accompli* excluding the opposition group³⁴.

Which socialization between majority and opposition MPs?

[23] Interviews suggest that informal contacts between the governing AKP MPs and those of the CHP take place both under the roof of the TBMM and outside; but with negligible effect on the legislation process³⁵. In the Public Relations Building in the Parliament the offices of the opposition and government MPs are side by side; there is no segregation of the government and opposition blocks since lots are randomly allocated at the beginning of the legislative year. Hence sometimes deputies gain the chance to know better the fellow MPs from the same constituency after they enter the TBMM³⁶. All the MPs interviewed for this study declared that they had occasional contacts with the government MPs sometimes in the TBMM sometimes outside and in more informal settings.

³³ Interview with a member of the Constitutional Committee, 4 April 2005

³⁴ Expressed in the interview with a member of the National Education Committee, 15 April 2005.

³⁵ Expressed in various interviews.

³⁶ It is interesting to note that a long-time TBMM staff working in the research unit of the TBMM has once told me that without such a system of the allocation of the offices, the deputies would probably get into conflict with each other over the rooms.

Some MPs have friends from the AKP group with whom they meet and socialize in family settings too. MPs also see each other in the opposition and government corridors (*kulisler*) of the main building during the plenary sessions; they then exchange views on issues of national significance. It should be noted that such socialization usually takes place among MPs if they are on the same wavelength; otherwise they remain as superficial contacts. Several CHP MPs interviewed noted that sometimes they share their concerns with the majority MPs on policies, laws and issues, and the latter might sometimes agree on their concerns. However, some MPs held a more negative picture, the government MPs' attitude being not conducive to dialogue. While they sometimes socialize with each other in the Parliament, real dialogue is hard to come by, as explained by a deputy in the following way: 'They (AKP MPs) do not ask our opinion whatsoever on important issues. There is no such thing as cooperation, no compromise... The government's MPs have the attitude of 'we do not need you' toward us'³⁷.

[24] Some CHP MPs seem to acknowledge the predicament of the majority deputies who cannot individually do much about their concerns since they are subject to party control, in a way bowing to the 'wishes of the lords', just like the minority MPs. Hence a sympathetic attitude on the individual ineffectiveness of the MPs even from the government party can also be discerned between the lines³⁸. But, it is not possible to generalize about the frequency, the nature and the impact of such contacts and socialization on the MPs' perceptions of inter-party relations in the absence of aggregate data.

II. The Opposition MPs in the Legislative Process

[25] In the 22nd period, the opposition MPs have largely been hampered from participating effectively in the legislative process due to their numerical minority position and the limited role envisioned in the Rules of Procedure. The deputies underline that this exclusion from providing input into the law making process takes place through formal and informal mechanisms. As it is well-known, the 1982 constitution 'rationalized' Turkish parliamentary by weakening parliamentarianism (Özbudun 1989: 52) and by strengthening executive (the cabinet and the president) (Tanör 1990: 155). Consequently, the legislature has been subordinated to the executive formed by the majority

³⁷ Interview with a CHP MP, member of the Environment Committee, 14 April 2005

³⁸ Expressed by a CHP MP, member of the National Education Committee, 16 March 2005.

party/parties which controlled its agenda and functioning. The committee stage and the plenary meetings have been dominated by the government party as the RP was left largely untouched at the time of the drafting of the new constitution (İba 2004).

[26] Apart from this numerical minority position the CHP MPs have also been subject to acts of the government to circumvent the opposition in the legislative process. Being aware of their limitations, the opposition deputies find that such exclusion was a natural pattern in one-party dominated Parliaments. That in a bi-party legislature the government is usually 'spoiled' of its position is a view shared by some MPs³⁹. Behind this view rests a belief held by some CHP MPs that that the situation would be quite different in a fragmented Parliament especially with coalition governments⁴⁰. This view is put forward both by the first-time deputies and by the only inexperienced deputy in the interviews. This experienced MP (ex-deputy) suggested that 'fragmented Parliaments are better in terms of opposition capacity, because then you have the chance to persuade other parties to correct some wrongs of the government. But today's government is passing whichever law it wants to pass without any constraint'⁴¹.

[27] The following section looks more closely at the CHP parliamentary groups' profile and activism in the plenary sessions and the committees, and extra-parliamentary settings (like constitutional review). Since the primary objective is to provide a picture of the opposition MPs activities, the emphasis will be on the CHP group; the AKP's strategy of marginalization of the opposition will also be discussed, as this is an interactive process.

The Agenda

[28] In the TBMM, it is in fact the government party which decides the agenda of the legislature as it enjoys both the legal and the political means to do so. The overwhelming majority of the bills enacted are initiated by the government or, to a lesser extent, by individual MPs of the majority. In the current period none of the bills exclusively drafted by the CHP MPs have been accepted by the Parliament. Obviously, one cannot establish a link between the number of bills enacted and those submitted by the CHP MPs, because among the bills passed there are those

³⁹ Interview with another CHP member of the National Education Committee, 15 April 2005.

⁴⁰ From the same interview.

⁴¹ Interview with a CHP MP, member of the Planning and Budget Committee, 15 April 2005.

formulated and proposed by CHP MPs, and which were later transferred into government-sponsored bills⁴². Moreover, there are some areas to be regulated by bills of the government because only the government has full information access to some aspects of administration. On some issues, legislative proposals are supported both by the majority and the opposition MPs. The legislative proposals of the CHP MPs cover a wide range in terms of the issues they address. The scope of such proposals ranged from amendments to the PR to the establishment of a Committee on Screening Equality between Women and Men in the first legislative year. During this period a group of MPs also submitted a proposal for the establishment of an Ethics Committee in the TBMM, put forward changes to the law dealing with fight against corruption (known as 'the political ethics law', *Siyasal Ahlak Yasası*). This obviously was a very strategic issue involving a challenge to the AKP as its cadres have been subject to corruption allegations.

[29] According to the RP of the TBMM, it is the privilege of the government group to submit bills. Bills proposed by individual deputies either from the government or the opposition are subject to the approval of the party group administration. Under the circumstances, a minority party bill has slim chances of making its way to the general assembly. In the second legislative year, the CHP MPs prepared and submitted 66 bills, and 71 in the third legislative year. Similar to the fate of the proposals of the first legislative year, none of these could pass the committee stage due to reasons already mentioned (Table 2).

Table 2. Legislative proposals of the CHP during the 22nd Period in the TBMM

1 st Legislative Year (Nov 2002-Oct 2003)	119
2 nd Legislative Year (Oct 2003-Oct 2004)	66
3 rd Legislative Year (Oct 2004-Oct 2005)	71
Total	185

Sources: CHP (2003b); CHP (2004); CHP (2005b).

⁴² Unfortunately it is not possible to have a record of such bills because it would be extremely difficult to categorize and sort them out.

The Plenary Sessions

[29] In the 22nd Assembly, a common way of marginalizing parliamentary opposition has been the insertion of new provisions into bills through motions submitted during plenary sessions. Although this practice is not new - it also occurred during the ANAP-dominated Parliaments of 1983-1991 -, the government now uses it more frequently. In this context, opposition MPs claim that many bills were passed in this way excluding the opposition even in the deliberation process, since by that time the regular committee stage has been over. For example, during the general assembly debates on metropolitan municipalities' bill, the government deputies submitted 19 motions for change, all of which were adopted. It is obvious that the MPs did not have the chance to consider the content of such last minute motions⁴³. Related to this problem, a prominent CHP MP has called such laws as 'half-baked laws'⁴⁴ referring to the onset of a peculiar tradition of legislation pursued by the government in the 22nd Assembly through which draft legislation undergoes significant changes (usually in the form of additions) when it is submitted to the approval of the Assembly after the committee stage. This means that majority MPs revise the bill through motions of change. Some opposition deputies have considered this strategy as indicative of the lack of a principled approach to legislative process since 'the government does not reclaim its own bill'⁴⁵. It should be noted that the CHP MPs also submitted motions during plenary meetings, but as the number of motions to be put by the opposition is limited by the PR, these motions had no effect.

[30] As part of this strategy, attention was also drawn to the fact that certain changes insisted on by the government are also included into bills dealing with totally unrelated issues. The notorious law on the sale of the forests is a case in point⁴⁶. The bill in question was inserted into a constitutional amendment bill lowering the age of election to the Parliament to 25⁴⁷. It was heavily criticized by the CHP on grounds of substance⁴⁸; but at the same time the procedure itself was opposed by the CHP

⁴³ 22. Dönem İkinci Yasama Yılı Çalışmaları, CHP, p. 57.

⁴⁴ Interview with a CHP MP, the Deputy General Secretary of the CHP, 17 March 2005.

⁴⁵ Interview with a CHP member of the Planning and Budget Committee, 15 April 2005.

⁴⁶ The bill was referred to in the public opinion as the '2-B bill' as it changed the section B of the 2nd article of the law on forestry.

⁴⁷ 'Hükümet Muradına Erdi' *Radikal*, 30 July 2003

⁴⁸ It was claimed that the governments' approach was totally to gain income from the sale of forests, reflecting a mentality which disregards the forest farmers. They also asked the government to make way for the creation of new forests with the income from the sales. Interview with the deputy Secretary General of the CHP, 17 March 2005.

group. Previous governments on controversial issues have also used this strategy⁴⁹. Another strategy was to prepare so-called 'bag bills' (*torba kanun*) with a large number of provisions each related to and amending parts of laws completely different from each other in terms of the issues they addressed⁵⁰. The CHP also extensively used its rights of deliberation in plenary sessions on such bills; a case in point has been a recent legislation constituting of 36 articles amending certain (46) laws and decrees having the force of law. These laws ranged from the precautions to be taken against a prospective earthquake in Istanbul to the changes in the titles of civil servants⁵¹. In addition to such 'bag bills', the reaction of the CHP group also focused on the so-called reform laws as referred by the government on various issues (such as the health care system). This approach was criticized as a strategy of misnaming the bills to manipulate the public opinion, since many CHP deputies thought the government was 'deforming' rather than reforming many institutions in the country⁵².

[31] Finally, the AKP government in this period enacted the rule that the fundamental laws would be subject to a global vote (with no vote on individual articles). In this way, important and long bills would be passed easily without the obstruction of the opposition. Only two deputies - one from the government party group and one from the opposition - may speak on the floor before the voting on those bills, in this way very long bills such as the Labor Law and Fundamental Law on Public Administration can pass the plenary in a short time⁵³.

[32] Against this strategy of the majority group, some obstruction strategies are possible to prevent or to hinder the deliberation according to the Procedural Law (İba 2004: 67). For example, individual MPs or groups can present motions for change during the plenary deliberation or can request roll call in the session⁵⁴. However, if attendance is taken on request from 20 MPs, the plenary sessions may be closed due to the absence of the quorum. This strategy has been used in the past

⁴⁹ It was also expressed by the MP that this strategy and 'the half-baked' bill approach were not quite new as the Motherland Party governments also adopted a similar approach.

⁵⁰ For a recent example of the so-called bag law, see: Proceedings of the TBMM 22nd Period, third Legislative Period, Session: 69, 10 March 2005.

⁵¹ Erdem, Tarhan 'The Bag Bill' *Radikal*, 28th April 2005.

⁵² Interview with another CHP MP, formerly a professor of medicine who criticized this reform mentality, especially in the case of the revisions to the hospital system, 14 March 2005.

⁵³ Mentioned in the interviews with the CHP's Deputy Secretary General.

⁵⁴ Normally such call is not done for all sessions; opening a session is up to the discretion of the Speaker based on his evaluation of the situation of the room.

to obstruct plenary sessions on controversial issues. Another obstruction strategy is the prolongation of speeches during the meetings on motions for parliamentary inquiry and the use of speech outside of the agenda. All deputies who are present in the plenary session have the right to demand to the speaker to take the floor. Moreover, one cannot talk about any specific division of labor in this strategy, although deputy Chairs of the CHP group tend to take the floor and speak on almost all such contentious issues⁵⁵. The latter revolves around many topics including the MPs views on local and national problems, on the significance of specific events and anniversaries and criticism of the government policies (CHP 2004: 341). In the 22nd Assembly, the CHP MPs have used these strategies during the plenary session debates; e.g. taking the floor on every single article of a law, submitting motions for change and demanding roll call. For example, the bill on the Higher Education Council consisting of 11 articles, normally to be passed in two hours, could only be passed in 20 hours on the 13th May 2004⁵⁶. The bill was opposed by the CHP due to its objection to the new system facilitating the graduates of *imam* and preacher school (*imam-hatip*) graduates' entry into universities. Another striking example is the bill on the new Labor Law; the opposition party extensively used obstruction strategy, opposing many articles of the bill; thus, it was able to protract the legislative process for four months.

[33] Obviously a more direct way of reacting to the government bills is non-cooperation through withdrawal (boycotting the session) as a group from the plenary on a specific voting session. A case in point is the withdrawal of the CHP group from the Constitutional amendment on the sale of the forestry that came in a constitutional amendment decreasing the age of elections⁵⁷. Another instance of boycott took place during the vote on the municipalities law in protest of the government's change effected in the Procedural Law of the TBMM to facilitate the enactment of *fundamental laws*⁵⁸. Such boycotts were met with severe reaction from the AKP. On one instance the Prime

⁵⁵ Mentioned by the advisor to the CHP Group in the TBMM.

⁵⁶ Mentioned by a member of the Education Committee. The bill in question (Law n° 5171) was amending Law n° 2547. It was vetoed by the President; then the government did not bring it to the attention of the TBMM again. Proceedings of the TBMM; second Legislative Year, Session: 88, 13 May 2004.

⁵⁷ In that session on 29 July 2003, the government passed the amendment with the votes of the DYP and ANAP with 368 votes, the CHP did not participate in the voting. *Radikal*, 30 July 2003.

⁵⁸ The session was on the 2 July 2005: *Milliyet*, 2 July 2005 'Boycott of the Fundamental Laws'.

Minister accused the CHP leader of 'provoking the street' and suggested that the CHP group could not adapt itself to the work pace of the TBMM⁵⁹.

[34] The CHP MPs interviewed for this study complained from irregularities by the government MPs which, in their opinion, was not compatible with 'transparency, accountability, civility and fairness'. Some of these acts allegedly amounted to the prevention of the right of the opposition in the parliament to exercise its control criticism function. E.g. in the plenary sessions during the first legislative year, attempts were made at seizing ballots during some votes, and at sending false notes to the speaker of the TBMM⁶⁰. Other examples include the seizure and the opening of some of the ballot envelopes by the government MPs during a constitutional amendment on the sale of forestry. This led to small-scale unruly behavior in the assembly and the speaker delayed the session. An instance of casting fake (multiple) ballot attempts on behalf of some government party MPs who later turned out to be absent in the assembly was also noted⁶¹. Another striking incident - considered by the opposition as a manipulation of the legislative process - is that many of the plenary voting sessions were not presided over by the speaker of the Parliament. In this case, the speaker's vote would also count which goes against the conventions of the TBMM (CHP 2003b: 35). Other instances of manipulation of the legislative process by the government's exclusion of the opposition involved the enactment of amnesty laws which normally needed a qualified majority⁶², and the violation of the 48 hours waiting period for bills prior to the committee stage and their submission to the Assembly which is envisaged in the PR only for extraordinary conditions⁶³.

⁵⁹ *Milliyet*, 3 July 2005.

⁶⁰ During the 74th and 86th sessions on the 1 May 2003 and 28 May 2003 respectively. In the second, the bill was changing the law on natural disasters; the quorum was not realized, hence the session was closed by the Speaker (CHP 2003b: 28-31).

⁶¹ Proceedings of the TBMM, first Legislative Year; Session: 62, 4 April 2003.

⁶² In the latest instance, the amnesty law for university students who were expelled from their schools after 2000, was vetoed by the President in February 2005. It was then voted by the same majority and passed in the TBMM.

⁶³ The CHP group notes that on some occasions, this waiting period was disregarded, and committee reports were published as if they had also been distributed to the deputies.

The permanent committees

[35] The party-dominated committee sessions should theoretically foster compromise since inter-party negotiations could take place sometimes in the presence of experts in a smaller group⁶⁴. The 16 committees of the TBMM meet regularly to examine, debate and revise, if necessary, the bills or draft laws with the participation of MPs from party groups (Turan 2000: 69, İba 2004). Sometimes the meetings include the representatives of civil society organizations or experts⁶⁵. CHP MPs view the committees as potentially more democratic platforms than the plenary since committee members can more actively get involved in the legislative process in a smaller group; hence, potentially they can produce consensus⁶⁶. On contentious issues, committee members might be divided, in such cases opposition MPs could be assertive and resistant on all or parts of the bills under consideration. Thus, the committees are important as they have the potential to evoke and address the concerns of the opposition and to demonstrate the individual MPs' expertise and oratory skills. Available scant evidence suggests that in the CHP group the most frequent and ardent speakers among the committee members have law or academic backgrounds; but this depends on the subject, too⁶⁷.

[36] The *ad hoc* committees are dominated by the government party⁶⁸ due to the assignment of the MPs to the committees on the basis of the relative strength of the parties. Party discipline also holds in the committee meetings. The opposition members are not entitled by law to invite experts to the committee meetings. Sometimes a sub-committee is formed on the suggestion of the committee chair for a more detailed examination of the bills, which writes a report. The opposition MPs are also in minority in the sub-committees (three-to-two members). Normally, in the TBMM the government as the author of the draft bills expects them to pass the committee stage with minor revisions. In the 22nd Assembly, the main opposition party MPs have complained that the majority MPs regard their party's legislation as immutable: 'they take it as an order to pass it, as if it is a religious obligation to follow'⁶⁹.

⁶⁴ The appointment of the committee members are done by the General Assembly which approves the party group's appointment in the first session at the beginning of each legislative term to be renewed at the end of the two years; and the committees stay in job for until the end of the legislative term.

⁶⁵ The frequency of the meetings changes, depending on the nature of the legislation under consideration.

⁶⁶ Underlined in the interviews; CHP MP from the Environment Committee and the sub-committee, and with the member of the Constitutional Committee, 4 April 2005.

⁶⁷ Interview with a member of the Justice Committee, 4 April 2005.

⁶⁸ The members are 16 from the government and to 8 from the CHP. The agenda and the meetings of the committees are determined by the committee chairs belonging to the AKP.

⁶⁹ Interview with a member of the National Education Committee, 15 April 2005.

Nevertheless, the committee stage remains a critical forum within the Parliament for the government and opposition MPs to socialize outside the limitations of the formalities of the plenary sessions, and this is where the MPs learn and practice the process of bargaining and negotiation (Turan 2003: 169)⁷⁰.

[37] In the current legislative period as in previous assemblies, draft legislation on controversial issues – e.g. the limitation of parliamentary immunities - can be blocked by the government or, less frequently, at the committee stage. In this way, the enactment of such bills can be delayed as the submission of the bill to the approval of the general assembly is protracted or may never be realized if the committee withdraws the bill. In the case of the Criminal Law reform debates, the opposition in the Justice committee disagreed with the government on several changes to be introduced in the draft law. The objection of the CHP members focused on some deficiencies of the bill and the dangers it would pose to secularism in Turkey. Disputes with the government members took place in the presence of the media representatives. The frustration of the opposition members made them to declare that they would withdraw from the committee⁷¹. However, few changes suggested by the opposition made its way into the draft law. In the end, the Criminal Law reform turned to be a protracted and controversial process over which very little consensus was produced between the opposition and the government⁷². Hence, some of the changes originally proposed by the government did not materialize under intense opposition from the opposition MPs and committee members. The media also covered some of the debates, although CHP MPs who were active during the committee stage find the media attention insufficient. Criminal Law regulates issues over which the CHP feels it can mobilize its constituency, especially on secularism⁷³. Another instance of a temporary blockage strategy by the opposition MPs took place in July 2005 during meetings on the new social security law in the Planning and Budget Committee. Then, 20 CHP deputies entered the Committee and requested the right to speak on the draft law. One MP spoke 44 minutes and in the

⁷⁰ Although an MP (member of the Environment Committee) stated that 'even if we could not do anything we would discuss the issues, if you defend a position in a consistent way then you could have some influence on the legislative process'. However, most deputies conceded that their influence over the government members remained in practice very weak.

⁷¹ Interview with a CHP MP, a member of the Justice Committee, 4 April 2005.

⁷² Just before the law would enter into effect its date of effect was postponed to 1 June 2005.

⁷³ Interview with the same member of the Justice Committee. Among the most controversial criminal law amendments were the proposed plan to make adultery a punishable act failed in the plenary meeting of September 2004 and to make 'offending the public's religious feelings and values publicly a punishable act' (same interview).

end the Committee meeting ended in a stalemate when all the deputies took 10 hours to speak. The members did not have time to consider the bill on that day⁷⁴.

[38] The opposition MPs who are committee members consider their roles in the committees as quite constrained. As committee members, they are not always provided the draft laws to be worked on with a reasonable time to examine in advance. As an MP put it: 'we go to the committee meeting and we sometimes face a new draft law about which we have not been informed at all. It is a big problem especially when the text of the bill is given to us the day before the committee meeting. As committee members, we have to examine the bills thoroughly... some legislation is thus turned into law by only five to ten MPs'⁷⁵.

[39] Overall, the general impression of the committee meetings shared by all the opposition MPs interviewed for this research is that the committee meetings are dominated by the power of the numbers. Opposition MPs are actively engaged in the discussion of draft laws in the committee meetings, and try to defend their views, insisting on necessary revisions. Yet, their power to direct the committee and realize their suggestions remains limited both due to formal functioning of the committees and the attitude of the majority.

Constitutional review as a counter-strategy?

[40] During the legislative process the most visible realm in which the CHP group was actively and enthusiastically engaged was challenging the constitutionality of the laws passed by the AKP majority. As of April 2005, the number of applications by the CHP group reached a total of 50. In the third legislative year, 21 laws out of 166 passed by the TBMM were taken to the Constitutional Court⁷⁶. In this, the CHP strategy parallels the approach of President Sezer, who has so far used his veto quite liberally in the 22nd Assembly⁷⁷. The CHP's strategy is in line with the President's

⁷⁴ *Milliyet*, 2 July 2005.

⁷⁵ Interview with a member of the Committee of Interior Affairs, 25 March 2004.

⁷⁶ In the first Legislative Year, the CHP took thirteen laws and a decision by the TBMM (on RP changes), and in the Second Year 23 laws, to the Constitutional Court. Among the laws challenged by the CHP are the law on municipalities, the law on associations and the press law (CHP 2004: 83). Data on the third Legislative Year were provided by Mr. Bayraktar, advisor to the CHP group.

⁷⁷ During the Second Legislative Period (October 2003-July 2004), President Sezer returned 15 laws, including the law abrogating certain municipalities, the fundamental law on public administration (*kamu yönetimi temel kanunu*) and its reconstruction and the law on municipalities to the Parliament for reconsideration. He had

sensitivities for the unitary state principle and secularism. In fact, 'the protection of secularism and the fundamentals of the Republic in the best possible way' was the most important mission of the main opposition CHP in the self-perception of the CHP MPs⁷⁸. Their challenges focus on these principles as well as on the notions of public good and equality before law.

[41] All of the MPs interviewed in this research considered the applications to Constitutional Court as essential to counteract the 'irresponsible' approach of the majority⁷⁹. Some MPs saw the process as an integral part of the opposition's main function of monitoring the government⁸⁰. The interviews suggest that this strategy is perceived by the CHP MPs as a counterstrategy of dealing with their exclusion and marginalization from the legislative process. A discussion of the justifications of the Constitutional Court decisions and the grounds for application by the CHP is outside the attention of our work. Suffice it to say that the CHP group's success in this regard is mixed. As of April 2005 out of 50 applications, 13 laws were nullified (in part or partially ruled for suspension for implementation by the Court), 7 were rejected and decisions on 30 were pending. Still, the opposition MPs believe that even partial success on this front is significant, and the fact that the CHP group was always alert on the issues of secularism and unitary state constitutes an invisible brake on the majority party in the TBMM. As the deputy Secretary-General of the party put it: 'they (the AKP group) are sometimes hesitant because of our opposition; on some issues they think that they would have a hard time with us; hence do not dare to bring up some proposals'⁸¹.

III. The MP in the CHP group

[42] The role and activities of opposition MPs in the Parliament is very much conditioned by their party. The election process itself has perpetuated the dominance and power of the central party organization and the leader over individual MPs. At a macro-level, strong party discipline and party

vetoed only nine laws during the DSP-MHP-ANAP government in a period of two years. Yet, by the time the AKP government was in power for one and a half year, the President had vetoed 19 laws passed by the TBMM. See 'Continuous veto to the AKP', *Milliyet*, 16 May 2004.

⁷⁸ Underlined in all the interviews.

⁷⁹ The member of the Planning and Budget Committee drew attention to this 'irresponsibility' by mentioning that some government MPs claim that they would re-introduce the bills vetoed by the President even before the Presidential veto grounds were made official.

⁸⁰ Such as the MP member of the National Education Committee, interviewed on the 15 of April 2005.

⁸¹ Interview, 17 March 2005.

cohesion have eroded the effectiveness of the opposition in the legislature *vis-à-vis* the executive⁸² (Özbudun 1968, 2000). Strong party discipline leads to higher polarization in the legislature. Hence, a look at the relationship of the deputy to his party group and their perceptions of the group dynamics would provide us with insights into as to whether the MPs have sufficient scope for action as opposition actors on their own in this system.

Party discipline and the CHP group

[43] There have been many reasons for the individual MPs' submissiveness to their party group, the most important of which is the strong party discipline - intensified by loyalty to the party - which runs through the parliamentary group for both the government and the opposition. The CHP is notoriously known for the strong grip of its leader Deniz Baykal over intra-party affairs and the party organization at all levels. The recent intra-party developments have also evidenced that Baykal's domination is so strong that even would-be challengers to the incumbent leader and the executive organs, all almost handpicked by the leader, cannot find a proper atmosphere for intra-party competition (Güneş-Ayata 2002; Bila 1999)⁸³.

[44] As underlined by the MPs interviewed for this study, a typical instance of the submissiveness of the MP to the parliamentary group is a situation where MPs come in and out of the general assembly during the plenary session while hanging out in the corridors, entering the meeting only for the vote. It is usually the case that most of these MPs are not informed about or have not much interest in the bill under consideration. These deputies who do not regularly attend the plenary are not informed of the laws that come before the group but stick to the group's line. Interviews suggest that these MPs are not very familiar with the legislative process (e.g. some ex-mayors), devote more time and energy to constituency work, and do not expect to be re-nominated in the coming elections, hence they do not feel any obligation or pressure to the party group. Besides, some

⁸² As Özbudun (1968) wrote decades ago, party discipline and party cohesion are analytically distinct. When the members of legislature vote as a block or in union this could be due to cohesion or discipline or a combination of both.

⁸³ See 'Livaneli CHP ile Yolunu Ayırdı', *Milliyet*, 25 February 2005 and 'Baykal'dan Son Darbe' *Milliyet*, 19 November 2005.

deputies prefer to be active outside the Parliament especially on civil society platforms⁸⁴. The latter MPs (although only a few) do not feel much obligation to cooperate with the group by physically being present in plenary sessions.

[45] The CHP group has a formal administrative structure, with deputy chairs (*grup başkanvekilleri*) selected by the group members and leading the group. They are the natural spokesmen for the group (İba 2004: 88)⁸⁵. Formally, groups can take a 'group decision' and impose it on all the deputies of the party except for specific voting sessions indicated in the Constitution and the RP⁸⁶. In practice, the party group has substantial authority over individual MPs; the deputies have to take the consent of the group administration for their legislative activities such as the submission of legislative proposals and motions for questions. They also have to get the permission of the group administration to make a speech in the plenary sessions. Those who violate these rules and who do not vote with the party group are subjected to various sanctions and punishments⁸⁷. The group deputy chairs determine the agenda of the group meetings, and the group meets regularly every week. The meetings of the CHP group have a closed session in the morning before the regular session, where individual MPs can take the floor. Sometimes experts are also invited to inform the group on certain issues. In the afternoon sessions are broadcast on television and open to the press, but only the party chair speaks⁸⁸.

[46] Today, periodic party group meetings work as a mechanism to promote submissiveness of the MPs to the party leader. Yet, historically this has not always been the case, as party groups in the Parliament have also constituted forums for open debates and criticisms (Turan 2003)⁸⁹. Overall the group meetings function to deepen intra-group unity and solidarity as well as to strengthen the leader's authority over the elected representatives of the party. In practice, party groups do not take

⁸⁴ As reminded to me by the Deputy General Secretary of the CHP in the interview, the CHP recruited few such deputies known in the public for their intellectual and technocratic activities. But these have not embraced the typical parliamentary responsibilities (17 March 2005).

⁸⁵ The chair of the party is naturally also the chair of the group.

⁸⁶ According to the Constitution, the groups may not take group decisions on the following sessions: nominations for the Speaker of the TBMM, legislative immunities and motions for parliamentary investigations.

⁸⁷ The group administration may impose such sanctions for disobedience as warning, condemning and temporary or permanent expulsion in accordance to the Political Parties Law.

⁸⁸ It should be noted that the group meetings of the AKP do not have a closed section whereas the closed group meetings of the CHP are a party tradition. The agenda of the group meetings is prepared by the group deputy chairs (interview with the CHP group advisor, TBMM, 12 January 2005).

⁸⁹ Erdem, Tarhan 'Başkanı Dinleme Toplantıları', *Radikal*, 29 May 2003.

many formal decisions because in most cases it is redundant with the party discipline in voting. However, party group can impose a common vote in the general assembly. This was the case during the March 1st 2003 resolution on the cooperation with the US during the invasion of Iraq. The CHP did not take a formal group decision but an informal process binding all MPs took place prior to the voting of the motion in the assembly⁹⁰.

[47] The CHP MPs generally underline the undemocratic aspect of the oligarchic leadership which subordinates ideology and program to the leader. However, the majority of the opposition MPs inquired for this study do not seem to consider the CHP group dynamics within the Parliament as incompatible with democracy. The MPs are regarded as 'member of a family'⁹¹, and, as implied in the interviews, have only some degree of autonomy. They may sometimes hold views contrary to that of the group, but during votes in the plenary they stick to the party line. According to some MPs, 'the party-MP relationship is like a marriage relationship between husband and wife'⁹² MPs have the option of withdrawing from a particular plenary session voting if their position is not in line with that of the group since 'participating in the voting and defecting from the party group line take a lot of *courage* (euphemism)⁹³. For the MPs, being a party member means that they came together on certain common grounds; hence the group unity is important to maintain⁹⁴. In fact, in the eyes of most of the MPs, the group's control over the individual deputies is a natural process. The specific worldview (Kemalism) and ideology (social-democracy) of the CHP group seem more homogenous than the AKP one. The CHP group has also a more coherent structure; the disagreements of the MPs with the group and even disciplinary sanctions do not seriously damage their sense of belonging⁹⁵. However, some MPs find the group's authority excessive on the grounds that it forms an important pressure over the MPs. In particular, the obligation of getting the group's permission for speaking and submitting proposals of law has been heavily criticized by some⁹⁶. But the majority did not voiced similar concerns and pointed out that some MPs do not participate in critical votes and yet receive no sanctions.

⁹⁰ Only one of them confessed the fact that, while no binding group decision was taken by the group, an informal group decision was, every single deputy giving his word.

⁹¹ Interview with a member of the Environment Committee, 1 April 2005.

⁹² Interview with another member of the National Education Committee, 14 March 2005.

⁹³ Interview with the Deputy-General Secretary, 17 March 2005.

⁹⁴ Interview with the Deputy-General Secretary, 17 March 2005.

⁹⁵ Interview with a member of the Environment Committee, 14 April 2005.

⁹⁶ 'CHP milletvekili grup yönetimine isyan etti' *Milliyet*, 31 March 2005.

[48] The strong sense of belonging to the party is an important bastion on which group unity and party discipline rest. Yet the MPs draw attention to the lack of dynamism in the group mechanism. Complaints center on the fact that group mechanism/tradition entrenches professional politicians in the party; that the majority of the MPs are passive actors in the group meetings which weakens the enthusiasm and the motivation of the individual MP in a short period following his/her election⁹⁷. There does not seem to be a uniform view among the deputies on party group discipline in terms of its (un)democratic features and most importantly on the role it plays in the party's opposition strategy. At this point, it can be contended that the opposition MPs seem somewhat confused about the meaning of party discipline as some of them consider party discipline and group dynamics as one and the same, while some differentiate the two.

The differences between CHP MPs

[49] Understandably, some MPs are significantly more active than others in preparing and submitting legislative proposals. The fact that a total of 23 CHP deputies resigned from their parties - most of them joining other parties, including AKP - as of December 2005 is not directly associated with party discipline. Loyalty to the party and discipline should be distinguished; in general the higher the party loyalty, the stronger the party discipline will be in the Parliament (Kalaycıoğlu 1988: 58). However, one cannot establish a direct relationship between the two. High involvement in the legislative activities and abiding by party discipline do not necessarily and always mean high levels of affiliation with the party. For example, a CHP MP who submitted 10 proposals in the first legislative year (which is strikingly high compared to the others) then left his party to join the AKP⁹⁸. The existence of such an example and other defections indicate problems with party loyalty rather than with discipline. Along these lines, data in the interviews suggests that those who left the party are more likely to be the ones with little ideological affiliation with the party, with no hopes of getting nominated by the party in the next elections. Their loyalty is so weak that they can be easily tempted by the prospects of gaining material and other advantages from the government party if they join⁹⁹.

⁹⁷ Interview with a CHP MP, member of the Education Committee, 16 March 2005.

⁹⁸ In this particular example, the MP in question was a businessman who allegedly joined the government after leaving his party for concerns over his tax debt (interview with the CHP advisor to the group).

⁹⁹ In addition to various interviews, this explanation was also provided by the advisor to the CHP group.

[50] Some MPs submit legislative proposals addressing specific problems of their constituency or about issues within their professional fields. Obviously, not all MPs concentrate their efforts on the legislative activities, as some of them have other formal duties such as committee membership and intra-party duties. For some MPs, constituency service and activities oriented to the public opinion seem to take priority especially if they have many clients to attend to. MPs who held mayoral positions before entering the Parliament are good examples. One such MP mentioned that - although being an opposition MP largely impedes their capacity to meet the demands (most importantly finding jobs) -, they still receive many¹⁰⁰. It has been argued by other MPs without prior experience that ex-mayors MPs are adopting a passive profile because they cannot adapt to the legislative role which is quite different from their activities in the municipalities¹⁰¹. Indeed, both of the ex-mayors interviewed for this study expressed their frustration with the MP role compared to the mayoral position which was more active and also made them more visible and popular in the eyes of their constituency.

[51] Speaking on the floor on their own or on behalf of the group is not something that all MPs embrace with equal enthusiasm. MPs usually prefer to talk on the laws of their immediate concern especially if the bill is coming from the committee they are part of¹⁰². Academics, diplomats and lawyers may also be more active on the floor in the plenary meetings. On critical foreign policy issues, the CHP group has specific MPs (with diplomatic background) competent on this realm who often take the floor on behalf of their party group¹⁰³.

[52] A cursory glance on the list of the legislative proposals submitted by individual CHP MPs does not suggest a relation between professional backgrounds and legislative activities. For example, in the second legislative year, the four MPs with the highest number of bills submitted had education (teacher), law, industry/business, and academic (economist) backgrounds. Female MPs also are active on proposals about gender equality, such as the bill put forward by a prominent CHP MP on

¹⁰⁰ Interview with a member of the Education Committee, an ex-mayor of a sub-province in the Marmara region, 14 April 2005.

¹⁰¹ Observations from the Deputy Secretary General of the CHP in the interview (17 March 2005), also mentioned in other interviews.

¹⁰² Underlined by all during my interviews. An interesting response came from an MP who was a mayor of a city in the East. He said that he sometimes participates to panels, conferences but that he does not want to make frequent appearance on the TV with a concern 'not to wear out his face', 25 March 2005.

¹⁰³ For example, Şükrü Elekdağ and Onur Öymen who are on the forefront especially on foreign policy issues.

the establishment of a Screening Committee on the Equality between Women and Men (March 2003).

[53] Finally, a distinction can be made between MPs in touch with their constituency and the party organization, mostly those who have risen from grassroots, and those who have no contacts with their constituency and the local organization who have risen in the party due to their professional qualifications such as academics. The extra-parliamentary activities of the latter group are not oriented to the constituency. As explained, sometimes these MPs are more engaged in cooperating with the NGOs rather than socializing with the group or dealing with constituency relations and serving any clients. However, this group is also criticized by the first group, and even sometimes blamed for the party's perceived failure to get into contact with the masses¹⁰⁴.

Conclusion

[54] The 22nd Legislative Assembly gives the picture of majority-dominated Parliament with the main opposition considerably restrained in providing effective contributions to the legislative process. Lack of consensus tradition seems partly responsible for this. Yet, the main opposition embraced a 'constructive opposition approach' and there have not been frequent or major incidents of unruly behavior. Nevertheless, the opposition MPs find themselves excluded through formal and informal means from the legislative process. In a context of polarization over crucial issues, they tend to consider their roles in a 'preemptive' pattern *vis-à-vis* the government. Opposition deputies have been using several strategies of obstruction to circumvent their exclusion by the government party during the legislative process. Challenging the constitutionality of the laws is seen as a major pillar on which the opposition relies *vis-à-vis* the majority. Based on the in-depth interviews with a selected group of the CHP deputies, it can be claimed that deputies feel discomfort from the institutional constraints (in the TBMM) which hamper their potential contributions to the legislative process and their capacity to deliver a more effective opposition. Individually, the deputy body is heterogeneous in terms of the intensity and the focus of their activities in the Parliament. Party discipline runs high in the CHP group; yet although it weakens the autonomy of the individual MP, loyalty and party discipline are given priority over concerns with intra-party democracy in the Parliament. While this

¹⁰⁴ Ex-mayors especially expressed such criticism towards these MPs.

Citation: Aslan-Akman, Canan (2005) 'Being an Opposition MP in the 22nd Turkish Parliament', *European Journal of Turkish Studies*, Thematic Issue N°3, Being a MP in contemporary Turkey, URL : <http://www.ejts.org/document500.html>
To quote a passage, use paragraph (§).

study has excluded the role of opposition MPs in control and information gathering, it suggests that the autonomy of the opposition deputy and the channels for them to be visible in the legislative process as individual members of the opposition remain quite limited. Further research should look at other aspects and reasons of this situation in the broader context of Turkish politics.

References

Bandeirera, C. L ; Freire, A. (2003) 'Internalizing the lessons of stable democracy: the Portuguese Parliament', *The Journal of Legislative Studies* 9(2), Summer, pp. 56-84.

Bila, Fikret (1999) *CHP, 1919-1999*, Istanbul, Doğan Kitap.

Bogdanor, V. (ed) (1985) *Representatives of the People: Parliaments and Constituents in Western Democracies*, Aldershot, Gower.

Çarkoğlu, Ali (2002) 'The rise of the new generation of pro-islamists in Turkey: the Justice and Development Party phenomenon in the November 2002 elections in Turkey', *South European Society and Politics* 7(3), pp. 123-156.

Foundethakis, P. (2003) 'The Hellenic Parliament: the new rules of the game', *The Journal of Legislative Studies* 9(2), Summer, pp. 85-106.

Frey, Frederick (1965) *The Turkish Political Elite*, Cambridge, MIT Press.

Güneş-Ayata, Ayşe (2002) 'The Republican People's Party', *Turkish Studies* 3(1), Spring, pp. 102-121.

İba, Şeref (2004) *100 Soruda Parlamento (The Parliament in 100 Questions: An Introduction to the Law of Parliament)*, Ankara, Nobel.

Kalaycıoğlu, Ersin (1990) 'Cyclical Breakdown, Redesign and Nascent Institutionalization: the Turkish Grand National Assembly' in Liebert, Ulrike; Cotta, Maurizio (eds.), *Parliament and Democratic Consolidation in Southern Europe: Greece, Italy, Portugal, Spain and Turkey*, London, Printer, pp. 184-222.

Kalaycıoğlu, Ersin (1988) 'The 1983 Parliament in Turkey: Changes and Continuities', in Heper, Metin; Evin, Ahmet (eds.), *State, Military and Politics in Turkey*, Berlin and New York, de Gruyter Press, pp. 47-65.

Muller, Wolfgang C.; Saalfeld, Thomas (eds.) (1997) *Members of Parliament in Western Europe*, London, Frank Cass.

Norton, Philip (1990) 'Parliaments: a Framework for Analysis', in Norton, Philip (ed.), *Parliaments in Western Europe*, London, Frank Cass.

Özbudun, Ergun (1968) *Batı Demokrasilerinde ve Türkiye'de Parti Disiplini*, Ankara, SBF.

Özbudun, Ergun (1978) 'Parliament in the Turkish political system', *Journal of South Asian and Middle Eastern Studies*, 2(1).

Özbudun, Ergun (1989) *Türk Anayasa Hukuku*, Ankara, Yetkin (2nd ed).

Özbudun, Ergun (2000) *Contemporary Turkish Politics: Challenges to Democratic Consolidation*, Boulder, Lynne Rienner.

Pridham, Geoffrey (1990) 'Political Parties, Parliaments and Democratic Consolidation in Southern Europe: Empirical and Theoretical Perspectives' in Liebert, Ulrike; Cotta, Maurizio (eds.), *Parliament and Democratic Consolidation in Europe*, London, Pinter, pp. 225-248.

Citation: Aslan-Akman, Canan (2005) 'Being an Opposition MP in the 22nd Turkish Parliament', *European Journal of Turkish Studies*, Thematic Issue N°3, Being a MP in contemporary Turkey, URL : <http://www.ejts.org/document500.html>
To quote a passage, use paragraph (§).

Tachau, Frank (1980) 'Turkey', in Özbudun, Ergun; Landau, Jacob (eds.), *Electoral Politics in the Middle East*, London, Croom Helm, pp. 205-242.

Tanör, Bülent (1990) 'The Place of Parliament in Turkey' in Finkel, Andrew; Sirman, Nükhet (eds.), *Turkish State, Turkish Society*, London, Routledge, pp.139-158.

TESEV (1999) *Social, Political and Economic Values in Turkey*.

Tosun, Tanju (2002) 'Seçmenin Umuda Yolculuğu' *Radikal*, 23 June.

Turan, İlter (1985) 'Changing horses in mid-stream: party changers in the Turkish Grand National Assembly', *Legislative Studies Quarterly* 10, pp. 21-34.

Turan, İlter (2000) 'The Effectiveness of Parliaments and the Turkish Grand National Assembly' in Turan, İlter (ed.), *The Effectiveness of the TBMM*, Istanbul, TESEV, pp. 15-33.

Turan, İlter (2003) 'Volatility in politics, stability in Parliament: an impossible dream? The Turkish Grand National Assembly during the last two decades', *The Journal of Legislative Studies* 9(2), pp. 151-176.

Yücekok, Ahmet (1983) *Türkiye'de Parlamento'nun Evrimi*, Ankara, SBF.

CHP (2003a) *AKP Hükümetinin Yüz Günü*.

CHP (2003b) *TBMM CHP Grubu 22. Dönem 1. Yasama Yılı Çalışmalarının Sayısal Değerlendirilmesi*.

CHP (2004) *22. Dönem 2. Yasama Yılı Çalışmaları*.

CHP (2005a) *Son İki Yılda CHP'nin Katkıları: Bir Özet*.

CHP (2005b) *22. Dönem 3. Yasama Yılı Çalışmaları*.

Newspapers:

Radikal

Milliyet

Proceedings (Verbatim Reports) of the TBMM:

22nd Period, 1st Legislative Year, Session: 4 (26th November 2002)

22nd Period, 1st Legislative Year, Special Session (1st March 2003)

22nd Period, 1st Legislative Year, Session: 62 (4th May 2003)

22nd Period, 1st Legislative Year, Session: 74 (1st May 2003)

22nd Period, 1st Legislative Year, Session: 86 (28th May 2003)

22nd Period, 2nd Legislative Year, Session: 88 (13th May 2004)

22nd Period, 3rd Legislative Year, Session: 69 (10th March 2005)