

**A COMPREHENSIVE APPROACH TO THE TURKISH LEGAL
BARRIERS OF MINOR PARTY REPRESENTATION**

A thesis submitted for the degree of Doctor of Philosophy

by

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Abstract

This thesis investigates the ways in which party and electoral laws exclude minor political parties from the representative political arena in Turkey. Most attention in the previous empirical research has focused principally on how electoral systems condition the breakthrough of minor parties. What makes this thesis original in its own field of scholarship is that it takes a more comprehensive approach to the treatment of minor parties in the law. By taking Pedersen's 'lifespan' approach (1982) to political parties as the main reference point for its empirical model and refining it in certain respects, the study starts the investigation from the very initial stage of party-building, and examines in depth the influences of the legal rules of party organisations, ballot access, electoral system and party finance. The empirical model of the thesis relies on a typology of party lifespan around four legal thresholds: the threshold of registration (party on the register), the threshold of authorization (party on the ballot), the threshold of representation (party in the parliament) and the threshold of public party funding.

The thesis ultimately provides a holistic view as to whether or not the law in Turkey is conducive to the rise of smaller political parties. If the matter here is the rise 'on paper' (on the register), the answer that has emerged is quite positive. Setting up a political party in Turkey has always been governed with quite a liberal form of law, and in practice has been an uncomplicated venture for enterprising politicians. If it is meant rather as the capability of inserting themselves into political mainstream, then the answer emerging for the post-1980 legal regime in particular is not so positive. The thesis argues that the crux of the matter in the post-1980 period in particular is not how to bring a political party into existence, but rather how to create and sustain a viable organization which is sufficiently 'national' in character to surpass the high thresholds of authorization and representation. In this struggle, party financing also emerges to be a crucial factor. The study found that most of the electoral parties in Turkey are not able to raise enough funding to design and deliver effective electoral campaigns in order to stand a realistic chance in passing the thresholds under study. The party finance regime not only fails to curb the great disparity of private financing between major and minor parties, but also weakens the competitive position minor parties in elections further by overfunding their major rivals.

Acknowledgements

I want to dedicate this thesis to 115,000 Meskhetian Turks, also known as Ahiska Turks, who were banished from their homeland, the Meskheti region of modern-day Georgia, during the Soviet era by Stalin's order on 15 November 1944 (UNHCR, 1999, Background Paper on Refugees and Asylum Seekers from Georgia, p. 20¹), and to my grandfathers, Muslim Muratogullari and Ebubekir Yekeler, who were among them. Thousands of people were displaced via trains on this journey, which resulted in the death of around 17,000 people. After the dissolution of the Soviet Union, it was found out in the archives that this exile was part of the operation for cleansing the Black Sea coasts from Turks by Stalin. Today, nearly 500,000 Turks of Meskhetian origin live extensively in Kazakhstan, Russia, Azerbaijan, Kyrgyzstan, Uzbekistan, Turkey, the USA, and Ukraine.

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¹ Available at: <https://www.refworld.org/docid/3ae6a6590.html> (Accessed 19th May 2019)

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List of Abbreviations of Political Party Names

1950-1960

	<i>in Turkish</i>	<i>in English</i>
CHP	Cumhuriyet Halk Partisi	Republican People's Party
CMP	Cumhuriyetçi Millet Partisi	Republican Nation Party
DP	Demokrat Parti	Democrat Party
HP	Hürriyet Partisi	Liberty Party
IP	İşçi Partisi	Workers' Party
MP	Millet Partisi	Nation Party
TKP	Türkiye Köylü Partisi	Turkey Peasant Party
VP	Vatan Partisi	Patriotic Party

1961-1980

	<i>in Turkish</i>	<i>in English</i>
AP	Adalet Partisi	Justice Party
BP	Birlik Partisi	Union Party
CHP	Cumhuriyet Halk Partisi	Republican People's Party
CGP	Cumhuriyetçi Güven Partisi	Republican Reliance Party
CKMP	Cumhuriyetçi Köylü Millet Partisi	Republican Peasant Nation Party
CMP	Cumhuriyetçi Millet Partisi	Republican Nation Party
DeP	Demokratik Parti	Democratic Party
GP	Güven Partisi	Reliance Party
MP	Millet Partisi	Nation Party
MSP	Millî Selamet Partisi	National Salvation Party
MHP	Milliyetçi Hareket Partisi	Nationalist Movement Party
TBP	Türkiye Birlik Partisi	Turkey Union Party
TIP	Türkiye İşçi Partisi	Workers' Party of Turkey
YTP	Yeni Türkiye Partisi	New Turkey Party

1983-onward

	<i>in Turkish</i>	<i>in English</i>
AdP	Adalet Partisi	Justice Party
AKP	Adalet ve Kalkınma Partisi	Justice and Development Party
AnP	Anadolu Partisi	Anatolia Party
ANAP	Anavatan Partisi	Motherland Party
AYP	Aydınlık Türkiye Partisi	Bright Turkey Party
BTP	Bağımsız Türkiye Partisi	Independent Turkey Party
BP	Barış Partisi	Peace Party
BBP	Büyük Birlik Partisi	Grand Union Party
CHP	Cumhuriyet Halk Partisi	Republican People's Party
DTP	Değişen Türkiye Partisi	Changing Turkey Party
DBP	Demokrasi ve Barış Partisi	Democracy and Peace Party
DTP	Demokrat Türkiye Partisi	Democrat Turkey Party
DEHAP	Demokratik Halk Partisi	Democratic People's Party

DSP	Demokratik Sol Parti	Democratic Left Party
DYP	Doğruyol Partisi	True Path Party
EP	Emek Partisi	Labour Party
FP	Fazilet Partisi	Virtue Party
GP	Genç Parti	Young Party
HAP	Hak ve Adalet Partisi	Right and Justice Party
HEP	Hak ve Eşitlik Partisi	Right and Equality Party
HOP	Hak ve Özgürlükler Partisi	Right and Freedoms Party
HADEP	Halkın Demokrasi Partisi	People's Democracy Party
HSP	Halkın Sesi Partisi	People's Voice Party
HYP	Halkın Yükselişi Partisi	People's Ascent Party
HKP	Halkın Kurtuluş Partisi	People's Liberation Party
HDP	Halkların Demokratik Partisi	People's Democratic Party
HuDP	Hür Dava Partisi	Free Cause Party
IDP	Islahatçı Demokrasi Partisi	Reformist Democracy Party
IyP	Iyi Parti	Good Party
KP	Komünist Parti	Communist Party
LDP	Liberal Demokrat Parti	Liberal Democrat Party
MeP	Merkez Parti	Central Party
MP	Millet Partisi	Nation Party
MCP	Milliyetçi Çalışma Partisi	Nationalist Task Party
MDP	Milliyetçi Demokrasi Partisi	Nationalist Democracy Party
MHP	Milliyetçi Hareket Partisi	Nationalist Movement Party
MMP	Milliyetçi ve Muhafazakâr Parti	Nationalist and Conservative Party
ODP	Özgürlük Ve Dayanışma Partisi	Freedom and Solidarity Party
RP	Refah Partisi	Welfare Party
SP	Saadet Partisi	Felicity Party
SDHP	Sosyaldemokrat Halkçı Parti	Social Democrat People's Party
SIP	Sosyalist İktidar Partisi	Socialist Ruling Party
SoP	Sosyalist Parti	Socialist Party
TBP	Türkiye Birlik Partisi	Turkey Union Party
TKP	Türkiye Komünist Partisi	Turkey Communist Party
VP	Vatan Partisi	Patriotic Party
YDH	Yeni Demokrasi Hareketi	New Democracy Movement
YeP	Yeni Parti	New Party
YTP	Yeni Türkiye Partisi	New Turkey Party
YDP	Yeniden Doğuş Partisi	Rebirth Party
YP	Yurt Partisi	Homeland Party

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Chapter 1

Introduction

1.1 Introduction

How does law influence the entry of minor political parties into the political arena? Based on their role in shaping the political and electoral environment in which parties compete, institutions have prominence in theories of party competition and in ensuring the success of individual parties (Duverger, 1954; Lijphart, 1994; Ordeshook and Shvetsova, 1994). They render opportunities and costs that are believed to affect voter and elite behaviour, and consequently determine *who* gets *what* on polling day (seat, office, financial support, etc). Most attention in previous empirical research has focused on how electoral systems inhibit the breakthrough of minor parties. What makes this thesis original in this field of scholarship is that instead of this it systematically examines the entire process by which political parties evolve from a simple political organisation (prior to obtaining the title ‘party’) to a parliamentary entity, and takes a more comprehensive approach in the analysis of the structural barriers of party and electoral laws through which minor political parties are put at a disadvantage in this evolution. In doing so, the study will contribute to a deeper understanding of the treatment of minor parties in law and provide an analytical framework which deals not only with the institutional constraints of electoral systems but also those set by the pre-electoral legal environment.

Addressing the role of laws in the process of minor party breakthrough from a comprehensive perspective is all the more important given the increasing amount of party regulations in contemporary democracies. Data from several studies suggest that states currently exercise an unprecedented degree of control on parties’ external and internal activities, along with some extra privileges such as public funds (Avnon, 2007; Karvonen, 2007; van Biezen, 2011; van Biezen and Bertoa, 2014; Gauja et al., 2018). This control extends over a wide range of issues from registration requirements (a series of documents, minimum number of founders or signatures, party programs, deposit/fee), the formation of party organisations (election of internal organs, competencies, responsibilities), party financing (caps/bans on income/spending, public funding, auditing/monitoring procedures, sanctions for non-compliance), to the ways in which they can be dissolved.

Although studies over the past two decades have provided important evidence of the trend of the regulatory control of parties by the state, a full understanding of the relationship between the expanded state regulations and small party breakthrough, and how some specific instruments within these regulations might privilege major parties over small ones, lags seriously behind. The broader contention of this study is that such an increasingly prominent role of the state in party life should accordingly be incorporated into the empirical works that seek to examine the role of institutional context in the entry of smaller parties into representative politics, and be assessed in a more comprehensive manner taking note of the other important aspects of party contest. That said, it is still largely unclear from these studies how far and in what respects these augmented regulations affect minor party breakthrough.

One of the central arguments of this thesis is that the internal characteristics of political parties and their external relations in a party system may be impacted by a sequence of legal barriers that are inserted into the procedural context for the electoral process and extend beyond the final treatment of parties' votes in the apportionment of parliamentary seats. There are further obligatory steps for small parties to take before their votes are counted, and upon which the proponents of the institutional approaches have concentrated to a lesser extent. This study seeks to start the discussion of the treatment of minor parties by the law from the very first moment of their emergence and argues that the story of the biased rules of party regulations for minor parties may begin much earlier than the moment their votes are translated into seats.

The thesis takes as its point of departure the long-established argument in the study of electoral systems that major or larger parties, which operate as the lawmakers of their own polities, disproportionately benefit from laws by often instituting self-serving electoral rules to split their minor competitors (Chapter 6). In a similar fashion, it can be argued that not only electoral systems but also the other regulated areas of party affairs where states are thought to play a decisive role more than ever before, such as the procedures for the establishment of parties, the rules regulating party organisations, ballot access requirements or political finance, could generate further structures that advantage larger parties at the expense of minor ones, and thereby exert their own permissive or restrictive influence on the entry of minor parties into politics, just as institutional variables such as the apportionment method or district magnitude do.

Considered this way, it can be contended that laws could today be a source of a more systematic and disguised bias against minor parties than electoral systems are on their own, and thereby influence party systems and individual parties in a much more fundamental way. To put it bluntly, contemporary national laws have the potential to pose more of a challenge than they did in the past to the breakthrough of minor parties – this time not only through the first-hand rules of vote-seat transformation, but also those which are set to control non-electoral stages. If this contention is

supported by empirical evidence, then this thesis could demand a rethink of the way in which the impact of laws on small parties and party competition is studied in the general literature. A more comprehensive analytical framework could be adopted such as the one suggested on the following pages of the present thesis for researchers in dealing with the institutional constraints on minor party breakthrough.

The central aim of this study is therefore to fill the gap in the current literature by presenting an analytical framework for analysing the impact of laws on the entry of minor parties into the political arena in a much more systematic way. Acknowledging the variety of potential approaches for studying laws and defining the concept of minor parties (Mair, 1991; Muller-Rommel, 1991; Smith, 1991), this investigation takes the form of a case study, with an in-depth analysis of Turkish electoral and party laws. It seeks to consider how minor political parties are excluded from the representative political arena in Turkey by a variety of institutional impediments within the legal design of electoral competition and political parties. However, the reference points throughout the investigation are largely derived from the experiences of established and new democracies, thereby underlining not only what the empirical reality is in Turkey, but also how the in-case evidence can be viewed and interpreted from a comparative perspective.

1.2 Why Turkey?

The choice of Turkey to examine the impact of law on minor political parties is for the following reasons:

A Relatively Long Tradition of Competitive Elections in the Context of Developing Democracy

Putting aside some recent irregularities in the election campaign, including media bias and self-censorship, favourable campaign conditions in favour of certain parties, or misuse of state resources by the government (OSCE Report, 21st Sept 2018, the 2018 Presidential and Parliamentary Elections²), Turkey is one of the few developing democracies with a relatively long tradition of regular and competitive elections by universal, free, equal, direct and secret suffrage. The country, established in 1923, has maintained a secular democratic order for more than 90 years (Genckaya, 2009:40). Notwithstanding the two major military interventions (in 1960 and 1980) which brought about a four-year interval in civil politics in total, the multi-party parliamentary system has by and large survived since 1950 (Özbudun, 2000: 105-123). Turkey's transition from an authoritarian single-party regime to multiparty politics in the late 1940s took place at a time when most countries in Asia, Africa, Latin America and the Middle East were ruled by dictatorships or unelected regimes (Özbudun, 2000: 81). This was the case even in some Southern

² Available at: <https://www.osce.org/odihr/elections/turkey/397046?download=true> (Accessed 3rd August 2019).

European countries such as Portugal, Spain and Greece. Owing to the early transition to competitive politics, Turkey can be distinguished from many new democracies by the relatively high institutionalization of its politics. Commenting on Turkish politics in the first decade of multi-party politics, Frederick Frey (1965: 302) argued that:

“Turkish politics are party politics...Within the power structure of Turkish society, the political party is the main unofficial link between the government and the larger, extra-governmental groups of people...It is perhaps in this respect above all-the existence of extensive, powerful, highly organized, grass roots parties-that Turkey differs institutionally from the other Middle Eastern nations with whom we frequently compare her.”

As noted in many places in this thesis, existing theories on the impact of electoral and party laws (party finance rules in particular) on minor party breakthrough have largely been built with either established democracies in mind, such as Western or Central European countries, USA, Australia, New Zealand, Japan, etc. or the new democracies in Eastern Europe with a relatively shorter period of competitive elections than the Turkish experience. Therefore, an examination of the relevant theories in the context of a hybrid society purporting to blend western democratic and traditional Islamic values, and which has succeeded in doing so to some extent, along with a longer period of multi-party experience than most of the developing democracies, remains an interesting area of research for scholars.

The Variety of Electoral Systems

The second aspect that makes Turkey stimulating for research is that it has a rich history of different electoral systems to compare. It has been argued that the easiest legal institution to be manipulated in favour of larger parties is the electoral system (Shugart and Taagepera, 2018: 43). The choice of electoral system and a deliberate constellation of certain legal elements in the translation of votes into seats can effectively determine to what extent minor parties are allowed to access mainstream politics. These will be extensively discussed in this thesis. The importance of Turkey's electoral history comes from the fact that the country has employed the major variants of electoral systems: simple-plurality formula with multi-member districts³ between 1950 and 1960 and proportional representation (PR) from 1961 onwards, or pure PR between 1961 and 1980 and PR with a nationwide electoral threshold from 1983 onwards. From a theoretical point of view, the previous research suggests that each of these systems tends to have different ramifications for the representational chances of minor parties. It is one of the central objectives of this research to

³ It is also referred to as ‘block voting’.

meticulously review the previous insights of the established research and critically examine the discriminating effects of Turkish electoral systems on minor political parties.

One of the Highest Electoral (Legal) Thresholds in the World

Turkey can be distinguished from most contemporary states by its unusual electoral system which requires a party to win at least ten percent of the national vote. This appears to act as one of the most noticeable sources of discriminatory treatment of small parties in the Turkish system and be a preliminary indication of how the electoral system is used to control the access of smaller parties to the political arena. Although such a barrier is not exclusive to Turkey, ten percent is the highest nationwide electoral threshold among European democracies and the 47 member states of the Council of Europe (individual country reports of OSCE, see Chapter 6). The International IDEA Handbook of Electoral System Design (2008: 83) indicates that Turkey actually employs the highest threshold in the world. The average national threshold in Europe (excluding Turkey) is 4.6%. Of the 24 countries in Europe that have a threshold, 19 have thresholds of 5% or lower. The five countries that have thresholds higher than 5% are Turkey (10%), Liechtenstein (8%), the Russian Federation and Georgia (7%), and Moldova (6%). Overall, the comparative survey suggests that Turkey represents one of the most extreme cases in the world in terms of electoral threshold. An investigation needs to be carried out to see how the application of such a high threshold along with the other components of the electoral system has effectively prevented Turkish minor parties from playing a meaningful role in the legislative decision-making process.

Detailed Legislation on Political Parties

The fourth reason why Turkey represents an appropriate case to study in detail is that it has legislation dealing exclusively with party affairs. It is now well established from a variety of studies that there has recently been a considerable increase in the scope and magnitude of specific legislative acts that define parties as legal subjects and regulate their internal organs and activity around the world (van Biezen and Piccio 2013; van Biezen, 2011, Avnon, 2007; Karvonen, 2007; Janda 2005; Plasser and Plasser, 2002). The previous research comparing the laws governing political parties shows an important degree of diversity in the sources from which these laws derive, the historical circumstances from which they emerge, and the extent to which they treat parties as voluntary associations or public utilities. These studies, which reveal the trend towards increased legal regulation and the consequences on parties' relationship with the state, have made an excellent contribution to documenting the diversity and scope of party laws in existence (Avnon, 2007; Karvonen, 2007; Muller, 1993). As noted earlier, it is one of the main arguments of this thesis that party laws which are at risk of partisan self-regulation by major parties (Gauja, 2010) can exert their own permissive or restrictive impact on the entry of minor parties into politics as

electoral systems do. Given the increasing number of party regulations across the globe, Turkey appears to be an interesting case for the following two reasons.

First, Turkey introduced its first party law in 1965, which is a relatively early period taking into account the universal trend of party regulations. In the first decade after the transition to multi-party elections (1950s), political parties were not specifically regulated by legislation in Turkey. Considering the conspicuous lack of regulation on many aspects including registration, party organizations and finance, the period can best be described as one in which the state adopted a *laissez faire* approach towards parties. A specific regime for political parties was for the first time established with the enactment of the Political Parties Act 1965 (Official Gazette, no.1205087). The martial laws introduced following the 1980 military coup annulled the Political Parties Act, disbanded the parliament and outlawed all the registered parties along with the parties in the parliament. The transitional government appointed in the aftermath of the coup by the military passed a new Political Parties Act in 1983 (PPA 1983, Official Gazette, No:1802788), which is still in force today. Karvonen's study (2007) of thirty-nine countries that have regulated political parties indicates that Turkey is in the first wave of development of party laws (pre-1979) along with seven other countries: Austria, Finland, Germany, Indonesia, Portugal, Spain and Venezuela. According to the data displayed in the appendix of his article, Turkey comes second in the introduction of party laws, preceded by Venezuela in 1964 and followed by Germany in 1967. The country therefore has a long period of experience of operating an act that regulates party affairs.

Second, despite its enactment in quite an early phase of the multi-party experience, Turkey's Political Parties Act contains nearly all the aspects associated with political parties, such as registration requirements, a detailed administrative process for registration, party statute and program, membership rights, leadership elections, structure, duties and competencies of local organisations, candidate selection, quantitative and qualitative restrictions on private income and expenditure, party properties and assets, public party funding, reporting obligations for each financial activity, the content of financial accounts, a number of financial and criminal sanctions for non-compliance with law, and annual oversight of financial accounts by the Constitutional Court. Considering the range of regulated issues in the law, it can be argued that the state in Turkey tends to play an extensive role in party life, yet very little is currently known about the impact of such a comprehensive law on smaller political parties.

1.3 Argument in Brief

To begin with, although scholars have long debated the definition and exact functions of political parties (Chapter 2), the general consensus is that parties have a pivotal role as 'political linkages' in the functioning of representative democracy (the phrase in quotation marks belongs to Dalton, 1985: 268; see also Ware 1987; Rosenblum 2000; Kitschelt, 2000; Pildes 2004; Simon, 2003).

Citizens in modern democracies are represented, in Sartori's terms, 'through and by parties. This is inevitable' (1968: 471). The 'linkage' role of parties between citizens and state receives an official endorsement even among the deficient forms of democracy, where citizens are enabled to elect their representatives in regularly scheduled elections, pluralism and multi-party competition is tolerated to some extent, but simultaneously basic democratic principles are violated so severely that would make no sense to categorise them as democracies in actual terms (Schedler, 2002: 36). Similarly, in Turkey, the country with one of the longest constitutional (1921) and competitive electoral histories (1950) among the 'developing' democracies, political parties are equally accepted as "*the indispensable elements of democratic political life*" (1961 Constitution, art. 56, para. 3; 1982 Constitution⁴, art. 68, para. 2).

When it comes to 'smaller' parties and actual political practice however, the norm tends to be replaced with its exceptions no matter that the regime in point is democratically qualified or in a nebulous zone. Here, modern states are thought to face two tough choices, a dilemma on which even the respectable international legal authorities (such as Venice Commission of the Council of Europe⁵ or European Court of Human Rights⁶) have so far avoided to provide a firm resolution in balancing and let the states alone to enjoy considerable latitude, or with the terms of ECtHR, "a wide margin of appreciation"⁷ in dealing with: the ideal of promoting political 'pluralism' in the representative politics and the ideal of promoting 'government effectiveness' or 'the stability of political system' (Lijphart 1999; Reilly *et al.*, 2008; Mozaffar *et al.* 2003, Horowitz 2003; Menocal, 2009; Hale, 1980). The latter is usually achieved by giving some extra edge to parties with the highest popular support (argued mostly by means of electoral laws, Chapter 6), or resorting to some discriminatory legal tools against their smaller rivals to avoid their proliferation (ballot access rules, Chapter 5), which together come at the expense of the representativeness of the system. An advance warning must be stated at the outset. This study neither relies on nor aims to advance a normative argument in favour of either of these yardsticks. It will rather focus on the

⁴ The English translation of the 1982 Constitution is available at https://global.tbmm.gov.tr/docs/constitution_en.pdf, (Accessed 23rd Dec. 2018)

⁵ Guidelines on Political Party Regulation (2010), Study no. 595/2010, para. 23 and 24. Available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2010\)024-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2010)024-e) (Accessed 23rd Dec. 2018)

⁶ Guide on Article 3 of Protocol No.1 to the European Convention on Human Rights, Right to Free Elections, (2016), para. 63; for the 2018 updated version, Available at: https://www.echr.coe.int/Documents/Guide_Art_3_Protocol_1_ENG.pdf (Accessed 23rd Dec. 2018)

⁷ • The Court, for instance, found a requirement of 100,000 signatures (0.55% of the all voters) for electoral participation in the case of "Mihaela Mihai Neagu v. Romania" compliant with Article 3 of Protocol No. 1. Available at: [https://hudoc.echr.coe.int/eng#{"languageisocode":\["TUR"\],"appno":\["66345/09"\],"documentcollectionid2":\["ADMISSIBILITY"\],"itemid":\["001-169538"\]}](https://hudoc.echr.coe.int/eng#{) (Accessed 23rd Dec. 2018)

• In another case, namely Yumak and Sadak v. Turkey, the Court similarly found no violation of Article 3 in the highest electoral threshold (10% nationwide) of the world. Available at: [https://hudoc.echr.coe.int/eng#{"itemid":\["001-87363"\]}](https://hudoc.echr.coe.int/eng#{) (Accessed 23rd Dec. 2018)

empirical side of the choices made by the Turkish state on this dichotomy, and explore the biased treatment of minor parties in the laws that affect them in a direct fashion, namely *electoral law*, *party law*, and *party finance law*. As Schedler (2002: 38) points out:

“Access to the electoral arena always has a cost and is never perfectly equal; the scopes and jurisdictions of elective offices are everywhere limited; electoral institutions invariably discriminate against somebody inside or outside the party system; and democratic politics is never quite sovereign but always subject to societal as well as legal constraints.”

Relatedly, the departure point of this research project has been that every legal regime, even the ones practising proportional representation, tends to have more or less, mild or strong, systemic or partial, a ‘distaste’ for the concept of the ‘smallness’ in political party, and this study aims to critically examine the depth and breadth of this distaste in Turkish laws.

1.4 Research Background

When the research title contains a term like ‘minor’ attributing to ‘size’ of party, one basic question reasonably arises from the very beginning: What does ‘minor’ or ‘minor parties’ refer to? For the present study, this conceptual inquiry is not simply a ‘research design’ matter that typically requires a resolution before undertaking the actual study, but rather a very fundamental part of its ‘background’ and, for this reason, kept as the hidden aspect of its major question to reflect on throughout the research.

There is no doubt that ‘minor-ness’ is, first and foremost, a relative term changeable in respect to the mechanics of party systems. Smith (1991: 25) describes it as ‘a systemic quality’. Deschouwer (1991: 135) suggests ‘small’ or ‘minor’, when applied to political parties, has a different meaning in each country. This explains why, although there is recently no shortage of comparative or case study alluding to the parties other than the ones in power or parliament one way or another, the meaning behind the term has never been defined precisely, and always suffered from an abundance of connotations, such as *small* (Mair, 1991; Muller-Rommel, 1991; Rashkova and Spirova, 2014), *minor* (Fisher, 1974; Weeks, 2010), *third* (Blais, 1973), *niche* (Wagner, 2011), *micro* (Mair, 1991), *nascent* (Fox and Lawless, 2005), *ephemeral* (Coakley, 2010: 507-508), *fringe* (Smith, 1991: 36-38), etc. Reviewing the definitional approaches in these studies, it is seen that while some are simply built upon the electoral success of parties in terms of share of votes or seats (numerical approach), the others focus on parties’ ideological positions vis-à-vis the main divisions within the policy spectrum (sociological approach). From a methodological point of view, such definitional imprecision seems to be neither an easily surmountable (Smith, 1991), nor a totally weak aspect of the research studying such a concept which is vastly rooted within its contextual surroundings

(Sartori, 1970). According to whom-where and under what criteria does a political party turn into small or minor?

Before answering this question, it is worth approaching the phenomenon through different strands of comparative party studies. Even if the concept of ‘minor party’ could be hard to define, one may start with establishing, so to speak, where the ‘phantom’ of the concept wanders in the broader debates of the mainstream political science. Reviewing the prevailing issues of the contemporary political science, the relevance of minor parties to ‘party systems’ can be appraised on three bases: the emergence of ‘new politics’, the evolution of ‘party models’ and the articulation of ‘anti-party sentiments’. Although none of these themes has originally been built with a specific reference to the concept of ‘minor parties’ in the related literature, each offers invaluable insights to the description of the concept.

- a. **‘New Politics’ and mobilizing emerging identities:** It is argued that unconventional demands, generally called *new politics*, such as individualism, equal rights, ecological matters, self-determination demands or other political and social rights of ‘minorities’, disarmament, etc. turn into a substantial ‘integration’ problem of mainstream parties with recent politics. As Poguntke (1987) puts it, due to ‘traditional priorities’ over economic prosperity, security policies or bureaucratic customs, established parties may not easily be reconciled with *new politics* without ‘the threat of alienation’ of their traditional voters. Here, the relevance of minor parties can be appraised in terms of their plausible influence upon the extent to which the traditional politics is enforced to adapt the changing ‘issue’ factor of ‘the new politics’. Amongst the impact that minor parties have on established parties—perhaps the most fundamental one—would then be to lead them to revise their ideological/issue positions with the risk of losing some part of their former supporters (Herzog, 1987: 319; Harmel and Svasand, 1997: 326, Aidoo and Chamberlain, 2015: 198). In addition, minor parties, many of which tend to be founded on the basis of these unconventional demands (mostly acting as ontological reasons accounting for their existence) can take the advantage of de-alignment of the electorate by linking their identity with ‘new cleavages’ and mobilize some of the electorate frustrated with the major parties’ issue agendas and policy preferences, around these new political identities (for instance, Rochon’ *mobilizing parties*; 1985: 418).

It is then roughly true to say that a key function of minor parties appears to articulate new ideas and to feed them into the policy-framing process (Fisher, 1974: 31). Obviously, this is not to say that they are the only forerunners of every single new idea or program, nor the only activist organizations imposing the changes on the major parties. They do, yet, hold a vital position in bringing these non-traditional issues before the public and in producing

further avenues for political accountability as they are, by definition, more likely to be narrowly oriented and devoted to the issues ignored or subsumed by those in power (Copus *et al.*, 2009: 6). This is probably what Bolleyer (2007: 123) means when he argues ‘specialisation’ to be the most reasonable strategy for alternative parties since it is easier to appeal to the electorate with developed programs in specific issues-as a party, when they are not main concerns for the major ones.

- b. The evolution of ‘Party Models’:** Another stimulating area of research, which explicitly or implicitly draws attention to minor parties, concerns the organizational changes of parties and the new ‘*party models*’ explained with those changes. The decline in public and membership support for parties has been widely seen as a universal phenomenon, observed not only in the established democracies such as the UK and US (Flanagan and Dalton, 1984; Mair and Biezen, 2001, Scarrow, 2000), but also in the ‘third wave’ countries and the post-communist states (Lewis, 2001). This has led some to argue that ‘the party systems’, which had, as supposedly, remained ‘*frozen*’ since the 1920s (Lipset and Rokkan, 1967), eventually appeared to lose its empirical validity in recent decades (Drummond, 2006). Connected to this, a number of political scientists, mostly since the late 1980s, have sought to provide new insights to this change along with original theoretical perspectives, and to predict the long-term implications of the resulting organizational evolution on party systems. These have included Panebianco’s ‘*electoral-professional*’ model (Panebianco, 1988), and Hopkin and Paolucci’s ‘*business firm party*’ (Hopkin and Paolucci, 1998). These models have by and large expanded on Kirchheimer’s premise (1966) that parties started to evolve by turning into gradually more elitist and less ideological agents to attract the greatest number of voters, under the influence of money and professionals (‘*catch-all party*’). One of the most recent and contested of these theories then became Katz and Mair’s ‘*cartel party*’ theory (Katz and Mair, 1995; Mair, 1997; Katz and Mair, 2009). The theory, which relies on a claim of weakened linkage between ‘party’ and ‘society’, and on an ‘interpenetration’ of the party with the state, argues that the parties in power (either in government or opposition) collusively acquire privileged access to state sources. According to this perspective, both constructing new rules and keeping the established ones-*status quo* that are in favour of themselves are seen to be alternative manoeuvres of governing and main opposition parties to protect their ‘former’ positions. Although the model has been a matter of constant contestation in the related scholarship (see also Chapter 7; Orr, 2016; Bolleyer, 2009; Detterbeck, 2005; Clift and Fisher, 2004; Casas-Zamora, 2007; Kitschelt, 2000; Young, 1998); it can be construed as a similar attempt, like its preceding theories, to explicate the deviation of modern parties from Duverger’s ‘mass party’ model (1951).

Given the aforementioned evolutionary process, the mainstream parties of today are often criticised for focusing their activities on office-seeking (Copus et al., 2009: 6) and holding a less ‘civil’ position in between state and society. Some argues that they today act as part of state with large sums of public funds (the asserted transformation of parties to ‘*public utilities*’, van Biezen, 2004) and turn to be ‘electoral maximisers’ by seeking support from all segments of society. The function of representing citizens then turns to be a secondary importance against the pragmatic strategies yielding electoral gains. In this presumed evolution from the ‘mass’ model to the ‘catch-all’ or ‘cartel’ one, the space of the function of representing the citizens is more likely to be filled by those which are relatively less concerned with the benefits of holding office and wielding no power in law-making or -keeping processes.

- c. The articulation of ‘Anti-party Sentiments’:** One of the critical functions that minor parties may perform is to serve as mediators of political frustration without any concern of electoral success. In serving as vehicles for discontent, Belanger (2004) asserts that alternative parties enable the citizens alienated from the party system to re-engage with it instead of abandoning party politics completely. Thirty years ago, Fisher (1974: 32), in his study of the ‘minor’ parties of West Germany, called this ‘*safety-valve*’ role. He argues that, since democratic regimes are based on the institutionalization of political dissent, the absence of any choice in competitive arena could be problematic for the functioning of democracy. Voters who are unhappy with how established parties deal with their problems are desired to reveal disapproval through the ballot box, rather than through violence and intimidation. This can also be associated with, as Abidoo and Chamberlain (2015: 197) put it, the ‘*legitimizing function*’ of minor parties for democracies by channelling political disaffection in their societies, and offering a new way of doing politics.

Meanwhile, contemporary times, on the adverse side, appear to witness political parties incrementally exposed to erosion of public trust and disappointing in their democratic performance (Webb, 2009). Some analysts focus on the emerging trends in ‘anti-party sentiments’ resulting in the rejection of incumbent parties and the increasing appearance of ‘anti-party’ parties (A special issue of the *European Journal of Political Research* edited by Poguntke and Scarrow, 1996; Gidengil *at all.*, 2001; Belanger, 2004; Dalton and Weldon, 2005). Webb (1996) explains this ‘anti-partisanship’ with four factors: negative perceptions towards economic performance, the weakening of the class-vote linkage, major party convergence, and social background. Dalton and Weldon (2005) argue that citizens who are frustrated with the ongoing political system are supposed to have three basic options at elections: abstaining, voting for an ‘anti-party’ party, or voting for an established party. Their observation over some advanced industrial democracies suggests that there is a correlation

between ‘anti-party’ sentiment and increasing voter volatility. Lago and Martinez (2011:7) specifically found that some of the voters who are disappointed with the performance of the government and major actors feel attracted to non-established parties to express their alienation. Belanger (2004) similarly proves that minor and third parties benefit from ‘anti-party’ sentiments at the mass level in Britain, Canada, and Australia. When major parties lose the allegiance of a substantial part of their supporters, those dissidents partly become available for minor parties which pursue a convincing manner to woo them.

1.5 Research Motivation

For the sake of argument, now assume that certain political and social conditions abovementioned have taken place at some degree, and a minor new party has accordingly emerged to try for the said roles. Undoubtedly, the ability of minor opposition parties to freely emerge, organize, disseminate their views, and to challenge the parties in power is ‘the gold standard’ of democracy (Scheiner, 2006: 9). It is also true that having more parties obtaining representation in the legislative body serves to better represent voters’ preferences and different shades of opinion (Lijphart, 1984). Having said that, in order to exert certain influence on ‘the party system’, to be part of political life, to give an effective expression to the said social forces it represents, or, in Sartori’s terms (1976: 107-110), to have a ‘blackmail’ or ‘coalition’ potential (Chapter 2), this party will need to follow a certain process drawn up by laws and display the qualities that are imposed by the legal regime which purports to have authority over all parties. In other words, the actualization of ‘the gold standard’ of turnover in office of democracy (Scheiner, 2006) is in practice conditioned by the ability of the party to meet the formal standards of contest.

As van Biezen (2003: 15-16) points out, the institutional framework within which parties operate conditions the strategies, fortune, survival and failure of these parties. Different institutional systems may bring about different patterns of inter-party (external) and intra-party (internal) competitions and co-operations (Boucek, 2002: 47). The legal framework of political parties and electoral contests, such as formation procedures, political finance, the administration of internal organizations, ballot access or electoral systems, have serious ramifications on the contours of the roles and relevance of minor parties and the mechanics of party systems. Thus, they have direct and indirect influence on party system structure, individual intra-party settings and, more importantly, the actual relevance of these parties to their political settings.

If the laws impose certain qualities on parties and their organizations for the access to the political arena, this implies two important things for the study of minor parties:

1. The laws bring along with ‘barrier’ effects on those not having the specified qualities.

2. Depending on the variety and size of these effects in the course of entry, the relevance of minor parties to each political setting is conditioned by the related institutional context. In other words, the legal barriers give an idea about the degree of smallness which is tolerated and provided an influence in ‘the party system’.

1.6 Research Scope and Rationale: Which laws and how to approach?

Scope. What types of law is this study interested in, and what is meant by the institutional context of party competition in the research so that such a ‘barrier approach’ can be improved and systematized within a sound analytical structure for any study of minor political parties? Recognizing that addressing the full question of how laws-without any specification-affect the entry of minor parties would be too ambitious for this research, this study instead limits the focus to such a legal framework which, based on Muller’s typology (1993), directly influences the operation of parties and their involvement in party systems. For him, the state may affect parties and party systems on three broad bases:

- a) (‘Direct state regulation’) The laws which directly influence parties, namely ‘*party law, electoral law and state party finance law*’. These laws are usually introduced through specific legislative acts that principally govern either the organizational matters of political parties or the electoral processes-from participation to representation (p. 421-24).
- b) (‘Indirect state regulation’) The laws which indirectly influence parties by controlling the interrelated entities and fragments of society that have links with parties such as *media, interest groups and economy* (p. 425-27).
- c) (‘Institutional setting of the state’) The laws which determine the institutional structure of the state, such as power distribution between the state pillars-*legislature, government and judiciary* or the government type-*parliamentary or presidential* (p. 427-31).

Given this division of the institutional setting of political systems, the scope of this research covers the impact of the first cluster of laws. Although extensive research has been carried out about these laws-mostly electoral and party finance laws-in Western European political systems, surprisingly, they have hardly been studied empirically and systematically in the case of Turkey.

Rationale. Under what strategy can the impact of ‘the direct state regulation’ of parties systematically be studied in the research where the focus is concentrated on smaller parties? As noted above, the main motivation of this research in the relation between minor parties and the institutional setting of parties and elections pertains to the ‘barrier’ effects of the related laws in the breakthrough of minor parties. Reviewing different analytical approaches to minor political parties in the previous research (Chapter 2), the study has identified a very insightful and applicable model to break down Muller’s first cluster of laws: Pedersen’s ‘*evolutionary approach*’ (1982: 4).

According to Pedersen, parties can universally be studied within a continuum of certain ‘thresholds’⁸ determining the degree of their advancement in a ‘lifespan’ (Janda, 1980)⁹. These thresholds are aimed to distinguish the development of a party in discrete stages, each of which simply situates a party as if it undergoes a transformation from minor to major party or vice versa. His thresholds can be summarized as follows:

- a. *The threshold of declaration* is passed when the political group in point declares its intention to take part in elections.
- b. *The threshold of authorization* refers to the legal requirements for the participation in elections.
- c. *The threshold of representation* is the lower barrier specified by electoral laws to obtain representation in the legislative body.
- d. *The threshold of relevance* is the minimum level of impact of a party on government to be taken into consideration as a relevant actor

Although this approach renders the most comprehensive and pertinent analytical basis to the legislation under review and reflects a similar sense of theoretical perspective to the ‘barrier’ rationale of this study, this study has modified Pedersen’s ‘threshold’ model in three ways.

First, it has changed ‘the threshold of declaration’ to that of ‘registration’. It is because that national *party laws* usually specify certain requirements for organizations to be officially recognized as a political party (Gauja, 2010; Janda, 2005; Plasser and Plasser, 2002). In a context where there are already such rules which regulate the obtainment of the status of ‘party’-independently of electoral process, one cannot expect from an ordinary organization that has not been yet recognized as party to pass to the next stage, electoral participation. It is therefore Pedersen’s ‘threshold of declaration’ (the intention) in practice corresponds to the fulfilment of legal requirements to register as a party.

Second, the study has added a further threshold which does not directly concern the process of involvement in competition, but plays an important part in the capability of parties in passing the other thresholds: the threshold of public funding. By doing so, the study will be able to take into account the impact of party finance law which, as noted above, directly influence parties. Why are

⁸ A similar approach has been developed by Norris (2005: 6), who categorizes the formal rules into three steps: *nomination stage*, *campaign stage* and *election stage*.

⁹ Two years before Pedersen developed his ‘lifespan’ conceptual framework, Janda (1980: 162-165), in a survey of parties in 53 countries, found that 39% of the parties which were active in the 1950’s disappeared in 1979. He also identified 50 new parties which won at least five percent of the seats in the national legislature between 1962 and 1979. Looking at the old ones that ceased to exist and the occurrence of new parties, he argued that parties are actually mortal organisations and have a certain ‘lifespan’.

the regulation of party finance and the threshold of public funding in particular important to this research? The answer will be given in the next section.

Lastly, the study has omitted ‘the threshold of relevance’ from the model simply because it has nothing to do with the process governed by the law, but the political conditions of the emerging party system after election. This threshold actually represents the *relevancy* notion of Sartori (1976: 107-110), who argues that a party can be regarded ‘relevant’ only if it has ‘coalition’ or ‘blackmail’ potential in the configuration of party system. As Chapter 2 argues, the application of these two criteria of ‘relevancy’ is highly contested in the political science scholarship (Blais, 1973: 437-39; Herzog, 1987: 329; Conti, 2008: 388; Lucardie, 1991: 123). Having said that, this study is distinguished from his critics in terms of ‘research purpose’. Rather than developing some alternative or more inclusive ‘relevancy’ criteria for minor parties, as did his critics, the present study instead aims to understand how the relevant laws work in the elimination of minor parties from the area of Sartori’s criteria of relevancy. In short, Pedersen’s ‘threshold of relevance’ that is strongly reminiscent of Sartori’s notion of ‘relevancy’ is not a threshold of laws, but the outcome of variable political factors that may come to table only after the previous three legal thresholds are passed.

Overall, the research relies on a theoretical approach that divides the direct laws on political parties into four thresholds: (1) the threshold of registration, (2) the threshold of authorization, (3) the threshold of representation and (4) the threshold of public funding. Apart from the last one, the first three represent a sequential process, where each progressively narrows the representative arena of politics for smaller parties, some of which fall by the wayside while others remain in the competition.

1.7 Research Context and Questions

The modern history of the Republic of Turkey following the first world war can be divided into four periods: (a) 1923-1950 under a single-party regime of the Republican People’s Party, founded by Mustafa Kemal Ataturk, the national leader; (b) 1950-1960, as the first decade of the transition to a competitive party system, which ended up with the military intervention of 1960; (c) 1961-1980, as the second period of multi-elections under the *Constitution of 1961*, which was again intervened by the military coup of 1980 and (d) 1983-onwards, as the last period of multi-party system under the *Constitution of 1982*. Putting aside the single-party regime, the legal framework of political parties and elections have undergone serious changes in the following three periods.

First of all, to say the shared characteristic of these three phases, the right to freely form a political party both in formal texts and practice has been essential aspect of all. Having said that, at the beginning of the transition to competitive elections (1950-1960), political parties were perceived

more as private organizations and their foundation was subject to the general law of private associations (Yavuziyigit, 1994: 417; Ozcan and Yanik, 2014: 161). This period can thus be identified with a *laissez-faire* stance of the Turkish state towards parties. The electoral system of this period was also majoritarian-plurality system (The Act of the Election of Deputies, No. 5545). However, in 1961, following the 1960 Coup, the state has shifted to a new paradigm in its treatment of parties with the introduction of a quite detailed party law-*Political Parties Act 1965* (No.12050). This act regulated the formation of parties, their internal functioning (selection of intra-party organs, competencies, responsibilities to each other, obligations to the state), countrywide organizational structure, party finance and public funding, and prohibitions in organizational activities for the sake of protecting democracy, secularism and some other core principles of the Constitution. One radical change was made also in the electoral system, which was amended from majoritarian system to proportional representation (The Act of the Basic Principles of Elections and the Register of Electorate, No. 298). Because of a number of political problems unfolded in the late 1970s, such as daily fatal clashes between far-right nationalists and ultra-communist groups of the civil society, social unrest in universities and labour unions, and the coalition deadlocks in government (Heper, 2001: 13; Ozbudun: 2011: 127; Belge, 2006: 683; Hanioglu, 2013: 51) the army eventually took the control of the state in 1980, and prepared the new institutional setting of the following political system under the state of emergency until the newly elected-civil parliament was opened in 1983. Although the new *Political Parties Act* (PPA, No.2820), enacted in 1983, differed from its predecessor in terms of the substance of some issues including the thresholds explained above, it regulated almost all the same themes of the PPA 1965 with a same structure and sequence of articles. The new electoral law (No.2822), enacted in the same year, also reintroduced the proportional representation, but this time with an addition of ten percent national threshold. Both the PPA 1983 and the Act of Elections of the Assembly Members 1983 are in force today. The evolution of the Turkish legal thresholds under study is illustrated in Table 1.1.

Table 0.1 The evolution of the thresholds of registration, authorization, representation and public funding in Turkey since 1950

Period	Threshold of Registration	Threshold of Authorization	Threshold of Representation	Threshold of Public Funding
1950-1960	7 founding members with certain documents	To be organized in the specific district	Majoritarian	No funding
1961-1980	15 founding members with certain documents	To be organized and nominate candidates in at least 15 provinces of the country	Proportional Representation	5% of the popular vote-reduced with later amendments

1983- onwards	-30 founding members with certain documents -The central headquarters in the capital- <i>Ankara</i>	-To be organized and nominate candidates in at least 41 provinces of the country -To hold the last national congress	Proportional Representation (10% nationwide threshold)	10% of the popular vote- reduced with later amendments
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The Threshold of Registration. To the knowledge of the author of this thesis, in the general literature, the empirical research on the impact of the institutional setting of parties and elections to date has tended to mostly focus on electoral systems and party financing. No single study exists which empirically observe how the legal frameworks regulating the establishment of political parties operate in practice. This study will examine the operation of the first legal threshold with a special focus on the emergence of minor political parties in Turkish politics. There are two basic motivations behind this investigation. First, this investigation will enable the succeeding three analyses, which respectively examine the thresholds of *authorization*, *representation* and *public funding*, to rely on an informed stance regarding the foundational background of minor parties. Second, and more importantly, it will critically appraise to what extent the conceptual discussion of the term minor or small party in the literature (Chapter 2) is really applicable to the Turkish case. The study under this threshold aims to answer the following three questions:

- (1) How difficult is it for a political organization to register as a political party in Turkey?
- (2) Is there any serious cost to be incurred in the actual operation of the relevant rules, which may eventually play a deterring role in the formation attempts of neophyte politicians in Turkey?
- (3) What have been the main motivations of minor party politicians behind the establishment of their parties, and how do they overall view the legal regime in question?

The Threshold of Authorization: Similar to the Threshold of Registration, so far, very little attention has been paid to the laws of pre-electoral stages and the actual operation of ballot access rules, even in specific cases. The threshold of authorization in Turkey, as mentioned above, has always been depended on the organizational diffusion of parties with varying sizes. This implies that this threshold is highly connected to the capability of parties to comply with the organizational provisions of the Political Parties Act. At this point, this study enters the area of another research gap in the political science. Although previous studies have extensively indicated a universal trend of modern states in regulating the internal functioning of parties (Gauja, 2010 and 2016; Kelly, 2016; Janda, 2005), and proved well such regulatory tendencies by documenting the diversity and scope of party laws (Karvonen, 2007; van Biezen, 2011; van Biezen and Bertoa, 2014), so far, however, there has been little discussion about how these complex and multifaceted regulatory

systems influence the operation of parties in practice, with the possible exception of party financing regimes (e.g. Koss, 2010; Fisher, 2015; Gauja et al. 2018). The study under this threshold will answer the following three inter-related questions?

- (4) How difficult is it for an ordinary political party to be an electoral party in Turkey?
- (5) What are the common problems of Turkish parties in the compliance of the obligatory rules of PPA in respect to the formation of organizations?
- (6) What types of cost do emerge in the process of fulfilling the participation requirements, and how effective are they in reducing the number of minor parties in the ballot?

The Threshold of Representation: Contrary to the preceding two thresholds, there is a large volume of published studies arguing how electoral systems act as a centripetal force both in the political processes and their outcomes (e.g. Duverger, 1951; Eckstein, 1963; Rae, 1967; Sartori, 1968; Loosemore and Handby, 1971; Laakso and Taagepera, 1979; Lijphart, 1988; Taagepera and Shugart, 1989). Although the direct impact of electoral systems on minor party representation has long been regarded as one of their most significant impact, and accordingly grew into one of the great areas of mainstream political science, so far no systematic and longitudinal investigation has been carried out on the seventy-year-experience of Turkey's electoral history. What also makes this history stimulating for research is that it has been a laboratory for the major variants of electoral systems, such as majoritarian (1950-60)¹⁰ and PR (1961-onwards), or pure PR (1961-80) and PR with general threshold (1983-onwards), with different ramifications on the representational chances of minor parties. It is one of the central missions of this research to thoroughly review and put the previous insights of the established research into a contextual perspective, and critically examine the 'barrier' effects of Turkish electoral systems on minor political parties. The major questions which will be answered under this threshold by the research are that

- (7) If all electoral systems, as suggested by the previous research, distort the election results with some parties being advantaged more than others, then to what extent and by which

¹⁰ *A personal note of the researcher:* As someone, who was training himself in electoral laws under the guidance of his supervisors in the initial years of research, I became very excited when I, for the first time, encountered a specific note of Duverger (1951, 1965 Eng. transl.) on the 1950 Elections of Turkey in his famous book on Political Parties. He was there enlarging upon his well-known laws about the number of parties in Plurality and PR systems, and exemplifying the emerging party system after the 1950 election as 'two-party system'. "At present there is a two-party system in Turkey" (p. 211). While it was so exciting to read even if just a bit from him about Turkey, it is also true to say that a lot of water has flowed under the bridge, and the electoral system has fundamentally changed at least two times after the publication of his book. When I carried out my own analysis on the electoral systems of Turkey, I also saw that the Turkish party system under the electoral system in question, which Duverger has reflected on, was not even a two-party system, but rather less than this, closer to one and half (Chapter 6).

legal instruments has this occurred at the expense of minor parties in Turkish electoral history?

- (8) Comparing the different electoral systems operated so far, which period was more favourable for the representation of minor parties?

The Threshold of Public Funding: What is the relevance of this threshold to the research? The scholars in the field of political finance tend to agree that money plays a significant part in the survival and electoral performance of political parties (Lucardie 2000, Pinto-Duschinsky, 2002; Fisher and Eisenstadt, 2004; Lewis, 1998; Samuel, 2001). The previous eight questions also serve to empirically illustrate the financial burden of Turkish elections on political parties. The institutional setting in which parties operate and contest emerges to be a crucial factor in the scope of their financial needs. Party financing regime and the state subventions to parties are important, because, first, minor parties need financial resources to pass the previous thresholds. At the heart of the analysis of this research lays the premise that money may not be sufficient in itself to propel minor parties into the legislative body; but, without adequate financing, it could be either impossible to be a contestant-*threshold of authorization*, or even possible, meaningless-to be in the contest-taking into account what *the threshold of representation* expects them to achieve. Moreover, minor parties, mostly being on the challenger side of their electoral setting, need to sell themselves to the public as a viable alternative (if they really are). This also requires a fundraising prowess at a comparable level or, at least, not too far beyond comparison with whom they want to challenge. At this point, the regulation of party finance in general and public party funding specifically may act either as a mechanism to alleviate the ‘law-driven’ costs of entry, and to enhance their competitive position in elections, or quite the opposite, as a problematic legal theme for them-which exacerbates the existing economic inequalities between them and major parties. Taking into account the major contested issues in the scholarship of political finance, the study will specifically answer the following four questions:

- (9) In terms of the income raised by parties’ own means (private income), how competitive is the political market in Turkey?
- (10) What role does the law practically play behind the observed trends of inequality of private income?
- (11) Considering the 54-year-history of Turkish public party funding regime with several revisions made, what have these revisions brought to minor political parties?
- (12) Considering the answer emerged in question 9, does the public funding system in Turkey enhance the competitive position of minor parties, or the opposite?

1.8 Research Methods: Data Collection and Analysis

To address the stated research questions, this study, which would be called “an intrinsic case study” (Stake, 2000: 437), has employed both quantitative and qualitative techniques in collecting its empirical data and their analyses. The Turkish context is beheld as, with Gerring’s terms (2007: 18), “a relatively bounded phenomenon”. This strategy, as explained in Chapter 3, was deemed to produce the context-dependent knowledge of minor parties by making use of multiple sources. In this respect, three types of data have been utilized in this study:

- a) The thematic analysis of 19 in-depth semi-structured interviews with party leaders (17) and state officials (2) from the Constitutional Court and the Court of Accounts, all of which were conducted between May 2016 and December 2016

The parties interviewed were selected with certain criteria of sampling explained in Chapter 3. The duration of interviews varied from 1 hour 12 minutes to 3 hours 17 minutes, with an average of 1 hours 41 minutes. The interviews were conducted in the cities of Ankara (14) and Istanbul (5). The value of in-depth interviewing for this research stems from the nature of its major and subsidiary questions. Johnson and Rowlands (2012: 102) argue that in-depth technique is best suited to the research questions which interest in ‘what’ (descriptive) and ‘how’ (explorative) rather than ‘why’. This study focusing on both descriptive and explorative questions will depend on in-depth interviews in which minor parties’ leaders would share worthy information for generating a coherent set of insights for the stated questions. The interviewees were allowed to project both their feelings or subjective understandings of the legislative impact and their value-free knowledge/experiences.

- b) The quantitative analysis of general elections from 1950 onwards

The period of analysis cover 19 general elections, three of which were run with majoritarian-plurality system, five with pure PR and eleven with PR with ten percent nationwide threshold. The details of analytical tools used were explained in the relevant chapter. The electoral data were collected from the official online archive of the Supreme Election Council of Turkey¹¹.

- c) The quantitative analysis of monetary data

With sample confined to electoral political parties, the study has collected the ‘private income’ data of each electoral party back to the year of the previous election, and then pooled these data into a single unit. The period of the analysis starts in 1996 because only few of the earlier auditing reports are made available by the Constitutional Court, which is the official authority to annually monitor party accounts. It also ends in 2013 as the Court has not yet overseen the

¹¹ Available (in Turkish) at: <http://www.ysk.gov.tr/tr/secim-arsivi/2612>

accounts of the three major parties (AKP, CHP, MHP) for the following years due to its heavy workload (the interview with the Court's rapporteur). The reports were obtained from the online case-database of the Court¹². The raw data were culled from a total of 281 reports that cover a period of 18 years spreading over four and half election cycle (1999, 2002, 2007, 2011 and the first two years of the 2015 one). Although the availability of the private income data was limited, the complete data of public funds distributed since their initial introduction in the law (1965) were collected from the Budget Acts of each year. All the data in Turkish currency were first standardized to September 2018 prices, and then converted to British Sterling.

1.9 Structure of the Thesis

This chapter has provided the background of the study along with the following: the motivation, the scope and rationale, the context and research questions, and finally the methods deployed in data collection and analysis. The remainder of the thesis is organized under seven chapters. Chapter 2 presents a review of definitional and methodological concerns raised in the previous studies of minor political parties. Chapter 3 outlines the research design of the study and explores the data collection techniques deployed with a special focus on the qualitative data of interviews. The following four chapters represent the empirical part of the study by reporting the research insights concerning the thresholds of *registration*, *authorization*, *representation* and *public funding*, respectively. Chapter 8 finally provides the conclusion of the thesis and discusses the main research insights based on the questions stated in Section 1.

¹² Available (in Turkish) at: <http://www.anayasa.gov.tr/icsayfalar/kararlar/kbb.html>

Chapter 2

Conceptual Discussion and Theoretical Framework

2.1 Introduction

If there is one obvious thing that the students of political parties can learn from the existing body of research, it would be the lesson that the breakthrough of political parties is too multifaceted a phenomenon for it to be uniformly determined by or explained with only the institutional setting (mainly ‘electoral system’ studies; Duverger, 1951; Rae 1967; Shugart 1985; Lijphart 1990; Taagepera and Shugart 1993; Osborne and Slivinski 1996) or social factors (cleavage structure; Lipset and Rokkan 1967; Ordeshook and Shvetsova 1994; Amorim-Neto and Cox 1997; Taagepera 1999), and ‘spatial theory models’ mainly inspired by the economic theory of democracy of Downs (1957). Although the path that each perspective takes to get there appears to be inherently different, the mutual insight of all would be that the entries of minor/new parties into the political arena is subject to a wide range of political, institutional and social opportunity structures which can hamper or foster their growth and development: the performance of incumbents, the existence of multi-levels of governance and representative institutions, the legal framework of party contest and electoral system in particular, organisational capabilities, ideology and policy orientation, the competitive political environment, etc. (Harmel and Robertson, 1985; Cox, 1997; Hug, 2001; Tavits, 2006 and 2008). One way or another, all have an effect on the emergence, growth, lifespan and relevance of minor parties.

This is the most crucial caveat to be noted at the outset of such a study, which concentrates attention on the impact of legal structure of parties and elections on minor parties. As explained in Chapter 1, this study takes a comprehensive approach to the analysis of structural barriers of Turkish laws on minor parties. To do so, it adopts Pedersen’s evolutionary (threshold) approach (1982) for its broader theoretical framework. Rather than reviewing the whole literature, this chapter critically summarizes the theoretical background of the thesis, describes what related research has already been conducted, and explains that, after which argumentative points in the study of minor parties, it has finally resorted to Pedersen’s approach in analysing the impact of Turkish law on minor parties. It discusses how this approach was reached, and attempts to determine whether a greater understanding can be suggested to operate in the analysis of the thesis. In this chapter, the general literature on minor political parties have critically been reviewed along two inter-related debates:

first, the debate on the concept of political parties; and second, the debate on the counting rules for parties for research. Then, the chapter goes into review the existing research approaches to minor parties. Finally, the study proposes some refinements on Pedersen's typology of thresholds.

2.2 An Overview of the Study of Minor Parties

In 1974, Stephen L. Fisher, in his ground-breaking research, launched the discussion that minor parties had received scant attention in the research literature compared to mainstream and 'traditional mass parties' (Fisher, 1974: 1). A similar claim with varying emphasis from different angles was retained until recently (Weeks, 2010/a: 473; Muller-Rommel, 1991: 1; Mair, 1991: 41; Herzog, 1987: 317). Although such observation on the lack of consideration over minor parties is, in some respects, true taking into account the situation on the side of major or established parties, the literature on political party studies has lately witnessed remarkable efforts to understand the emergence, relevance or failure of minor parties, whereby the concept 'small' or 'minor' is treated as a distinct research phenomenon. Crucial developments, in this respect, took place in the last three decades in particular. To illustrate the pioneering studies in this direction, the book of *Small Parties in Western Europe*, edited by Muller-Rommel and Pridham in 1991, and the special edition of *Irish Political Studies*¹³ on Irish minor parties in 2010 expanded on invaluable comparative and national perspectives by gathering both cross-national and case analyses. That said, the general trend in the balance between the research of major and minor parties might still be thought of to remain unchanged. From a methodical point of view, there are three main reasons that may account for the exclusion of minor parties from consideration.

First, it has been claimed that political scientists are concerned more with the parties that demonstrate a high level of support and stability (Muller-Rommel, 1991: 2; Fisher, 1974: 1-2). By focusing their research on the parties which are more effective or 'relevant' in their political arena, the researchers can reduce the number of parties to be studied to a manageable level. The second difficulty arises from the lack of data concerning the parties other than major or established ones. Expectedly, the parties of which data is more likely to be obtainable can be more inviting to researchers than those which pose certain problems in the data collection process especially when it comes to gathering systematic information for a cross-national analysis. Even if sources of information are to some extent accessible; the limitations on linguistic ability often appear as a problem for party students who may wish to study the other contexts but with a different language (Fisher, 1974: 1). In addition, the problem of lack of available data sharpens with that scholars could not sometimes obtain even the most basic information, the electoral data, of the minor parties which are mostly grouped under the category of 'other parties'. Muller-Rommel (1991:3) rightfully

¹³ Irish Political Studies, Vol. 25, No. 4, December 2010

states that, in many official or unofficial election statistics, minor parties receive only marginal consideration. The last reason, as the most contestable one, can be linked to the argument that minor parties are sometimes thought to play a dysfunctional role in their party systems. Since they mostly appear to be short-lived and inconsistent actors of their politics, and viewed as the outsiders, rather than the insiders, of their party systems, the studies tend to pay less attention to these parties unless the main aim is to understand their breakthrough or emergence itself.

Although the lack of investigation of minor parties at a comparative level may partly be understandable given the reasons aforementioned, it is not equally justifiable for national studies. Unfortunately, if the relative lack of research on minor parties is a general aspect of comparative party studies, the situation is not much better when it comes to the Turkish literature. This author has no knowledge of any systematic effort to study minor parties in Turkey notwithstanding its being a country classified as an electoral setting of proportional representation, known to be more disposed to the emergence of new and smaller participants compared to majoritarian systems (Duverger, 1972: 245-255; Farrell, 1998: 149-150). Instead of a systematic holistic viewpoint, just a few Turkish scholars have so far indirectly written on the minor parties by focusing research rather on specific parties (the history of Labour Party; Aybars, 1999, a master thesis), specific eras or incidents explained with some historical importance (the role of left-wing parties in the 1980 military coup; Unal, 1987), and have drawn little attention to establishing general patterns with respect to the types, characteristics, functions or electoral trends of minor parties collectively. The Turkish literature on minor parties as a subject matter can thus be viewed as the body of *case histories* within the terms of Lawson (1976: 4)¹⁴.

There are two vexed questions of the study of minor parties to address at the outset of this study. First, how can one know that what is under study is indeed a political party (definitional debate)? Second, are all political parties worth to be studied (theoretical debate)? Putting into a nutshell, these are the discussions on the definition of parties on the one hand and the *counting rules* guiding the scholars as to which parties should be covered or ignored for research on the other. The latter

¹⁴ The study of *case histories* here refers to a research strategy in which there is no or scant intention to assess the term minor party as a broad phenomenon. At the outset of the existing chapter, it is worth noting how this thesis views the difference between the *case histories of minor parties* and *the study of minor parties*. While the former mainly aims to explore the specific history or development of a party in question (Gerring, 2005: 80), the latter has the purposes of developing generalizations and providing new theoretical or empirical insights concerning minor parties as a broader group, such as their types, their most prevalent characteristics, the obstacles blocking their electoral success, the reasons for their existence, etc. The *study of minor parties* are hence devised with a consideration of the research subjects as those which represent similar characteristics or patterns under the phenomenon. No matter what methodology is employed or number of cases is engaged with, a *study of minor parties* can thus be expected to deal with a number of questions and problems concerning these parties at a large scale. In this genre of work, researchers can generate or test a theory in which smallness is treated as a distinct phenomenon. Researching about Turkish minor parties in this sense would be a novel enterprise.

is also known as the ‘relevancy’ discussion. The following two sections will respectively expose the implicit reflections of these discussions on ‘the study of minor parties’. Yet, it is not the purpose of this chapter to exhaust the topic and to build an overarching theoretical framework of the term political party itself.

2.3 Definitional Questioning: Are Minor Political Parties really Political Parties?

Different standpoints about the definition of the concept of ‘political party’ sometimes lead scholars to become suspicious about the use of the word ‘party’ to minor parties. One may argue that a significant number of these parties, most of which are extremely small and short-lived, would be unlikely to correspond to normative or definitional conceptualizations of political party. What does constitute a minor party at the minimum? If the concept of ‘minor(ness)’ is purely taken as an adjective of size of the term ‘political party’ or as “*designating the lesser of a number of two things or classes, etc., that have a common designation than the rest*” (Oxford Dictionary, vol. 9, 3rd meaning of ‘minor’), then the answer of ‘what constitutes a minor party’ may not be so different from the one asked for the concept political party at the basic level: What constitutes a party ‘at the minimum’? There is no uniform answer to this question in political science.

According to the definition of Downs (1957: 23-25), a party is a group of people who aim

“to control the governing apparatus by gaining office in a particular election”.

This definition has importantly similar to that of Sartori (1976: 57), who almost two decades later described political party as

“any political group that presents at elections, and is capable of placing through elections, candidates for public office”.

He also expands on the concept of political party on the following three postulations: (1) They are not factions; (2) They are the part of a whole; (3) They provide the channels of expression (1976: 22-25). For Sartori, it is the ‘electoral’ criterion which at bottom distinguishes political parties from other political or social organizations. In a similar vein, Schlesinger (1991: 14) refuses to accept any ‘loose’ definition that may lead to embrace all political parties at face value rather than the demonstration of the capability of winning elections. He describes the party as

“the political organization which actively and effectively engages in the competition for elective office”.

In this respect, Duverger’s approach (1951: 1-3) to the concept might be seen as the one adopting rather a less rigid definition by comprising not only winners or potential partners of the use of power, but also the office-seekers whose goal is the conquest of power one way or another.

Neumann (1956: 395) seems quite explicit in adding a competitive character (of the system) to the definition that settles for

“an organization of society’s active political agents (...), who compete for popular support with another group or groups holding diverse views”.

For him, only political parties can overtly claim to connect the public with political power ‘by means of placing representatives’¹⁵.

Rather than try here to resolve the long-lasting debate of the early party theorists with a selective and a biased assemblage of observation of various party definitions (for different party definitions, see Maor, 1997: 1-16 and Ingle, 2008: 5), it is worth here focusing attention on the joint feature of these definitions. The definitions above cited are not here chosen at random among the other party definitions. One thing that all of these definitions have in common is the electoral function. They all imply that a minor political party may not simply be regarded as a party unless it operates as an electoral entity and acts as the body of representatives. The electoral function in these definitions appears to be to the main demarcation line between political parties and ‘other’ organizations. Perhaps the most distinguishing activity of parties is thought to be that of putting forward nominees for public office (*office-seeking goal*: Barnea and Rahat, 2010: 310-311; Panebianco, 1988: 6; Schmitter, 2001: 70-71, Beyme, 1985: 13). By contrast, pressure or interest groups, or the other social movements do not directly engage in the winning of power or its exercise (Duverger, 1951: 117).

On the other hand, if the function of participating in elections is articulated as a clear-cut criterion of the concept of party, this view could be accommodating much more to the major or mainstream parties than that of minor or micro ones. The reason is so clear and straightforward. As long as the criteria are derived from the normative endeavours which principally take into consideration the behaviours and features of a political party which is in many respect advanced, a major or mainstream political party is expectedly relatively easy to delineate. In other words, the established parties can, without difficulty, be reconciled with the concept owing to their existing ability to win a certain percentage of votes, or a number of seats they fill in the legislature, and their existing likelihood of being the governing party, or a member of the coalition or a substantial opposition party (Thomas, 2001: 5-6)¹⁶.

¹⁵ Neumann (1969: p, 69), in a different place, defines party by pointing out that “...to become a party to something always means identification with one group and differentiation from another.”

¹⁶ For instance, the definitional debate of interest group and political parties in *The Political Party-Interest Group Relationships* is resolved by only including the major parties (named ‘big players’ by referring to Maloney and Jordan, 1998) since it easily provides clear-cut practical distinctions.

Yet, what if a political party periodically loses its capability of placing through elections or abstains from elections by its own decision as either a momentary or long-term strategy? What if a political party is ‘ontologically’ or in the first place (the main motivation behind its establishment) more concerned with policy making processes than in seeking public office. More importantly and as the point where the institutional design of elections comes forward, what if the party is not capable of taking part in elections (the threshold of authorization, Chapter 5) even if it wants to do so?

If one holds a restrictive view, most of the minor political parties operating in modern democracies may not easily conform with the putative standards of the concept of political party. It might be either because they are more concerned with policy making processes than seeking public office, or because they are not really capable of taking part in elections or effectively doing this. As Fisher (1974: 5) notes, these parties mostly have narrow and specialized appeals and rarely campaign with much hope of success (Fisher, 1974: 5). Similarly, Spoon (2001: 6) argues that minor parties mostly appeal to a subset of population and do not making great efforts to be Kirchheimer’s ‘catchall’ parties seeking to attract the greatest number of voters.

This conceptual discussion concerning minor parties can be explicated further by a negative way of questioning, as did Epstein (1967: 10):

“If minor parties are not parties, what are they?”

In the literature, Leon Epstein (1967), a pioneering political scientist of U.S. political parties, emerges to have been the first scholar who directly engaged with this definitional discussion with a particular focus on minor parties. He appeals party scholars to eschew any normative approach that implicitly leads them to make the judgement that “one type of party is more normal than any other type” (1967: 11). For him, it is more apt not to make so sharp a distinction. He advocates that having a title which is recognizable for the public would be the sufficient element to be regarded as party rather than having a certain organizational strength or a certain goal. This approach seems to allow the use of the term ‘party’ for almost every political organization so long as they are regarded as party in their own contexts. He goes on to suggest that

“...even if it covers diverse views, why not call it a party? Insistence of on more than a label as the mark of a party, or of a modern party, immediately raises serious questions about the obviously loose American parties.” (p. 10).

In the following pages, Epstein, yet, seems to be much more focused on equating having a label ‘party’ with having the purpose of seeking votes. On that account, his single criterion slightly turns into a functional one, not a strict sense though: ‘seeking votes under a recognizable label’. As regards minor parties, he eventually puts his view into a nutshell by pointing out that

“Although the minor parties may still be put aside because they are unimportant, at least individually, in any modern democracy, this is because they are small and not because they are not parties.” (p. 11).

It is exciting to see that Epstein’s notion of *unimportance* that is unrefined or raw in this statement appears to have been echoed in Sartori’s notion of *relevancy* (1976) almost a decade later (explained in the next section).

Stephen Fisher (1974) appears to have adopted the Epstein’s definitional perspective in his study of the minor parties of Federal Germany, in which he suggests disregarding ‘size, organization, or degree of competitiveness’ when approaching to his research subjects (1974: 4-8). The crucial defining element, for him, should be the ‘label’ of party for their public identification. He claims that this approach has two definite advantages. First, it is inclusive and does not pursue the purpose of ascertaining all characteristics of political parties. Second, it does not endorse ‘a normative approach’ (p. 5).

A present-day scholar, Ingle (2000: 5), whose book came almost three decades later after the scholars above cited, similarly is of the opinion that the analyses put forward in terms of party definitions and characteristics should be understood as ‘descriptive’, not ‘definitional’. He argues that definitions undoubtedly allow main characteristics to emerge, but political parties varyingly incorporate these characteristics into their goals and organizations. He defines parties to be

“the groups of people organised to seek to wield or influence political power through agreed constitutional means in the name of some organised opinion or ideology which binds them together and which distinguishes them from other groups” (p. 5).

According to him, some parties can aim to only affect the parties in power one way or the other, rather than to grasp and use it.

Ware’s assessment (1996: 2-4) of party definitions appears to reflect this view, by highlighting that there are some political institutions which are recognizably parties, but at the same time do not conform with the standards of the theoretical explanations developed so far. He argues that no simple definition can capture the difference between parties and other institutions. His observation of the deviations from the developed definitions is illustrated in Table 2.1.

Table 2.1 The proposed roles of political parties and the deviations. Source: Ware (2001: 2-6)

The proposed role	Deviation	Example
Bringing together people for the exercising power within the state	Some parties aim to take a radical or moderate stand against ongoing regime instead of wielding the power within it.	-Gandhi's <i>Indian National Congress</i> supporting independence from Britain -The <i>Bloc Quebecois</i> supporting the separation of Quebec from the Canadian federation -The <i>Communist Party</i> of the French Fourth Republic choosing not to engage in forming government, but to raise as an anti-regime party
Seeking to use legitimate means for pursuing their ends	Some parties engage both in civil-legitimate means and in armed forces.	-The Chinese <i>Communist Party</i> of the 1930s and the 1940s - <i>Sinn Fein</i> being associated with the <i>Irish Republican Army</i>
Contesting elections and putting forward candidates	Some parties refuse to participate in elections as a long-term strategy, to protest or not to legitimize the regime	-The <i>Communist Party</i> of Ireland which was re-formed in 1931 and did not take part in any elections until its dissolution in 1941 -The <i>People's National Party</i> in Jamaica abstaining from the elections of 1983
Seeking to represent more than a single interest	Some parties are formed in order to represent a certain group of society or a narrow interest.	-The <i>Refugee Party</i> in Germany seeking representation of a narrow-defined interest in 1953 and 1957
Embracing organized opinions with similar beliefs, attitudes and values	Some parties embrace different views and unorganized opinions	-The <i>Peronist Party</i> in Argentina embracing seemingly incompatible left and right-wing values around the charisma of Juan Peron

Evaluation

Although all the definitions aforementioned or not offer valuable insights to the understanding of what political parties could be and do, it seems better to refrain, as suggested by Epstein (1967), from the restrictive judgements disentitling or barring minor parties from the designation of the concept of party for the following grounds:

First, it is widely argued that newly-emerging parties significantly differ with a number of organizational, ideological, or strategical aspects from the traditional parties (see Gunther and Diamon, 2003: 168-169). It may not be realistic to expect the ones which existentially take a different or unprecedented road to follow the normative, definitive or functional assumptions that have been put forward for a 'prototype' party. Rather, such deviations on their own can engender possible motivations for research, whereby scholars might be fascinated to bring these parties into focus (such as the parties of 'New Politics').

Second, as Ware (1996: 3) points out "some parties may consistently refuse to put up candidates because that would help legitimize a regime they do not recognize, or because it

is believed not to be useful for the party's long-term goals". In this respect, a key certainty to be taken into account is that an overwhelming majority of parties inscribed on the electoral lists never stand any realistic chance of engaging in parliament or government (Schmitter, 2001: 71). For instance, Beyme (1985: 14) argues that lots of parties in the early years of their foundation operate as revolutionary or protest parties, and they do not even regard themselves as power-oriented. For instance, Herzog (1987: 321) observes that some Israeli small parties participate in elections not for the purpose of winning, but rather as a means of being heard. As such, Garner and Kelly (1993: 5) draw attention to some British parties for which the aim of the pursuit of governmental power is unrealistic. A considerable number of British parties, they argue, have pursued the purpose of shaping the policies of the mainstream parties only. In this respect, some scholars also argue that minor parties can be more effective by fulfilling an abundance of the other functions in addition to the electoral one (Gunther and Diamond, 2001: 3-39; Lawson, 1976: 11-15; Schmitter, 2001: 72-84).

The third point, and which this study aims to make an original contribution in Chapter 4 and 5 in the specifics of the Turkish case, is that, in today's legal regimes, the electoral function is no longer a matter of choice, but of qualification to be obtained only after the party is officially recognized by the state. It is now well established from a variety of studies, that political parties are today subject to a rising amount of regulation on their formation, organisations, finance, ballot access, etc. more than ever before-in both the developing and established democracies (Avnon, 1995; Janda, 2005; Karvonen, 2007; Gauja, 2010; Biezen, 2013; Biezen and Rashkova, 2012 and 2014). Notwithstanding the long history of conceptual (definitional) discussion of the political parties, a focus on these specific party laws is, however, a more recent phenomenon in political science. What this legislation brings new to the concept of party compared to the past is the change in the status of parties by granting a legal recognition to the institutional importance of parties. More importantly, the recognition of the right to associate in political parties, as Avnon (1995: 288) showed in the cases of Italy, France and Germany, have gradually become a feature of the formal national constitutions. In essence, such liberal discourse on the right to form political party and their freedom of action has also explicitly been endorsed by some of the important international legal texts such as the International Covenant on Civil and Political Rights that has been put in force in 1976. Article 22 of the Covenant

“guarantees the right to freedom of association, which includes the right to establish and operate political parties.”

Similarly, the 1990 Copenhagen Document of the OSCE (paragraph 7.6.)¹⁷ and the Guidelines for Reviewing a Legal Framework for Elections of the Venice Commission (paragraph 9.1.)¹⁸ requires states to respect for

“the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations”.

Many domestic laws that have accordingly been introduced include a section regulating the registration of parties with a series of minimum requirements to be met. These requirements, as the survey in Chapter 4 indicates, are mostly based on the minimum number of members or signatures, a certain amount of financial deposit, and the submission of the party statutes/programs to certain public authorities. Once the application is successfully made and assessed acceptable, parties are generally registered in a public register under the authority of the administrative or electoral authorities.

First, this change in the status of parties implies that the definition of political party today arises as a legal technical issue more than ever before. By and large, this appears as a neglected aspect of political parties research in general and the conceptual debate of political party in particular. No matter that the electoral or participatory function of parties should be seen as an essential condition of the concept, the title political party in many contemporary democracies is used principally in legal terms, and *de jure* provided to any organisation which is registered on a public register after meeting the formal requirements for registration specified in the law. Second, accessing to ballot paper almost in every country is frequently bounded through laws that require parties to meet certain thresholds to qualify as an electoral party, such as monetary deposits, certain numbers of members/branches or petitions signed by citizens. Therefore, the function (*normatively defined*) and the capability of being an electoral party (*institutionally constricted*) seem inextricably intertwined in today's democracies. These legal hurdles can be termed ‘contextual constraints’. During non-campaign periods, apart from the established ones, political parties strive for both tackling with the legal boundaries (contextual constraints) of being an electoral party and seeking votes. For that reason, being legally a party in most of the modern democracies today does not mean being ipso facto an electoral party, but being a candidate for this position. When considering the characteristics of political party, scholars hence may need to contemplate on them as not the simple choices which are to be made through the unrestricted will of politicians, but as a matter of qualification officially obtained only after passing certain legal thresholds.

¹⁷ Available at <https://www.osce.org/odihr/elections/14304?download=true> (Accessed 25 Sept 2018)

¹⁸ Available at <https://www.osce.org/odihr/elections/104573?download=true> (Accessed 25 Sept 2018)

In light of these points, it might be more realistic to bring to an end this debate with a recommendation that neither normative nor definitive explanations may be conducive at such a stage where research parties are investigated substantially due to their lack of success in the actualization of being an ‘established’ party. Therefore, it seems better to understand the characteristics or functions attributed to parties in the literature as descriptive rather than definitional (Ingle, 2000: 5). A more inclusive aspect, but neither definitional nor normative, might be useful in absorbing the identity of minor parties into the concept, such as that of Hodgkin (1961), who is of the opinion that

“it is probably most convenient to consider as parties all political organizations which regard themselves as parties and which are generally so regarded.” (1961: 16)

This inclusiveness can pave the way for considering the condition of engaging in elections and gaining office as a matter of capability or threshold that every party is supposed to have an aim to succeed at a pinch. This idea was importantly echoed also in the Pedersen’s *party lifespan* approach (1982), in which political organisations are treated as political party once they pass the *threshold of declaration*¹⁹. When Pedersen, more than three decades ago, complained about the lack of knowledge in the emergence and disappearance of political parties, he accordingly advocated to broaden the concept of party in order to embrace those which are not yet or any longer capable of placing candidates and of participating in elections, but which have the will to do so. He defined the party as

“an organization-however loosely or strongly organized-which either presents or nominates candidates for public elections, or which at least, has the declared attention to do so.” (1982: 5)

For the present study that seeks to understand the impact of laws on minor parties, the term political party refers to any organisation which is qualified as political party by the public authorities of its own environment no matter that it later or sooner, or never manages to qualify for electoral participation.

2.4 Theoretical Questioning-Why Study Minor Parties?

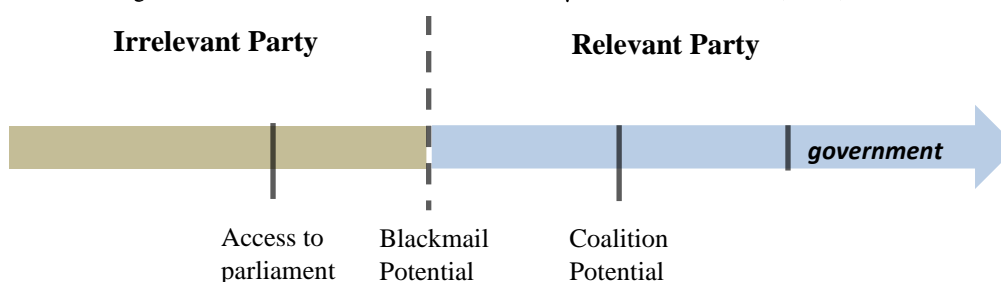
Political parties having been defined, the problem still remains as to which parties should be studied and which ones should be ignored. For reasons of expediency scholars of political parties sometimes confine their units of analysis in such a way that minor parties are importantly excluded from consideration and left out of analysis. A detailed review of the literature shows that this exclusion is mainly underpinned by the rigid interpretations of the *relevancy* perspective,

¹⁹ As explained below, the *threshold of declaration* is defined as an organization’s intention or declaration to partake in elections.

originally set forth by Sartori (1976: 107-110; 2001: 92-95). He introduced his ‘rules for counting’ the number of parties in a system with the purpose of concentrating all attention on ‘relevant’ parties. Otherwise, he says that the researcher ‘counts in an unintelligent way’ (1976: 124). For him, political parties should be ‘counted’ by taking into consideration the degree of their *coalition* or *blackmail potential* inside the party system as the criteria of ‘relevancy’. According to him, not all political parties in a political system should be examined in detail. He argues that the numerical thresholds, even if they are applied among the parties of the parliament, may not be absolute solution in determining the ‘relevance’ of size, which may bring about either the exclusion of relevant parties or the inclusion of irrelevant ones. It would be purely arbitrary, for instance, to universally identify as ‘relevant’ only the parties whose percentage of the vote exceeds a certain percentage of the total vote. According to him, to be relevant a party must be able to ‘affect the tactics of party competition’. Then, he first shifts the focus to the parliamentary parties which have the *governing* or *coalition potential*. This, however, requires a systemic assessment that goes beyond quantitative measurements, such as Laakso-Taagepera’s measure of *effective number of parties* (1979:3-27) or Rae’s index of *fractionalization* (1967: 56-58).

That said, for the parties (‘anti-system’ or opposition-oriented parties) which are not ideologically in concordance with the other coalition partners, he has formulated an alternative test, namely *blackmail potential*. According to this, a party can still be thought of ‘relevant’ if it has the strength of changing the direction of party competition from ‘centripetal’ to ‘centrifugal’ or *vice versa*. He finally proposes to ignore the parties that have neither governmental nor oppositional significance. Although his criteria of relevance or irrelevance have been seen unclear and difficult to operationalize (Smith, 1991: 27), one definite aspect of Sartori’s ‘notion of relevancy’ is the exclusion of the parties which fail to win seats in parliament. It is because, if the whole point is to either take part in the formation of government or to bring pressure on its formation or survival, then there is no room for an outsider to be tested in terms of relevancy, which means its automatic exclusion from consideration. This all implies that Sartori’s notion of ‘relevancy’ in essence takes for granted a ‘process’ in which the party in question is assumed to have already passed the representational barrier and the earlier ones so that it will then be tested in light of his ‘rules for counting’.

Figure 2.1 The illustration of the relevancy criteria of Sartori (1976)



At this point, it is worth looking at the analyses of the scholars who have arisen on the opposite side of this discussion. Here, Mogens Pedersen (1982) has developed a more inclusive approach to the parties which do not have a significance in the system in the sense of Sartori's criteria. He has developed Janda's concept of 'party lifespan' (1980) to understand the evolutionary phases of minor parties around four thresholds: (1) the threshold of declaration, (2) the threshold of authorization, (3) the threshold of representation, and (4) the threshold of relevance. Pedersen's 'party lifespan' approach will be addressed in detail in the following section of this chapter.

Some scholars have rather suggested studying minor parties in order to understand party systems and the behaviours of major parties in a more accurate way (Blais, 1973; Herzog, 1987; Conti, 2008). It has been claimed that studying small parties can provide fresh insights to the understanding of the behaviours of major parties (Conti, 2008: 388). Blais (1973: 437) points out that

“to explain the rise of third parties is essentially to explain the failure of traditional parties to maintain their support”.

Lawson and Merkl (1988: 11) similarly explains the rise of 'alternative organisations' with a process of major party failure, a failure to articulate the matters of the specific and politically unacceptable sections of the society for themselves. This failure stimulates the development of minor parties which often step in to play a role in reflecting or spreading previously ignored views and opinions, and capitalize on the existing or increasing political disconnection from traditional party politics. More specifically, it has been observed that the growing impact of minor parties on national and local politics has begun to challenge the contested notion of the 'relevancy' (Bochel and Denver, 2008). In a similar fashion, Herzog (1987:329) explicitly challenges Sartori's criteria of relevancy with the argument that the relevance of minor parties or other lobbying groups on a system should be considered within a different approach to that of the major parties. His study of Israeli minor parties indicates that the act of taking part in elections even without 'coalition' or 'blackmail' potential still brings an effect on the electoral behaviour of major parties. According to him, in Israeli context, the success of minor parties can better be understood rather in terms of expanding the ideological boundaries of the left-right spectrum and enforcing the major parties to refocus their attention on the formerly disregarded issues.

Similarly, when Rochon (1985: 421) seeks to understand how new parties attempt to take the advantage of rapid de-alignment of the electorate, he proposes to make a distinction between *mobilizing* and *challenging* new parties. He argues that some new parties emerge as a response to changing social cleavages and political conditions. Such parties aim to mobilize new political identities such as ecology, linguistic or new-materialist parties. On the other hand, challenging parties rather aim to compete with established parties on the basis of existing cleavages. These

parties are often formed by breakaways of members of a larger party, ('splinter' parties) with the claim of being real agents of well-defined cleavages. Rochon's findings from the Dutch political system support his thesis that mobilizing parties in the long run achieve stronger attachments amongst the electorate and demonstrate longer presence in the parliament than do challenging parties. Given the manner of situating minor parties electorally, Harmel and Robertson, in their study (1985: 517), conclude with two categories of new parties: *contender* and *promoter* parties. While the former group acts with the perception that they can finally be electorally successful, the latter ones are primarily concerned with bringing attention to a specific issue or value they advocate. For them, electoral propensity is less prominent than value propensity.

A similar observation has been made by Lucardie (1991: 123), who claims that Dutch minor parties can be studied with their impact on the political system by voicing disaffection outside the conventional arena. These parties are allowed to benefit from free time on radio and television and entitled to state subsidies for a number of activities like political education, youth programmes and scientific research. Owing to these opportunities by which they effectively exert important influence on the political process, he advises to approach to the influence of small parties with reference to their '*mobilizing potential*' rather than coalition or blackmail potential. Copus *et al.* (2009: 8) also disagrees with Sartoris' 'rules of counting' by stressing that a conception of relevance is likely to misjudge the impact of minor parties and neglect varying interpretations of what is politically relevant in different levels of government and representative institutions.

All these studies throw interesting light on the vexed question of whether minor parties merit academic attention. Taking into account their specific insights, it will then not be a misjudgement to say, at least, that a constricted interpretation of the notion of 'relevancy' has given rise to doctrinal criticism following Sartori. As far as minor parties are concerned, the criteria in the way outlined by Sartori have been typically treated as contestable and considered to underestimate the impact of minor parties in politics.

Evaluation

Undoubtedly, Sartori's criteria of relevancy seem to provide some alternative standards for the research which aim to understand the patterns of interaction among the pivotal actors of party systems. Putting aside the discussion on the appropriateness of his criteria for relevancy, he is probably right in seeing a need for eliminating irrelevant parties from research, but only if the primary goal is to understand how the political system is configured or moulded with the influence of certain parties at the most general level. Here, although his criteria may be seen unclear in application, it is so certain, however, that his understanding of relevance involves only the parliamentary parties. He explains the 'tactics of party competition' with reference to legislative or coalitional behaviour of parties. When the focus

is concentrated in such way, the exclusion of the so-called ‘irrelevant’ parties could, indeed, be a necessary step to take in analysing and classifying the ‘party systems’ where the term ‘system’ is supposed to be constituted by the actors of the parliament and government. Admittedly, not all of the parties, which regard themselves as a party, may deserve the same attention as those which, after certain rules are operated, appear to have a grave explanatory value in analysing such restricted area of research, the party system. Thus, the scope of the system that is studied conditions the anticipated quality to be sought for the units of analysis. A ‘party system’ analysis which basically relies on the legislative and governmental activities of parties will expectedly seek some criteria to exclude those which do not involve in these activities. This is actually what Sartori seems to have done²⁰. If the focus, as his, is principally concentrated on the party system, clearly, not all minor parties appearing on the fringe of the political landscape or even in the parliamentary arena may or should be examined in detail. Considered this way, Sartori’s notion of relevancy makes both theoretical and practical sense.

The succeeding scholars who have improved Sartori’s notion of relevancy seem to have alleged the ‘relevance’ of minor parties principally with the same purpose of research: to understand party systems alternatively and in much detail. In doing so, they propose a more inclusive approach to the parties that fail to meet the Sartori’s criteria of relevancy, but still contribute to politics and exert a certain influence on the government or ‘established’ parties. Here, they, in a sense, come up with a number of arguments which empirically indicate the *relevance* of Sartori’s *irrelevant parties* on the account of understanding the party systems in question in a more complete way. Their contribution at the end induces us to consider *why some minor parties that may be excluded on the basis of the Sartoris’ rules for counting should rather be counted as relevant in analysing party systems*. This kind of argumentation still seems to be wedded, implicitly or explicitly, to the purpose of understanding minor parties inside the party system rather than they as an external group. This is the point where the present study departs from them and take a more fundamental direction in studying minor parties. This thesis does not aim to explicitly or implicitly hold a similar contention that ‘minor parties should be studied because they are relevant’. It rather starts with the idea

²⁰ Sartori (1999: 16) in a journal article answers the question of why the number of relevant parties is important. He says that “*because the format explains and predicts the mechanics, i.e., the systemic characteristics of distinctive types of party systems.*” His mechanics overall are two-partism, moderate multi-partism and polarized multi-partism. In other words, Sartori has actually developed his criteria of relevancy to truly classify party systems and to give an alternative analytical tool (in the place of quantitative standards) for the comparative researchers when comparing different party systems within cross-case analyses.

that minor parties should be studied also because their irrelevancy-if it can be said so-deserves attention and needs to be examined in depth.

2.5 Research Approaches: How Study Minor Parties?

If it is admitted that the minor parties which remain out of consideration according to Sartori's counting rules deserve attention, then the problem of the proper analytical framework arises. In this respect, the previous research on minor parties can be grouped under three main approaches, namely *numerical*, *sociological* and *evolutionary*.

2.5.1 Sociological Approach

Some scholars have studied minor parties by way of their ideological orientation. What do minor parties stand for? Leaving aside the contested side of what a cleavage and its most proper taxonomy are (Maor, 1997: 19-22; Bertao, 2014: 18-24), the issue in terms of the study of minor parties can be conceived as a way of understanding the extent to which social structures are determinant for the existence of minor parties, and how these parties can be situated within the ideological spectrum in their respective contexts. At first glance, the European historic cleavage lines of the post-national and industrial revolutions, as suggested by Lipset and Rokkan (1967), can be a rudimentary tool to differentiate minor parties through the dichotomies of 'centre' versus 'periphery', (secular) 'state' versus 'church' (religion), 'urban' versus 'rural' and lastly 'workers' versus 'owners' (employers). It has been observed however, that new developments in social cleavages and the need to adapt their model to varying national circumstances bring about some refinements, which also ended up with a number of counter theses against the 'freezing' hypothesis (Dix, 1989).

Importantly and what further complicates these historic cleavage-lines, Lijphart, Bowman and Hazan (1999: 34-44), for instance, specify three further political elements/topics on which modern parties varyingly take a stand, not necessarily related to or explained with their cleavage: 'foreign policy', 'regime support' and 'materialist' versus 'post-materialist'. Similarly, Mair (1991) in his analysis of the ideological positions of different sizes of small parties, uses a comprehensive catalogue of party families in analysing the popularity of certain small parties vis-a-vis their political leanings: communist, socialist, Christian, liberal, extreme right, conservative and other right, agrarian, nationalist and regionalist, ecologist and others. In a similar fashion, Coakley (2010: 510) specifies the existing divisions of Irish Society as follows: left-wing, right-wing, agrarian, religious, nationalist, and environmentalist. On the other hand, some observers rather prefer inductive taxonomies instead of using specific names of party families. For instance, Smith (1991: 36-38) offers a general typology relating minor parties directly to left-right dimension of cleavage. According to him, minor parties in a broad way can be separated into three distinctive

groups. First, *marginal parties* can be found on the far edges of left and right politics. These include right-wing and left-wing marginal parties. It is rare for these parties to have a coalition potential, but they can develop some relationship with the large party whose ideological character is more or less familiar with theirs. Second, *hinge parties*' position, in contrary, is close to the centre of left-right politics, and hence their coalition and blackmail potentials are more apparent if they are acceptable partners for the centre parties. Lastly, *detached parties* are the ones which detach from the left-right axis. These parties are to a certain extent out of competition. They can best be exemplified with the majority of regional and ethnic parties. Their electorate is defined groups. While some regional-based parties like the Swedish People's Party are well-integrated in their party system, some of them voice separatist demands like Basque nationalist parties in Spain.

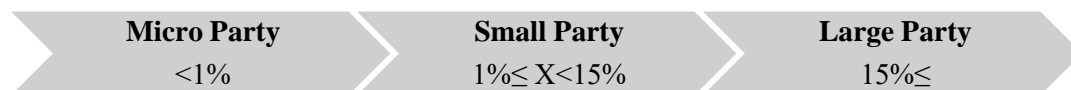
Lastly, minor parties can also be assessed by the extent to which they integrate with the nature and legitimacy of the existing political status-quo. In this respect, the concept of 'anti-system party' has led scholars to approach parties in a distinct way, but again with a link to their ideological character as the others presented above. Scholars might try to get hold of this concept under terms like *protest/radical* (Pinard, 1973), *extremist* (Powell, 1986) or *anti-political-establishment* (Schedler, 1996) parties. These parties, according to Schedler (1996: 293), signify a certain dimension of conflict: the cleavage between political establishment and people on the one hand, the opposition between the former and themselves, on the other. The main conflict of cleavage occurs between the 'ruled' and the 'rulers'. They define themselves as acting separately from the party system and as different from all other parties. Nonetheless, they are not in contradiction of the liberal democratic system, and therefore they are not classified under the anti-democratic groups. Alternatively, Capoccia (2002) reconstructs the concept by distinguishing relational *anti-systemness* and *ideological-anti-systemness*. The relational anti-systemness refers to a party's ideological distance to the other parties operating in the system. The characteristics what make a party 'relational anti-system' do not necessarily require standing against the values that are fundamental for all democracies. These parties are mainly recognized with their polarizing impact on the system. On the other hand, the ideological anti-systemness denotes the opposition against the core values of democracy.

2.5.2 Numerical Approach

The second approach in identifying and studying minor parties mainly resorts to some numerical criteria. Here, the smallness of a party has been described according to the size of electoral support over time (Muller-Rommel, 1991: 9). Once certain upper and lower cut-off points are somehow decided, minor parties can initially be separated across a given party system and thereafter classified into sub-categories. Therefore, this approach is ultimately subject to the use of quantitative methods. As a leading design in this approach, Mair (1991: 43-45) has developed a

method by which parties are distinguished under large, minor and ephemeral (micro) types on the basis of their performance in the elections taken into consideration. In that analysis covering the period between 1947 and 1987, Western European minor parties that had contested at least three elections have been analysed by examining their trends in the electoral support. Whereas ephemeral or micro parties, which poll less than 1 percent, have not been included into the study, small and large parties have been defined as respectively those obtaining between 1 and 15 percent and those obtaining 15 percent or more of the national vote.

Figure 2.2 Mair's numerical criteria in classifying parties based on the size of electoral support



Mair (1991: 46) found that there was a quite large variation in the numbers of small parties, amounting to 2 in Austria, United Kingdom and Ireland; 3 in Switzerland; 4 in West Germany; 5 in Sweden; 6 in Finland, France and Norway; 8 in Italy; 11 in Denmark and the Netherland, and 12 in Belgium. In general, 86 out of 200 parties for which data have been gathered fulfil his threshold of smallness. Mair's analysis continues with a further step of investigation to distinguish countries into four different clusters in relation to the percentage of group votes of small and large parties. Countries, in this respect, have been classified as *large party systems* (Austria, Ireland, United Kingdom and West Germany), where large parties have an overwhelming impact with the mean vote of 83 percent against 12.7 percent for small parties; *small party systems* (Denmark and Sweden), where the mean vote for the small parties is nearly 60 percent against 40 percent for the large parties; *intermediate systems* (Finland, Italy, Netherland and Norway), where the mean vote of small parties amounts to 35 percent; and lastly *transitional systems* (Belgium, France and Switzerland), which comprises the countries shifting from large to intermediate or small party systems or vice versa.

Since the numerical criterion treats electoral profiles as a starting point rather than conclusive, in the last part of his study, the aggregate electoral success of small parties has been associated with different party families. Accordingly, he observed that small party block was generally dominated by socialist, liberal and Christian parties, although the latter two have experienced electoral erosions over time (Mair, 1991: 57-61).

A different adjustment of quantitative criteria has recently been used by Coakley (2010: 507-508). This is akin to Mair's classification with the exception of the exclusion of 'large party' group. He suggests that the classification can be made by distinguishing ephemeral and established types amongst minor and micro parties. The refined criteria employed in his classification as follows: (1) *established minor parties*, which obtain a minimum of 1 percent in at least three elections, (2)

ephemeral minor parties, which obtain a minimum of 1 percent in fewer than three elections, (3) *established micro parties*, which obtain less than 1 percent in at least three elections, and (4) *ephemeral micro parties*, which never obtain more than 1 percent in fewer than three elections

Overall it can be argued that the numerical criteria have the virtue of simplicity on the one hand and the defect of arbitrariness on the other (Smith, 1991: 25). The bewildering problem may arise when the cut-off points are decided in such a way that the numbers do not have the same meaning in every country (Lucardie, 1991: 116; Deschouwer, 1991: 135)²¹. While this criticism is quite fair especially when the criteria are applied in more than one country, the numerical approach can still be defended as long as the distinctions make empirical sense in a specific research context (Blais, 1973: 426)²². Accordingly, some scholars deploy a more reflective line tailored to fit the specific circumstances of a given legal context in which the studied parties exist and perform. For instance, when Rashkova and Spirova (2014) investigate that how the legal constraints overall affect the Bulgarian small parties, they differentiate parties with regard to the electoral and public funding thresholds. This indeed entails a proper frame in case the research is predominantly concerned with analysing the impact of party regulations. Although their upper line, which is adjusted to 10 percent of the share of the votes, might be discussed to be capricious or arbitrary, 4% and 1% percent explicitly correspond to the certain dividing lines determined by the Bulgarian Political Parties Act. The authors have found that the introduction of public funding to the parties with at least 1% of the popular vote in 2005 have led smaller parties to maintain their existence in the system independently rather than to look for electoral alliances that might have allowed them to reach 4% of electoral support, the representational threshold.

2.5.3 Evolutionary Approach

Although Rashkova and Spirova (2014) do not directly enter a specific discussion on their numerical classification of Bulgarian minor parties, their first two types of criteria (1% and 4%), which are respectively based on the thresholds of public funding and representation, can also illustrate Pedersen's evolutionary approach (1982) to political parties. Compared to the sociological and numerical thresholds, this approach provides a more heuristic and comprehensive framework to examine the developmental stages of parties before reaching the final stage of Sartori's 'relevant' party. His typology of thresholds, as explained by himself, has mainly been inspired by the work of Kenneth Janda (1980), who argues that parties are mortal organisations and bounded by a lifespan. Pedersen, who has taken the Janda's lifespan idea as 'the principal

²¹ For instance, Lucardie goes for a more qualitative definition of small (systemic definition) rather than Mair's criterion which does not properly suit to the Dutch party system.

²² Blais defines a third party in the Canadian context as the one which could not succeed to obtain at least 10 percent of the votes in each of the last two elections.

building block' for his method, then suggests approaching parties universally within a continuum of certain thresholds in their lifespan. He accordingly identifies a set of thresholds determining the degree of advancement of a party in its own lifespan. The goal of minor parties is to cross the set of the thresholds as much as possible.

- e. *The threshold of declaration* is fulfilled when a political group declares its intention to take part in elections. At this stage, it is only intention to be made known. Pedersen's criterion to differentiate parties from other organizations is the 'declared intention' to present candidates at elections for public office (1982: 4).
- f. *The threshold of authorization* is the second step in which the legal requirements are fulfilled to qualify for elections. For instance, a certain number of signatures for the registration into ballot paper is one of the typical requirements in various legal frameworks.
- g. *The threshold of representation* is the lower barriers specified by electoral laws to be represented in the parliament. The minimum (effective number of parties) is usually observed where the rules are fixed according to estimation per seat (First Past the Post/majority systems) and the maximum is where the nation-wide thresholds are practiced (d'Hondt version of Proportional Representation with a legal threshold).
- h. *The threshold of relevance* is the minimum level of impact of a party on government to be taken into consideration as a relevant actor .

These thresholds are aimed to distinguish the history of a party in discrete stages each of which simply situates a party as if it undergoes a transformation from minor to major institution or vice versa. In the sense of practicality, Pedersen argues that political parties can be worth to be studied by means of being separated given to the number of thresholds they pass during their lifespan. He, at this point, explicitly disagrees with Sartori (1976), who strongly directs the attention to relevant parties rather than the irrelevant ones.

After almost ten years from the first publication of his typology of party lifespans, he published in 1991, his first (English) empirical in-depth work on Danish minor parties based on this approach. His overall observation was that the participation and representation barriers are quite low and do not deter many minor parties to access the parliament in Denmark. That observed, he also says that their relevance and representation is at risk given that they face tough competition in the parliament and the heavy burden regarding the legislative and other parliamentary work.

Evaluation

Unfortunately, neither the sociological approach nor the numerical one provides a systematic analytical model to study the entry of minor parties into the system on the basis

of the legal framework of elections and parties. The main bulk of research taking these approaches principally seek to argue the policy positions of minor parties in their respective political environment or at wider scale, or to add fresh insights to the classifications of party systems by taking into account the electoral profiles of minor parties. They do not treat the legal context in much detail. For obvious reasons, however, it can be argued that Pedersen's evolutionary approach is the most interesting and can serve as a principal theoretical framework for the investigation of the impact of the law on minor parties. It provides, at least at a theoretical level, a comprehensive perspective to the study of minor parties on the basis of the given range of thresholds from their emergence to their access to parliament and significance to their party systems in parliamentary arena. That said, for a number of practical reasons and given the main research objective of the present thesis, his typology of thresholds needs to be refined in three ways as follows.

The first refinement: Pedersen's 'threshold of declaration' poses some difficulties in practice. First of all, if the emergence of a party depends simply on the declaration of politicians' intention to establish a party, then the difference between political parties and other social organisations remains somewhat ambiguous. Pedersen (1991: 99) himself highlights this ambiguity by saying that

"When does a small organisation or a social movement outside parliament become a 'real' party? It is often hard to tell, since passing the threshold of declaration does not necessarily entail a manifest declaration."

How can these declarations be traced, studied or taken seriously unless there is a single unified platform to record them? Linking the emergence of a party to a declaration of intent may result in a limitless universe of parties. Second, if a 'subjective' declaration with no condition and cost is enough to launch a new party, then how the obtainment of the status of a party can be considered with a potential of acting as a real threshold in the lifespan of a party? Instead of the threshold of declaration, this study proposes to replace his 'threshold of declaration' with the 'threshold of registration' as the main criterion to treat a political organisation as a political party. As argued in the evaluation section of the conceptual discussion of parties, the national laws today mostly set certain formal procedures and requirements for the establishment of political parties. Passing the threshold of registration can also best prove the intention of politicians to run their organisations as political party. It requires a formal action to take at the level of a public authority and, depending on the types and strictness of the requirements, it may act as a barrier against smaller organisations to enter the universe of parties.

The second refinement: There is nothing new in Pedersen's threshold of relevance compared to Sartori's notion of relevance. On the other hand, as argued above, the relevance for a party is not a threshold in the sense of the thresholds of authorization and representation. Recalling the writings of Sartori (1976) on the issue, being relevant for a minor party is rather an outcome of variable political and structural factors that may come to table only after the previous three legal thresholds are passed. Two main factors together determine the degree of relevance of a minor party in the party system: a sufficient number of parliamentary seats to affect the legislative and governmental behaviours of main parties, and a certain ideological position to effectively exert this effect by either making a coalition with the major parties, or threatening the survival of an existing coalition. Even if the combination of the two factors can be seen as a threshold, this cannot be treated as a threshold as if set by the legal framework. For a study, like the present one, which aims to seek the role of institutional framework of elections and parties in the lifespan of minor parties, the threshold of relevance is not therefore a proper component of analytical framework as the previous ones.

The third refinement: Finally, this study proposes to take into account also the impact of public funding regulation on the capability of minor parties in passing the previous three thresholds. Existing research recognises the critical role played by public party funding in the success of new/minor party as an important incentive in compensating the costs of entry (Harmel and Robertson, 1985, Cox, 1997; Hug, 2001; Casas-Zamora, 2005; Tavits, 2006 and 2008, Potter and Tavits, 2014). Briffault (1999: 565) specifically argues that

“Public funding would do a better job than purely private funding in promoting competitive elections, mitigating the impact of inequalities of wealth on the electoral process, and reducing the influence of large campaign contributors on government.”

Casas-Zamora (2005: 39), for instance, finds that public party funding increases the number of minor parties entering electoral competition in some countries. Comparing the systems with and without public funding, Tavits (2008: 116) similarly finds that new contestants increase by around 50% where the state provides funds to parties.

Access to resources is significant for minor parties in particular given their weak organisational structure and lack of name recognition among the electorate. It is argued that, compared to major parties, they do not have a policy or executive histories that the electorate can rely on as cues for governmental capabilities (Hopkins, 2004; van Biezen, 2012). Considering along with the possible financial burden of the thresholds of registration and authorization, public funding can be a crucial source of initial endowment from which to start this process, but only for the parties that have access to it. If funds are allocated based

on past-performance, then most of minor parties with no electoral history will start the campaign at a substantial advantage. Considered this way, some raise the doubt that state assistance to parties may thus end up with ‘the ossification of party systems’ by mostly endorsing the parties in power with high thresholds for eligibility and generous rewards (Paltiel, 1981). In addition, private donors mostly have incentives to fund the parties that (they believe) have a reasonable possibility of success; otherwise they would be throwing away money. Two important caveats to these arguments would be the existence of upper limits on private financing and party spending, as these restrictions could counteract the original funding differential by putting ceilings on the overall costs of doing politics. Examining the impact of party finance regulations in a more comprehensive way, Potter and Tavits (2014) find that where fund parity is high, the party system is more fractionalized with a higher effective number of parties than where fund parity is low.

Overall, taking into account the existing body of research on political finance, the public party funding appears to be another key structural factor in the process of minor parties to access the political arena. As extensively argued in the related chapter, it can either promote a ‘level playing field’ by decreasing the disparity of private financing between major and minor parties, or complicate further the breakthrough of minor parties by overfunding their major rivals. Considering such potential impact, this study proposes to add the threshold of public funding to Pedersen’s threshold approach in examining the effects of the legal setting on minor parties.

2.6 Conclusion

This chapter has aimed to discuss the disputed issues in the study of minor parties in general, to situate the present thesis in the broader literature, and to suggest a proper theoretical approach for the present thesis in light of the established research. Whatever one’s stance in the debate on the concept of political party, the legal definition of parties seems to serve best to the research on minor parties, which makes it possible to study parties from the first instance of their emergence with an official recognition in their own legal environment. It might be practically impossible to identify on a comparative global scale all these organisations which qualify for the title party, but it could be perfectly possible when the research is limited on a small number of cases or a single one by country experts. Such denotation of the concept is of particular importance when the research is mainly focused on the impact of the legal framework of parties.

For this thesis, Sartori’s notion of relevancy poses an equally intriguing question, which precedes his point of interest with the ‘the rules for counting’: How do some parties, but not the others, reach ‘coalition’ or ‘blackmail’ potential, or whichever potential that one develops as a criterion of relevancy? What are the underlying factors-*political, social or institutional*- that condition the

process of being relevant for a minor party? Situating the overarching question of the present thesis within the discourse of ‘relevancy’, how does the legal framework of parties and elections affect the breakthrough of minor parties and the process for them to grow or evolve from an irrelevant to relevant actor of a party system? Considered this way, this research does not necessarily hold a critical attitude towards Sartori’s idea of relevancy. Yet, what is more than this is that it wonders the exclusionary effects of the structural barriers that, in advance, play a part in the appearance or the portrayal of minor parties as the ‘irrelevant’ ones at the end of the day-when the contest is over, and the formation of government is under way. Such investigation can be put somewhere which comes before (in order) the matter of question for which the notion of relevancy has been formulated. It is for this reason that this study does not see the Sartori’s notion of relevancy as a counter argument for itself, but rather the main theoretical source of its research stimulus.

In examining the structural barriers within the law, the present research identified Pedersen’s evolutionary approach as the most interesting and functional one among the approaches taken in the existing body of research on minor parties. Having said that, it should also be noted that Pedersen does not enter a long systematic discussion on how his thresholds work in the ‘lifespan’ of minor parties. As he (1982: 6) puts it:

“The concept of thresholds is a general notion which is universally applicable in all liberal democracies.”

The main contribution of this ‘general notion’ to the field is basically a typology of minor parties on the basis of a set of thresholds. For sure, by this typology, scholars can progressively approach to minor parties rather than ignoring them at once. Yet, this approach should be strengthened by a focus on the mechanism by which the given thresholds from one to the next gradually eliminate the minor parties in practice. This requires the present study to separately review the existing research examining the impact of laws on the process from party registration to the access to the parliament. As will be argued in the analytical chapters, however, although extensive research has been carried out on the thresholds of representation and public funding, no single empirical study exists on the operation of the legal procedures for party establishment, namely the threshold registration, and little is published about the threshold of authorization.

Chapter 3

Research Design and Methods

3.1 Introduction

Having discussed the key vexed questions of the concept of political party and developed the theoretical components of the empirical model of the study, the thesis now aims to illustrate the research design employed in the study. The chapter first presents the researcher's view concerning the place of the study in the broader research methods. In the following sections, the chapter will discuss two general features of the study: the conceptual embeddedness and internal generalizability. Thereafter, the chapter will define the minor political parties in Turkey principally on the basis of the threshold approach. This is then followed by a section elaborating the data collection and analysis processes of the research. In this section, reasons behind the use of qualitative interview technique as an additional source of primary data and its analysis by the strategy of thematic analysis are explained. The final section provides a summary of the chapter.

3.2 Situating the Study: An Intrinsic Case Study

The nature of the overarching and subsidiary questions of the research has guided the study to employ a case study design. Both the active and passive subjects of the research belong to the Turkish setting. The term of case here is used to refer to being sited in Turkey, belonging to Turkish party designation, and being subject to Turkish laws under review. It should be acknowledged that the case of Turkey with its idiosyncratic political and social features, such as

- different cleavages structures within the society Mardin, 1973 and 2009; Kalin, 2008; Carkoglu, 2012
- a turbulent history of civil politics, frequently interrupted by military coups Tachau and Heper, 1983; Hale, 1993; Saallioğlu, 1997; Satana, 2008
- a destabilized party system with new and nascent political actors emerged in each period Ozbudun, 2006a and 2006b

- a troubled democratic context in terms of the practice of minority rights, the rule of law, and the freedom of expression, all of which have a vital role in the involvement of minor parties in the political process
Senel, Guardian, 19th July 2017²³; Kirisci and Toygur, 2018
- and eventually its recently degraded and tainted international status in the areas of political and civil rights (32/100 in aggregate score-*not free*)
Freedom of House, November 2018

may hardly play a representative role in the understanding of the treatment of minor parties in laws at larger scale. This is one of the important limitations of the study. Findings and insights will all be drawn from a single setting that tends to fill a non-typical place in a wider scale in many respects. The case thus hardly provides an ‘inductive’ perspective to the impact of institutional context on the breakthrough of minor parties.

Stake (1995, 2000, and 2003), a prominent scholar in the field of research methods, identifies three types of case study: intrinsic, instrumental and collective. According to him, the researcher in ‘intrinsic case study’ seeks to understand primarily the selected case itself. The purpose is not to build a wider theory or reach some ‘generic conclusions’ about the population at large. The “study is undertaken because of an intrinsic interest” of the researcher in the case that is studied (2003:137). On the other hand, the ‘instrumental’ and ‘collective’ case studies serve to better understand the research phenomenon broadly. The difference between the two is the number of cases, in that, while the ‘instrumental’ case study deals with a single case like the intrinsic one, the ‘collective’ case study comprises a number of cases (cross-case) that represent certain common or diverse characteristics of the larger population (2003: 138). That said, both types of case design eventually allow the researcher to draw broader generalizations about the research phenomenon from a limited number of cases.

Based on Stake’s typology of case study designs, the present study can hardly be approached as the research of a representative kind, or sampling research. The case of Turkey has not been chosen mainly to illustrate other cases, nor for it, as a country, specifically represents a particular problem about the research phenomenon at large scale. Rather, the primary aim of the author of the thesis is to deeply understand the Turkish case itself in light of the theoretical insights driven from the established research. Considering that the study focuses attention on a specific case and a particular party group in it, and the main purpose behind this investigation has not been to illustrate or

²³ Available at <https://www.theguardian.com/commentisfree/2017/jul/19/turkey-erdogan-turkish-democracy> (accessed 5 Nov 2018)

represent the legal processes of minor party breakthrough in other countries, it would be called *an intrinsic case study*.

On the other hand, the research's limits in the generalizability of its findings/insights may not totally be construed as a failure, but a conscious choice made by the researcher. It can be conceded that the weakness of an intrinsic case study design about generating across cases is also tantamount to its strength in detailing, enriching and more incisive depicting of its subject (Yin, 2014: 6-8; Gerring, 2004: 341). This is a conscious choice resembling a sort of trade-off between depth and breadth. This choice is more or less inherent in most of the case study designs. It may limit the strength of the study in terms of generalizability, but obviously provides certain advantages for it, first, to ask more context-specific questions, and second, to efficiently make use of multiple sources in seeking answers to these questions (Hakim, 2000: 61; *'thick description'*-Landman, 2003). As Grandy (2013:2) put it,

“the intrinsic case strives to capture the richness and complexity of the case.”

Not a single source of data in a heuristic type of research can be adequate on its own (Gillham, 2001: 14). If it is admitted that the selected unit of research is always embedded in the real world, its examination then can best be carried out where it appears and survives (Gerring, 2007: 20). Each unit of analysis, as Yin (2014: 86) suggests, tends to be laden with the peculiarities and characteristics of its own context. In this sense, case studies are crucial for the examination of 'the political' within a more detailed design than *'the few variables many cases'* approach (Pennings *et al*, 2006, 41).

3.3 Conceptual Embeddedness

Instead of an argument in favour of a hierarchical relationship between case study and comparative study methods (Lijphart, 1971: 683, large-N methods), this research believes that each method has its own value in tackling with specified questions (Yin, 2014: 6-8; Gerring, 2004: 341). From a methodical perspective, the choice of 'main' method should not hence merely be justified with the condition of whether sufficient data are available or not (if they are, Lijphart suggests large-N method), but also with the nature of research puzzle under investigation and its circumstances. To take an example, smallness in respect of size (even when the concept is merely defined with some numerical cut-off points) is a term which does not have the same meaning in every party system (Smith, 1991: 23). Smallness instead refers to a concept which is peculiar to a particular party system. According to whom under what does a party turn into small or minor? Therefore, one has to look at the respective party system that is shaped and structured by state regulations, and then can label more safely the given party as minor or major. This is what George and Benneth (2004:

19) mean when they identify one of the strengths of case studies to be the ‘conceptual validity’. They note that

“Case studies allow a researcher to achieve high levels of conceptual validity, or to identify and measure the indicators that best represent the theoretical concepts the researcher intends to measure.”

In order to obtain a more truthful depiction of the research subjects, this study has preferred the depth of understanding to the nomothetic sense and generality of findings.

3.4 Internal Generalizability

Despite offering the opportunity for the researcher to gain deeper insights and more truthful depictions of the research phenomenon, case studies are argued to bring along with limits of the generalizability of the research findings/insights (Campbell and Stanley, 1996; Saunders, 2011; Gable, 1994). Campbell and Stanley (1996) argue that case studies are inherently limited in their ability to establish ‘causation’ because of the “degrees of freedom” problem, with many potential causal (and control) variables. It is obvious that single case research designs fall short in their representativeness (Gerring, 2004: 348). The boundedness of setting simultaneously brings about the boundedness of the representativeness of inferences. As such, it might be argued that each case is distinguished from others by its *sui generis* characteristics such as the history of social and political context, the degree of the stability of party system, the economic welfare, the democratic quality, etc., the study’s inferences may not credibly be extended beyond Turkish law and minor parties. This argument is fairly understandable. Findings will all be drawn from a single setting, Turkey.

On the other hand, as will be explicated later, the sampling of the research participants inside case relies on a set of criteria in manifesting some characteristics of Turkish parties, such as certain ascriptions, thematic concepts, practical situations and political dynamics. With multiple party cases included, the study can be called both a ‘collective’ case study (where case refers to parties) within a case (where case refers to Turkey) in drawing internal generalizations inside the Turkish setting (Stake, 2000: 437-438). Since the insights of qualitative data will be drawn from a wide spectrum of circumstances by assuring variety of participants, they will enable the researcher to arrive general inferences for the evaluation of the overall picture of Turkish minor parties. It is in this limited sense that the findings/insights of this research will be generalised (internal generalizability) rather than the sort of generalizability typically attributed to the cross-national research.

3.5 The Identification of Minor Parties in Turkish Context

What is precisely meant by a minor party in this research? This is obviously a crucial step to determine the unit of analysis on which the exclusionary impact of the Turkish law is sought. In order to develop a typology of parties that will make it possible to study parties as emerging as well as disappearing phenomenon, one has to be careful with the definition of the concept of minor party. As argued in Chapter 2, for reasons of relevancy and manageability, the scholars of political parties sometimes focus their attention on a limited number of parties in such a way smaller parties are left out the study. For a study like the present one of which intrinsic interest is on minor political parties, the strategy that serves to delimit the universe of parties by way of certain qualifiers such as relevance or numerical criteria cannot be employed here.

Having mainly adopted the legal approach in distinguishing parties from other social organisations and Pedersen's conceptual framework (1982) as the theoretical model of empirical analysis, the bottom line of the concept of minor party in the case of Turkey is fixed to the 'threshold of registration'. Any organisation which is regarded as political party by Turkish legal system is treated as political party in this research. The upper line of the concept of minor party has been decided to be the point in which the party is not supported with sufficient number of votes to access the parliament and thence barred from representation by the 'threshold of representation', which, within Pedersen's terms, 'defines the ins and the outs in the party system' (1982: 7). Such upper line provides a proper frame in case the research is predominantly dedicated to the understanding of the impact of party regulations and to be responsive from beginning to end to the tenets of legal framework in terms of the electoral system. A strategy that relies on law-dependent cut-off points can also avoid arbitrariness. The upper point of identifying minor parties was hence established by taking into account the election threshold that is applied for general (national) elections within Turkish d'Hondt version of PR since the military coup of 1980. It is 10% of the national vote (Art. 33 of the Law on Parliamentary Elections).

Another issue to be decided within this strategy is the temporal dimension of the upper boundary of the concept. For instance, both Mair (1991) and Coackley (2010) suggest including only 'enduring' parties which are minimally defined as those that had taken part in at least three elections during the period under study. If a researcher carries out a cross-case examination as did the mentioned scholars, s/he may conceivably need to set up some temporal standards in order to make the analysis manageable. On the other hand, this research prefers not to restrict the analysis only to enduring minor parties, but to embrace all registered parties. The parties of which average electoral support are below 10% of the national vote are treated as minor party in this study.

$$\text{Minor Parties} = \sum_{i=1}^n X_i = \frac{X_1 + X_2 + \dots + X_n}{n} < 10\% \text{ (X: votes in percentage, n: number of elections involved)}$$

Table 3.1 Major and Minor Parties Defined in Turkey. Source: the official websites of the Supreme Election Council and the Chief Prosecutor's Office of the Court of Appeal

	Electoral Party	Year of Registration	Number of Elections participated	Average of Electoral Support %
	<i>Major Party</i>			
interviewed	AKP	2001	6	43.9
interviewed	CHP	1992	8	19.8
	MHP	1993	8	16.8
	<i>Minor Party</i>			
	HDP	1990	7	8.0
interviewed	DSP	1985	8	7.2
interviewed	SP	1983	9	7.1
	GENC	1992	2	5.9
interviewed	DP	2006	4	1.6
interviewed	BBP	1993	4	1.0
interviewed	YP	2002	2	0.6
	HYP	2005	1	0.5
	ODP	1994	3	0.4
	BTP	2001	4	0.3
interviewed	VP	2015	3	0.3
	HEPAR	2008	1	0.3
interviewed	MP	1984	5	0.2
	TURKP	2010	1	0.2
interviewed	LDP	1994	5	0.2
	TKP	1993	3	0.2
interviewed	HKP	2005	1	0.1
interviewed	HOP	2002	1	0.1
	DYP	2007	2	0.1
	ANADOLU	2014	1	0.1
interviewed	EMEP	1996	3	0.1
interviewed	MEP	2014	1	0.05
	KP	2014	1	0.03
	HAP	2012	1	0.01
	Non Electoral Party			
	<i>Total number: 55</i>			
interviewed	ANAP	2011		
interviewed	TBP	2012		
interviewed	AP	2015		

As displayed in Table 3.1, there are currently 82 registered political parties in Turkey. While 27 of them have participated in elections at least once, 55 parties have never taken part in any election since their foundation. This is to say that two-thirds of political parties could not pass the threshold of authorization. The study treats only three parties, the AKP, CHP and MHP, as major political parties based on the ten percentage vote criterion on average. 24 out of 27 electoral parties are minor political parties with an electoral support less than ten percent of the vote on average. The details of the parties that have been interviewed will be explained in the next section.

3.6 Research Data

The data sources of the research are multiple: the qualitative data collected from 19 semi-structured interviews with party leaders and state officials, electoral data and party finance data. It is widely accepted that case studies enable researchers to, first, ask more context-specific questions, and second, to efficiently make use of multiple sources in seeking answers to these questions (Hakim, 2000: 61). As Grandy put it, “the intrinsic case strives to capture the richness and complexity of the case”. Not a single source of data in a heuristic type of research can be adequate on its own (Gillham, 2001: 14). Using a variety of data sources, ‘case study’ design is hence commonly referred to as a broad concept (Remenyi and Williams, 1996: 134), a main method (Gillham, 2001: 13) or a comprehensive research strategy (Yin, 2014: 16). For a case study, all evidence is thought of some value. By the same token, the exclusionary impact of law on Turkish minor parties has been investigated through both qualitative and quantitative types of evidence. As Yin (2014: 16) points out that

“The case study as a research strategy is an all-encompassing method...(it) is not either a data collection tactic or merely a design feature alone...but a comprehensive research strategy.”

It is in this broad sense that the available data comprising of both quantitative and qualitative kinds has been used with their own methods of analysis in this research project. The Turkish context is beheld as, with Gerring’s terms (2007: 18), *a relatively bounded phenomenon*. This strategy, as noted below, has been deemed to produce the context-dependent knowledge of minor parties by making use of multiple sources.

3.6.1 Electoral Data

As noted in Chapter 1, the study aims to critically analyse all the electoral systems which have been used in Turkey since the transition to multi-party elections in 1950. The analytical tools used in the study are explained in the related chapter. The study on the whole covers nineteen general elections. The results of each election per party and district have been derived from the online official dataset of the Supreme Election Council of Turkey²⁴. All the elections results can be seen in Appendix A (p. 216).

3.6.2 Financial Data

In order to get novel insights about the patterns and trends about party financing, the study also utilizes a new quantitative dataset regarding parties’ revenues collected from the financial

²⁴ Available at <http://www.ysk.gov.tr/tr/milletvekili-genel-secim-arsivi/2644>

monitoring decisions of the Constitutional Court on party accounts. The data collection process has been overall tough and slow. The public institution in charge of monitoring party accounts in Turkey is the Constitutional Court. The monitoring procedure proceeds in two steps: Preliminary and final examinations. The Court issues only the final reports on its own website²⁵. The monetary data has been derived from these reports most of which are disorganized in content and span over tens of pages with detailed legal descriptions.

This study uses the financial data to examine the competitive position of Turkish minor parties in elections and to understand the impact of public funding on the playing field. Chapter 7 takes a closer look at how private and public income annually and periodically diffuses among Turkish parties. Given the high number of parties on the register, the focus is rather concentrated on the electoral parties, which proved to have had branches in no fewer than half the country's provinces six months before elections (*the threshold of authorization*, Chapter 5). Bearing the burden of maintaining local divisions at the requisite level, these parties represent the group with relatively more economic security compared to the others that have never involved in the cost-bringing processes of elections. This is to say that the degree of the disparity depending on an all-inclusive sample (including non-electoral parties), by any chance, would probably be greater than the one observed here.. After confining the sample to electoral ones, the study has collected the data of each party back to the year of the previous election, and then pooled these data into a single unit.

To take an example, 15 parties partook in the 2011 Election. For the analysis of the distribution of income in the years of 2011, 2010, 2009 and 2008, the study gathered the data of the participants of this election. This has offered specific vantage points from which to assess the playing field of each election cycle (how much contestants managed to raise in the period from the previous election to the one that they participated in).

The period of the analysis starts in 1996 because only few of the earlier auditing reports are made available by the Court. It also ends in 2013 as the Court has not yet overseen the accounts of the three major parties (AKP, CHP, MHP) for the following years due to its heavy workload (the interview with the Court's rapporteur). The raw data were culled from a total of 287 reports that cover a period of 18 years spreading over four and half election cycle (1999, 2002, 2007, 2011 and the first two years of the 2015 one). The data in Turkish currency have been first standardized to September 2018 prices²⁶, and then converted to British Sterling²⁷. All the data can be seen in tables in Appendix B (p. 224).

²⁵ Available at <http://www.anayasa.gov.tr/icsayfalar/kararlar/kbb.html>

²⁶ Consumer Price Index of Turkey. The study has used the online calculator of Turkey's Central Bank. See at http://www3.tcmb.gov.tr/enflasyoncalc/enflasyon_anayeni.php

²⁷ £1=TL7,6

In order to give a synopsis of each year and election cycle, four indicators have been developed:

- the ‘effective number’ of parties in respect to private income and public funding (*ENPIP*: ‘effective number of private income parties’), based on the *HH* Index:
- the percentages of the income of the parliamentary parties in the total income of all electoral parties,
- the percentages of the income of the most resourceful three parties outside the parliament in the total income
- the number of parties which have raised just less than one percent of the total income

Effective Number of Private Income and Public Funding Parties: As originally developed to measure the size of firms in relation to the industry by Herfindahl and Hirschman, and also adopted in political science to measure the effective number of electoral and parliamentary parties (Laakso and Taagepera, 1979), this study has similarly applied the index to measure the concentration of parties’ income and the relative weight of the monies raised by parties in total income of all electoral parties. It was calculated by dividing 1 by sum of the squares of the share of income of each electoral political party in total income.

3.6.3 Interview Data

Another contributing step of this research has been taken by means of the thematic analysis of the qualitative data gathered from the in-depth/semi-structured interviews with seventeen party leaders and two public officials. Qualitative research is described as in, can be described as a type of research that involves examining ‘non-numerical data’ (Miles and Huberman, 1994) and an array of interpretive procedures which aim to describe, decode, translate and come to terms with the meaning, not the frequency of certain more or less arising phenomena in the social world (Van, 1983). Denzin and Lincoln (1994: 6-7) similarly asserts that qualitative research is multi-method in focus with an interpretative attitude to its subject matter. The common feature of these descriptions is that they mutually emphasis on the aspect of qualitative research in comprehending the research subject in terms of meanings which can be obtained best in its natural environment.

In general terms, the interview approach is the most widely-used form of research method in qualitative research across many disciplines (DiCicco-Bloom and Crabtree, 2006; Myers and Newman, 2007; Schultze and Avital, 2011) It has been accepted as a tool for generating rich data with regards to a specific research inquiry (Schultze and Avital, 2011) and considered to be a powerful approach through which to gather primary research data (Myers and Newman, 2007). Basically, an interview is ‘a learning process’ (Edwards and Holland, 2013), an ‘interchange of views’ (Kvale, 2008; Kvale and Kvale, 1996) and a ‘social interaction’ (Myers and Newman, 2007) between two people, the researcher and the interviewee, about a theme of common interest. The

interviewer engages the interviewee in a direct interaction to obtain a deeply contextual, nuanced and authentic perspective about a research problem (Schultze and Avital, 2011; Kajornboon, 2005). This enables the uncovering of the research phenomenon in a deep and rich manner as the researcher gains access to ‘depth’, ‘subtlety’ and ‘personal feeling’ of the interviewee rather than a superficial level of the experience (Schultze and Avital, 2011).

Since the purpose of this research is to elicit rich information with regard to the discriminatory impact of the law on minor political parties, it was thought that using interviews would be the best research instrument to gather data about the research subject from a human perspective. Undoubtedly, the electoral and financial data can be so helpful in analysing the thresholds of representation and public funding in particular, but also inadequate when it comes to a holistic and in-depth examination of the whole process. More specifically, we know almost nothing through numbers about what parties go through at the pre-electoral stages from registration to the polling day. The interviews have enabled this study to gain important insights concerning these stages. In addition, the qualitative data can contribute further to the analyses of the quantitative data. In this respect, Gillham (2001: 11) highlights the importance of qualitative research in enabling the researcher ‘to explore complexities that are beyond the scope of more controlled approaches’ and ‘to view the case from the inside out: to see it from the perspective of those involved’. Miles and Huberman (1994: 10) also points out that “qualitative data are useful when one needs to supplement, validate, explain, illuminate or reinterpret quantitative data gathered from the same setting.”

3.6.3.1 Why Party Leaders?

Considering the context of the research, the study first decided to recruit party leaders, being well-informed and high-status individuals in their parties, as research participants. There are four main reasons that this study has chosen party leaders as interviewees.

- a. Political culture:* It is argued that the military intervention of 1980 has brought about a political culture in which party leaders have become more presiding than party ideology in appealing to the electorate (Kabasakal, 2014: 704). Some scholars argue that an important result of the last military coup (1980) has been the depolarization of society by introducing strict curbs on ideological organizations (Ozbudun, 2006: 129). Relatedly, Yavuz (2009: 118-120) asserts that the loyalty of Turkish party members to their parties can better be explained with party leaders instead of party ideologies or principles. It can therefore be said that the role of party leaders is relatively more vital than the other central organs of parties in Turkish politics. Taking into account the said central role of party leaders in Turkish parties, it can be claimed that party leaders can voice the institutional views of their organisations in a more agreeable way.

- b. Professional experience/Occupational knowledge:* This research considers that an important feature of party leaders' knowledge relies on their privileged access to procedural issues in party management. They tend to be the most competent individuals to obtain institutional knowledge as to what extent party laws influence their parties in organizing, campaigning and financing, and how. They are expected to be in a better position to provide what the organisational reality is. Their technical (what) and procedural (how) knowledge about party operations is combined with experience which cannot be acquired through educational qualifications only.
- c. Authority/Responsibility:* Not only the procedural information of the party leaders is of importance for their expertise, but additionally the authority and responsibility for problem identifying and solving related party affairs. In this sense, in comparison to other organs concerned with the administrative affairs, the responsibility for identifying problems, solutions and new strategies is much more incumbent upon the leaders as the chief authority of their parties. Since the ultimate responsibility for the leadership practically lies with the leaders, they are the ones who can be called to account by members and electors for the things that are done or not done regarding organizing, financing or campaigning. Particularly within the minor parties, they sometimes become relatively more hegemonic in the process of decision-making.
- d. More relevance within the organisational structure of minor parties:* From an organisational point of view, one of the differences between established and minor parties can be observed in their task sharing. This is a matter of adequacy of competent staff and financial resources. Less institutionalized and less resourceful parties should tend to employ fewer paid-employees for their administrative activities. These parties are mostly led by one person or a small number of individuals who are devoted to undertaking administrative duties from accounting to spreading leaflets, from arranging dates and halls of party congresses to keeping membership records or renting party offices. It can be said that the lack of qualified personnel and financial resources in smaller parties may result in a party leadership which has a more administrative and practical knowledge in party management and more authority in the decision-making process.

3.6.3.2 Sampling: Which Parties?

The process of deciding the research sample is a crucial component of the research design (Cresswell, 1998; Wilmot, 2005). Its significance lies in the fact that the choice of sampling strategy has a profound effect on the quality of the overall research (Coyne, 1997) and is vital to "provide unbiased and robust results" (Wilmot, 2005: 1). Notwithstanding its importance, deciding a sampling strategy to select a subset of participants to represent the population of the study at

large is a complicated issue in qualitative research approaches as in quantitative ones (Coyne, 1997; Onwuegbuzie and Collins, 2007).

With this in mind, scholars have also argued that ‘purposive sampling’, also known as qualitative sampling, is the most often employed sampling strategy for carrying out qualitative investigations (Devers and Frankel, 2000). Maxwell (1997: 87) describes purposive sampling as a type of sampling in which, "particular settings, persons, or events are deliberately selected for the important information they can provide that cannot be gotten as well from other choices". Purposive sampling is regarded as a non-probability sampling technique whereby the potential candidates are selected based on certain characteristics of a population with “specific purposes” (Teddlie and Yu, 2007: 77) owing to “the qualities they possess” (Tongco, 2007: 147). In doing so, it is believed to provide “the greatest insight into the research questions” (Devers and Frankel, 2000: 264).

For this reason, it was decided that purposive sampling would be the most proper sampling strategy to be used in this research. At the beginning of the research, the researcher made a list of Turkish major and minor parties identified as promising candidates, using the criteria displayed in Table 3.2. The potential parties for interviews were approached via different means including email, phone calls and social media (Twitter). In the first contact, the identified candidates were also provided with detailed information about the study and the participation process. While some were reluctant to participate, few decided not to participate. At the end of the process, 17 different political parties participated in the fieldwork, and the variety of the parties interviewed successfully met the sampling criteria that were identified in the research design.

Table 3.2 The sampling criteria of the research

Sampling criteria	Parties	Approached	Interviewed
Major party	AKP, CHP, MHP	All	AKP (deputy leader), CHP (deputy leader)
Minor Party			
Former Incumbent	ANAP (1983-2002), DSP (1991-2002), SP(1991-2002), DP (1987-2002),	All	DSP (deputy leader), SP (deputy leader), DP (leader)
Electoral Strength	HDP (8%), DSP (7.2), SP (7.1%), GP (5.9%), DP (1.6%), BBP (1%)	All	BBP-leader (DSP, SP, DP)
Membership Size	DP (588,652 members) SP (244,297 members) GP (51,428 members) DSP (38,770 members)	All, except for GP	(DP, SP, DSP)
Revenues (2011 accounts)	DP (£2,063,444) SP (£1,076,384) BBP (£455,667) TKP (£356,108) HSP (£301,984) DSP (£283,369)	All, except for HSP	(DP, SP, BBP, DSP)
New Contestants (2015 Nov Election)	VP, ANADOLU, MeP, KP, HAP, TURKP, HKP, HOP	All	VP (leader), MeP (leader), HKP (leader and seven party officials together), HOP (leader)
Experience in Elections	SP (9), DSP (8), HDP (7), MP (5), LDP (5), DP (4), BBP (4)	All	MP (leader, deputy leader, the chief of the Istanbul branch together), LDP (leader), (SP, DSP, DP, BBP)
Ideology against the Constitutional Order	Noticeable parties HDP EP TKP, HKP, HurP TSIP DSIP HOP YSGP KP	HDP, EP, TKP, HKP, HurP, HOP, YSGP	EP-deputy leader (HKP, HOP)
Non-electoral	55 out of 82	ANAP, TUSP, TIP, DLLP, SNP, TBP, AP	ANAP (leader), TBP (leader), AP (leader)

The number of parties interviewed:

17

3.6.3.3 Ethical Considerations

Ethical considerations represent another substantial concern for researchers. Ethics is described as a critical part of the research from its design to the analysis of the research findings (McAndrew and Jeong, 2012). As noted by Ritchie et al. (2013: 78), it is actually the “heart” of high quality research. In accordance with its high importance, the researcher followed certain procedures to obtain ethical approval, and ensure that this research abided by agreed ethical codes of conducts. The procedure prior to the fieldwork consisted of two main steps to seek permission to conduct the study. First, a letter was sent to the Chief Prosecutor’s Office of the Court of Appeal (CPO), which has the responsibility to keep and save all the related party documents, providing a detailed information about the study and the research aims behind the interviews, and seeking approval to gain their permission. The importance of this step was that, although approaching political parties with either an academic or non-academic purpose is totally free and not subject to certain formal procedures as did this researcher, getting a positive response from the CPO and informing the potential participants accordingly about this facilitated access to the political parties and helped in reassuring the parties about the academic purpose of the interviews and getting quicker responses.

Second, the study sought approval from the Research Ethics Committee (REC) at Brunel University London, where the researcher was based. A written application with the details of the study was submitted to the REC of the University’s Department of Politics and History, and the ethical approval was granted for the research. The other central ethical consideration before each interview was to secure informed consent of the participant. The participants were provided a document that summarised the aims of the research, its overall objectives, what would be expected of them as participants, and the funding of this research by the Ministry of Education of Turkey (for the Participant Information Sheet in English and Ethical Approval letter, see Appendix C, p. 233). Only after they provided their consent, the researcher launched the interviewing process.

3.6.3.4 Interview Process

In the first few minutes, the participants were once more informed about the purpose of the interview and their expected role. For purposes of recording, the participants were again re-briefed about the research code of conduct and asked for their permission for audio-recording of the interviews. At the beginning of each recording, they were also reassured that the materials gathered during the interview process would only be used for this research and would be discarded after analysis.

The researcher applied a semi-structured interview strategy. The interviews began by moving from general questions about the overall background of the party in question, to specific and open-ended

questions structured around the four main themes of the study party registration, ballot access, electoral rules and party financing (See Appendix D, p. 238).

First, open-ended questions allowed the researcher to ask party specific questions and to derive some conceptual insights from the participants' views in order to link theory and practice. A main presumption taken granted by this research is that certain technical and occupational knowledge including values and subjective interpretations can better be obtained from the party leaders as participants. For this reason, the quality of the interviews can vary to the extent that the participant party leaders contribute thematically to existing accounts of impact analysis of party laws. Using a combined strategy between the flexibility and the semi-structured features, the leaders in the interviews were encouraged to enhance new topics for the analysis in that manner.

Second, the interviews pursued an interactive or conversational manner (Kvale and Brinkman, 2009: 123). In this respect, Warren (2012) describes interviewing as *social interaction*. Burgess (1984: 102) put it in different terms, '*conversation with a purpose*'. Similarly, Miles and Huberman (1994) divide qualitative data analyses into three approaches one of which is *collaborative social research*. In this genre, the accompaniment of the researcher takes one of two commonalities: *Reflexivity* or *dialectics*. For the account of that interaction, there were some personal requirements for the success of this process. During the interviews, the researcher tried to reflect his potential in the following areas:

- Deep information and understanding about the research subject (Johnson and Rowlands, 2012: 103),
- Listening carefully
- A clear mind to quickly understand what the participants were saying or implying, and to decide about what to pursue and formulate simultaneously-the follow-up questions,
- A good memory in order to recall the points made earlier by the participant to seek further clarifications (Legard *at al.*, 2003: 142-144).

Third, the value of in-depth interviewing for this research can be explained with the nature of its major and subsidiary questions. Johnson and Rowlands (2012: 102) argue that in-depth technique is best suited to the research questions which interest in *what* (descriptive) and *how* (explorative) questions rather than *why* the observed subject acts in a particular way. For this research that deals with both descriptive and explorative questions, in-depth interviews enabled the researcher to encourage the participants to share their feelings or subjective understandings of the legislation under study, and their value-free knowledge/experiences.

3.6.3.5 Data Analysis Process: Thematic Analysis²⁸

Prior to the data analysis process, the audio-recorded data of the 19 interviews were transcribed verbatim. Consequently, this resulted in a vast amount of textual data. Once transcription was complete, the researcher started to analyse the qualitative data in accordance with the general procedures of thematic analysis. It should be noted that analysing such vast amount of data is 'not a simple or a quick task' (Pope, Ziebland and Mays, 2000: 116). This is actually widely recognized as the most complex, time consuming, and labour intensive part of qualitative research process (Cresswell, 2013; Pope et al., 2000). It is a systematic and iterative process, and it is recommended that this process commences at an early stage in the data collection (DiCicco-Bloom and Crabtree, 2006).

There are various types of data analysis methods used in qualitative research, including discourse analysis, content analysis, semiotic analysis, narrative analysis and thematic analysis (Braun, Clarke and Terry, 2014; Liamputtong, 2009). Of these, content analysis and thematic analysis are the two commonly used methods in qualitative research inquiry across a range of fields. These two approaches are argued to have some similarities and differences in handling the collected data (see Joffe and Yardley, 2004; Braun et al., 2014).

For the present study, thematic analysis was identified to be the most efficient method to analyse the interview data. According to Braun and Clarke (2006), thematic analysis is a method for identifying, analysing, and reporting themes and patterns within data. Boyatzis (1998) also defines it as a process for encoding qualitative evidence that allows researchers to organise, process, and interpret the data. It provides researchers with a way of seeing and making sense out of seemingly unrelated material/data (Alhojailan, 2012). Furthermore, it offers a rich set of findings/insights (Lamb and Kling, 2003) by focusing on identifiable patterns in the fragment of texts (e.g. interview scripts) (Aronson, 1995). It helps the researcher to gain deep insights to understand complex research phenomena (Smith and Firth, 2011) and to unearth the patterns salient in the data collected (Attride-Stirling, 2001). Reviewing several sources of research method/methodology, thematic analysis was decided to be the best strategy of this research for three main reasons: First, it is a flexible approach that can be adopted for a range of research questions and theoretical frameworks including those related to identify the impact party and electoral laws, as is the case of this study (Braun, Clarke and Terry, 2014). Second, unlike other data analysis approaches, it is not restricted to limited types of qualitative data. For the semi-structure interviews of this research, thematic

²⁸ The researcher participated in the summer (Ljubljana, 23 July - 8 August 2015) and winter (Bamberg, 26 February-4 March 2016) method training programs of the European Consortium for Political Research. The courses that were participated in these method schools are as follows: (1) Introduction to NVivo 10, (2) Research Designs, (3) Expert Interviews for Qualitative Data Generation, (4) Qualitative Data Analysis: Concepts and Approaches, (5) Advanced Qualitative Data Analysis.

analysis can therefore be seen as an appropriate data analysis method (Guest et al., 2011). Third, compared to other approaches, it does not require labour intensiveness because it is easy and quick to learn. This is especially important for novice researchers, as the researcher of this study.

Although the researcher initially planned to use NVivo, a computer software program produced for qualitative data analysis, to organise and analyse the textual data, the language of the data (Turkish) was not compatible with the program. For this reason, the data were analysed on the hard-copies of the textual data.

In carrying out the thematic analysis of the transcribed interview data, the researcher followed a three-step model of Miles and Huberman (1994). According to the authors, the researcher can analyse the qualitative data in three steps, namely (a) data reduction, (b) data display and (c) conclusion drawing. These steps represent an ongoing, iterative and simultaneous data analysis process.

Miles and Huberman (1994: 10) describe the data reduction as the “process of selecting, focusing, simplifying, abstracting and transforming the data that appear in written-up field notes or transcription”. The researcher achieved data reduction in three sub-steps: two times reading of the whole interview data without any coding activity, the third and partial further readings with a selective approach to identify the themes and subthemes, and finally the creation of codes. As previously noted, the interview questions were structured and guided by the four main themes of Pedersen’s evolutionary approach (1982). Accordingly, the identification of the main themes and subthemes was made in accordance to the thresholds developed in Chapter 2. Each main theme was represented with different colours in the hard-copy of the textual data-*the threshold of registration* with blue, *the threshold of authorization* with green, *the threshold registration* with brown and *the threshold of public funding* with red. The main themes and sub-themes of the data are shown in Table 3.3.

Table 3.3 The main themes and sub-themes of the interview data

No	Main and sub-themes	Code
1	The threshold of registration	TR
	Number of founders	1
	Party statute/program	2
	Submission of application	3
	Ankara-headquarters	4
	Party Definition	5
	Motivation behind party establishment	6
2	The threshold of authorization	TA
	Organisational rules of Political Parties Act	1
	Views (Positive/Negative)	2-3
	Organisational obligations	4
	The difficulties in meeting the requirements	
	Financial Resources	5
	Human Resources	6
General Views about the ballot access rules	7	
3	The threshold of representation	TE
	Views	1
	Campaigns	2
4	The threshold of public funding	TP
	Restrictions on private financing	1
	Caps on donations	2
	Ban on foreign contributions	3
	Ban on Anonymous donations	4

The analysis of the main and sub-themes of the data was presented in the following four analytical chapters. In order to better illustrate and clarify the insights of the research, the study also excerpted vital statements of the participants from the textual data, translated into English, and reported them directly.

3.7 Conclusion

This chapter has outlined the research design of the study and argued the adopted research methods in data collection and analysis in broader terms. First, the study has been defined the research context and justified why and how this research can be approached as ‘an intrinsic case study’. In broader terms, this research relies on a ‘case study’ strategy by an ‘exploratory’ approach (Yin,

2003: 6). This approach entails a methodical standing for discovering, understanding and explaining the subject matter in a bounded context. In this respect, since the investigation has been carried out for a specific country, it, in a sense, represents an idiographic intellectual effort rather than the nomothetic one. Employing a ‘single-outcome case study’ (Gerring, 2006), the study seeks to indicate the outcomes and implications of the Turkish laws on the entry of minor political parties to the system with the use of multiple sources. Next, the chapter discussed in which respects this study has followed a deductive reasoning in approaching the case under study. Thereafter, the chapter clarified the two main features of the research: conceptual focus and the internal generalizability of the research insights. The chapter then turned to define the minor political parties in the Turkish context. Having minor parties identified, within the following section, the methods of data collection were considered, and three sources of the research data were respectively explained: the electoral data, financial data and interview data.

Following the same systematic order of the threshold framework, the succeeding four chapters present the research insights in light of the collected data.

Chapter 4

The Threshold of Registration

4.1 Introduction

Although party and legal scholars have recently shown an increased interest in the increasing amount of party regulations across the world (Janda, 2005; Karvonen, 2007; Avnon, 2007; van Biezen, 2008; van Biezen, 2011; van Biezen and Molenaar 2012; Piccio, 2012; van Biezen and Bertoa, 2014; Gauja, 2016), much of the research, with the possible exception of party finance, has either been descriptive in nature, or focused principally on how the content of these regulations vary across countries. What is less clear is the actual practice of these laws and, more specifically, the operation of the formal processes of the obtainment of the legal status of political party, the procedures for party establishment (*the threshold of registration*) and the access to ballot (*the threshold of authorization*). As previously noted, a general tendency in the study of the impact of institutional context on minor parties is to start the investigation from how electoral systems treat them. Undoubtedly, electoral systems have a pivotal role in the institutional design of politics, and this thesis also carries out an extensive investigation on this in Chapter 6. That said, the interaction between law and political parties in most cases begins much earlier than the stage in which their vote shares are transformed into seats.

For this purpose, attention in this chapter will be directed to the impact of the first legal threshold, namely the threshold of registration, on the emergence of minor political parties in Turkish politics. The threshold of registration mainly refers to the criteria and procedures for establishing a political party. It is a threshold because political parties in many countries are today required to register in a public register before obtaining a place on the ballot. By starting the investigation from the first moment of the obtainment of a legal personality as party, this chapter addresses the questions of how difficult is it for a political organization to register as a political party, and what kinds of costs can be associated to the formal process of party-building in Turkey? Does the law play any deterring role in the formation attempts of new politicians in Turkey?

In addition to these question, there are two other purposes of this investigation. It will enable the next three analyses to rely on an informed stance regarding the foundational background of minor parties, on which the impact of the successive legal thresholds (authorization, representation and public funding) will be sought. Second and more importantly, it will critically appraise to what

extent the conceptual discussion of the term minor or small party, which was reviewed in Chapter 2, is really relevant to the Turkish case taking into account what the law prescribes and the politicians think. To do so, the chapter is divided into four sections. The next section explains the Turkish law under review. The third section, which constitutes the largest part of the chapter, analyses the qualitative evidence derived from the research interviews. Finally, the chapter will summarize the research insights.

4.2 An Overview of the Threshold of Registration in Turkey

Not all the legal systems address the legal status of parties in their laws (Karvonen, 2007; van Biezen, 2008). While some states recognize political parties as specific legal entities even if they do not have an intention to contest elections, the others that mainly rely on a *laissez-faire* tradition and lacks an overarching legislation regulating parties still tend to see parties more as voluntary associations (Gauja, 2010). The term ‘registration’ in the countries of the latter, such as the UK, Australia or New Zealand (Kelly, 2016), specifically reflects the intention of the party to participate in elections or to appear on the ballot paper²⁹, and thus refers to the qualification for ballot access. What is meant by registration in the legalistic traditions, where political parties are explicitly recognized in the fundamental legal texts, such as the constitutions of Germany (*Basic Law*), Turkey and many of the Eastern European countries (Bertoa and van Biezen, 2014), and have enacted detailed laws about their organisations and operation (Janda, 2005), is mostly the obtainment of a separate legal personality in a public register, independently of gaining a place on the ballot paper. In these systems, only after a political organization is registered as a political party, it is allowed to pass to the next stage, the attempt to participate in elections. Given this difference in the way of the official recognition of parties, it can be said that some countries do not regulate the threshold of registration independently of the requirements for electoral participation. For these countries, the requirements which are regulated under the ‘registration’ of parties can better be considered as the requirements for the participation in elections, namely the threshold of authorization.

To have a comparative perspective about the threshold of registration, the study here presents an overview of the threshold of registration in 27 member states of the European Union. The reason that this analysis has been carried out over a limited number of countries is the unavailability of the data of other countries. The party laws of each EU member state has been gathered from the

²⁹ Applicants in the UK need to declare that they intend to contest elections, and once they do not, the Commission is entitled to remove the party’s name from the register (Political Parties, Elections and Referendums Act 2000, art. 33/2) Available at: <https://www.legislation.gov.uk/ukpga/2000/41/contents> (Accessed on 28th Dec 2018)

Chapter 4: the Threshold of Registration

database of the Leiden University³⁰. Table 4.1 illustrates the threshold of registration the 28 Member States of the European Union and Turkey.

Table 4.1 An overview of the threshold of registration in the 27 member states of the European Union

	Country	Number of Founders/ Members	Party statute/ Program	Financial deposit	The electoral participation to sustain the registration	Article
1	Romania	25,000	√	-		19
2	Slovakia	10,000	√	-		6
3	Portugal	7,500	√	-		15
4	Finland	5,000	√	-		2
5	Poland	1,000	√	-		11-12
6	Estonia	1,000	√	-	√	6
7	Czech	1,000	√	-		6-11
8	Lithuania	1,000	√	-		5-8
9	Greece	200	√	-		29
10	Slovenia	200	√	-	√	12
11	Latvia	200	√	-		15-16
12	Croatia	100	√	-		6-17
13	Bulgaria	50	√	-		10-19
	Turkey	30	√	-		8-10
14	Germany	-	√	-	√	6
15	Cyprus	-	√	-		3
16	Austria	-	√	-		1
17	Spain	-	√	-		2-5
18	Hungary	-	- ³¹	-		1
19	UK	-	√	£150	√	33
20	Belgium	Registration for elections				
21	Denmark	Registration for elections				
22	France	Registration for elections				
23	Ireland	Registration for elections				
24	Italy	Registration for elections				
25	Luxembourg	Registration for elections				
26	Malta	Registration for elections				
27	Netherlands	Registration for elections				
28	Sweden	Registration for elections				

Putting aside the countries which do not have a specific regulation for the registration of parties on a non-electoral basis, 18 countries out of 28 impose certain requirements for the recognition of political parties. Unlike the requirements for electoral participation (the threshold of authorization, Chapter 5), it appeared that, with the exception of the UK, countries do not impose a requirement of financial deposit for the registration. As the most common requirement, all the countries with

³⁰ Available at <http://www.partylaw.leidenuniv.nl/> (Accessed on 10th Jan 2019)

³¹ Associations “which state in front of the registration committee that they are aware of the compulsory character of the provisions of this law” (art.1)

the threshold of registration, except for Hungary, expect the applicants to submit either the party program or statute, or both. While thirteen of them enforce a minimum number of funders or members, only in five countries, parties are registered without such requirement. Of those with a minimum number of funders or members, Turkey comes at the bottom with the smallest number of founders. Among the 18 countries, only Estonia, Slovenia and Germany regulates the electoral participation as a condition to sustain the registration. In Estonia and Slovenia, political parties loss their legal status if they do not participate in none of the two consecutive general elections. In Germany, parties are similarly deregistered if they do not contest any kind of elections for a period of six years.

Turning to the research case, in the first decade of the competitive party system in Turkey (1950-60), political parties were regarded more as voluntary organizations, and subject to the general law of associations. According to the Law on Associations (No.3512), enacted in 1938, political parties could be founded by at least seven citizens without any prior approval. They were for the first time explicitly recognized by the Constitution of 1961, which mandated that ‘political parties are the indispensable elements of the democratic life, no matter that they are in opposition or in government’ (art.56). When the first specific party law, the Political Parties Act, was enacted in 1965, their registration was made mandatory under two main conditions: a petition signed by 15 citizens over age of twenty one, and a series of mandatory documents, including party program and statute, to submit with the application form. This act was remained in force until the military intervention of 1980. The new Political Parties Act (No.2820), which was introduced in 1983 and is still in force, slightly increased the minimum number of founders from 15 to 30. According to the art. 8, a political party can be formed by 30 citizens by submitting a series of mandatory documents to the Ministry of Interior as follows:

- the petition consisting of (1) the name of party, (2) the address of the central headquarters which needs to be sited in the capital, Ankara, (3) the personal details of founders (*a*-name, *b*-the date and place of birth, *c*-educational background, *d*-professional occupation and job address, *e*-five copies of birth certificate, *f*-criminal record)
- a statement of each founder declaring his/her will of forming party
- party statute and program signed by each founder

The act also introduces some exceptions for this right (art. 11) as follows: judges and public prosecutors of district and high courts, civil servants, the members of armed forces, the persons charged with infamous crimes (disgraceful offenses) and the crime of terror and the persons sentenced to five years or more with intentional offense. There are two official actors involving in this process:

- the Ministry of Interior with the authority to receive the application and send it to the Chief Prosecutors' Office of the Court of Appeal (CPO)
- the CPO with the authority to keep all party records including the registration documents

Once the application documents are delivered to the Ministry of Interior, the legal personality is gained *ipso facto*, which means that the registration upon submission is automatic.

4.3 Analysis

According to the most recent report of the CPO (January 2019)³², there are currently 82 registered political parties in Turkey. However, the report does not include the parties which were once registered and deregistered later (from 1983 onwards). The missing figures about the deregistered parties have been collected from a number of unofficial sources, as displayed Table 2. The data is presented under the three reasons of deregistration: (1) merging with a different party, (2) permanent dissolution by party's own decision and (3) being outlawed by the Constitutional Court. It should be noted that these figures represent the minimum numbers, meaning that any attempt to rectify the results presented here would possibly increase the figures. Each list can be seen in Appendix E (p. 241) with the details by party title in the original language, registration and deregistration years and the related action that was ended up with deregistration. The main purpose of the collection of the data related to the deregistered parties is to roughly see how many parties so far have been registered since the introduction of the current threshold of registration (1983). As illustrated in Table 4.2, so far nearly two hundred parties have succeeded to register since 1983, and more than half of them have been discontinued. Nearly three quarters of them have not participated in elections at all, and only twelve parties succeeded to pass the threshold of representation.

³² Available at: <https://www.yargitaycb.gov.tr/sayfa/faaliyette-olan-siyasi-partiler/documents/SPartiler03012019.pdf> (Accesses on 11th Jan 2019)

Table 4.2 The total number of registration cases since 1983. Abbreviations: the CPO for the Chief Prosecutors' Office of the Court of Appeal; the TGNA for the Turkish Grand National Assembly

	<i>Number</i>	<i>Source</i>
Currently registered parties	82	The official website of the CPO http://www.yargitaycb.gov.tr
Deregistered parties		
by the decision of party's general congress to join another party	45	-The official website of the TGNA' library https://www.tbmm.gov.tr/kutuphane/siyasi_partiler.html -Five national newspapers' websites (Hurriyet, Milliyet, Cumhuriyet, Yenisafak and Sabah)
by the decision of party's general congress to deregister	22	The official website of the Constitutional Court/the database of court rulings http://www.anayasa.gov.tr/icsayfalar/kararlar/kbb.html
outlawed by the <i>Constitutional Court</i>	22	-The official website of the Constitutional Court/the database of court rulings http://www.anayasa.gov.tr/icsayfalar/kararlar/kbb.html -Five national newspapers' websites (Hurriyet, Milliyet, Cumhuriyet, Yenisafak and Sabah)
by unidentified reason	14	-Five national newspapers' websites (Hurriyet, Milliyet, Cumhuriyet, Yenisafak and Sabah)
Total	185	

	Number	
Participated in Elections at least once	47	15 interviewed
Never participated in Elections	138	2 interviewed
Represented in Parliament at least once	12	5 interviewed
Participated in Government at least once	8	5 interviewed

Eleven of the research participants had actively taken part in the registration process of their parties. They had been personally involved in the process, including fulfilling the requirements and providing the mandatory documents.

4.3.1 General Views

Overall, the registration process in Turkey appears to be the easiest legal routine to follow in a lifetime of a party. The common view is that the basic requirements do not incur any substantial cost beyond gathering 30 eligible citizens and collecting the compulsory documents. Reportedly, all the respondents found the management of the process to be easy. There was slight variation in opinions among those whose predecessors had been outlawed by the Constitutional Court, which will be explained below. For one interviewee, the simplicity of party registration is comparable to

that of an ordinary association with few procedural differences³³ (MeP). The VP leader, holding a doctorate in Constitutional Law from the Freie Universität Berlin, echoed the general attitude by pointing out that

“These rules are currently the most sacred ones for us...the only unchallenged aspect of our laws, which the new entrants can enjoy with no difficulty.”

4.3.2 The Principle of *Ipsa Facto* Registration

This general perception that the registration regime is easy to deal with is strengthened by the awareness of the principle of *ipso facto* registration. One interesting observation was that, apart from two respondents, the main aspect of the process was mentioned by name as the principle of *ipso facto* formation. The majority claimed that they had been conscious of its meaning and what it was offering them during the application. The principle was considered to be the most vital aspect of the process, because it is seen as eliminating two potential problems that may arise during the registration.

- First, the acquisition of legal personality is protected against any bureaucratic impediment or delay by the principle.
- Second, the success of any attempt-made by 30 citizens with the given documents-to enjoy the right to form a political party is not contingent on the approval of either the government or the CPO. Therefore, it provides parties an absolute immunity against any official control during the registration.

The following observations will enlarge on the practice of the Turkish party registration regime further.

First, the CPO’s list of the registered parties shows the extent to which the principle of *ipso facto* registration has been taken advantage of by certain parties. The Political Parties Act (PPA, art. 96/3) prohibits parties to use some words as party name, such as ‘*Communist*’, ‘*Fascist*’, ‘*National Socialist*’ or ‘*Anarchist*’ or the names of religions, races, regions etc., as the underlying ideologies denoted by these terms are seen being a threat to *the constitutional order* and *the national unity* of the state in the Constitution. Quite interestingly, seven minor political parties all of which are either Communist or Kurdish orientated parties blatantly use an illicit word within their names (see Table 4.3). This indicates that even with a quite apparent inconsistency of their names with the given rule, they have successfully completed the registration process, which demonstrates the

³³ An ordinary association can be founded by seven eligible individuals (including foreigners) by making an application consisting of the statute of association. It does not require any permission of the state (The Associations Act 5253).

unbreakable supremacy of the principle of *ipso facto* registration. Unless the CPO asks the Constitutional Court later to reprimand or outlaw these parties, their legal personality officially continue forever.

Table 4.3: The list of parties whose names contains the prohibited words

Party Name	Sanction	Foundation Year	Electoral Experience
United Communist Party of Turkey	The party was outlawed by the Court partly on the ground of using a prohibited name (16.07.1991).	1990	No elec.
Turkey Communist Labour Party	No (<i>Dissolved by its own decision</i>)	1993	No elec.
Communist Party	The party was reprimanded by the Court for the breach of the rule (20.03.2001). (<i>Dissolved by its own decision</i>)	2000	No elec.
Turkey Communist Party	<ul style="list-style-type: none"> •The party was reprimanded by the Court for the breach of the rule (09.01.2002). •The request of the CPO to outlaw the party was rejected by the Court (09.07.2009). 	2001 ³⁴	2002, 2007, 2011
Turkey Kurdistan Democrat Party	No	2014	No elec.
Communist Party	No	2014	2015
People's Turkey Communist Party	No	2014	No elec.
Kurdistan Liberation Party	No	2014	No elec.
Turkey Communist Movement Party	No	2015	No elec.
Kurdistan Socialist Party	No	2016	No elec.

Moreover, some interviewees provided an interesting explanation as to why the number of those whose names breach the given rule increased in the recent years. As shown in the table above, the CPO does not seem to have recently preferred to take any legal action against them. Reflecting on this issue, some noted that the official approach to such 'actionable' incidents have changed in an unprecedented way (VP, AP, AKP and CHP). It was claimed that the CPO has recently adopted a moderate viewpoint in interpreting party freedoms, by which political parties are no longer deprived of legal personality (the title party) on condition that 'they do not attract the state's attention by being so active on the ground' such as receiving public funding, being parliamentary party, etc. (VP). Therefore, the perception of a substantial threat to 'the state order' seems to be influenced by to what extent these parties become involved in the system. This is one of the most striking insights from this part of the interviews. Suffice it to say that this asserted deviation of the

³⁴ The party was founded in 1993 with the name *the Socialist Power Party*, and it was changed to *the Turkey Communist Party* in 2001.

CPO from its former line of action seems to have recently acted as a spur to the registration of Kurdish-oriented and the far-left parties under the prohibited terms-with the courage to confront the risk of being banned. However, that risk, as likened to ‘a sleeping giant’ by one respondent (PP), is still there to be set in motion by the CPO.

Second, the principle gives unconditional immunity to the substance of the party statutes and programs against any ‘appropriateness control’ of the Ministry of Interior and the CPO during the formation. Although both the Constitution and the Political Parties Act 1983 prohibits parties to formulate a party statute and program which do not comply with the founding principles of the Republic of Turkey³⁵, any allegation concerning the noncompliance with those principles, as mentioned in the previous paragraph, can be made only by the CPO subsequent to registration and must be subject to the scrutiny of the Constitutional Court.

When the respondents were asked whether any sort of oppression had been experienced with respect to the substance of the party programs, the overall response was that no involvement or orientation from the state authorities had been encountered during the process. Three interviewees, in this respect, indicated that their party programs, without any attempt at concealment, stood for a set of concepts overtly opposing the constitution (*Marxism* by the HKP, *Kurdish nationalism* by the HOP and EP). The typical case in point came from the registration of the HOP. The party leader informed that his party program advocates ‘a federal system’ promoting a self-determination governance to southeastern part of the country with a notable emphasize on ‘Kurdish people’, which had been, in his view, “clashing with the principle of *the unity of the state*”. The application had not been rejected owing to the principle.

4.3.3 The Precautionary Sense against the Possible Outcomes of the Prohibitive Rules

That said, taking into consideration of the Constitutional Court’s rulings on the former outlawed parties (22 rulings), some of those which aim to take a radical stand against the ongoing regime (*anti-system minor parties*) feel indirectly-restricted during establishing their parties. This underlies the third suggestion of the analysis, that is, the temporariness of the protection of the *ipso-facto* registration induces anti-system parties to take some measures during their formation in order not to confront the similar outcomes with the outlawed parties. Put it another way, those

³⁵ English translation of art. 68/2 of the Constitution 1982: ‘The statutes and programs, as well as the activities of political parties shall not be contrary to the independence of the State, its indivisible integrity with its territory and nation, human rights, the principles of equality and rule of law, sovereignty of the nation, the principles of the democratic and secular republic; they shall not aim to promote or establish class or group dictatorship or dictatorship of any kind, nor shall they incite citizens to crime.’ https://global.tbmm.gov.tr/docs/constitution_en.pdf

which have similar leanings with the outlawed parties are warier of the possibility to be assessed unconstitutional by the Court in a later period.

This sense of unease leads some of them to take the registration regime more serious than the ones emerging from the domain of mainstream politics, and hence more likely to find the process complicated (SP, HOP). For instance, after its preceding party was outlawed due to the party program subscribing to the concept of ‘the right of self-determination of Kurdish community’, the founders of the EP this time has refrained from using certain terms such as ‘Kurdish towns’ and tactically substituted this with ‘the towns of the region’. Its deputy leader pointed out:

“You should build an Aesop³⁶ language...We reinvented our jargon while drafting the new program of the Labour Party. If you know well the history of our opinions, you can easily see how the program this time was saturated with less objectionable references”
(EP)

Reflecting on the same point, the deputy leader of the SP (one of the parties espousing political Islam), of which four predecessors have been outlawed because of anti-secular ideology (MNP-1971; MSP-1980; RP-1998; FP-2001), has argued that ‘the judicial oppression’ through the outlawed party cases lead most of anti-establishment parties to build on ‘the masked declarations’ and to keep their actual viewpoints out of sight.

By contrast, the minor parties whose ideological standing clearly conforms with the established principles of the state underlined their concordant stance on the constitutional principles of the state (DP, YP, BBP, MP, ANAP). This group tends to bring up this concord as a dividing line between themselves and ‘the other extremely tiny-minor parties’. According to them, the population of parties has been crowded by the myriads of tiny parties which do not ‘seek collective solutions’ and ‘organize on a larger scale’ (DP, YP). They want themselves not to be categorized as those which pursue ‘sectarian’, ‘unsecular’ or ‘anti-establishment’ politics against the state. They believe that the prohibitive rules guiding the new entries in terms of the constitutional principles does not aim to constrain themselves, but those who repudiate these principles. Overall, although these parties see the principle of *ipso facto* registration as a positive aspect of the formation regime, they tend to be slightly critical of the easiness of the requirements under review, as it causes overcrowding in party populace.

While the division between the pro-system and anti-system minor parties was worth mentioning, the essence of the extra concern of the latter may not be simply attributed to the registration regime itself. Rather, as suggested by the same respondent from the EP, this can mainly be explained with the psychological impact of the Court’s rulings. In other words, although the registration rules do

³⁶ Aesop was a Greek storyteller (c. 620-564 BCE). His tales were typically characterized by animals.

not deter the political elites on the fringes from the decision of formation, its actualization in some cases is retrospectively conditioned/shaped by the fear of the possible sanctions of prohibition regime coming into force in the follow-up stages of the formation.

4.3.4 Central Party in Ankara

The only downside of the registration regime, which was emerged as a recurring theme through different standpoints, is the obligation to locate party's central headquarter in the capital, Ankara. None of the countries of which party laws were looked at in Section 4.2, including those with a higher threshold in terms of the number of founders or membership, forces their parties to settle in a specific city as such. By this rule, parties are compelled to perform leadership duties in Ankara such as holding the national congress, keeping the combined records of all local branches, or sending/receiving the official letters in the name of the party. However, the evidence indicated that the rule does not fit well the practical conditions of minor parties mainly for three reasons..

4.3.4.1 The real-life necessities

First, the central organizations of minor parties tend to be filled by the founding members of party, who do not necessarily live in Ankara prior to the moment of formation. Unless the founding members are residents of Ankara, the rule thus entails a new environment for them to settle in. It was suggested that this poses some difficulty because party leadership in some minor parties (particularly the smaller ones) is not hold as a single occupation in comparison to that of the major parties or some minor parties (MeP, MP). Politicians in most cases perform their leadership duties simultaneously with an existing profession or an additional post in another civil society movement. For instance, five party leaders interviewed were permanently living in Istanbul at the time of the fieldwork due to their paid-job or another occupation. (The leaders of the AP³⁷ and the MeP³⁸ as academics in Istanbul University, the MP leader as the leader of the Bayrak Association³⁹, the deputy leader of the EP as the deputy leader of the Confederation of Public Workers' Unions⁴⁰, the TBP leader as the leader of the Association of the Culture and Cooperation of the Turkic World⁴¹).

³⁷ Professor and the Dean of the Faculty of Forensic Medicine

³⁸ Professor in the Faculty of Law

³⁹ Located in Istanbul

⁴⁰ Located in Istanbul. Since she was temporarily present in Ankara due to a party meeting, the interview was conducted in Ankara.

⁴¹ Located in Istanbul

4.3.4.2 No seat, no governmental office, and so no interest

Second, some respondents argued that the parties which are not represented in the parliament do not have any worthwhile interest to locate the central headquarters in Ankara as the parliamentary ones (LDP, AP, TBP). Although Ankara is the second most crowded city and the capital, where all the state activities (government departments, the legislature, high courts) are centred, these factors alone are not considered to be reasonable enough to set up the central organization there. As one respondent put it:

“No one can deny the importance of Ankara. It is the capital, the administrative and geographical centre of the country. However, as long as a party is not in the assembly, being there does not bring any advantage on any ground unless it is your own choice.”
(AP)

Similarly, two respondents specifically highlighted that the nature of the relationship between unparliamentary parties and the state as projected by the law does not actually necessitate to administer the party from Ankara (LDP, AP). One of them approached this issue from a more theoretical perspective by pointing out that

“The state treats parties not so different from the public institutions. The rationale, you will come across, is that they have to build on the same structure of a centralized state...” (LDP).

As will be discussed in further detail under the threshold of authorization, the same respondents expressed a similar critical point of view when they discussed the uniform structure of party organizations enforced by the Political Parties Act.

4.3.4.3 Organizational activity area

Third, in terms of the potential of the political movements, Ankara is not seen dynamic as much as Istanbul (EP, TBP, LDP, MeP, VP). One respondent, for instance, described Ankara as ‘the city of civil servants’ (EP). The other two highlighted that the city is densely populated by civil servants and bureaucrats, all of whom are strictly prohibited from involving in politics and being a founder or member of a political party. The LDP leader raised this contradiction by stating that

“While the Act obliges parties to establish the central organization in Ankara, it also restricts many of its residents to involve in politics.”

Furthermore, some see the people of Ankara to have a ‘less civil character’ than those of Istanbul about the emergence or the promotion of new political movements (VP). Some similarly noted that the people of Ankara are relatively less disposed to partake in party activities in general and less interested in any different party other than parliamentary ones (MeP).

“It is a metropolitan with nearly six million people moving around the public institutions and their administrative affairs.” (MeP)

By contrast, Istanbul with the highest population (nearly three times more than Ankara) represents the most heterogeneous and active site of the country for civil movements.

4.3.5 A Loose Conceptualization of Political Party

The easiness of the party formation in Turkey seems to lead a loose conceptualization of political party in political elites' viewpoints. There is no legally enforceable rule in the legal framework to indicate what political parties should aim or do. In this respect, the scholarly discussion whether the electoral function is to be treated as an essential condition of the term political party does not seem to be a pertinent discourse when the issue comes to the Turkish context.

The term of political party in Turkey is officially entitled to any political organization formed by thirty citizens with any political goal. Considering various definitions provided by the interviewees, similarly, the concept is by and large perceived in a way that is not necessarily dedicated to engaging actively and effectively in the competition for the parliamentary representation. Only three minor party leaders raised the importance of the electoral function when discussing the definition of party, but this was barely perceptible (BBP, SP and YP). This indicates that the participation to elections or the aim of the exercise of the governmental power is not widely seen to be the *sine qua non*-of Turkish political parties. The following are the selected citations exemplifying this objection from different interviews.

“Elections are not everything and the parliament is not the single platform to represent the will of people...Our duty is to create an exterior platform for invisible voters” (EP)

“In my opinion, the election is a short-term responsibility to be cared. There are more important things in our agenda, which need serious consideration and effort...not less than elections” (DP)

“We are only committed to the cause of upholding our national values. (It would be enough) to see that our message...is successfully conveyed to our people...Let someone govern the country...This was not the point where this journey began.” (SP)

“This party was founded to specifically deal with the government corruption. We do not have any desire to fill their seats, but gently force them to step down” (MeP)

The prescriptive view confining the term party to only vote or office seekers was rejected by some respondents on the ground that both the Constitution and the Political Parties Act do not dictate

any plan of action to party applications. The deputy leader of the ruling party, the AKP, illustrated this belief by pointing out that “*seeing political parties only as electoral units underestimates their real value that our constitution envisions...Our laws never say what you (referring to political party) should do, but says what you shouldn't*”. For most of the participants, the ability of registering a party is to be viewed as a constitutional issue. In this sense, many respondents agreed on the fact that the party registration regime in Turkey relies on a logic fitting in with a broader concept embracing any political group who aims to influence politics through a wide range of policy priorities or who are more concerned with ‘specific policy areas’ or ‘policy outcomes’ than seeking public office (AKP, DSP, MeP and DP). When the participants were asked about their motivations behind party formation or involvement in politics in general, the following objectives were expressed:

- to voice the interests of ‘unrepresented minorities’, to be ‘the voice of the voiceless people’ (EP, VP, HOP)

- to develop/introduce/bring a new idea/system to public attention

the SP for ‘a reconciliation between Islamic principles and liberal democracy’ under a secular system,

the BBP for ‘the restoration of the Turkish conservatism’ degenerated in the last ten years,

the VP for both nationalism and anti-imperialism, the HKP for Marxist Communism, the MP for nationalism, the HOP for federal governance

- to raise the interests of a specific group/region

the EP for women and workers’ rights, HOP for the Kurdish problem)

- to oppose a specific policy of the government

the MeP for ‘the corruption of the AKP government’, LDP for ‘the oppressive policies of the government on society and financial markets’, BBP for the deterioration of conservative values

- to educate the citizens on politics

the VP about anti-imperialism

4.3.6 Premature Party Formations

The evidence suggested that the registration of a party in Turkey is widely supposed to be the very beginning stage of forming a new political group. Seven of the respondents one way or another

indicated that the party registration had been the initial action for them to begin their political activities/career. The three citations below have been selected to mirror this pattern.

“Seeking people’s votes is a long and exhausting process. To this end, the party formation for us was the first step to launch this process...Finding the supporters who will understand your opinions comes next.” (AP)

“You know...a German old saying puts that well begun is half done. We believe that we got a good start. It may sound simple, but if you can see that coming together under a single political understanding, or let’s say a mutual vision, around forty-three men who mutually keep a dream of serving this country to the death is not an easy thing, you can understand what I mean” (MeP)

“I returned from Balgat⁴². Everyone was waiting me in this room where there was no carpet, no curtain, no kettle to boil water so we may have celebrated our establishment at least with tea...In that meeting which we were discussing the holy⁴³ roadmap of our party, we had only enough chairs, eight or nine tables...a lovely white orchid on each. Our financial neediness was really, really a trivial issue to worry. The only crucial point in this battle is that whether you believe in your cause or not. We did and still do” (TBP)

The low level of legal standards of the concept in Turkey enables any entrepreneurial endeavour to easily end up with party formation. The term party, the one minimally designated as thirty-citizen entity by the law, makes Turkish political parties more likely to emerge within the small groups of political elites compared to such democracies which have higher barriers to register; for instance, Croatian parties with 100 citizens; Greek, Latvian or Slovenian parties with 200 citizens; Czech, Estonian, Lithuanian or Poland parties with 1000 citizens, Finland parties with 5,000 citizens, etc.

The party registration process thus, is likely to complete in advance of testing the acceptability of the idea or the motivation behind the formation. The title party relying on a few individuals is more paramount from the start. During the interviews, this phenomenon often reflected in such terms as ‘signboard party’ or ‘party on paper’ for their hasty formation among a few aspiring people with no relevant sign of life in the follow-up period. Although it would be misleading or oversimplification to suggest that the inflation of premature party formations is caused by the registration regime alone, it can be argued that it does not play any deterring role at all in the formation attempts of neophyte politicians. It does not unidirectionally generate those which do

⁴² The Ministry of Interior is in Balgat, a central district of Ankara.

⁴³ The Turkish word is *kutlu*, which can also be translated as ‘blessed’.

not have any pre-organizational activity or financial sources, but, it is the one which includes very small groups of aspiring applicants early into party designation.

In this respect, the premature formations of parties in which the functions of organizing/mobilizing citizens appear to become a post-registration matter are made possible by the current registration regime. As documented in Table 4.4, Turkey's party registration law can be considered among the most inclusive ones given that the party register today contains organizations as diverse as, on the one hand, real 'mass' parties like the Justice and Development Party with 10,337,144 members, the Republican People's Party with 1,218,611 members, the Democrat Party with 588,652 members, the Nationalist Movement Party with 495,216 members, or the Felicity Party with 244,297, and on the other, for instance, 22 pseudo parties that have no followers other than those who themselves have launched 'the party'.

Table 4.4: The number of members of the registered political parties. Based on the figures of January 2019. Source: The official website of the Prosecutor's Office of the Court of the Appeal. Available at <https://www.yargitaycb.gov.tr/sayfa/faaliyette-olan-siyasi-partiler/1088> (Accessed on 11th Jan 2019)

Range	Number of Parties	
Haven't recruit any member yet (only founders)	22	
$0 < N_m < 1000$	38	5 interviewed
$0 < N_m < 100$	14	2 interviewed
$100 < N_m < 500$	20	2 interviewed
$500 < N_m < 1,000$	4	1 interviewed
$1,000 < N_m < 5,000$	8	3 interviewed
$5,000 < N_m < 30,000$	5	4 interviewed
$30,000 < N_m < 60,000$	4	1 interviewed
Other Parties	Number of Members	
Justice and Development Party (Ruling party)	10,337,144	interviewed
Republican People's Party (Main opposition)	1,218,611	interviewed
Democrat Party	588,652	interviewed
Nationalist Movement Party (in the parliament)	495,216	
Felicity Party	244,297	interviewed

In this legal designation of party, many putative political leaders expectedly tend to start the recruitment of political support by means of forming a party behind closed doors. The only essential is to arrange a small cadre-gathering irrespective of the existence of a mass organization. Therefore, it may not be unexpected to witness that many political parties have been registered and deregistered rapidly (81 of 197), and only one-fourth has experienced elections.

4.4 Conclusion

In Turkey, the registration process of parties is seen being uncomplicated and easy to manage. The common view is that the basic requirements does not incur any substantial cost beyond gathering

30 eligible citizens and collecting the compulsory documents. When a political group or political elite decides to register a political party in Turkey, neither the requirements nor the administrative management of the process seems to play a deterring role in the actualization of the decision. Apart from two respondents (TBP, AP), the characteristic feature of the registration regime was mentioned by name as the principle of *ipso facto* registration. This is to say that nearly all the party elites involved in this study had been fully aware of that once the application is made with no conspicuous procedural defect, such as a petition signed by fewer than 30 eligible citizens or not consisting of a party statute, the official title ‘political party’ is obtained straight away. This principle increases the perceived simplicity/easiness of the party formation in Turkey. The completion of the registration process is guaranteed by such a temporary protection mechanism which prevents the state to take any legal action during the formation on any ground. This immunity against any attempt to oversee applications makes possible the emergence of the far left and Kurdish-oriented minor parties whose ideological stand is not overtly accordant with the Constitution and the Political Parties Act.

At the end of the analysis, two main implications were put forward as follows: The easiness of the party formation in Turkey laydowns/bolsters a loose conceptualization of political party in political elites’ viewpoints. This level of easiness of the registration regime leads political elites to conceive the party formation as the very first platform/stage of forming a new political group with the entry decision of a small group of elites rather than as a confident announcement of the electoral challenge to be made by the one with strong grass roots organizations. In this respect, most Turkish minor parties have been, with Duverger’s terms, ‘internally created’.

Chapter 5

The Threshold of Authorization

5.1 Introduction

Starting with a quite liberal form of law in party-registration stage, Turkey successfully operates in tune with the liberal character of the Western democracies that recognizes ‘the free exercise of the individual right to freely associate and form political parties’ (Guidelines on Political Party Regulation, Venice Commission, para. 14). The overall insight of Chapter 4 is that, considering half of the member states of the European Union with a higher registration threshold, Turkish minor parties are not necessarily unduly disadvantaged by the existing registration regime. That said, this does not mean that it is equally easy to make use of the right of participation in elections. Political parties in many democracies are required to demonstrate a certain level of popular support (petitions with the signatures of voters) or to pay a price (financial deposit) in order to be qualified for elections. By means of these requirements, namely the threshold of authorization, the laws are intended to reduce the number of parties before elections and confine the elections to serious competitors. They do so because ‘there is finite ballot space’, and unrestricted access may cause ‘voter confusion’ (Robeck and Dyer, 1982: 31). Cofsky states that ‘as a functional matter, a modicum of procedural regulation must exist in order to ensure the fair and efficient administration of elections’ (Cofsky, 1996: 355).

Comparatively speaking, the Turkish legislation, when it comes to the requirements of electoral participation, represents an exceptional case among the 47 member states of the Council of Europe. Looking at the current regulations of the thresholds of authorization in these countries, all of which require their parties either to collect a certain number of signatures or to pay a financial deposit, or both, only Turkey introduces the territorial expansion of party organisations as part of the threshold of authorization (see Appendix F, p. 44)⁴⁴. This requires electoral parties in Turkey not only to establish and operate their organisations in the specified size, but also to comply with the organisational provisions of the Political Parties Act when doing this. In other words, the Turkish

⁴⁴ To have a comparative perspective about the threshold of authorization at a broader scale, it is worth looking at the current regulations of the 47 member states of the Council of Europe. To do so, the study has reviewed the OSCE’s Expert Team Reports on the most recent elections of each member states. These reports provide a general summary of the process of candidate registration in the countries under investigation.

legal regime of ballot access involves a highly complicated process that is governed by a detailed party law.

This chapter aims to examine the difficulty of the eligibility requirements of electoral participation in Turkey with a particular focus on the organisational features of minor parties. The chapter is structured under five sections. Section two explains the Turkish threshold of authorization from a comparative perspective. The chapter then turns to analyse the impact of the threshold of authorization on minor parties under two sections. In the first stage of analysis, the study investigates the operation of the organisational provisions of the Political Parties Act. The study then examines the ability of Turkish parties to pass the threshold of authorization and the effectiveness of the threshold in reducing the number of minor parties on the ballot. The final section concludes the chapter with a summary of the research insights.

5.2 The Threshold of Authorization in Turkey

The rules governing who can get access to the ballot need to be counted within the heart of our understanding of where minor parties are situated within the formal political process. Similar to the procedures for party establishment, to date, the ‘exclusionary effect’ of the eligibility requirements for electoral participation, namely the threshold of authorization, on minor parties remains mostly unclear. To the knowledge of the author of this thesis, the research on this subject has been mostly restricted to U.S. laws with a particular focus on the impact of the petition requirements on the number of ‘third’ parties or independent candidates in the House and Senate Elections (Robeck and Dyer, 1982; Lewis-Beck and Squire, 1995; Stratmann, 2005; Drometer and Rincke, 2009). The prominent studies in the European context appear to be the ones carried out by Harmel and Robertson in 1985 (19 countries mostly from West Europe) and Tavits in 2007 (15 Eastern European countries). Both of the cross-case studies, however, treat the ballot access rules just as one of the several independent alternative variables (social, political and structural) tested in their broader query of ‘new party’ success. While these studies have certainly wider contributions to the understanding of the prominent factors of new party emergence or success, they do not deal with the subject matter in much detail, and do not say any more than that ballot access rules do not have explanatory value in the number of new parties (Harmel and Robertson, 1985: 516) or that new party entry decreases when the monetary deposit is set as a condition for electoral participation (Tavits, 2007: 127).

When it comes to the case of Turkey, such expositions turn out to be completely unsatisfactory because there is a unique legal barrier to be surpassed by parties there. Starting from the earlier periods of her competitive party system, parties in the 1950s, when they were not specifically recognized in the law and elections were run under majoritarian electoral system, were required to organise only in the districts in which they want to contest in order for their names printed on the

ballot. The law did not oblige them to contest in a certain minimum number of districts. With the transition to proportional representation in 1961, the corresponding law forced aspiring electoral parties to be organised and nominate candidates in at least 15 provinces of the country. Finally, the new law adopted following the last coup in 1983 increased the organisational and nomination requirements from 15 provinces to the half of the country. The threshold of authorization in Turkey currently comprises of three requirements: (1) the territorial expansion of party organisations, (2) the minimum number of candidates, and (3) the meeting of ‘the grand congress’ of the party.

According to the law, parties, first of all, should be organized in at least half of the provinces of the country six months before the election day (Political Parties Act, hereafter PPA, art. 36). A province is the highest tier of sub-national administrative division in Turkey. To accept a party organized in a province, the law expects them to also register branches in at least one third of the sub-provinces in the given province before the specified time frame. Based on the official list of the Ministry of Interior⁴⁵, there are currently 81 provinces containing varying number of sub-provinces that amounts to 919 across the country. Accordingly, the minimum requisite number of local organisations for electoral participation amounts to 41 (out of 81), and variable number of sub-provincial branches depending on the size of the provinces where the party is organised. In the assessment of the minimum number of provincial organisations, there is no difference among the provinces of different size, meaning that the smallest province, Bayburt, with two sub-provinces (one branch is required) or the largest one, Istanbul, with 39 sub-provinces (thirteen branches are required) is counted as a single province.

Second, political parties should present a full list of candidates in at least half of the provinces to be able to contest elections (PPA, art. 13). Although it is unclear whether these provinces should be exactly the same provinces where the party is organized, the research respondents noted that in practice parties are allowed to nominate candidates in the provinces that they are not organized. The law also specifies a series of obligatory documents in the submission of nomination of candidates, such as criminal record document, education certificates, the notarized financial statement showing personal properties and assets, the notarized ‘register’ records of family members (spouse-children) and the official letter confirming the completion of the obligatory military service for male candidates.

Lastly, the party should hold the last mandatory ‘grand congress’ meeting. According to the PPA (art.14/4), the grand congress, which is composed of the delegates from the local organisations, is the highest authority of the party, and should meet at least once every two years in the capital, Ankara.

⁴⁵ The database of the Civil Administration Department of the Ministry of Interior, Available at <https://www.e-icisleri.gov.tr/Anasayfa/MulkiIdariBolumleri.aspx> (accessed 11th July 2018)

The public authority in charge of determining the eligible electoral parties is the Supreme Election Council (the Act No. 298⁴⁶). Following the calling of election by the parliament, the Council immediately asks the Chief Prosecutor Office to send the organisational records of each registered party in the six month-period prior to election. Assessing these records on the basis of the aforementioned requirements, the Council issues the list of eligible parties in the Official Gazette two months before the elections.

5.3 Analysis-Stage 1

As explained above, the Turkish threshold of authorization primarily relies on the territorial expansion of party organisations. At this point, the PPA (art. 13-35) at length regulates how parties should organize from national headquarters in Ankara to provincial and sub-province branches. It contains a thorough list of provisions dealing with the issue ranging from the obligations, competencies and size of intra-party organs at each layer to the procedures for candidate selection. According to the law, the central organisation of parties should consist of (1) grand congress, (2) decision committee, (3) executive committee and (4) disciplinary committee as mandatory units. Political parties can also optionally establish women and youth branches. Each provincial or sub-provincial branch is forced to apply a similar structure of central party and to use a separate party office⁴⁷.

As the first stage of investigation, the study looks at how Turkish political parties in general view the statutory model of party organisations outlined above. To this end, participants were first invited to remark on the organisational provisions of the PPA. The respondents expressed both positive and negative arguments. The positive arguments were made by the politicians from the two major parties and four minor parties which are (1) electoral, (2) relatively bigger in membership size, and (3) financially stronger. These participants generally believe that the law renders a proper organisational structure to effectively govern the party, makes parties familiar with the idea of state administration, and encourages them to organise at local level. Interestingly, all the research respondents, including those who shared some positive views, also one way or another made negative comments on the law. On the negative side, the respondents voiced the arguments that the law excessively intervenes in parties' own organisational affairs, it enforces an organisational model that does not suit to their preferences and it places onerous obligations and responsibilities on local organisations. Quantitatively speaking, among the seventeen parties approached during the fieldwork, while the positive views were expressed by only six parties, the

⁴⁶ Available at https://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc071/kanuntbmmc071/kanuntbmmc07103420.pdf (accessed 6th Oct. 2018)

⁴⁷ The only exception is that the sub-provincial branches are not required to form 'disciplinary' committee.

negative ones were raised by all the parties without any exception. This suggested that, first, none of the politicians with a supportive approach to the law holds a uniform view towards the statutory organisational model in question. Second, the provisions under review are mostly ill-famed for the stated reasons.

5.3.1 Positive Arguments

5.3.1.1 Effective Management of Party Organisations

First, some interviewees argued that the organisational structure enforced by the PPA provides a considerable degree of autonomy for party leadership over local branches. This is seen conducive to the effective management of party organisations by the central party that plays a crucial role especially in the initial stages of party formation (VP, BBP). Although the terms used during the interviews have varied such as ‘party discipline’, ‘party integration’ or ‘organisational harmony’, five participants, including the deputy leader of the government party, expressed the idea that the degree of centralisation imposed by the PPA is essential for the central party to efficiently control the party on the whole. The comment below was made by the deputy leader of the SP.

“Each individual inside the party should completely be aware of the contours of his status, his power and his responsibility...Our main strategy is a clear division and understanding of responsibility and power inside the party. We see all these in our law.” (SP)

Relatedly, some Turkish legal scholars claim that the decision-making process in Turkish parties tends to be dominated by a handful of elites partly because the PPA debars local organisations from an effective control mechanism over the party leadership (Ozbudun, 2006: 132; Ozcan and Yanik, 2007: 51). Although the opinions of the research participants varied in discussing the appropriateness of the statutory strength of central headquarters against local organisations, they strongly agreed on the thesis that the central executive committee and party leader in particular are equipped with the maximum power to take any decision relating to the management of local organisations, such as the disposal of local leaders, the use of the financial assets of local branches, the nomination of electoral candidates of their own districts, and a decisive influence on the ‘grand congress’ by determining the nominations of local delegates (AKP-major party, DSP, EP, HOP, LDP). Two of the leaders interviewed considers this ‘centralized power’ to have a critical importance to the minor parties at the stage of growing in particular. The BBP leader, for instance, pointed out that

“When the development of party is already under way, it needs more loyalty than factional rivalries...I see the good side of this law in providing us the power to act

urgently when someone emerges to intentionally or unintentionally harm the organisational harmony”

The leader of VP, one of the largest membership parties among the smaller ones, likewise expressed that the priority for their party is to minimize the opposition inside and stated that

“The term party discipline has a somewhat different importance for the parties which are evolving. The important thing is that the whole party spirit needs to be united under a single leadership. The priority is to bring into existence a robust political organization consisting of an unshakable team and synergy among the internal branches...The law here provides an acceptable legal foundation”

Among the major parties interviewed, the deputy leader of the government party argued, though with less emphasis upon the role of party leadership, that the law sets forth ‘a sensible administrative plan’ to run any organisation. Although he strongly criticized the PPA because of its excessive intervention into party affairs, he said that

“This model is quite applicable not only to parties but also to any kind of association or even a company...It seems that it was designed with a business-like approach”
(AKP)

In sum, five respondents shared the view that the PPA provides for Turkish parties an organisational structure that helps them effectively control the party on the whole. On the counter side of this argument, four participants, including the leader of a former incumbent party (DP), explicitly raised their concerns about the law in failing to encourage parties to practice intra-party democracy (EP, LDP, DP, and MeP).

5.3.1.2 Acquaintance with the State Administration

Another argument in favour of the statutory structure of party organisations relies on the belief that a political organisation which aspires to rule the entire country should adopt a parallel administrative division of the state in organizing itself (AKP-major party, CHP-major party, BBP, SP). Highlighting a similarity between the administrative layers of the state’s organs and the way in which party organisations are regulated by the Act, the statutory structure is considered to be a sort of practice to gain governmental skills or to test the party’s capacity on it.

“The law gives parties an idea about the seriousness of putting themselves in for the government of a country. (It) induces party leader to think and behave like a prime minister, executive committee like a cabinet, local leader like a governor. It is possible to infer many similarities from the responsibilities and competencies of the organs of these two institutions” (CHP)

“If you are not capable of governing your party in compliance with this law, you should question your capacity to govern the whole country as well” (BBP)

“...see the PPA as a guidebook of an internship of exercising power over the internal branches. Don’t underestimate it...It instructs parties about how the organisational mechanism of the state works” (AKP)

5.3.1.3 Territorial Diffusion

As the last general theme on the positive side, four party leaders discussed the importance of the statutory model to the ‘territorial diffusion’ of party organisations (DSP, DP, AKP-major party, CHP-major party). It has been suggested that the statutory structure encourages parties

- to build close relations with the electorate even in the smallest neighbourhoods (DSP, AKP, DP),
- to recruit voluntary staff ‘owing to many leadership posts to be filled’ (DSP),
- to run their campaigns with those who have better knowledge about districts and have ‘direct natural contacts with the community’ (CHP-major party, DSP, AKP),
- to increase their ‘publicity’ in local politics owing to the individuals taking part in local branches (DP) and
- to give an impression of ‘a dynamic organisation’ (DSP, DP)

5.3.2 Negative Arguments

5.3.2.1 The Perception of Interference in the Internal Affairs of Parties

Despite the positive views summarized above, nearly three quarters of the respondents (11 from 17) including those from the two major parties believe that the current level of regulation pertaining to the organisational affairs of parties is excessive. The respondents in general holds the idea that the way in which parties organize should mainly be decided by parties themselves, not to be forced by the law. The general opinion is that any enforcement and specification confining parties’ choices limits the associational rights of parties. Some respondents discussed this limitation as one of the problems of democracy operated in Turkey (AKP-major party, MP). For them, the state should not interfere in the use of political rights so long as there is no legitimate ground. While some appeared to completely be against any state regulation governing organisational matters of parties (LDP, HKP, EP, HOP), the remainder only found the existing level of the regulation unnecessary (AKP-major party, MP, MeP, VP, SP, BBP).

Four respondents were vocally more opposed to the organisational rules than the others. They highlighted that the Turkish state plays ‘an interventionist role’ in party affairs by means of the organisational rules (HKP, MeP, HOP, LDP). This interventionist role, for one interviewee (MeP), came from ‘the legacy of the military coup 1980’, expressing that

“One of the aspects of this legacy is the fear of a fragmented party system witnessed during the 1970s...The state was supposed to had obtained justifiable grounds to prevent the fragmentation in politics and to introduce control mechanisms over party organisations.”

Another participant argued that the objective of the military-oriented law makers in the transitional period (1980-1983) was to deter minor parties from emerging, or counteract their influence on the system through both high barriers and strict controls over their organisational issues. He also said that

‘the target in this strictness is not the system-parties, but we, who oppose to it, voice the demands of minor groups, workers, women,...’ (HKP)

Commenting on the same issue, The MeP leader noted that the regulation of parties’ internal affairs was mainly a consequence of a widespread distrust towards political parties among the military elites. He discussed that:

“The junta and its law makers wisely refrained from radical solutions, like building a single or two-party regime, that may have exhibited them as a backward movement rather than reformist. Instead, they chosen a legal regime by which the state is kept regularly informed about everything that parties do...In order a continuous control mechanism to work as they had wished, the standardization of the organisational scheme had come first.” (MeP)

5.3.2.2 Inconsistency with Party Preferences

Three respondents from minor parties argued that the statutory structure is not convenient with the organisational strategy of their parties. While two of them indicated that they want to organize on a regional basis including more than one province (HOP, LDP), the other from a left-oriented party noted that her party’s organisational strategy is based on workplaces instead of the administrative division of the country (EP).

- ‘regional organisations’ which includes more than one province

“I see no utility in the separation of very close provinces under distinct branches. Some may see it...We want to organize our party only in larger and important areas...Why should I strictly be subject to a single form of it?” (HOP)

- ‘workplace’ rather than administrative division of the country
- “Our party belongs to the worker class and the gravity point of our activities is upon workplaces...No matter what the law says, we have our own divisions inside the party, such as industrial and agricultural sub-provinces...The formality and reality do not precisely overlap here” (EP)

5.3.2.3 Organisational Obligations

The issue of organizational obligations cropped up as the most prevalent and serious theme of the analysis under the organizational rules. As one respondent put it:

“Registering a branch where the networks are so new is a gamble...It brings about unceasing legal duties. If you succeed to keep alive the interest of the supporters once you attract, you will succeed to continue to fulfil them too. If not, you will either stay alone with the backlog of unfinished works and the signboards swinging in the wind or shut down the branch” (TBP)

This section aims to address the crux of the issue identified by the analysis. Once a local organisation (provincial or sub-provincial) is registered, it is treated as a sub-unit of the central party and becomes subject to four main obligations as follows:

- to hold local congress meetings⁴⁸ at least once every two years (Art.14, 19 and 20)
- to inform the affiliated provincial or sub-provincial governorship about the replacements in internal organisations at least within fifteen days following the change (Art.33)
- to update membership records once every six months (Art.10)
- to keep a set of books, namely the books of party’s financial account (income and expenditure-1), the decisions of executive committee (2), and the lists of the branch’s inventory (3) (Art.60)

The prototypical structure of Turkish parties outlined in the previous section would give a misleading picture of the local organisations of minor parties. The evidence suggest that most of the local branches of minor parties are weak and poorly staffed. Apart from five minor parties (two of which were former incumbent parties; DSP and DP, and the other three with relatively larger

⁴⁸ The congress which is held by sub-provincial branches consists of less than 400 delegates who are elected by *the registered members of the branch* (art. 20). The congress which is held by provincial branches consists of less than 600 delegates who are elected by *the delegates of sub-provincial branches* (art.19).

organisations among all, VP, SP and BBP), the overwhelming majority of Turkish minor parties frequently suffer the sanctions of not fulfilling the organisational obligations.

Nearly two-thirds of the respondents from minor parties indicated that the provincial governorships often fine local branches for the failure of two obligations as follows:

(1) The failure to hold the congress meetings once every two years: The PPA imposes not only the central party, but also the registered local organisations to hold congress meetings regularly. Many interviewees reported that the ‘Directorate of Associations’, a special department under the provincial governorships, fines rural party branches for not holding the mandatory local ‘congress’ meetings on time. Although the amounts of fines imposed in these incidents were said generally low (TL 560, around £80, for each provincial branch in 2015), their frequency is so high that some parties are eventually forced to deregister the organisations. The participants from minor parties tend to offer three explanations for the failure of the local organisations in fulfilling the congress requirement: the lack of financial resources, inactive organisations during the non-electoral periods, and limited number of local supporters. Each will be explained in the next section.

(2) The failure to annually report party income and expenditure: The second common problem in practice is posed by the rule imposing annual reporting obligation of financial activities on local organisations. Apart from the two major (AKP, CHP) and three minor parties (BBP, DSP, DP), the participants from the others highlighted that that the governorships similarly fine the local branches which do not keep the books timely and accurately. They unanimously saw the imposed level of documentation for local branches in particular as red tape, time consuming and hardly achievable. Devoid of full-time staff, some participants worry about the ability of their local organisations to keep these documents as intended by the law (LDP, TBP, MeP, EP). They highlighted that most of their party units are poorly staffed and have limited number of party workers who are competent to tackle the workload caused by the given obligation. In addition, some interviewees interestingly mentioned the paperwork as the cause of tension between central and local organisations. Two leaders pointed out that their central organisations have make stringent efforts to clear the paperwork of local organisations (TBP, MP).

5.3.3 Evaluation

The foregoing analysis achieved its goal by indicating that the registration of a local branch causes certain legal duties and the administrative sanctions when they are not performed properly. The issues related to the obligations of holding congress meetings and submitting the compulsory books were particularly prominent in the interview data. When a local branch is not capable of fulfilling the statutory obligations, the party faces with financial sanctions at administrative level. As

suggested at the outset, the Turkish threshold of authorization is set at national level. Parties could not choose to lower the costs of participation by focusing their organisational activity into a limited number of provinces. In addition, the law expects parties to maintain this organisational size for a six-month period before elections at least. The obligation of holding the last national congress implies that the parties which are organized in at least 41 provinces are also to be active enough to bring together all these branches in the congress prior to elections. The evidence regarding the organisational obligations suggests that the administrative sanctions imposed at the local level in fact serve the same purpose. By this way, if a local branch does not rely on stable and sustainable relations with the local founders to hold its own congress, to keep the obligatory books and to fulfil the other statutory duties, then the central party is indirectly forced to deregister the given branch.

5.4 Analysis-Stage 2

The presentation of the specific insights of the study on the permeability of threshold of authorization will be carried out through a data-driven taxonomy of the interviewed parties on the basis of the conformity of their conditions with the normative expectations behind the threshold. This was aimed at untangling the perceived easiness of the Turkish threshold of authorization taking into account the identified organizational features of the interviewed minor parties. Putting aside the three parties which were treated as major parties by this research (AKP, CHP, MHP), the outstanding 79 registered parties appeared to variously react to the threshold of authorization by the type to which they were attributed. This taxonomy enhanced the effective organisation of the related data and helped the study reach certain implications for three broader groups of Turkish minor parties.

Based on the normative points identified at the outset, an ideal electoral party in Turkey can be defined as those which have permanent and active local organisations in at least 41 provinces and one-third of the sub-provinces in these provinces. In this regard, the minor parties interviewed appeared to separate into three groups:

- Those which pass the TA by permanent and active local organisations
- Those which pass the TA by short-lived and less active (or inactive) local organisations
- Those which do not pass the TA at all due to the lack of local organisations

Before proceeding further, it is worth taking a cursory glance at the situation in the major parties.

5.4.1 Major Parties

The interviewees from the two major parties (AKP and CHP) by and large argued that the threshold of authorization has never been a special concern for their parties.

“The party’s only agenda about these requirements is to decide the most appropriate candidates and to give the final list to the Council. Other than this, we just strive to run a well-ordered campaign” (AKP)

“These rules set an electoral filter for smaller parties, not the ones like us.” (CHP)

Table 5.1 The quantitative data of the major parties that were interviewed (in real terms-Sept 2018)

Interviewed Party	Number of elections	Members	Total revenues ⁴⁹ of local organizations (£)			Ranking in the election of 2015
			2013	2012	2011	
AKP	6	10,337,144	14,679,612	19,129,650	28,180,331	1 (42.6%)
CHP	8	1,218,611	6,226,043	18,300,430	12,465,361	2 (22.6%)

It was reported that most of their local branches are led by crowded and active bodies. The current number of their members also demonstrates that they have indeed achieved to recruit quite a large number of people across the country. In addition to the compulsory committees, their organisational strength is boosted by respectable numbers of local activists. When they were asked whether their local branches confront any difficulty in fulfilling the organisational obligations, which was one of main concerns of most minor party politicians, they mainly noted that these obligations only fill an insignificant share of their actual organisational events. For instance, the CHP deputy leader indicated that even the sub-provincial organisations of the party hold executive committee meetings once a month. The AKP deputy leader also reported that

“The branches actively work throughout the year with different kinds of activities such as holding educational conferences, collaborating with other civil society organisations, organizing voluntary-based services to local community, mobilizing party followers for political rallies...” (AKP)

Both respondents similarly highlighted that the executive committee and congress meetings take place regularly and, in most organisations, even the optional bodies, such as youth and women branches, are well staffed by both voluntary activists and paid-workers.

Looking at the revenues of the local branches of these parties, while there is a certain disparity of income between the AKP and CHP, they overall obviously do well, compared to all the other electoral parties, which will be discussed further in Chapter 7.

⁴⁹ The most recent reports of party budgets are available for 2011. For the Constitutional Court’s financial auditing reports, see <http://www.anayasa.gov.tr/icsayfalar/kararlar/kbb.html>.

5.4.2 Minor Parties

5.4.2.1 First Group

The parties which pass the threshold by permanent and active local organisations

Four of the participants from minor parties stated that their parties pass the threshold of authorization easily (SP, BBP, VP, DSP). The key organisational feature that distinguishes these parties from the temporary electoral minor parties is the durability of their local organizations of which number passes the threshold of authorization without extra effort.

Table 5.2: The quantitative data of the interviewed minor parties from the first group (in real terms-Sept 2018)

Interviewed Party	Number of elections	Members	Total revenues of local organizations (£)			Ranking in the election of 2015
			2013	2012	2011	
DSP	8	42,973	194,532	496,437	774,286	13
VP	8	27,167	668,792	473,574	493,997	7
BBP	7	22,995	233,671	179,221	333,628	6
SP	6	244,297	529,205	481,329	582,506	5

All the four respondents reported that they sustain a certain number of branches above the threshold of authorization not only during election periods, but also in-between elections.

“As our local organisations are not mannered, you can always find us in readiness to contest election.” (SP)

“We have around 55 provincial branches nearly fully-organized right now...In case of an early election, we would participate in it.” (DSP)

“Only in the first election, which took place soon after the party was founded, the party had to try to fulfil the requirement. Even in that time, we passed it by extra five or six provinces.” (BBP)

“We do not maintain the branches which do not involve enough in party activities. Our statute sets minimum quotas for a branch to exist...The principle is that if a branch does not function well, do not keep it on paper and deregister it.” (VP)

In this respect, none of them raised the organisational obligations of the local branches as a serious concern. This is important, because the failure of the next group in fulfilling organisational obligations cropped up as a recurring theme. Other than this, this group is also distinguished from the next one in terms of the membership size and the amount of revenues raised at local level. They

are relatively more effective in both senses. Having said that, the leaders of the SP and BBP highlighted that their local organisations are not able to raise enough money to meet their own expenses. In these parties, the central organisations financially support the local branches for their regular activities and maintenance.

5.4.2.2 The Second Group

The parties which pass the threshold by short-lived and less active (or inactive) local organisations

Before presenting the research insights about this group, it is worth noting how some parties in Turkey by-pass the threshold of authorization in cases that they do not achieve this by their actual organisational strength. The respondents pointed to a number of ways that minor parties resort to in fulfilling the requirements of electoral participation.

Using households or work places as party office

To register a local branch, political parties are required to have a registered office where party works/activities are coordinated. It was claimed that some parties use their supporters' households or work places as the addresses of local branches due to the lack of financial resources to rent their own offices (major party 1-AKP, DSP).

Organizing in the provinces which have fewer sub-provinces to be organized

As noted above, the whole country is comprised of 81 provinces of different size, ranging from two to thirty-nine sub-provinces. Five respondents claimed that it is a common practice for the parties which have insufficient organisations to register branches in the smallest provinces where it is much easier to reach the requisite number of sub-provincial branches (Major party 2-CHP, LDP, MeP, ANAP).

Presenting candidate lists in the provinces which have less seats to be filled

Likewise, the same respondents informed that some parties also present candidate lists for the provinces which have the least number of seats, as it is much easier to present a full list where there are less seats to be filled.

Nominating someone in the provinces which they are not from

Two participants informed that some parties nominate the candidates who are not residents of given provinces (YP, MeP). Since there is no rule confining candidacies to permanent residents, political parties can nominate any one they wish. This practice seems to make the nomination requirement of the threshold of authorization null.

Changing the ownership of a party which already has enough local branches

Three respondents asserted that there have been some parties which have been able to participate in elections by ‘*buying the organisations of another party*’ (major party 2-CHP, EP, MP). The claim was that when a party does not meet the requirements of the participation, but wants to contest a given election, it is possible to take over another party which is qualified for elections. Put it another way, the party which does not pass the threshold of authorization takes the control of another which passes the threshold of authorization. The case of Youth Party (GP) was shown as an example by an interviewee (major party 2-CHP). Although the GP was founded-by a business tycoon-in just four months before the 2002 Elections (July 2002), it succeeded to participate in that election owing to this way. The process supposedly took place as follows: First, the general congress of the GP took a decision to merge with the Re-birth Party (YDP), which had been qualified for elections by the Supreme Election Council. By this way, the GP was officially deregistered. Then, the leadership of the YDP gave the control of the party to the leadership of the deregistered GP. Lastly, the new leadership changed the party name from the YDP to the GP. The whole process completed in eleven days. Although the organisations had been genuinely formed by the YDP, the leadership of the contesting party was hold by the GP.

One of the striking insights of the present analysis is that a significant number of electoral parties in Turkey in fact does not pass the threshold of authorization by genuine organisations. Seven of the respondents, one way or another, indicated that their parties pass the threshold of authorization by making extra effort to reach the requisite number of registered branches just before the election year.

Organisational Features

The distinguishing feature of this group was identified to be that their actual existing organisational size is not sufficient to pass the threshold of authorization without made-up organisations. As one respondent put it:

“In the course of a certain period before elections, we tidy up our organisations to make sure that the party is eligible for elections.” (EP)

This quotation signified the prevailing pattern of most electoral minor parties in the analysis of the threshold of authorization. All the respondents indicated that prior to each election they increase the number of registered branches to pass the threshold of authorization.

(general claims)

“There is a phrase in our jargon for that; *volcanic eruptions of organisations*. We see that parties spew last-minute⁵⁰ branches like volcanoes spew lava.” (Major party 1-AKP)

“The activities pertaining to branch registration starts to accelerate one year before the elections. Leaders travel across the country, arrange meetings to recruit new faces for their organisations...” (HKP)

“There are some party branches which only appear on paper and throughout elections...They are suddenly appearing and disappearing.” (Major party 2-CHP)

(individual experiences)

(*the respondent was describing the pre-2015 election period*) “We met with the leaders of the local organisations, looked over the provinces that we need to organize further.” (DP)

“There are always some provinces in which we could lack few organisations to complete. You need to put a special effort not to lose these provinces in meeting the condition” (HOP)

“A part of the duty to embolden people to form the branches is undertaken by our executives...Every individual under this organisation from executives to members helps the party to access the ballot paper.” (MP)

Table 5.3: The quantitative data of interviewed minor parties from the second group (in real terms-Sept 2018)

Interviewed Party	Number of election	Members	Total revenues of local organizations (£)			Ranking in the election of 2015
			2013	2012	2011	
MP	6	3,410	35,039	32,190	44,766	15
LDP	6	6,294	844	555	1,207	14
EP	3	5,209	76,501	89,431	105,945	not participated
DP	3	61,978	349,235	433,906	524,651	10
YP	2	504	1,356	1,831	0	not participated
HOP	2	1,040	42,279	26,996	14,631	8
HKP	2	380	23,018	22,281	22,981	9
MP	1	1,952	No available data			not participated

⁵⁰ The original word in Turkish refers to the actions taken in very last moments.

From an organisational point of view, the fieldwork and interviews suggested that these parties at sub-provincial level exist only as intermittent units with little or no organisational activity between elections. In this respect, the regular meetings or any other executive activity that is not related to elections tend to be rare at local level. The comments below illustrate this pattern.

“We stay alive in sub-provinces throughout the period of elections and remain closed the rest of the time. This simply relies on practical reasons...The local followers who previously take part in party works have their own businesses...They voluntarily engage with politics for short time and then turn back to their own life.” (LDP)

“Look my brother! Doing politics for a small party, in a small party is not a constant thing to permanently do in reality...My ten year experience showed that parties mostly closed the doors of local branches when we do not talk elections.” (MP)

These and other similar statements imply that organisational activity of minor parties at sub-provincial level in particular is by and large confined to electoral campaigning. The party individuals in charge of organisational obligations at local level tend to be not much concerned with party affairs the rest of the time. The province of *Bursa*⁵¹ in western Turkey (the fourth most populated province) is a typical case in point. During the time of fieldwork, while all major parties-the AKP, CHP and MHP-have offices even in the smallest sub-province-*Orhaneli*, few minor parties (HDP, SP, BBP, VP, LDP) have offices only in the centre of the province, of which two were not open during the fieldwork though (HDP, LDP). Considering along with the interview data, the general pattern that is emerged is that minor parties mostly do not maintain active offices in rural areas despite the fact that they seem to have registered a branch in many provinces. The obligations of local branches, however, continue throughout the whole period in which the given branch seems formally open.

Second, it was observed that the made-up branches of the minor parties seem to be founded by relatively less reliable supporters. The party affiliation among the executive members in these branches is reportedly extremely weak. The interview data suggested that in the post-election period it is common to lose these activists who previously play a leading role in the formation of a branch. Put it another, the linkage between minor parties and their local founders is not long-lasting to maintain the branch in non-election terms. Three respondents specifically expressed that these local units are generally formed by small groups of activists (MP, DP, HOP). For instance, the DP leader pointed out

⁵¹ The population is 2,901,396

“The foundations of these branches can be considered as a part of evolutionary process...at the end these units either engender stable organisations or are completely vanished.” (DP)

Similarly, the MeP leader described the formation of these branches as ‘a trial and error process’. Another interviewee reported that, in the establishment of these made-up branches, the local individuals easily hold a leadership position without any extensive prior examination of party’s views. He expressed that they welcome any involvement of local individuals if they believe that the intention behind the involvement of local people appears “bona fide” (DP).

Thirdly, apart from one interviewee, the respondents pointed to the absence of financial sources. For instance, one leader in a condemnatory tone stated that

“The party needs money, needs staff, needs buildings to recruit new members and gain the support of voters in general...Let me clearly repeat that we already strive for these. We already strive to own enough resources in order to gather people, to hold the meetings, to establish our activities as a convention, as a norm...I cannot see a necessity to impose something which we already strive for.” (YP)

One insight is therefore that the fulfilment of participation requirements is highly contingent on the financial capabilities of parties. Many respondents agree on the fact that the more parties have alternative financial sources, the more they are become capable of maintaining active local organisations and to pass the threshold of authorization. The EP leader, for instance, pointed out that

“If that money would have been at our disposal, it would not have been so difficult to organize even in all of the provinces”

In this respect, the interviewees of this group similarly highlighted the importance of having a minimum level of financial strength to rent an independent office for local branches, to defray the expenses of office, to employ at least part-time paid staff in the provincial branches, and to hire a hall for congress meetings (EP, MeP, YP, DP, MP). On the other hand, it was widely reported that the organisational activities of these parties are dependent principally on the voluntary-support of their local activists.

5.4.2.3 The Third Group

Those which do not pass the threshold at all due to the lack of local organisations

There were three interviewees (AP, ANAP, TBP) whose parties have never passed the threshold of authorization. All the three described the participation in elections as the main target of their parties. Two of them specifically mentioned that they have a certain time-table to reach the

requisite number of local organisations (ANAP, TBP). Three main aspects were identified regarding the parties of this group in the interview data.

First, they indicated that their organisations are currently not ready to participate in elections. Since all had been recently founded, they unanimously highlighted that they need time to organize the parties nationwide. Each of them were asked for the number of branches they had registered so far. Only one was not able to provide the requested information.

Table 5.4: The quantitative data of the interviewed minor parties from the third group (in real terms-Sept 2018)

Interviewed Party	Year of foundation	Members	Total revenues of local organizations (£)			Registered Branch (based on the respondent's response)
			2013	2012	2011	
ANAP	2011	351	1,689	0	0	8 provincial
TBP	2012	43	0	0	-	No information
AP	2015	92	No available data			11 provincial and 34 sub-provincial

Second, none of them raised the organisational obligations of the branches as a serious issue. Two of them asserted that the registered local branches are enough active to fulfil the organisational obligations (ANAP, TBP).

“Quite frankly, we are so new to come across what is going on in the field. Yet, we have appointed responsible individuals for the posts in the branches.” (ANAP)

“I have no doubt that our local party will always remain so active as have been so far. There is no sense to have a branch is if it is not well-functioning.” (TBP)

The second point would actually be read as the key organisational trait of many non-electoral parties, that is, the organisational activities of non-electoral parties at early periods seem to be relatively more genuine than at the follow-up stages in which parties concentrate more on being electoral party. A possible explanation for this might be that political parties seek to build more authentic relations with local supporters if their organisational size is far from the threshold of authorization.

Thirdly, they all highlighted that they have presently no significant financial sources to develop their organisations. The data derived from the Court's auditing reports also shows that their local organisations do not have any income to spend for party activities.

5.4.3 The Opinions on the Threshold of Authorization

When the respondents from minor parties were asked to comment specifically on the threshold of authorization, only three of them from the first group (four parties in total) and two from the second group (seven parties in total) expressed positive arguments. Therefore, a meaningful variance occurred only between the first group and all the others. In the first group, only one party leader criticized the threshold of authorization on a theoretical level, arguing that it is “disproportionately high” (EP). The shared aspect of the other three leaders from this group was that they did not oppose to the current the threshold of authorization at all.

“I should add that these requirements can be even increased...I think that there is an unquestionable public interest in avoiding excessive number of parties in elections.”
(VP)

“Look, no one impose you to put money, do a backward somersault on the table or do irrelevant things beside the point. Just prove you are a real party, your ideas having a considerable modicum of support, so your party name deserves to be printed on the ballot. For instance, if parties had been required to lodge a certain amount of deposit, your objection would have been reasonable. You might have said that the parties without money to deposit the fee are discriminated. Certainly. Why? Because money is not the exact output of a political party. Instead, it is the alternative ideas, a new political perspective, a new outlook, a new solution for the problems of the country...That is why the system exactly asks you to what extent your appeal resonates among the individuals of the society. The size of your organisations is one indication of this...a sort of demonstration of your existence. Show it and then race your ideas in elections.” (SP)

“Obviously, we can question the quality and quantity of the participation requirements, search for improved ways... But, this would cause only a futile discussion that may never end. The thing is that the system needs some criteria to eliminate minor parties, and this is the one that our law preferred to set.” (BBP)

“In the opposite case where a party cannot organize in at least half of the country, how can it garner ten percent of the vote? I think there is a sensible link between the organisational requirement and the representation requirement.” (DSP)

Besides, there were two participants from the second group who just advocated the threshold of authorization. For instance, one leader mentioned the organisational requirement as “the vital condition to be a nationwide party” (MP). He argued that

“organizing and nominating in half of the country would be a sign that demonstrates moderately broad appeal for its program.”

Another interviewee, as discussed by one of the first group, highlighted the importance of the integrity of the ballot (DP). The view was that the law fairly limits the contest among to ‘serious parties’, and avoids the “disorder in elections”.

The other nine respondents from the second and third group were critical of the threshold of authorization. Unfortunately, none of the respondents did not enlarge on the arguments enough beyond expressing in few sentences.

“It is so clear that the law suppresses the alternative ideas” “...restricts competitive elections” (EP)

“The organisational requirement is unduly onerous” (HOP), “it harms your ability to effectively campaign and to win elections” (HOP)

“The law leads us to waste our limited sources in the provinces where we organize only to meet the requirement” (LDP)

“The only meaning of this is that the law in fact imposes parties to be big. If a party is not that big enough, it ignores its right to participate in elections...I have always said that there is something here posing a constitutional problem, and so needs to be handled from the lawyers” (HKP)

“...deters parties to focus their organisational activities on certain sub-provinces or a narrow area.” (YP)

“It is really a high barrier...unrealistic to expect from an organisation to have hundreds of branches without any financial support” (AP)

“We only want to organize in some provinces and contest elections there...This also prevents voters to have dedicated-parties for the specific problems of the regions they live in” (TBP)

One common pattern derived from the related data is that the respondents never disentangled the discussion of the threshold of authorization from that of the threshold of representation. They often tended to consider the threshold of authorization and the threshold of representation together. This can be understood from the reduced quotations displayed above. All the points are one way or another related to the electoral system in use.

5.4.4 Testing the Key Insight

The most interesting insight of the study was that some electoral parties in Turkey do not, in fact, pass the threshold of authorization by active and permanent local organisations. While some parties meet the organisational requirement of elections with genuine organisations, others tend to increase their branches just before elections. Considering the earlier research insights about the administrative sanctions imposed on the parties which do not fulfil the organisational obligations, one may expect that the parties with made-up organisations are likely to deregister the branches which are registered for the purpose of elections in the period following elections, and thus fall behind the threshold of authorization in the non-election periods. There is one way to test the validity of this pattern: to ask the Chief Prosecutor's Office which parties pass or not the organisational requirement of the threshold of authorization in a non-election period, as does Supreme Election Council just before the elections.

In the last election that was held seven months before the period of the research fieldwork; 16 political parties were qualified for elections. In other words, six months before 1st November 2015, there were 16 parties which were organized in at least 41 provinces, and held the last national congress. Therefore, the most updated data regarding parties' organisational size was dating back to 1st May 2015. In the 30th of January 2017, the CPO (Chief Prosecutor's Office) was requested to provide the details of parties' organisations and its own assessment of eligible parties by a petition. In the 7th of February 2017, the Office responded to the request, and shared the requested data, not entirely though⁵² (For the letter of the CPO, see Appendix G, p. 245). Table 5.5 below documents the number of party organisations specified in the official response.

Table 5.5: The CPO's response regarding the number of branches of the registered parties

	Party	Number of Provincial Organisations with requisite sub-provincial branches by 07.02.2017
1	AKP (Major p. 1)	81
2	CHP (Major p. 2)	81
3	MHP (Major p. 3)	72
4	SP	75
5	BTP	58
6	HDP	56
7	BBP	53
8	VP	52
9	ANAP	42
	24 parties-not indicated by name	having a number of provincial organisation, less than 41
	59 parties-not indicated by name	apart from a central organisation, having no provincial or sub-provincial organisation

⁵² The response did not include the names of the places in which parties have branches. It did not also specify the details of those which are not eligible for elections.

When the CPO gave its answer, there were 93 political parties on the register. The document of the CPO indicated that 59 Turkish parties had only central headquarters in Ankara, and did not organise even in a single province. It is seen that within the following 22 months between May 2015 and February 2017, seven of the 16 electoral parties that previously contested 2015 Election lost the qualification. Only nine of them were still retaining the qualification. Putting aside the three major parties, there appeared only six minor parties which can be considered to be in the first group of this analysis. It means that 84 minor parties out of 90 could not meet the organisational requirement of elections. Among them, seven minor parties, however, succeeded in meeting the requirement by means of pseudo-organisations, which is by and large in tune with the qualitative evidence derived from the interviews.

Matching the new data provided by the CPO and the classification of the interviewed parties of this study, it appears that, with one exception in the first group and another in the second group, the qualitative analysis correctly identified the parties of each group. To summarize, it identified four parties which pass the threshold of authorization with active and permanent local units (first group), seven parties which pass the threshold with less active and less permanent local units (second group), and three parties which have never been qualified for elections. As displayed in Table 5.6, the data specified in CPO's response is mostly consistent with the anticipated changing conditions of the second group with one exception. These results further support the idea behind the adopted separation of minor parties of the current analysis. Accordingly, only one party identified in the first group has lost the qualification and one party in the second group has retained it. Surprisingly, one party from the third group (ineligible parties) passed the threshold for the first time, marginally though.

Table 5.6:The qualification of the interviewed parties in the non-election period, 7 February 2017

Interviewed Parties	Qualification during the non-election period
<i>Major Parties</i>	<i>supposed to retain</i>
AKP	Retains with 81 provinces
CHP	Retains with 81 provinces
<i>Eligible Parties in the 1st group</i>	<i>supposed to retain</i>
DSP	Lost
VP	Retains with 52 provinces
BBP	Retains with 53 provinces
SP	Retains with 75 provinces
<i>Eligible Parties in the 2nd group</i>	<i>supposed to lose</i>
MP	Lost
LDP	Lost
EP	Lost

DP	Retains with 56 provinces
YP	Lost
HOP	Lost
HKP	Lost
MeP	Lost
<hr/>	
<i>Third Group-ineligible parties</i>	<i>supposed to remain same</i>
ANAP	gained with 42 provinces
TBP	Yes
AP	Yes

5.5 Conclusion

In Turkey, the qualification process for elections is operated along with a strict legal regime regulating party organisations. Contrary to the simplicity of threshold of registration, the threshold of authorization appears to be the first real barrier by which Turkish minor parties start to be subject to an effective elimination, possibly much more than their counterparts in other countries. Recalling the previous designs of ‘the threshold of authorization’ in Turkey, since the passage of the proportional representation system in 1961, Turkish parties have not been allowed to contest elections with the organizations in few districts. Between 1961 and 1980, they were compelled to be organized and nominate candidates in at least 15 districts. By the enactment of the new electoral law in 1983, the threshold was again increased, this time to the half of the country, amounting to 41 provincial provinces in total. This means that the organizational size of the smallest ‘electoral party’ of the post-1983 regime is nearly three times larger than that of its predecessor, and much larger than that of the first decade of multi-party experience. Moreover, the law of 1983, which is still in force today, introduced two further conditions that made electoral participation for smaller parties more complicated. First, to accept a party organized in a province, it must also be organized in at least one-third of the sub-provinces in the given province. Second, parties have to complete such organizational expansion six months before the election at latest.

Considering the practical implications of these changes in the law, two notable aspects have eventually come to the fore about the Turkish ‘threshold of authorization’. First, the threshold is unequivocally based on the demonstration of a considerable degree of organizational strength. Contrary to the most of the CoE member states surveyed, it requires neither to lodge financial deposit, nor to collect a certain number of signatures from electors, both of which, by nature, could be fulfilled in a relatively limited period of time. More importantly, also, this imposed organizational strength in Turkey is expected to be (1) durable via the rule which retrospectively insists parties to be organized six months before elections and (2) active via the rule which obliges the registered organizations to regularly meet in ‘the grand congress’ in Ankara and to fulfil a series of obligations specified by the law. Second, since the requirements are set at the national

level (41 provinces at minimum), electoral parties are not allowed, in practice, to emerge from regional groups or those of which organizational activity is focused on limited number of provinces.

In light of the evidence analysed in this chapter, it can be contended that Turkey's minor parties are confronted with a unique entry barrier in the sense that no country among the surveyed 47 members of the Council of Europe expect their parties to prove their seriousness in elections in such way, to be organised at certain level for the access to ballot. The financial deposit systems, such as Greece with €150 or UK with £500 per candidate, or Netherlands with €11,250 or Ukraine with \$50,000 (approx.) per party, require only the financial capability of defraying a pre-established nomination fee. By the same token, the signature systems, such as Hungary with 500 signatures or Lithuania with 1,000 signatures per candidate, or Finland with 1,000 signatures or Georgia with 25,000 signatures per party, require citizens' support which is not necessarily to be perpetual, mostly just an act of signing a petition after the party sets up pre-campaigning booths in busy locations or going door to door. Organizing, however, involves both human and financial resources. It is a process spreading over a longer period of time beyond election terms with a plan of action with a much more qualified human resources-personnel (voluntary or paid) rather than the ones of which momentarily and spontaneous support would help party access the ballot. It could be even more challenging in a legal environment, like in Turkey, where the state strictly regulates party organisations.

Concerning the organisational obligations of the registered branches, two types of obligation were frequently raised as a concern by the participants: holding congress meetings and keeping the mandatory books. The failure of local branches to comply with organisational obligations eventually coerces central parties to deregister the organisationally and financially weak branches. Taking into account the identified costs of party organising along with the real organisational characteristics of minor parties most of which rely on insufficient human and financial sources at local level, the threshold of authorization in Turkey importantly hampers minor parties in their attempt to access the ballot. Considering 185 parties that were identified to have been registered since 1983 (Chapter 4), the threshold has achieved to eliminate around 138 of them from elections. Of the 82 parties currently registered, 58 minor parties have never managed to pass the threshold even once. Overall, the threshold appears to have effectively eliminate almost three quarters of the post-1980 parties, most of which have operated as small proto-parties. The study also found that nearly half of the electoral parties appearing on the ballot paper pass organisational requirement of electoral participation by short-lived and less active (or inactive) local organisations (bogus organisations). The CPO's response also verified the existence of this group. Only the other half manage to participate in elections with genuine organisations which are active and permanent in non-election periods. All in all, the interview data had important implications for developing a

novel taxonomy of Turkish electoral parties: Genuine and inflated (manufactured) electoral minor parties and non-electoral minor parties.

Genuine Electoral Minor Parties: The analysis showed that only few Turkish minor parties comfortably pass the TA owing to their geographically dispersed and stable organisations. The registered local organisations of these parties seem to be formed by strong gross roots and to rely on more enduring relations with local supporters. The actual number of the organized branches do not require central party to make extra effort to fulfil the requirements of participation in elections, meaning that their existing organisational strength already grants the qualification for elections. Since the level of diffusion of their local organisations, which leads them to pass the TA, is genuine, they can be called ‘*genuine electoral minor parties*’. Given the most recent data about the numbers of parties’ local organisations (the CPO’s response), the rough populace of the genuine electoral parties is ten among the 93 registered parties and 29 electoral parties of the last election.

Inflated Electoral Minor Parties: On the other hand, many electoral minor parties in Turkey do not pass the TA with permanent and active organisations. Rather, they need to increase the registered local branches to pass the TA. Considering the findings of the preceding analysis concerning the organisational obligations of local parties, central parties eventually need to deregister these branches. Since these branches are short-lived and temporary, these parties can be called *temporary-illusionary electoral minor parties*. The most recent populace of this type of electoral parties is nearly half of the electoral parties.

Non-electoral Minor Parties: The third group represents the overwhelming majority of the Turkish parties, which have never passed the TA, and so participated in election. At present, this group consists of more than two-thirds of the all registered parties. Besides, according to the CPO’s response, the 54 of the 93 registered political parties do not have even one province organized other than the central headquarters.

Chapter 6

The Threshold of Representation

“The question that is typically asked by the proportionalists is whether a given electoral law distorts representation in favour of the major party. My findings make it clear that the relevant question is not whether this distortion occurs, how great is it?” (p. 136)

Douglas Whiting Rae, 1971, *The Political Consequences of Electoral Laws*

6.1 Introduction

Having qualified for the participation in elections, a minor party confronts the final barrier, namely that of obtaining representation in the legislative body. This chapter critically examines the operation of Turkish ‘threshold of representation’ and its impact on minor party representation. How difficult is it for a minor electoral party to obtain representation in Turkey? Access to parliament is facilitated or impeded by two factors: the number of the votes received and the electoral system defined as “*a set of methods for translating the citizens’ votes in representatives’ seats*” (Lijphart, 1994). There is a large volume of published studies arguing how electoral systems act as a centripetal force in either the political processes or their outcomes. Their ‘reductive effect’ on the fragmentation of the parliaments, the structure they impose upon the choices made by the electorate, the strategic considerations that politicians need to make considering their mechanical effects, and the promotion of political stability are widely recognized to be some of their impact (Norris, 2005; Farrell, 2001; Gallagher, 1991; Lijphart and Gibberd, 1977; Lijphart, 1990; Ruiz-Rufino, 2007; Grofman, 2001). Arguably, electoral systems not only deal with the task of distributing seats among the contestants, but also pose a barrier to the entry of smaller parties. Commentating on this aspect of electoral systems, Rae (1971:69) argues:

"Some electoral systems are less violently prejudiced in favour of large parties than others, but all of them seem at least slightly biased in that direction. It follows that no electoral systems positively accelerate the development of small parties, but some are weaker brakes against their development than others."

Although the direct impact of electoral systems on minor party representation has long been regarded as one of their most significant impact, and accordingly grew into one of the great areas

of mainstream political science, so far no systematic and longitudinal investigation has been carried out on the seventy-year-experience of Turkey's electoral systems with a special focus on her minor parties. It has been one of the central missions of this research to put the previous insights of the established research into a contextual perspective, and critically examine the impact of Turkish electoral systems on minor political parties.

Taking into account the critical cornerstones of Turkish constitutional history, the electoral system has accordingly been subject to three major changes since the transition to multi-party elections, 1950 (see Table 6.1).

1. (1950-1960) Majoritarian-plurality system in three elections
2. (1961-1980) PR with the d'Hondt formula in five elections
3. (1983-onwards) PR with the d'Hondt formula and the general threshold of 10 percent in eleven elections

If all electoral systems, as supposedly, distort the election results with some parties being advantaged more than others, then to what extent has this occurred at the expense of minor parties in the Turkish electoral history? The 'strength'⁵³ of electoral systems is, as will be argued in the next section, mainly based on four elements: electoral formula, apportionment method, district size and legal thresholds. When utilized in a skilful manner, each of these has a potential to play a certain part in this distortion. Which of these elements have been employed to this end in the three periods above noted, and how? All in all, to what extent can the electoral systems of Turkey be associated with the said discriminatory treatment against minor parties?

The investigation has been started from the 1950 Election, as it is widely regarded to be the first multi-party competition in the modern history of the Republic of Turkey (Yuzbasioglu, 1996: 6; Ozbudun, 2000: 74). The period of analysis overall covers 19 general elections. The unit of the analysis is defined as a series of elections that were run under the same or closely similar rules (For the definitions of some key terms used throughout the chapter, see Appendix H, p. 247).

The chapter is organized under four sections. The following section thoroughly reviews the existing research on electoral systems and their effects on the representation of minor parties. It will then go on to examine the impact of Turkish electoral systems by dividing the analysis into three periods: 1950-1960, 1961-1980 and 1983-onwards. The final section will summarize the main findings of the analysis.

⁵³ The term 'strength' was used by Sartori to refer to the '*reductive*' (barrier) effect of electoral systems.

Table 6.1 The electoral systems of Turkey operated from 1950 onwards

Year	Electoral System	Size	Term	Period	Government
<i>The Constitution of 1924-The transition to multi-party system 1950</i>					
1950	Majority System- Plurality/Multimember constituency	487	4 years	15/05/1950 02/05/1954	Single Party (DP)
1954	Majority System- Plurality/Multimember constituency	541	4 years	03/05/1954 27/10/1957	Single Party (DP)
1957	Majority System- Plurality/Multimember constituency	610	4 years	28/10/1957 27/05/1960	Single Party (DP)
<i>The Military Coup 1960-The Constitution of 1961</i>					
1961	PR-Highest average-d'Hondt with district quota	450	4 years	25/10/1961 10/10/1965	Coalition (CHP, AP, YTP, CKMP, MP)
1965	PR-National remainder (Hare quota)	450	4 years	11/10/1965 12/10/1969	Single Party (AP)
1969	PR-d'Hondt	450	4 years	13/10/1969 14/10/1973	Single Party (AP) Coalition (AP, CHP)
1973	PR-d'Hondt	450	4 years	15/10/1973 05/06/1977	Coalition (AP, CGP, CHP, MSP, MHP)
1977	PR-d'Hondt	450	4 years	06/06/1977 12/09/1980	Coalition (AP, MSP, MHP, CHP, CGP)
<i>The Military Coup 1980-The Constitution of 1982</i>					
1983	PR-general threshold/district quota/d'Hondt/	400	5 years	24/11/1983 29/11/1987	Single Party (ANAP)
1987	PR-general threshold/district quota/ d'Hondt/+bonus seats	450	5 years	14/12/1987 01/09/1991	Single Party (ANAP)
1991	PR-general threshold/district quota/ d'Hondt/+bonus seats	450	5 years	06/11/1991 24/12/1995	Coalition (DYP, SHP, CHP)
1995	PR-general threshold/d'Hondt	550	5 years	24/12/1995 18/04/1999	Coalition (RP, DYP, ANAP, DSP, DTP)
1999	PR-general threshold/d'Hondt	550	5 years	19/04/1999 03/11/2002	Single Party (DSP) Coalition (DSP, MHP, ANAP)
2002	PR-general threshold/d'Hondt	550	5 years	04/11/2002 03/06/2007	Single Party (AKP)
2007	PR-general threshold/d'Hondt	550	4 years	23/07/2007 23/04/2011	Single Party (AKP)
2011	PR-general threshold/d'Hondt	550	4 years	28/06/2011 07/06/2015	Single Party (AKP)
2015 (June)	PR-general threshold/d'Hondt	550	4 years	23/06/2015 01/10/2015	Coalition (AKP and HDP)
2015 (Nov.)	PR-general threshold/d'Hondt	550	4 years	17/10/2015 10/06/2018	Single Party (AKP)
2018	PR-general threshold/d'Hondt	600	5 years	10/07/2018	Single Party (AKP)

6.2 Theoretical Considerations

Sartori (1968: 273) describes electoral systems as ‘*the most specific manipulative instrument of politics*’. To gauge this ‘manipulative’ facet of electoral systems has been a long-established object of the election studies (Duverger, 1951; Eckstein, 1963; Rae, 1967; Sartori, 1968; Loosemore and Handby, 1971; Laakso and Taagepera, 1979; Lijphart, 1988; Taagepera and Shugart, 1989; Cox, 1990; Moser, 1991; Taagepera, 1993; Gallagher, 1991; Norris, 1994; Abramson *et al.*, 2010, Grofman, 1983, 2008). Following from the previous research, this section critically maps out the ways in which different variations of electoral systems determine the strength of the threshold of representation, and tend to produce unfavourable outcomes for minor parties.

The effects of electoral system can be concerned from a number of perspectives. Since Duverger (1951), the issue has traditionally tended to be addressed using the classification of the *mechanical* and *psychological* effects. The term mechanical effect, called *proximal effect* (short-run) by Rae (1971:65), refers to the distortion of the seat distribution from vote shares. The route of that distortion, as Rae demonstrated exists in all electoral systems, has mostly one single direction, that is, the tendency to give ‘unearned’ seats to larger shares and so to penalize smaller ones with less seats (Rae, 1971; Blais *et al.*, 2011; Taagepera and Shugart, 1989). Psychological effect, called ‘*distal effect* (long-run) by Rae (p.67-68), is argued to arise contingent on the mechanical effect. It is argued that voters are aware of what electoral systems mechanically do. Such awareness in the long term is expected to structure their voting behaviour, which is called ‘*strategic voting*’ (Cox and Shugart, 1996; Abramson *at al.*, 2009). That said, the psychological factor deals with not only how the voting behaviour is affected, but also, arguably, how party elites think and behave. In other words, parties are also considered to take a strategic stand given (a) the predicted mechanical effects and (b) the psychological effects observed on the voters (Blais *et. al.*, 2011; Blais and Carty, 1991). When the barrier is so high and the possibility of being elected appears to be slim, this supposedly induces politicians to be less inclined to form a new party or contest in less safer districts. It may also encourage parties to make cooperation and to form an electoral alliance among each other (a prominent study arguing the strategic considerations of voters and politicians has been carried out by Cox within the book titled “*Making Votes Count*” published in 1997). The remainder of this section will thoroughly review the mechanical and psychological impact of electoral systems with a special focus on small political parties.

6.2.1 The Mechanical Impact of Electoral Systems

With that dual role in mind, the electoral systems have been argued leading two types of mechanical impact at the end: the reduction of the parliamentary fragmentation (party system level) and disproportionality (*D*) (individual party level) (Lijphart, 1998). These can be viewed as the

two sides of a coin and work together in a related fashion⁵⁴. The discussion concerning the number of parties in the parliament was mainly started by Duverger's three 'sociological laws' (1955: 113, 1986: 70)-namely that PR and two-ballot majority systems tend to lead multi-party system, while the plurality tends to produce a two-party system. In this vein, Rae, in 1967, propounded the '*fractionalization effect*' of electoral systems and his well-known *index of fractionalization*. Other important advances in this type of analysis were contributed by Sartori (1999) who has argued that the effects of electoral systems can be either '*reductive*' or not. In a similar vein, Cox (1997) describes electoral systems '*strong*' or '*weaker*' as to their reductive effects on the parliamentary parties.

As a methodical concern, simply counting up the n with the sheer figures appearing on the ballot or in the parliament has been considered futile because it does not render a consideration of the relative sizes of parties. Laakso and Taagepera (1979) dealt with this problem by developing the measure of the *effective number of parties*⁵⁵. It shows how concentrated a voting population among the contestants and a parliament among those above the threshold of representation. Taken at face value, the underlying reasoning behind the impact on the number of parliamentary parties (n) can be apprehended as follows: The higher the thresholds of representation, the more constraining effect on the number of contestants, which implies that less minor parties can obtain representation.

Being the second main impact, disproportionality refers to the deviation (D) of parliamentary composition from parties' vote shares. As a matter of fact, the reductive effect of electoral systems arises contingent upon the degree of deviation they produce. Since the share of each party's votes cannot exactly meet the coefficient units of the size of the parliament, some disproportionality is considered unavoidable in any type of electoral systems (Farrell, 2001; Gallagher, 1991). Though all electoral systems are contended to result in some distortion, they vary in its degree and the way how it is produced. The details of this variation are argued below.

The distorting feature of electoral systems have been measured by a variety of indices (for some in-depth studies; see Aleskerov and Platanov, 2000; Karpov 2008). This analysis will use the following two indices: Loosemore and Hanby's index (1971), which is sometimes called DV

⁵⁴ A *brief note*: The legal design of elections has been widely considered central to the understandings of both party system and individual parties. The impact appearing to be related to the party system are eventually likely to turn out to be those being exposed at the individual party level. This is why Sartori (1999) in a sixteen-page journal article where he seeks 'the party-effects of electoral systems' argues only the party system effects in the first twelve pages. He coined the phrase 'causal path' for the relation between the impact on party system and on parties per se by stating that "...when the whole is affected, its parts are affected; and, conversely, the parts affect the whole to which they belong." (p. 23)

⁵⁵ The formulation for ENEP is $1/\sum v_s^2$ and for ENPP $1/\sum s_s^2$; v_s for fractional vote share, s_s for fractional seat share.

score⁵⁶, and Gallagher index (1991), which is often called Least Square Index (*Lsq*)⁵⁷. The index involves taking the square root of half the sum of the squares of the difference between percent of vote and percent of seats for each of the political parties. Based on the previous statement, it can be argued that the higher the thresholds of representation, the less proportional would be the election results in parallel with the number of parties below the threshold. This brings about more smaller parties to be represented less than what the actual shares of the votes would provide.

The foregoing explanation has outlined the contours of the electoral system effects. The following sub-sections will progress on the four important constituents of electoral systems and argue how each conditions the aforementioned effects: (1) Electoral formula, (2) apportionment method, (3) district magnitude and (4) legal electoral threshold.

6.2.1.1. Electoral Formula

It is conventionally accepted that there are three forms of electoral formula- majoritarian, plurality and PR (Rae, 1971), although this does not mean that all electoral democracies strictly follow one process only, such as Russia (State Duma) or Italy (Chamber of Deputies), which uses a combination of FPTP and PR⁵⁸. While the plurality and majority formulas are accepted to form the highest threshold of representation, PR systems where an effort is in principle made to allocate seats in proportion to the votes is expected to have the lower threshold (Farrell, 2001: 154). Lijphart (1998: 50-51) found that while 12 majoritarian systems have an ‘average effective threshold’ of 35 percent, 57 PR systems have the threshold of only 6.6 percent⁵⁹. The reason is that in majority formula, seats are given to the parties that win most of the vote, either with relative or qualified majorities. On the other hand, PR systems “aim at - and to a large extent succeed in - achieving distributive justice measured according to the standard of proportionality, and that, in particular,

⁵⁶ The formulation is $\frac{1}{2} \sum_n |V_i - S_i|$, n for total number of parties, V_i for the vote of each individual party, S_i for the seat of each individual party.

⁵⁷ The formulation is $\sqrt{\frac{1}{2} \sum_{i=1}^n (V_i - S_i)^2}$

⁵⁸ Available at [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2008\)037-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2008)037-e) (accessed 18 May 2018)

⁵⁹ The district magnitude has been considered as determining the theoretical minimum and maximum percentage of the votes that a party needs to win its first seat under optimal circumstances in the given district. Given that, the concept of effective threshold, as introduced by Taagepera and Shugart (1989: 273-5), is the average value of threshold of inclusion and threshold of exclusion, where the former refers to the minimum percentage of the vote to have a chance of winning the first seat under the most favourable conditions ($1/(M+P-1)$); M stands for district magnitude and P for number of parties), the latter is the maximum percentage of the vote to win a seat in any case where the most unfavourable conditions occur (for d’Hondt; $1/(M+1)$), see Hanby and Loosemore, 1971). These two thresholds are mainly conditioned by the district magnitude, the number of parties contesting in the district and the apportionment method used (Taagepera and Shugart, 1989; Lijphart, 1999).

they do not permit small parties to be “unjustly” excluded from representation” (Lijphart and Gibberd, 1977: 219).

Furthermore, according to Duverger (1951), voters prefer to vote the parties having the chance of winning. Since there is mostly one winner in majority formulas, the others apart from few largest parties would be regarded ‘inevitable’ losers. Minor parties in this formula can be expected to be supported and granted seat only if they have locally (district level) concentrated power (Chibber and Kollman, 1988; Curtice, 1992; Lucardie, 2000, Norris, 1997). Therefore, the majoritarian electoral formula is expected to penalize the minor parties (smaller shares) more, both mechanically and psychologically. On the other hand, PR systems, in which the seats are, by definition, distributed in proportion to vote shares that parties receive, are considered favourable for minor party representation (Duverger, 1954: 62).

Yet, it is also argued that such a crude dichotomy made between plurality and PR systems is not enough to capture the differences among several variants of PR in the apportionment process of seats (Epstein, 1963: 248; Grofman, 2009; Farrell, 1997; Rae, 1971: 88). As Duverger put it, “...the practical modifications introduced in the operation of PR often diminish this coincidence”, a coincidence, which he describes, “between electoral strength and the parliamentary strength of parties” (1951: 373). This acknowledgement has led the scholars to discuss three further critical constituents of PR: apportionment methods, district magnitude and legal thresholds (Grofman, 2009; Lijphart, 1986 and 1998).

6.2.1.2. Apportionment Methods

Briefly, there are two main types of mathematical formulas by which PR allocation proceeds: Division or subtraction. The former is commonly known as ‘the highest average system’ by which a party’s vote is divided by the selected divisors every time a seat is given to it. The latter, also known as ‘the largest remainder system’, firstly determines a quota. Then, parties are granted as many seats as their vote number includes the quota, and the remaining seats are distributed among those with the largest remainders of votes unused and piled up in the nationwide pool. In PR, there are in total seven apportionment formulas each of which differs from one another in producing disproportionality. These are

- d’Hondt and Sainte-Lague (pure or modified) from highest average systems;
- Hare (v/s), Droop ($v/M+1$) and two Imperiali quotas ($v/M+2$ and $+3$) from largest remainder systems;
- and lastly the Single Transferable Vote.

Lijphart’s study (1998) indicated that whereas 32 PR systems with the d’Hondt and Imperiali formulas have the average index of disproportionality 5.22%, those using Droop, STV and

modified Sainte-Lague formulas make the index 4.15%. On the other hand, the systems using Hare quota performs only 1.88%

This indicates that, compared with the largest remainder method, the highest average method benefits major parties more. It is simply because the highest average methods always ignore the votes of unsuccessful minor parties that are not awarded a seat at district level. On the other hand, in the largest remainder method, since the remainder votes are finally counted in ‘the national pool’ for the allocation of the remainder seats, this allows minor parties to win at least few seats if their remainder votes reach the quota calculated at nationwide level (see Appendix I, p. 248, for a detailed explanation about the operational differences amongst the highest average methods and largest remainder methods, and in what ways these differences produce disproportional distribution between vote and seat shares).

6.2.1.3. District Magnitude

There is substantial empirical evidence accounting for the argument that district magnitude-the number of seats per district- is a key variable for the proportionality of PR (Taagepera and Shugart, 1989; Cox, 1997; Gallagher, 1991: 33-5; Jones, 1993; Lijphart, 1994; Ordeshook and Shvetsova, 1994). Taagepera and Shugart (1989) argue that the central question to ask when discussing the effects of PR is not what the formula is, but what ‘the effective magnitude’⁶⁰. A similar argument that the district magnitude has a great effect on proportionality was held by Rae (1971) much earlier. His notion was agreed by several researchers later (Sartori, 1989; Benoit, 2001). Simply stated, under PR, the larger the district is (M), the more proportional the distribution will be. Having said that, there is an opposite relation between the size of district and proportionality in the plurality block voting systems, because the party which fails to garner the majority of the vote will lose all the seats at once (Taagepera and Shugart 1989). For example, a minor party which obtains 10 percent of the district vote is more likely to win a seat in a ten-seat district than a five-seat district within a PR system. That said, in an election under the majoritarian formula, that party will lose 0.5 seat in five-seat district while the lost would be a whole seat in ten-seat district. The relation between M and disproportionality can thus be stated as follows: The larger the M under PR, the more proportional the allocation would be and the larger the M under majority formula, the less proportional the allocation would be.

6.2.1.4. Legal Threshold

A key short-cut strategy to eliminate smaller parties from the political arena and to reduce the risk of the existence of too many minor parties in parliaments, some PR systems use legal thresholds.

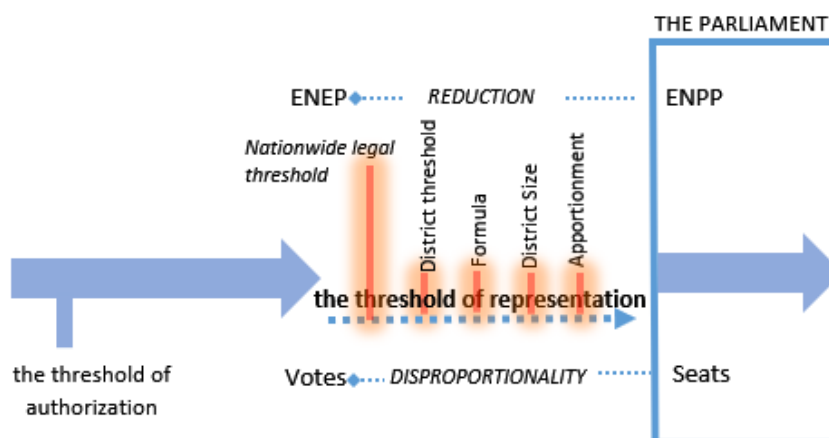
⁶⁰ They use the term ‘effective threshold’ to refer to the average of district magnitudes.

Legal threshold is the minimum level of the vote that is stipulated by law to access the parliament (Farrell, 2001). This can be enforced either nationwide or at district level. The legal threshold can be taken as the most direct factor that conditions the disproportionality of vote-seat allocation and the exclusion of minor parties. If it is higher than the ‘effective threshold’, then the legal threshold would have much stronger effect on minor parties than the size of district (Gallagher, 1998). Pelicer and Wegner (2014), for instance, showed that the increase of the legal threshold from 3% to 6% in Morocco led one less effective party in 2009 Local Elections compared to 2003 Elections. The range of legal thresholds in the world varies from 0.67% in Netherlands to 10% in Turkey. The average threshold amongst 36 countries which use legal thresholds is 4.36%⁶¹.

Evaluation

The foregoing review of the previous research clarified that the four basic dimensions of electoral systems determine/condition the representational chance of minor parties. Figure 6.1 illustrates the overall idea of the working of these dimensions. As Cotts (2005: 30) points out, the extent to which minor parties are provided a proportional allocation depends on the M and the sizes of ‘divisor’ or ‘remainders’ devised in the formula. Minor parties can win seats more easily under PR with Hare quota of largest remainder formula, lower legal thresholds and larger district magnitudes.

Figure 6.1 The main components of electoral systems on the threshold of representation



Having outlined the four main components of electoral systems, the task of the remainder of this chapter is to answer how the Turkish electoral systems have affected the representation of minor parties in the parliament.

⁶¹ Available at [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2008\)037-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2008)037-e) (accessed 18 May 2018)

6.2.2. The Psychological Impact of Electoral Systems

Although the working of the mechanical effect is clear enough to investigate, the precise nature of psychological effect is more daunting to define. Duverger (1954: 240) describes it as the ‘phenomenon of polarization’. The logic laid-out by him is that while the effect of the plurality system’s tendency to underrepresent smaller parties (a subject widely discussed within the contemporary studies under the titles *disproportionality-multipartism* or *mechanical effect*) on party elites emerge through party ‘fusion’, its impact on voters is observed through the elimination of non-viable parties. For him, the process of fusion is expected to be only found in a plurality system, that is where the mechanical factor is most decisive, and political elites, then, should be more inclined to merge smaller parties in such formulas-like FPTP⁶². Following him, this phenomenon has been broken up in a more systematic way:

→ First, some voters are thought sophisticatedly deviating from their preferred party-*strategic voting*-(1) to avoid wasting their votes by abandoning parties or candidates with poor chance of being elected and casting vote for a less preferred party with a stronger chance of winning or (2) to influence post-election policy making, considering, such as, the potential coalitions that is likely to form or bargaining power of parties. (This distinction is discussed under the terms like *seat* and *portfolio maximizing* by Cox, 1997 or *tactical voting* and *strategic scrutiny* by Abramson *at al.* 2010, see also Cain, 1978; Riker, 1982; Aldrich *at al.*, 2005; Blais and Gschwend, 2010)

→ Second and what is under the scrutiny of this chapter, new entrants or parties are thought abstaining from formation or competition when their chance of winning is too small by anticipating the mechanical effect of electoral system (Blais *at al.*, 2011; Lachat: 2012) and considering the patterns of voter preferences revealed in previous elections (Cox, 1996). From this perspective, politicians anticipate or at least are aware of, firstly, what the electoral system in use does mechanically on the distribution of seats and psychologically on voters and secondly of what voters’ preferences are.

In both situations, the underlying reasoning behind this reciprocal mechanism between electoral systems and the decisions of actors requires well-informed and instrumentally rational voters and elites. Here, the former is expected to be only concerned with making vote counted one way or another, and the latter only with winning elections.

⁶² Long ago, his conjecture narrowing these strategies to plurality systems was refuted by the following studies in which even PR systems was found to be open to strategic actions of voters due to small district magnitudes or high thresholds (Sartori, 1968).

Leaving aside whether the psychological effect on parties should be regarded ‘probabilistic’ or ‘deterministic’ (Gunther, 1989), the perception of electoral structure has been commonly argued in the literature at least to be a factor in the behaviour of political elites and has been reinforced by considerable empirical confirmation. For instance, Taagepera and Shugart (1987: 120) argues that the Finnish PR case provides a good example for this where parties and candidates do not run in those districts in which there is little chance to win a seat. More thought-provoking findings are presented by Blais and Carty (1991)⁶³ and Katz (1997). Both cross-case studies compare the actual number of contesting parties under PR, majority and plurality formulas. The table below illustrates the findings of both studies.

Table The comparison of the number of electoral parties between electoral systems by Blais and Carty (1991) and Katz (1997)

Study	PR	Majority (Single member districts)	Plurality (Single member districts)
Blais and Carty (1991) 509 elections held in 20 countries	7.8	7	4.6
Katz (1997) 800 elections held in 75 countries	9	9	6

A reasonable implication drawn from these figures is that considering the mechanical impact-deviations from votes to seats, elites seemingly respond to the incentives created by electoral rules in accordance with reason. They refrain from either forming new parties or keeping the established ones in those systems where the mechanical effect seems stronger. The standard association, then, becomes that fewer parties contest elections in the systems where the mechanical factor is discouraging or the reverse happens where that is obviated⁶⁴.

The pattern of evidence presented by Blais and Carty (1991) and Katz (1997) is derived from a straightforward comparison between a set of countries using different electoral systems. Cox (1996) rather employs a more robust method. His method relies on a number of cases, each of which has simultaneous lower and upper house elections occurring at the same place with the same electorate, based on different electoral rules. This, thus, can help to see whether different electoral systems lead different party strategies even when used in the same society at the same time. Comparing the number of parties in house and senate elections of 16 democratic countries, more parties (actual, ENEP and ENPP) appear for the elections of the houses of which formation is made with more permissive electoral systems.

⁶³ They use two dependent variables. The first is the number of contesting parties, which denotes the elite behaviour. The second is electoral fractionalization (ENEP) and the shares of the votes obtained by the leading, second and all other parties, which denote voters’ behaviour.

⁶⁴ In both circumstances, let suppose that the calculations are not difficult to make.

Blais *at al.* (2011) uses the same method to directly discuss the psychological effect of electoral systems on parties in the cases of Switzerland and Japan. They find that PR and plurality formulas tend to approximate their expected effects. The weaker parties in two countries are less inclined to compete in plurality and two-round elections than PR elections. Yet, they also come across some parties contesting even when they have no chance of winning. This supposedly suggests that those parties should have either long-term goals such as meeting expectations of local constituencies or as heightening voters' interests for the PR part of elections. Using the same method, Lachat (2012) also, in the case of Switzerland, analyses the electoral system effects in the nine lower-PR and upper house-*two-round majority* elections from 1971 to 2003. His examination shows that both the mechanical effect and the effect on parties are relatively stronger, while the effect on voters is weaker. The parties with small chance do not compete in cantons with a smaller number of seats. Therefore, he highlights a negative relation between the district magnitude and the psychological effect on parties. Besides, challenger parties become discouraged when an incumbent running again. On the whole, these studies suggest that the decision of parties to contest has a close relation with the degree of permissiveness of electoral systems.

The response of political elites to the electoral system incentives, however, may not always appear as assumed. This is illustrated by Gunther's analysis (1989) of the psychological effect of the electoral system on party elites in Spain. To him, considering the widely acknowledged mechanical effects of the electoral system in hand in combination with the perceived behaviour of Spanish voters not to waste their votes on weaker competitors⁶⁵, the small party elites should have preferred to merge or form electoral coalitions. Contrary to the expectation, the numbers of both registered and contesting parties are found high. His in-depth interviews with Spanish political leaders additionally reveal that as a result of the miscalculation about their likely level of electoral support or different concerns other than the short-term maximization of parliamentary representation, those elites take decisions not complying with what would have been determined rational in light of the Spanish electoral structure. His breath-taking contribution to the literature is that "*the distal effects of electoral laws on party systems are not direct, uniform and deterministic.*"

This reasoning behind the relation between the psychological factor of electoral systems and the count of contesting parties has been also indirectly incorporated into the studies giving attention to the question of *new party emergence* (Harmel and Robertson, 1985; Ignazi, 1996; Cox, 1997; Willey, 1998; Lucardie, 2000; Hug, 2001; Tavits, 2006 and 2007; Bolleyer and Bytzeck, 2013; Lago

⁶⁵ Gunther, in the first stage of his analysis, specifically discusses both the mechanical effect and psychological effect on voters. That stage suggests that both (1) the high mechanical effect having a bias in favour of the two largest parties and (2) the sophisticated behaviour of Spanish voters should have discouraged the small party elites to contest elections.

and Martinez, 2011). Roughly two approaches prevail among these studies: the institutional approach by which electoral system features or constitutional arrangements (*presidentialism/parliamentarism*) are emphasized (such as Harmel and Robertson, 1985 and Willey, 1998) and the sociological or economic approach by which the demand on new issues, heterogeneity of society (social cleavages) or economic performance of incumbent parties are proposed for consideration (such as Lucardie, 2000; Hug, 2001; Tavits, 2006 and Ignazi, 1996). One of the most comprehensive studies has been put forward by Hug (2001). In Chapter 5 of his book, he tested the predictions of the theoretical model consisting of 21 variables compiled from the existing studies and found that only the following are relevant: linguistic homogeneity, growth rate (negative effect), population (positive effect) *as the measures of the rise of new issues*, petition requirements *as the measure of formation costs* (negative effect), and the thresholds of representation and exclusion *as the measures of costs of electoral competition* (negative effect).

In this respect, Harmel and Robertson's study (1985) of new parties offers a meaningful differentiation between the processes of emergence and success of new parties. The main lesson derived from their analysis of 233 new parties formed in 19 Western countries is that although the new party success is closely related with the type of electoral system, the propensity to form a new party is not conditioned by that. In other words, the electoral system inhibiting new party success does not necessarily inhibit new party formation. Given that lesson, they advise to think of new parties as falling into two groups: contender and promoter parties. While the former is dedicated to winning elections and has the belief that they can achieve it, the latter is aware of the unlikelihood of electoral victory and use rather the party as a vehicle to promote some issues or personality.

The inclusion of the psychological factor in the literature of new party emergence has been developed most tangibly by Cox (1996) under the *strategic entry theory*. To this theory, party emergence results from the strategic calculations of elites to access elections, which is based on (1) *the cost of entry*, (2) *the benefits of office*, and (3) *the probability of electoral support*. The costs of entry are measured by the ease of registering a party (the amount of monetary deposit or the number of signatures) and of winning a seat (electoral system). The benefits of office refer to the institutional structures making more attractive competition such as public funding or directly-elected presidency. The probability of electoral support depends on the foresight of elites about which parties are viable or not at the time of entry⁶⁶. The idea simply is that if there are reasonable

⁶⁶ The key ways to make this estimation is to look at the previous electoral performance of the existing parties (*this type of estimation is also associated with the age of democracy or party institutionalization through the dichotomy of established and new democracies*) (Cox, 1996; Moser and Scheiner, 2004; Tavits, 2005), some indicators of voters' dissatisfaction with established parties (Tavits, 2005) or pre-election polls.

indicators that certain parties are viable, then others non-viable should not contest. The theory overall suggests that the higher the costs associated with the formation of a party and running in elections, the lower the possibility to get the benefits and the less uncertainty about the electoral performance of the others, the less likely it would be that new parties emerge and endure.

Using the same approach but developing a more comprehensive model including the factor of disappointed voters, Tavits' (2006, 2007) two studies confirm the *strategic entry theory* both in established and new democracies. Her both analyses end with the argument that the formation process follows the rational calculation of elites. New entries are deterred when the costs of registration and accessing to parliament are higher, when the potential benefits of forming a party is limited and when the perceived probability of electoral support is low. She also uses the measurements of voters' disappointment with the outgoing representation to explain the success of the new parties. Her latter study (2007) helps to understand further the process of emergence in the context of democratic development. As democracies mature (which she interprets it as the indicator of crystallized party support bases and party system institutionalization), new party entrants gradually decrease.

6.3. The Electoral Systems in Turkey

6.3.1. The Period between 1950 and 1960

6.3.1.1. Rules

The general election of May 1950 was the first multi-party competition of the Republic of Turkey. The period covers three elections. The new electoral law, enacted in February 1950, introduced the secret ballot, open counting, and a mechanism of judicial supervision of electoral administration (The Act of the Election of Deputies, No. 5545). The parliament has been unicameral and fixed at four years of term. Throughout this period, the electoral system was the majority-plurality system within 'multi-member' districts. The entire country was divided into 64 electoral districts (subsequently 67) each of which corresponded to the administrative provinces. The size of parliament has not been settled permanently. The law has specified that the districts with the population between 40,000 and 55,000 had one representative, and the number of seats was to be increased by one for each additional 40,000 voters. Depending on the changing populaces of the districts before each election, the parliament had 487 elected seats in 1950, increased to 541 in 1954 and lastly to 610 in 1957.

The system has been formalized in the form of 'plurality bloc voting', also known as the 'winner takes all' in a district. As illustrated in Table 6.2, the party of which candidates together secured a simple majority in a given district has been entitled to fill all the district's seats.

Table 6.2: An actual example of the operation of the Majoritarian-Plurality System in the district of Afyon in the 1950 Election. Source: www.ysk.gov.tr.

1950 Election, District: Afyon/ M: 9		
Parties	Percent of the Votes	MPs elected
DP	48 → <i>the simple majority</i>	9
CHP	42.7	-
MP	9.3	-

6.3.1.2. Analysis

In three elections of 1950, 1954 and 1957, electoral minor parties were limited in number: one in 1950 and three in 1954 and 1957 each. The Democrat Party (DP), as the largest major party of the period, respectively received 55.2, 58.4 and 48.6 percent of the popular vote, and won 85.4, 92.9 and 69.5 percent of the parliamentary seats. Being the main opposition party, the Republican People's Party (CHP) always remained as the second major party in the ballot, and respectively filled the 14.1, 5.7 and 29.1 percent of the parliament.

Table 6.3 displays the percentages of votes and seats of the contesting parties in the elections of the period.

Table 6.3: Votes and seats percentages in the elections between 1950 and 1960. Source: www.ysk.gov.tr.
Notes: Totals may not be 100 percent because of the omission of the independents.

Election Year	DP		CHP		Minor Parties		
	V%	S%	V%	S%	V%	S%	
1950	55.2	85.4 (416)	39.6	14.1 (69)	4.6	0.2 (1)	Total MP
1954	58.4	92.9 (503)	35.1	5.7 (31)	5.37	0.9 (5)	Total (C)MP
					0.6	-	TKP
					0.01	-	IP
1957	48.6	69.5 (424)	41.4	29.1 (178)	10.005	1.2 (8)	Total (C)MP
					6.5	0.6 (4)	HP
					3.5	0.6 (4)	HP
					0.005	-	TKP

As indicated in the table below, the system on nearly every occasion gave all the seats of districts to a single party in return for just having absolute or slender pluralities of the popular vote. Looking at the districts gained by the DP, almost one-fifth of the seats in the first two elections and a half of the seats in the last election were gained by simple majorities, below 50%. Another striking aspect of the data is that while the CHP managed to receive 35% of the vote cast nationwide in 1954 Election, the party reached the majority only in three districts with a total of 31 seats filled.

Apart from the two largest parties, the support given to the minor parties reached at most a total of 10 percent by 1957. Even in this election, 98.8 percent of the parliament was filled by DP and CHP together. Republican Nation Party (CMP), which gained around six percent of the popular vote in the last two elections achieved to gain only five and four seats respectively. Similarly, the Freedom Party (HP) obtained only four seats (0.6%) with 3.5 percent of the popular vote.

Table 6.4: The number of districts captured by the simple and absolute majorities of votes

Election Year	Number of Districts		Number of districts gained by DP	Number of districts gained by CHP	Total number of districts gained by the two parties	Number of districts split
1950	63	$50 < V_s$	40	8	48	4
		$50 > V_s$	11	0	11	
1954	64	$50 < V_s$	48	1	49	1
		$50 > V_s$	12	2	14	
1957	67	$50 < V_s$	22	9	31	2
		$50 > V_s$	21	9	30	

Looking at Table 6.5 below, the simple-majority formula in ‘multi-member’ districts caused extremely-high indices of disproportionality. The average LH index is 28.41%. The 1954 Election with 34.18% of LH index (where L_{sq} is 29.09) arises as the highest of all times in this period. As typical in plurality systems, the overall disproportionality was the total of those emerged at the district level. Although the system on the whole does not seem to have discriminated amongst the major parties or between major and minor parties in engendering the given disproportionality, the district results clearly demonstrates that the only beneficiaries of the electoral system in practice were the two major parties, and mostly the DP.

Chapter 6: the Threshold of Representation

Table 6.5: The indices of disproportionality (Loosemore and Hanby's index and Least Square index) and Effective Number of Parties (Laakso and Taagepera) between 1950 and 1960. The Ratio (or index) of Representation was calculated by dividing the seat share (S_s) by the vote share (V_s). The Mean Vote Value per Seat was calculated by dividing the total votes of an individual party (V_{ti}) by its total seats (S_{ti}).

Elect.	Disproportionalit y					Overrepresented Parties (S_s/V_s) If $Ratio_{Rep} > 1$	Underrepresented Parties (S_s/V_s) If $1 > Ratio_{Rep} > 0$	Mean Vote Value per Seat (V_{ti}/S_{ti})
	LH	Lsq	N	ENEP	ENPP			
1950	30.05	28.09	3	2.16	1.33	DP (1.54)	CHP (0.35) MP (0.04)	DP-10,556 CHP-45,632 MP-368,537
							Unrepresented Parties (Number of Votes)	0
1954	34.18	32.22	5	2.14	1.15	DP (1.59)	CHP (0.162) (C)MP (0.17)	DP-10,563 CHP-103,015 CMP-96,049
							Unrepresented Parties (Number of Votes)	IP-910 TKP-50,935
1957	21	17.7	5	2.42	1.76	DP (1.43)	CHP (0.7) CMP (0.09) HP (0.17) IP (0)	DP-10,608 CHP-21,490 CMP-151,021 HP-80,367
							Unrepresented Parties (Number of Votes)	VP-463
Avg.	28.41	26	4.3	2.24	1.41			

To take an example, the size of the district 'Sinop' in 1954 and 1957 was adjusted to six seats. The share of the three parties contesting in this district were as follows in 1954: CHP, 41.5; DP, 34.7 and (C)MP, 23.9. The second major party, CHP, was accordingly entitled to all the six seats by the narrow margin defeating the DP. A similar distribution but this time on the benefit of the Democrats occurred in the election of 1957, where the margin this time came to the narrowest point: CHP, 37.1; DP, 37.9 and (C)MP, 24.9. Such superficial exclusion of the second and the other parties continued in every district throughout the three elections. This by and large brought about the overrepresentation of the DP, and the underrepresentation of the main opposition CHP and the other three minor parties.

Table 6.5 also displays the effective number of electoral and parliamentary parties. In parallel with the disproportionality scores, the simple-majority system expectedly kept the ENPP low. On average, the system caused 63% of reduction of the ENEP. As the most extreme case, the DP with 58.4 of the votes cast nationwide gained nearly 93% of the seats in 1957 Election. Looking at the ENPP that ranged from 1.33 to 1.76, it is difficult to consider the party system of the period even a 'two' or 'two and a half' party system, a common aspect of plurality systems.

What would explain the winning chances of minor party under such electoral system? As Curtice (1992: 194) suggests:

"The ability of the single-member-plurality system to discriminate against third parties is wholly contingent upon the electoral geography of their support. The system does discriminate against parties whose support is geographically evenly spread - but does not discriminate against those third parties whose support is geographically concentrated."

Although the plurality system of Turkey was operated along with multi-member designation of districts, the cases of Turkish minor parties which managed to win some seats during the period supports Curtice's suggestion. For instance, the MP⁶⁷ achieved to secure one seat in 1950, five in 1954 and four in 1957. In each incident, the seats were gained in the district of Kirsehir, the constituency of the party leader, Osman Bolukbasi. The other party that succeeded to access the parliament with four seats in 1957 was Freedom Party (HP), founded by 19 dissident-former MPs of the DP two years before⁶⁸. Only four of them were re-elected and gained these seats from the same district, Burdur with 37.5 percent of the votes. This was the one of the 57 districts in which the party participated in elections. Both cases primarily suggest that the minor parties could win seats under the majority system on condition that they concentrated their votes in certain districts. The parties with tiny and un-concentrated support stood no chance of winning seats even if they would have increased their votes nationwide.

This implies that, up to the point that the essential-concentrated support is specifically achieved at district level, the penalizing effect of the system on small parties increases in parallel with the rise of support nationwide. This can be demonstrated if the electoral data are examined on a district basis. Table 6.6 displays the number of districts where the minor parties contested and their *wasted fractional seats* in the three elections. The phrase *wasted fractional seats (wfs)* of the parties in the tables below refers to how many seats the electoral system caused to pass from the minor parties to DP or CHP. It was calculated by summing the district level wastages of the minor parties. To take an example, HP in 1957 Election obtained 23.5 percent of the votes in Isparta where the *M* is five. 20 percent of the vote is arithmetically entitled one seat. The party's wasted fractional seat, here, was held as 23.5/20.

⁶⁷ Renamed Republican Nation Party in the 1954 Election

⁶⁸ The faction was expelled from the party before the party's forth general congress in October 1955 (Cakmak, 2008).

Chapter 6: the Threshold of Representation

Table 6.6: The number of districts where the minor parties contested in the elections of 1950, 1954 and 1957 and their wasted fractional seats. Source: www.yzk.gov.tr.

Election Year	Minor Parties	Seats	Number of Districts involved	Wasted Fractional Seats		
				Elected in	Above the quota	Below the quota
1950	MP	1	21	Elected in	1 (<i>Kirsehir</i>)	
				Above the quota	5	10.3
				Below the quota	15	3.9
				Total	14.2	
1954	(C)MP	5	40	Elected in	1 (<i>Kirsehir</i>)	
				Above the quota	8	12.3
				Below the quota	31	10.4
				Total 1	22.7	
	CKP	0	19	Elected in	0	
				Above the quota	0	0
				Below the quota	19	3.2
				Total 2	3.2	
Total 1+2	25.9					
1957	(C)MP	4	63	Elected in	1 (<i>Kirsehir</i>)	
				Above the quota	17	27.9
				Below the quota	45	12
				Total 1	39.9	
	HP	4	55	Elected in	1 (<i>Burdur</i>)	
				Above the quota	5	6.5
				Below the quota	49	14.5
				Total 2	21	
Total 1+2	60.9					

Table 6.7: The districts where the minor parties overreached the simple quota in the election of 1950. Source: www.yzk.gov.tr.

District	M	Electoral Quota $100/M$	Minor Party	Votes	Wasted Fractions v/q	Vote Share of Elected Party
Sinop	5	20	NP	26.3	1.3	62.8 - <i>CHP</i>
Istanbul	27	3.7	NP	17.2	4.6	56.6 - <i>DP</i>
Kastamonu	10	10	NP	16.4	1.6	43.9 (9) - <i>DP</i> , 39.7 (1) - <i>CHP</i>
Kutahya	10	10	NP	12	1.2	49 (9) - <i>DP</i> , 39.1 (1) - <i>CHP</i>
Ankara	18	5.5	NP	8.8	1.6	49.1 - <i>DP</i>

Table 6.8: The districts where the minor parties overreached the simple quota in the election of 1954. Source: www.yzk.gov.tr.

District	M	Electoral Quota $100/M$	Minor Party	Votes	Wasted Fraction $s v/q$	Vote Share of Elected Party
Sinop	6	16.6	(R)NP	23.9	1.4	41.5 - <i>CHP</i>

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Afyon	13	11.1	(R)NP	15.2	1.4	58.3 - DP
Erzurum	12	8.3	(R)NP	12	1.4	58.8 - DP
Kars	10	10	(R)NP	11.5	1.2	49.8 - DP
Kastamonu	10	10	(R)NP	10.3	1	59.1 - DP
Konya	19	5.2	(R)NP	10	1.6	53.8 - DP
Ankara	21	4.7	(R)NP	9.9	1.9	50.4 - DP
Istanbul	29	3.4	(R)NP	8	2.4	63.8 - DP

Table 6.9: The districts where the minor parties overreached the simple quota in the election of 1957.
Source: www.yzk.gov.tr.

District	M	Electoral Quota $100/M$	Minor Party	Votes	Wasted Fractions v/q	Vote Share of Elected Party
Nevesehir	4	25	CMP	28.9	1.6	42.4 - DP
Cankiri	6	16.6	CMP	24.6	1.5	30.2 - CHP
Sinop	6	16.6	CMP	24.9	1.5	37.9 - DP
Usak	4	25	CMP	24.9	1	41.9 - CHP
Isparta	5	20	HP	23.5	1.2	44.1 - DP
Yozgat	9	11.1	CMP	23.3	2.1	43.8 - DP
Afyon	10	10	CMP	21.9	2.2	48.1 - DP
Diyarbakir	9	11.1	HP	20	1.8	49.2 - DP
Nigde	7	14.3	CMP	18.6	1.3	40.8 (6) - CHP; 40.3 (1) - DP
Rize	6	16.6	CMP	18.4	1.1	50.6 - DP
Corum	10	10	CMP	17.8	1.8	45.5 - DP
Erzurum	13	7.7	CMP	13.7	1.8	50.2 - DP
Ankara	27	3.7	CMP	13.4	3.6	45.8 - CHP
K.Maras	9	11.1	CMP	12.8	1.2	45.2 - CHP
Kastamonu	10	10	CMP	11.9	1.2	44.7 - DP
Konya	21	4.8	CMP	10.4	2.2	44.3 - DP
Balikesir	15	6.7	HP	8.6	1.3	54.7 - DP
Zonguldak	12	8.3	CMP	8.3	1	53.2 - DP
Bursa	15	6.7	HP	7.5	1.1	58.1 - DP
Manisa	14	7.1	HP	7.5	1.1	56.9 - DP
Sivas	15	6.7	CMP	7.4	1.1	53 - CHP
Istanbul	39	2.6	CMP	4.3	1.7	52.7 - DP

The Nation Party (CMP) participated in the election of 1950 within 21 districts. Although the party overreached the average vote per seat (v/m) in seven of these, only one seat was awarded in the district of Kirsehir. As already noted, this seat was gained by way of the preferential votes cast for the party leader. In the following elections, the party increased its contesting districts to 40 and 63 respectively. In parallel to this expansion, the party also achieved to increase its total votes on both

occasions. However, as in 1950 election, the party reached the relative majority only in Kirsehir in those elections. The other minor party, HP, partook in the election of 1957 throughout 55 districts. Likewise, it garnered the relative majority only in one district, Burdur.

Looking at the *wfs* scores in Tables 6.7, 6.8 and 6.9, three observations can be made:

First, (C)MP's sharp increase in *wfs* (14.2 in 1950, 22.7 in 1954 and 39.9 in 1957) suggests that while the party achieved to get support from the new districts it contested, this increased-support countryside did not render more representational power in the parliament to the party due to the majoritarian rule.

Second, the larger the M under the simple-plurality with multi-member constituencies, the more penalizing effect (*wfs*) on minor parties arose. To illustrate this impact, by the election of 1957, (C)MP received virtually the same percent of votes in Erzurum where M was 13 and in Ankara where M was 27; 13.7 and 13.4 respectively (Table 6.9). Although the disproportionality index for the party in both districts appears nearly the same, it lost 3.6 seats in Ankara, two times more than in Erzurum. As Taagepera and Shugart (1989: 112) asserted, this suggests that the positive relation between the M and the degree of proportionality considered for PR systems had a reverse impact under the majority-plurality system. This aspect stands out as the key aspect what actually made the majoritarian formula unsophisticatedly disproportional in Turkish experience.

Last, and most important, taking into account the increase of the size of parliament from 487 in 1950, to 541 in 1954 and to 610 in 1957, such reverse relation between the district size and proportionality escalated. In contrary to the 11% and 12.7% of increase in the size of parliament in the last two elections, the number of districts was increased only from 63 to 64 in 1954 and to 67 in 1957. The increase in the size of parliament thus was mainly made by increasing the sizes of the existing districts rather than their number. Given the reverse relation between district size and proportionality, this simply advantaged the already two major parties, which had previously demonstrated their 'simple majority' dominance in most of the districts.

The limitation of what has been above said for the relation between M and disproportionality is that it is not rigidly direct. For instance, what if Ankara had been divided into two districts each of which corresponds to the magnitude of Erzurum, and the support given to the parties in 1957 had remained in the same ratios through the sub-divided districts? Or what if the whole country had been divided into single-member districts like UK, and the given votes had been equally dispersed amongst the divided districts (as what exactly happened in UK Election 1959⁶⁹)? There are no data regarding the sub-units of districts to advance on these queries empirically, but it is clear that there

⁶⁹ In the election of 1959, the Liberal Party, as the third party, received 5.9 percent of the votes, that was almost the same share of Turkey's CMP (five seats) in the 1957 Election. Similarly, it won only 6 seats, while the Conservative Party and Labour Party together won 623 seats.

is a noticeable difference between the effective thresholds of one member and multi-member districts in terms of the requisite quantities of votes. The district like Istanbul where M was 39 and the number of registered voters was 979,044 in 1957 did not have the same threshold with the district like Bingol where M is 3 and the number of the registered voters was only 47,242.

This all suggests that the gross mechanical impact of the system during the period exerted a psychological-detering impact on minor parties and on potential intra-party rebellions, especially after facing the results of the first election. Bearing the HP case in mind, the resignation from one major party and being a founder or a candidate of a minor party meant an everlasting resignation from the parliament. Furthermore, the majoritarian-plurality system throughout that decade probably eliminated a number of minor parties before the elections too because of having no real hope of winning. The extremes of distortions perhaps made the elections suffered from tactical voting most. Having no electoral chance in such a system assigning an absolute leverage to the largest (first) party may also be worthy of remark on the account of the arguments concerning with the increasing autocratic tendencies of the DP' leader, Adnan Menderes, through the ending period of his tenancy, which ceased with the military coup of 1960 (Akgun, 2001; Rustow, 1985: 137; Hale, 1980, 410)

6.3.2. The Period between 1961 to 1980

6.3.2.1. Rules

Rae (1971: 78) asks whether the elimination of minor parties is a distinctive aspect of plurality electoral systems. His findings induce researchers to be sceptical about the consequences of PR systems too. Turning to the research case, the oppressive policies of the DP government seemed getting out of control through the late 1950s⁷⁰, and that was to some extent accounted for by the majoritarian-plurality system. As a result, the first era of competitive elections collapsed with the coup d'état of 1960 led by a group of low-ranking officers in the military. The National Unity Council, which was established to reconstruct the legal structure in the aftermath of the coup d'état, pointed to the 'unjust mechanism of representation' as the cause of that conclusion, and used the

⁷⁰ It has been commonly argued that the DP governments during that decade (1950-1960) incrementally followed suppressive policies and measures against the 'hegemonic actors' of the pre-1950 regime such as intellectuals, appointed civil servants, bureaucracy, judges, university professors and the media. In the late 1950s when the DP initiated a parliamentary commission to investigate the 'subversive' actions of the CHP, it was commonly claimed that the establishment of the commission was unconstitutional. University students protested the DP government with massive demonstrations. In the political rigidity in which the DP passed growingly more stringent laws and the CHP and other opposition groups maintained unrest, the military supported the opposition and overthrew the DP government (Belge, 2006; Isiksel, 2013).

electoral system as one of the scapegoats for the ‘dictatorial policies’ of the government (Arasli, 1989: 24)

Following the introduction of a new constitution and its main accompanying legislation, of new electoral law in 1961 abandoning the majoritarian-plurality system, the first election was held according to the Proportional Representation system with d’Hondt formula and district threshold. The size of the parliament this time was fixed to 450. The district magnitude per district was calculated into two steps: After each district was granted one seat regardless of size of population, the remaining seats were allotted consistent with the given district’s share of the national population.

According to the same law, the parties whose total vote was below *district quota* ($q:V_t/M$) were firstly to be eliminated from the apportionment. The other parties then, were granted seats on the base of the formula. The d’Hondt method has been operated among the parties or exceeding the district quota (q). Table 6.10 shows an example of the operation of the apportionment.

Table 6.10: An actual example of the operation of the d’Hondt method and q in the district of Afyon based on the 1961 Elections. Source: www.ysk.gov.tr.

1961 Election, District: Afyon/ m: 7/ Valid Votes: 168,199/ q: 24,028						
Party	Votes	Divided by 1	Divided by 2	Divided by 3	MPs elected	
CKMP	76,349	76,349 (1)	38,174 (4)	12,724 (7)	3	
AP	47,715	47,715 (2)	23,857 (5)	7,862	2	
CHP	42,032	42,032 (3)	21,016 (6)		2	
YTP	1,972	Eliminated due to the district quota				

First Revision: In 1965, the coalition government led by the CHP revised the election law by adopting the *national remainder* formula, known also as the Hare quota of Largest Remainder system (v/s) in the place of the d’Hondt. According to that, the q was initially calculated as in 1961. Then each party’s vote in the district were divided by the quota. Seats were rewarded to the parties as many as the divided votes meet the quota. The remainder votes, which either did not reach the q ever or exceeded the q ; but did not reach the following integer value, were transferred to the national pool. The unallocated seats collected in the pool was at the end distributed to the parties in proportion to each party’s remainder vote in the pool. Table 6.11 exemplifies the apportionment of the seats based on the Hare quota.

Table 6.11: An actual example of the operation of PR with the Hare method in the district of Afyon based on the 1965 Election. Source: www.ysk.gov.tr.

1965 Election, District: Afyon/ m: 7/ Valid Votes: 146,958/ q: 20,994					
Party	Votes	Votes divided by the quota	Remainder	MPs elected	
				<i>From the quota</i>	<i>From the pool</i>
AP	91,565	4	7,589	4	
CHP	27,206	1	6,212	1	
MP	16,828	0	16,828	-	1
CKMP	4,889	0	4,889	-	1
TIP	2,727	0	2,727	-	-
Independents	948	0	948	-	-

Second Revision: As argued in the next section, the Hare method expectedly brought about a more proportional distribution as compared to the d'Hondt formula. Justice Party (AP), which emerged as the ruling party in the 1965 Elections, proposed a bill favouring a return to the d'Hondt method with the district threshold. The bill was successfully passed in March 1968. Yet, Turkey's Labour Party (TIP), a minor party represented in the parliament owing to the Hare method, applied to the Constitutional Court for the annulment of the law by claiming that the amended electoral system violates democratic principles enshrined in the Constitution of 1961 and systematically eliminates the minor parties from representation. The Court only annulled the rule of district threshold, and the mere d'Hondt formula remained in the force⁷¹. The formula without the q continued in the following three elections held in 1969, 1973 and 1977.

6.3.2.2. Analysis

The first post-coup election took place in 1961, just a year after the intervention, amongst the four parties whose total vote varied from 13.7 to 37.8 percent. The election of 1965 with the participation of six parties was run according to the national remainder method with Hare quota. The last three elections of this period; of 1969, 1973 and 1977 each with the participation of nine parties, were conducted with the pure d'Hondt without q .

Table 6.12 below displays the percentages of votes and seats per party in those five elections.

⁷¹ Issue Number: 1968/13, The date of Official Gazette: 24.10.1968, See at <http://www.kararlaryeni.anayasa.gov.tr/Karar/Content/9c75a58f-e89b-4faf-97cf-134914fc8d54?excludeGerekce=False&wordsOnly=False>, Accessed by 15.08.2016

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Table 6.12: Votes and percentages of the parties in the elections between 1960 and 1980. Source: www.ysk.gov.tr. Notes: Totals may not be 100 percent because of the omission of the independents.

Election Year		AP	CHP	Minor Parties	CKM MHP	YTP	MP	TIP	BP	CGP	DP	MSP
1961 d'Hondt + q	V	34.8	36.7	27.7	14	13.7						
	S	35.1 (158)	38.4 (173)	26.4 (119)	12 (54)	14.4 (65)						
1965 Hare Quota	V	52.9	28.7	15.2	2.2	3.7	6.3	3				
	S	53.3 (240)	29.7 (134)	16.5 (75)	2.4 (11)	4.2 (19)	6.8 (31)	3.1 (14)				
1969 d'Hondt	V	46.6	27.4	20.5	3	2.2	3.2	2.7	2.8	6.6		
	S	56.8 (256)	31.7 (143)	8.8 (40)	0.2 (1)	1.3 (6)	1.3 (6)	0.4 (2)	1.7 (8)	3.3 (15)		
1973 d'Hondt	V	29.8	33.3	34.1	3.4		0.6		1.1	5.3	11.9	11.8
	S	33.1 (149)	41.1 (185)	24.4 (110)	0.6 (3)		0		0.2 (1)	2.8 (13)	10 (45)	10.6 (48)
1977 d'Hondt	V	36.9	41.4	19.2	6.4			0.1	0.4	1.9	1.8	8.6
	S	42 (189)	47.3 (213)	9.5 (44)	3.5 (16)			0	0	0.6 (3)	0.1 (1)	5.3 (24)

There are four noticeable inferences from the sheer numbers of the results. First of all, the introduction of PR seems to have had an expected consequence in 1961, in that, no party gained an absolute majority either on ballot boxes or in the parliament while the CHP, under its veteran leader Ismet Inonu, returned to the power first time since 1950 and emerged as the largest party. The Justice Party (AP) became successful in giving the impression of being successor of the outlawed Democrat Party, and it overtly represented the party's legacy during the period (Sayari: 407). Second, apart from the two major parties, the number of electoral minor parties slightly increased from two to seven, and they certainly became more visible in the period than the 1950s. This gradual emergence of the new parties can also be associated with the proportional character of the system that brought about less entry costs than the previous period. This also justifies the *strategic entry* argument (Cox, 1997; Hug, 2001; Tavits, 2006; 2007) that the perceived viability of new parties was likely to facilitate the multiplication of parties. Third, although National Movement Party (MHP) and New Turkey Party (YTP) appeared as impressive as the two major parties at the very beginning, they dramatically lost the support in the election of 1965, and seem failed to take advantage of the largest remainder method (*Hare* quota) operated in 1965. Last but not least, although the National Salvation Party (MSP) and Democratic Party (DeP) increased their votes in the 1973 Election, they could not maintain the previous shares in 1977. Yet, the MSP managed to become the third party in 1977 even so.

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Table 6.13: The indices of disproportionality (Loosemore and Hanby's index and Least Square index) and Effective Number of Parties (Laakso and Taagepera) between 1960 and 1980. DV denotes the deviation from proportionality. The Ratio (or index) of Representation was calculated by dividing the seat share (S_s) by the vote share (V_s). The Mean Vote Value per Seat was calculated by dividing the total votes of an individual party (V_{ti}) by its total seats (S_{ti}). N: Number of Electoral Parties

Election Year	Disproportionality					Overrepresented Parties (S_s/V_s) If $Ratio_{Rep} > 1$	Underrepresented Parties (S_s/V_s) If $1 > Ratio_{Rep} > 0$	Mean Vote Value per Seat (V_{ti}/S_{ti})	
	LH	Lsq	N	ENEP	ENPP				
1961	2.35	1.9	4	3.43	3.32	YTP (1.05) AP (1.008) CHP (1.007)	CKMP (0.85)	YTP-21,414 CHP-21,530 AP-22,325 CKMP-101,099	
							Unrepresented Parties (Number of Votes)	0	
1965	1.85	0.99	6	2.69	2.63	YTP (1.13) CKMP (1.09) MP (1.07) CHP (1.03) TIP (1.03) AP (1.007)		YTP-18,237 MP-18,796 CKMP-18,972 TIP-19,721 CHP-19,968 AP-20,505	
							Unrepresented Parties (Number of Votes)	0	
1969	13.4	8.78	8	3.33	2.35	AP (1.22) CHP (1.15)	MHP (0.06) TIP (0.15) MP (0.41) CHP (0.5) YTP (0.59) BP (0.61)	AP-16,522 CHP-17,391 BP-31,836 YTP-32,988 CHP-39,854 MP-48,826 TIP-121,815 MHP-275,091	
						Tot.Vote:0.74 Tot.Seat:0.89 RI:1.20	Tot.Vote:0.25 Tot.Seat:0.09 RI:0.35	Unrepresented Parties (Number of Votes)	0
1973	10	6.74	8	4.31	3.34	CHP (1.23) AP (1.11)	MP (0) MHP (0.17) BP (0.18) CGP (0.53) DeP (0.84) MSP (0.9)	CHP-19,300 AP-21,462 MSP-26,370 DeP-28,344 CGP-43,411 MHP-120,736 BP-121,759	
						Tot.Vote:0.63 Tot.Seat:0.74 RI:1.18	Tot.Vote:0.34 Tot.Seat:0.24 RI:0.72	Unrepresented Parties (Number of Votes)	MP-62,377 UPT-58,540
1977	9.85	6.5	8	3.13	2.47	AP (1.14) CHP (1.14)	DeP (0.06) CGP (0.32) MHP (0.54) MSP (0.62)	CHP-28,808 AP-28,932 MSP-52,913 MHP-59,471 CGP-92,571 DeP-274,484	
						Tot.Vote:0.78	Tot.Vote:0.19		

						Tot.Seat:0.89 RI:1.14	Tot.Seat:0.10 RI:0.53	
							Unrepresented Parties (Number of Votes)	UPT-58,540 LPT-20,565
Avg. of 1969, 1973 and 1977	11.08	7.34	8	3.59	2.72			

What can be clearly seen in Table 6.13 is that the party system of the 1960s and 1970s became more fragmented than that of the 1950s. As Duverger (1951: 248) states, “the first effect of proportional representation is therefore⁷² to put an end to any tendency towards a two-party system: in this respect it may be considered as a powerful brake”. What Duverger claimed seems to be what exactly happened under PR in the 1960s and 1970s of Turkey. The period for sure requires deeper analysis in itself, but it is so clear that one- and half-party system of the 1950s palpably ended with the operation of PR. Overall, the sharp decline of disproportionality scores from 28 LH (26-Lsq) in 1957 to 2.35 LH (1.9-Lsq) in 1961 can also be thought of the immediate consequence of the change of the electoral system from majoritarian-plurality to PR.

Being the key dimension of the electoral system used in 1961, the district threshold could have disadvantaged the minor parties. It is because that the minor party which could not receive the vote as many as the q could still have been granted a seat if the d’Hondt had been operated alone⁷³. This assumption conceivably hinges on the theoretical fact that the ‘threshold of inclusion’ with the addition of the district threshold was increased from $1/M + p - 1$ to $1/M$ (p refers to the number of parties; Taagepera and Shugart, 1989). Yet, the detailed observation shows that the district quota did not make life harder for minor parties, in contrary helped them in winning some extra seats. The reality appears when the focus is driven to the district level operation of the rule.

The barrier effect of the quota in the distribution of seats occurred only in nine districts. Eight of them were those where the two minor parties, either CKMP or YTP, were supported most. Table 6.14 indicates that if the rule of district quota had not been operated, the major parties, AP and

⁷² In the previous paragraph, Duverger argues that since no vote is wasted under PR (at least in theory), the ‘depolarization’ effect of single-majority single ballot system on politicians does not work in PR.

⁷³ Let’s suppose that the constellation amongst A, B, C and D result in such a distribution of votes; 35, 33, 19 and 13 percent respectively. M is supposed to be four. The quota accordingly is 25 percent. As C and D are below the quota, they will be eliminated from the apportionment. The seats will be equally shared by A and B. Yet if the quota rule is not operated, the one of the two seats given to B will be allocated to C since its votes are more than the highest average of B counted with divisor two.

CHP, would have won one and eight seats more while CKMP and YTP would have lost six and seven seats respectively.

Table 6.14: The effect of the rule of the district quota on the overall distribution of seats

Party	d'Hondt without district quota	The difference	d'Hondt with district quota
AP	159	-1	158
CHP	181	-8	173
CKMP	48	+6	54
YTP	58	+7	65
Independents	4	+4	0

These extra seats distributed to the CKMP and NTP evoke the biased distribution of the majoritarian-plurality system of the 1950s on the benefit of the largest party, the DP. As clearly illustrated in Table 6.15 below, for instance, just because the vote shares of AP, CHP and CKMP fell short of the quota in Mus, all the three seats were necessarily granted to NTP. A similar pattern is seen in seven further districts in favour of the minor parties, either CKMP or YTP. The elimination of AP and CHP in these districts partly explicates why the disproportionality in 1961 was comparatively less than those of 1969, 1973 and 1977 elections, although all of them embraced the d'Hondt as the formula. This suggests that owing to the support of the relative majorities in the rural and smaller districts; the nationwide-less supported parties had a chance to meet the deficit caused by the d'Hondt. In fact, it seems that YTP did even more than that by gaining 14.4 percent of seats with 13.7 percent of votes.

Table 6.15: The districts where the district threshold affected the apportionment in the 1961 Election. The blue ticks are used to indicate the parties which benefited from the rule of the quota. In the district of Yozgat, since the AP was below the quota, one seat of the DP on the basis of the d'Hondt formula was given to CKMP. Source: www.ysk.gov.tr.

District	<i>M</i>	<i>q</i>	AP	CHP	CKMP	YTP
Agri	3	33.3	11	32.4	34.3✓	22.3
Bilecik	2	50	50.8✓	41.5	7.7	-
Bingol	2	50	-	31.1	11.7	54.6✓
Cankiri	4	25	14.2	23.2	62.4✓	-
Kirsehir	3	33.3	10.6	25.8	63.6✓	-
Mus	3	33.3	20.4	31.4	4.3	43.9✓
Nevsehir	3	33.3	32.6	31.9	35.5✓	-
Van	3	33.3	7.9	32.6	21.4	38.1✓
Yozgat	6	16.6	12.2	32.7 (2)	44.2 (4)✓	10

The further fall of disproportionality in October 1965 and the increased proximity between ENEP and ENPP can be construed as the result of the change from the highest average to the largest

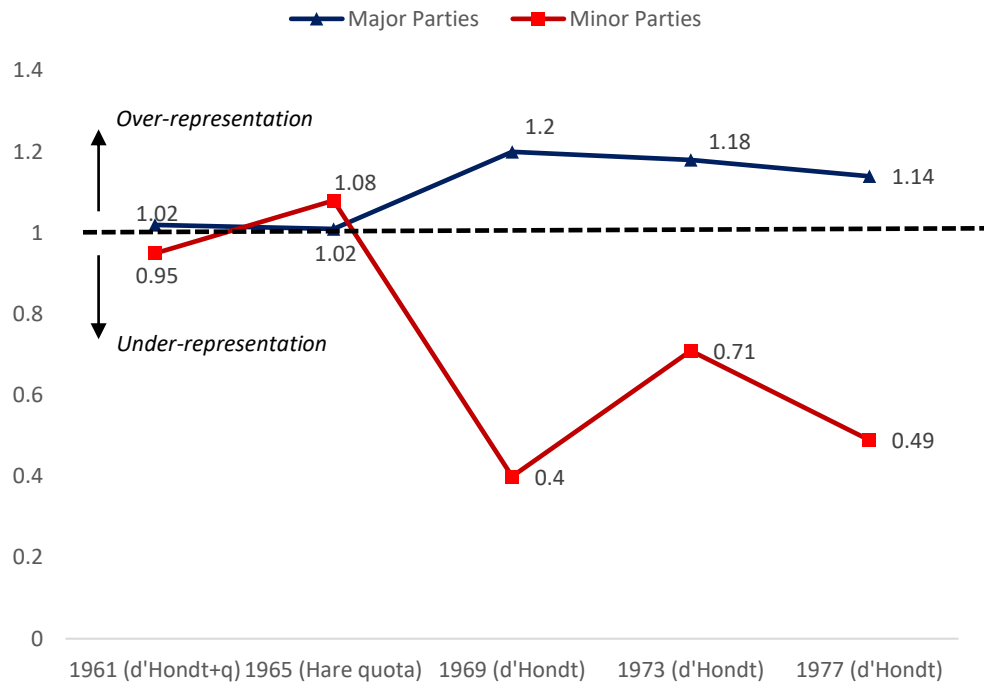
remainder made in February 1965 (Lijphart, 1998). This can be wedded to the pre-eminent aspect of *Hare* quota enabling the parties to be treated on the base of almost the exact proportions to the shares of the vote, although the support of the minor parties severely fell from 27.7 percent to 15.2 percent overall. Owing to the largest remainder formula, even a socialist party, the Turkey's Labour Party (TIP), with only 3 percent of the vote achieved to be represented with 14 seats, which were never won again thereafter. Moreover, the tiny overrepresentation of all parties became even possible due to the wasted votes of the independents (3.2 percent of the popular vote) only one of whom passed the quota. The disproportionality scores of the 1965 election are also discerned as the lowest one of Turkey's electoral history.

Even with the perfect proportionality that the *Hare* quota formula offered all the participants, the AP emerged with an absolute majority of votes and seats from the 1965 elections. The party with the mandate of single-party government managed to enact a new law substituting the largest remainder for d'Hondt in March 1968. The reason of the sharp increase of disproportionality in 1969, 1973 and 1977 appears to be the re-introduction of the d'Hondt. Considering the multiplication of minor parties rising from four to six and ergo the increased figures of ENEP in the three elections, the d'Hondt formula led ENPP to decrease more in parallel with its performance over the index of disproportionality.

As shown in Table 6.13, throughout the three elections, only AP and CHP were overrepresented, and all the minor parties were variably underrepresented with the individual index ranging from 0.84 to 0.06.

A block index of representation (advantage ratios) of the major and minor parties can illustrate further the differential mechanical impact of the operated electoral systems. The findings are displayed in Figure 6.2.

Figure 6.2: The index of representation of the major (AP and CHP) and the minor (others) parties between 1960 and 1980.



The block index is calculated by dividing the groups' total seat share by their total vote share. The dashed line on number 1 represents the perfect representation where S_s is equal to V_s .

The graph shown in Figure 6.2 in the main underlines the point made earlier that the elections of 1961 and 1965 were more proportionately representative than the last three elections. As already noted, there are two reasons why the indices of major and minor parties in 1961 were close to 1. First and the most important, there were only two electoral minor parties which evenly split the votes which were not cast to AP and CHP. This made them strong minor parties in the elections. Second, the threshold of district quota exerted the same influence of 'the winner takes all seats' in favour of the minor parties. The awarded bonus seats to the minor parties slightly increased their index and therefore decreased that of the major ones in 1961.

In the aftermath, the largest remainder led both groups to be slightly overrepresented. The difference of 0.06 between the overrepresentation of major and minor parties stems from that the seats taken extra from the independents in the pool 'relatively' add more to the index of minor parties than those given to major ones. In the following elections, the multiplication of the minor parties led to unprecedented ratio of wasted votes in 1969, and corollary a shift away from the perfect proportionality of the previous election. The explanation of the increase of the index of the minor parties in 1973 lies on the moderate level of support offered to the new parties, DeP and

MSP. Thus, the two parties seem less affected by the bias of d'Hondt in favour of AP and CHP. Their relatively high 'mean vote value per seat' (see the last column of Table 6.13) is the main evidence of this. The heavy loss in votes by the minor parties from 34.1 to 19.2 percent in 1977 caused another sharp fall in their index. That fall rendered them more defenceless against the d'Hondt formula.

What was the impact exerted by the district magnitude on the representation of minor parties? This question is important, because its implication on seat distribution, as argued, is decisive.

To offer an answer to this question, the districts have been divided into three parts: those where M is below five, those where M is between five and nine, and lastly those where M is above nine. Table 6.16 displays the block index of representation of major and minor parties through this variety.

Table 6.16: The index of representation of the major and minor parties amongst the three magnitude groups between 1960 and 1980

Election Year	Major Party Block				Minor Party Block			
	Overall	$M < 5$	$5 \leq M < 10$	$10 \leq M$	Overall	$M < 5$	$5 \leq M < 10$	$10 \leq M$
1961	1.02	0.89	1.02	1.04	0.95	1.19	0.86	0.89
1965	1.01	0.99	1.02	1.01	1.08	1.13	1.11	1.03
1969	1.2	1.23	1.21	1.12	0.4	0.51	0.3	0.52
1973	1.18	1.32	1.2	1.08	0.71	0.52	0.71	0.81
1977	1.14	1.16	1.16	1.07	0.49	0.45	0.46	0.6

With the exceptional conditions of the elections of 1961 and 1965 in mind, the more M , in turn, produced the more proportional distributions in the elections of 1969, 1973 and 1977. Although there are some differences seeming too tiny and few minor anomalies in these data, this analysis in general suggests that a positive relationship clearly exists between the M and the proportionality of the electoral systems under scrutiny. The trend of figures on both sides suggest that the proportionality of the d'Hondt formula increases when M is increased. The important point, here, is that the most underrepresented districts of minor parties are those where M is below five. On the other hand, they were entitled relatively more proportional allocations where M exceeds nine. Similarly, it appears that the strongest bias of the d'Hondt in favour of the two major parties, AP and CHP, occurred where M was below five.

It is the last task of this section to condense further the impact analysis of the operated electoral systems by asking what would have been the distribution of the largest remainder if it had continued instead of the d'Hondt. All other things being equal, the largest remainder with Hare quota would have produced the results revealed in Table 6.17.

Table 6.17: The apportionment of the seats according to d'Hondt and Hare quota in the elections of 1961, 1969, 1973 and 1977

Election Year		AP	CHP	Minor Parties	CKM P MHP	YTP	MP	TIP	BP	CGP	DeP	MSP
1961	V	34.8	36.7	27.7	14	13.7						
Real DV=2.35	S	158	173	119	54	65						
Hare DV=1.05	S	153↓	168↓	123↑	63↑	65						
1969	V	46.6	27.4	20.5	3	2.2	3.2	2.7	2.8	6.6		
Real DV=13.4	S	256	143	40	1	6	6	2	8	15		
Hare DV=1.75	S	212↓	127↓	101↑	15↑	11↑	16↑	13↑	13↑	33↑		
1973	V	29.8	33.3	34.1	3.4		0.6		1.1	5.3	11.9	11.8
Real DV=10	S	149	185	110	3		0		1	13	45	48
Hare DV=0.95	S	134↓	150↓	163↑	16↑		3↑		6↑	25↑	56↑	57↑
1977	V	36.9	41.4	19.2	6.4			0.1	0.4	1.9	1.8	8.6
Real DV=9.85	S	189	213	44	16			0	0	3	1	24
Hare DV=2.1	S	164↓	197↓	93↑	31↑			1↑	2↑	9↑	9↑	41↑

This hypothetical reproduction of seat distribution primarily proved that the largest remainder formula with the *Hare* quota would have allowed all the contesting parties to win seats proportionally, with an average of 1.46 LH score in the five elections including the one held in 1965. With the exception of the 1965 distribution, it would have never resulted in any major party winning an absolute majority of seats in the parliament. For the general literature, these findings once more verify the advantage of the largest remainder formula with Hare quota to minor parties, compared to the highest average with d'Hondt.

6.3.3. The Period between 1983 and 2015

6.3.3.1. Rules

The third breaking point of Turkey's electoral system history occurred with the military intervention of September 1980. The junta, like its predecessor, aimed to rectify the limitations of the electoral system that was this time blamed for the instable governments of the 1970s (Alkin, 2011: 351). For them, the main reason behind the pre-1980 deadlocks was the politicians who failed to act a strong leadership on the one hand, and the set of institutions which failed to provide

government stability on the other (Akgun, 2001; Yuzbasioglu, 1996; Erguder and Hofferbert, 1988; Ozbudun, 1987). According to Hale (2008), contrary to the generals of the 1960 coup, whose aim was to avoid one party-rule in the state government, the armed forces this time pursued the goal of minimizing ‘the chronic fragmentation’ of the previous party system and ‘the extreme instability of government’. The agenda of the transition period was set with the objective of ‘governable democracy’ by the Constituent Assembly of 1980 (Caglar, 1990:77). Leaving aside the ideological backdrop of the military intervention, it was certain that the future regime was planned to stem from an efficient electoral system, which would provide political stability instead of the political chaos which preceded their seizure of power.

In this respect, all political parties were outlawed overnight. For Celep (2012:8), because all of the parties were held responsible for the ‘brutal clashes’ between left and right political groups in civil society, the junta first started with the construction of a new institutional framework for parties and elections. The new election law, enacted in June 1983, reintroduced PR with d’Hondt and ten percent general threshold and district threshold. It also increased the parliamentary term to five years (decreased to four in 2007), and reduced the size of parliament by 50 seats (subsequently increased to 450 in 1987, to 550 in 1995 and 600 in 2017). Every district was, first of all, allocated one seat irrespective of the population, as done in the previous period. The remaining 333 seats were, then, apportioned proportionally to the size of their population. The M was adjusted so as not to exceed seven seats per one district. The law stipulated that the provinces which were relatively larger, such as Istanbul, Ankara, Izmir, Bursa etc., were to be subdivided into multiple districts.

The district thresholds ($V_i \geq V_d/m$) ranged from 14.33 percent for a seven-seat district to 50 percent for a two-seat district. According to the law, any party with the support less than ten percent of the national vote or above the ten percent nationwide but less than the district threshold is not entitled any seat.

First Revision: In 1986, two important amendments were made by the Motherland Party (ANAP), the new ruling party. First, the maximum district magnitude was reduced from seven to six. Second, a new form of distribution was devised in addition to the d’Hondt formula. It was a supplementary distribution of a ‘bonus seat’. According to this, the provinces which are subdivided into two or more districts were given one bonus seat for each subdivided district which has four, five or six seats. As a result, 46 seats of the parliament were to be filled by that method. The party having a relative majority in the given district was awarded the *bonus seat*. In addition to the *bonus seat*, the revision also changed the district threshold for the districts which had the *bonus seat*. The threshold was

accordingly calculated by dividing the total votes of districts into one less of M . The rule of ‘bonus seat’ was operated in the following two elections that were held in 1987 and 1991.

Second Revision: The last major change of the electoral system was made in the 1995 amendments. The maximum district magnitude was increased from 6 to 18. The provinces of which population corresponds to between 19 and 35 seats were subdivided into two districts, and the ones with much higher population into three. The rule of the ‘bonus seats’ system was abolished. Furthermore, in the same year, the Constitutional Court invalidated the rule of the district threshold on the ground that the application of two thresholds, national and district, at the same time are against the principle of ‘fair representation’⁷⁴. As a result, since 1995, the elections have been held under PR with d’Hondt and the general threshold of ten percent.

In brief, the elections of the post-1980 period have been run under three variations of PR as follows:

1. The 1983 Election: (1) d’Hondt, (2) double thresholds, (3) $M \leq 7$
2. The 1987 and 1991 Elections: (1) d’Hondt, (2) double thresholds, (3) $M \leq 6$, (4) Quota (*bonus*) seats
3. The seven elections from 1995 onwards: (1) d’Hondt, (2) general threshold, (3) $M \leq 18$

6.3.3.2. Analysis

Considering the fundamental change of the party system following the 2002 Election, this section will divide the analysis into two parts: five elections from 1983 and 1999 and six Elections between from 2002 onwards.

Table 6.18 displays the percentages of votes and seats per party between 1983 and 1999.

⁷⁴ Issue Number: 1995/59, The date of Official Gazette: 18.11.1995, See at <http://www.kararlaryeni.anayasa.gov.tr/Karar/Content/8bb352ec-e762-484a-a273-1cfdeaa74c18?excludeGerekce=False&wordsOnly=False>, Accessed by 15.08.2016

Table 6.18: Vote and seat shares of parties in the elections between 1983 and 1991. Source: www.ysk.gov.tr. Notes: Totals may not be 100 percent because of the omission of the independents.

Party	1983		1987		1991		1995		1999	
	V	S	V	S	V	S	V	S	V	S
ANAP	45.1	52.7 (211)	36.3	64.9 (292)	24	25.6 (115)	19,6	24 (132)	13,2	15.6 (86)
SDHP	30.5	29.3 (117)	24.8	22 (99)	20.8	19.6 (88)				
MDP	23.3	17.7 (71)								
DSP			8.5	-	10.8	1.5 (7)	14,6	13.8 (76)	22,2	24.7 (136)
DYP			19.1	13.1 (59)	27	39.6 (178)	19,2	24.5 (135)	12	15.4 (85)
RP			7.2	-	16.9	13.8 (62)	21,4	28.7 (158)	15,4	20.2 (111)
IDP			0.8	-						
MCP			2.9	-						
SoP					0.4	-				
CHP							10,7	8.9 (49)	8,7	-
MHP							8,2	-	18	23.4 (129)
HADEP							4,2	-	4,7	-
					5 parties below 1%		1.6	-		
							13 parties below 1%		3.39	-
Unrepresented Votes	0		19.4		0.4		14		16.71	

The first election of 1983 was run with only three of 15 newly-established parties. The lack of electoral parties can be explained with three reasons: First, all the pre-1980 political parties were dissolved by the military regime⁷⁵. This effectively demolished the legacy of multi-party politics built up over the past thirty years. Second, the military rejected some of the applicant parties by claiming a linkage between them and the pre-1980 parties (Ozbudun, 2000: 113). Third, the new electoral law required the parties to organize in at least half of the districts to contest elections (Chapter 5). Considering that there were less than five-months between the enactment of the law (16th June) and the election (6th November), it may not be surprising to see a limited number of parties on the ballot.

One of the contesting parties, Motherland Party (ANAP), received the support of 45 percent of the poll and won an overall majority with 211 of the 400 seats, so that the country had a single-party government for the first time since the 1969 Election. The number of electoral parties, in the 1987

⁷⁵ Their party leaders and senior party officials were deprived of the political rights for ten years.

election, increased to seven, of which five did not take part in the previous one. The striking result of the 1987 Election seems to be that the ANAP increased its seats from 211 to 292 in the new parliament, although its share of the popular vote decreased almost one-fifth. While four of the seven electoral parties could not pass the general threshold, the True Path Party (DYP), a new party, also emerged as the third largest party of the parliament.

The 1991 Election, in which the DYP importantly increased its votes and seats, resulted in the emergence of two additional parliamentary parties, the Democratic Left Party (DSP) and the Welfare Party (RP). Both the ANAP and SDHP as the two major parties continued to lose their votes and seats. In 1995, the electoral parties increased to twelve, of which seven contested elections for the first time. Two of them, the Nationalist Movement Party (MHP), an ultra-nationalist party, and the People's Democracy Party (HADEP), a pro-Kurdish party, emerged as the strong minor parties from the ballot, but fell behind the general threshold. This election also witnessed a high number of micro-minor parties below one percent of the vote. Lastly, the election of 1999 was held with the participation of twenty parties. While one of parties of the outgoing parliament, the CHP, fell below the general threshold, the MHP this time passed the ten percent threshold. Overall, the elections of 1995 and 1999 were run with many new minor participants, each of which gained less than five percent of the popular vote. Although they importantly increased in number, the total vote that they garnered increased only from 5.8 percent to 8.6 percent of the vote nationwide.

Table 6.19 displays the index of disproportionality and effective number of electoral and parliamentary parties from 1983 to 1999.

Table 6.19: The indices of disproportionality (Loosemore and Hanby's index and Least Square index) and Effective Number of Parties (Laakso and Taagepera) between 1983 and 1999. DV denotes the deviation from proportionality. The Ratio (or index) of Representation was calculated by dividing the seat share (S_s) by the vote share (V_s). The Mean Vote Value per Seat was calculated by dividing the total votes of an individual party (V_{ti}) by its total seats (S_{ti}). N: Number of Electoral Parties

Election Year	Disproportionality					Overrepresented Parties (S_s/V_s) If $Ratio_{Rep} > 1$	Underrepresented Parties (S_s/V_s) If $1 > Ratio_{Rep} > 0$	Mean Vote Value per Seat (V_{ti}/S_{ti})
	LH	Lsq	N	ENEP	ENPP			
1983	7.2	6.7	3	2.85	2.53	ANAP (1.17) Tot. Vote:0.45 Tot.Seat:0.43 RI:1.17	SDHP (0.96) MDP (0.76) Tot. Vote:0.54 Tot.Seat: 0.47 RI:0.87	ANAP-37,124 SDHP-45,177 MDP-56,856
							Unrepresented Parties (Number of Votes)	-

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1987	28.4	23	7	4.12	2.06	ANAP (1.79) Tot. Vote:0.36 Tot.Seat:0.65 RI:1.79	SDHP (0.89) DYP (0.69) Tot. Vote:0.44 Tot.Seat:0.35 RI:0.79	ANAP-29,809 SDHP-59,909 DYP-77,746 DYP- 2,044,576 RP-1,717,425 MHP-701,538 IDP-196,272
1991	14.1	11.3	6	4.67	3.57	TPP (1.47) ANAP (1.07) Tot. Vote:0.51 Tot.Seat:0.65 RI:1.27	SDPP (0.94) FP (0.82) DLP (0.14) Tot. Vote:0.48 Tot.Seat:0.35 RI:0.73	DYP-37,082 ANAP-50,979 SDHP-57,979 FP-66,473 DSP-374,900 SoP-108,369
1995	16.8	9.8	12	5.93	4.41	RP (1.34) DYP (1.28) ANAP (1.22) Tot. Vote:0.60 Tot.Seat:0.77 RI:1.29	DSP (0.95) CHP (0.83) Tot. Vote:0.25 Tot.Seat:0.23 RI:0.92	RP-38,053 DYP-39,970 ANAP-41,473 DSP-54,184 CHP-61,451 MHP- 2,301,343 HADEP- 1,171,623 YDH-133,889 MP-127,630 YDP-95,484 IP-61,428 YeP-36,853
1999	17.9	9.5	20	6.79	4.89	RP (1.31) MHP (1.3) DYP (1.28) ANAP (1.18) DSP (1.11) Tot. Vote:0.81 Tot.Seat:0.99 RI:1.23	-	RP-43,291 MHP -43,461 DYP -44,063 ANAP-47,941 DSP-50,879 CHP- 2,716,094 HADEP- 1,482,196 BBP-456,353 ODP-248,553 DTP-179,871 LDP-127,174 DP-92,093 MP-79,370 BP-78,922 IP-57,607 EP-51,756 YDP-44,787 SIP-37,680 DeTP-37,175 DBP-24,620

Average	16.9	12.1	9.6	4.87	3.49
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It can be seen from the table that except the first election, the other four elections resulted in highly disproportional apportionment of seats. It is not surprising that the 1983 election was the least disproportional amongst the five, because, first, only three parties contested in that, and second, all of them had enough support to get through the 10 percent threshold. The most disproportional parliament was formed in the next election. This occurred mainly due to the changes in the electoral law, such as the districts that were made smaller by reducing the maximum magnitude to six, the introduction of bonus seats which were granted to the parties having the relative majority in the districts, and the increase of the size of parliament to 450. Most importantly, however, the Democratic Left Party (DSP) and the Welfare Party (RP) stayed out of parliament with quite high percentages of votes, 8.5% and 7.2% respectively, due to the general threshold. This election well exemplified that how the manipulative changes in the electoral law along with a high general threshold can boost the parliamentary dominance of major parties even with a declining electoral support.

The LH score fell from 28.4 to 14.1 in 1991. This can be linked to a single factor: While the Socialist Party with 0.4 percent of the vote stayed out of parliament, both the DSP and RP this time achieved to pass the general threshold. Interestingly, the disproportionality increased to 16.8 in 1995 notwithstanding the abolition of the rules of district threshold and bonus seats. Most of the disproportionality this time occurred mainly because the Nationalist Movement Party (MHP) and People's Democracy Party (HADEP), with the 8.2 and 4.2 percent of the vote respectively, came below the general threshold. The exclusion of the contestants with important electoral support is again seen in the case of HDP and HADEP in 1999. Such incidents in general suggest that neither the size of district magnitude nor the choice of apportionment formula (d'Hondt), but rather the general threshold played the decisive role in the exclusion of minor parties from the parliament, compared to the previous electoral systems that were operated between 1950 and 1980.

Looking at the figures of ENEP, firstly, the low figure emerged in 1983, as noted, seem to have been highly related with the low number of electoral parties, all of which passed the thresholds. Second, the electoral system in 1987 has been very decisive for the emergence of a two-party system in the new parliament taking into account that there were more than four effective electoral parties. Third, the data indicates that ENEP increased in each election. This suggest that neither the electorate nor the politicians from outside were discouraged by the ten percent threshold. Lastly and the most obvious one, there is a constant relation between the disproportionality scores and

the decline of the ENEP to the ENPP. The more disproportionality arose, the more the ENEP decreased. This is quite a straightforward relation between the two.

Interestingly, even with the highly disproportional outcomes, the party system was further fragmented in the elections of 1995 and 1999. This was partly related with the declining vote of the major parties, and the increase of the electoral support to the new-minor parties. As a matter of fact, the failure of the Turkish PR in not delivering its predicted impact on the number of parties may not be completely surprising. The Turkish case until 2002 illustrates Sartori's (1986) argument that the countries with unstructured party systems are less susceptible to the reductive effect of 'strong electoral systems' on the number of parties. Similarly, it justifies Cox's (1997) contention that weakly institutionalized party systems defy the expected impact of electoral systems such as on strategic voting. The inconsistency of political parties in Turkey, which was brought about by the military interventions mainly explains how several new parties more and more partook in the elections studied. Just a few of them however achieved to pass the threshold.

If the same analysis is repeated for the period covering the last five elections, the influence that the electoral system exerts on the representation of minor parties can appear more convincingly.

Table 6.20 shows the results of those five elections.

Table 6.20: Vote and seat shares of parties in the elections between 2002 and 2015. Notes: Totals may not be 100 percent because of the omission of the independents. Source: www.ysk.gov.tr.

Party	2002		2007		2011		2015-June		2015-Nov.		2018	
	V	S	V	S	V	S	V	S	V	S	V	S
AKP	34.3	66 (363)	46.6	62 (341)	49.8	59.4 (327)	40.9	46.9 (258)	49.5	57.6 (317)	42.7	49.2 (295)
CHP	19.4	32 (178)	20.9	20.3 (112)	26	24.5 (135)	24.9	24 (132)	25.3	24.4 (134)	22.6	24.3 (146)
MHP	8.4	-	14.3	12.9 (71)	13	9.6 (53)	16.3	14.5 (80)	11.9	7.2 (40)	11.1	8.2 (49)
HDP	6.2	-					13.12	14.5 (80)	10.8	10.7 (59)	11.7	11.2 (67)
IyP											11.2	7.5 (45)
SP	2.5	-	2.3	-	1.3	-	2.1	-		N: 2 >1%	0.5	-
DP	9.5	-	5.4	N:11 >1%	3.3	N:15 >1%	1.6	N:12 >1%	2.4	-		
GP	7.2	-	3	-								
BBP	1	N:8 >1%	2.3	-								
ANAP	5.1											
DSP	1.2	-										
YTP	1.2	-										
N:7 >1%	2.9	-										
Unrepresented Votes	45.2		13		4.6		3.7		2.4		0.5	

The election of 2002 seems to be a turning point of the post-1980 coup period (See Aksakalli et al, 2011; Tezcur, 2012; Ozbudun, 2006). For the first time, 45.2 percent of the electorate was ousted from the parliament directly by the electoral system. For the first time since the transition to multi-party politics, the parliament was filled by only two parties, Justice and Development Party (AKP) and Republican People's Party (CHP) with only 54 percent of the vote. In the long run, this election marked the beginning of a pre-dominant party system under the AKP throughout the five consecutive elections from 2002 onwards. Half of the electoral parties had the shares of vote ranging from 1 to 9.5. Of them, five polled more than 5 percent. Of the five parties represented in the 1999 Parliament, none could get through the general threshold (DSP, MHP, ANAP, DYP and SP). Both AKP and CHP were not in the outgoing parliament. The following elections, except the elections of 2015 June and 2018, witnessed the landslide victories of the AKP and the standing of CHP, MHP (from 2007), HDP (from 2015) and the IyP (from 2018) as the other parliamentary parties respectively. In a nutshell, since 2002 the party system has turned out to be such a recurring structure composed of one dominant ruling party, one strong opposition party, a few minor-parliamentary parties, each of which is under the risk of the legal threshold, and several micro-minor parties melting away day by day outside the parliament. Table 6.21 displays the disproportionality and effective number of electoral and parliamentary parties from 2002 onward.

Table 6.21: The indices of disproportionality (Loosemore and Hanby's index and Least Square index) and Effective Number of Parties (Laakso and Taagepera) between 2002 and 2015. The Ratio (or index) of Representation was calculated by dividing the seat share (S_s) by the vote share (V_s). The Mean Vote Value per Seat was calculated by dividing the total votes of an individual party (V_{ti}) by its total seats (S_{ti}). N: Number of Electoral Parties

Election Year	Disproportionality		N	ENEP	ENPP	Overrepresented Parties	Underrepresented Parties	Mean Vote Value per Seat (V_{ti}/S_{ti})
	LH	Lsq				(S_s/V_s) If $Ratio_{Rep} > 1$	(S_s/V_s) If $1 > Ratio_{Rep} > 0$	
2002	44.7	26.6	18	5.41	1.86	AKP (1.92) CHP (1.65)	None	AKP-29,774 CHP-34,345
						Tot. Vote:0.54 Tot.Seat:0.98 RI:1.83		

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							Unrepresented Parties (Number of Votes)	DYP-3,008,942 CHP-2,635,787 GP-2,285,598 DEHAP-1,960,660 ANAP-1,618,465 SP-785,489 DSP-384,009 YTP-363,869 BBP-322,093 YP-294,909 WP-159,843 IP-150,482 ODP-106,023 LDP-89,331 MP-68,271 TKP-59,180
2007	15.4	11.9	14	3.49	2.26	AKP (1.32)	CHP (0.97) MHP (0.90)	AKP-47,880 CHP-65,337 MHP-70,448
						Tot. Vote:0.47 Tot.Seat:0.62 RI:1.32	Tot. Vote:0.35 Tot.Seat:0.33 RI:0.94	
							Unrepresented Parties (Number of Votes)	DP-1,898,873 GP-1,064,871 SP-820,289 BTP-182,095 HYP-179,010 IP-128,148 ATP-100,982 TKP-79,258 ODP-52,055 LDP-35,364 EP-26,292
2011	9.6	7.4	15	3	2.37	AKP (1.19)	CHP (0.94) MHP (0.74)	AKP-65,440 CHP-82,636 MHP-105,387
						Tot. Vote:0.49 Tot.Seat:0.59 RI:1.19	Tot. Vote:0.39 Tot.Seat:0.34 RI:0.87	
							Unrepresented Parties (Number of Votes)	SP-543,454 HSP-329,723 BBP-323,251 DP-279,480 HEP-124,415 DSP-108,089 DYP-64,607 TKP-64,006 MP-60,716 NCP-36,188 EP-32,128 LDP-15,222
2015 June	6.9	4.8	20	3.65	3.13	AKP (1.15) CHP (1.11)	HDP (0.96) MHP (0.89)	AKP-73,129 HDP-75,731 CHP-87,258 MHP-94,000
						Tot. Vote:0.54 Tot.Seat:0.61 RI:1.13	Tot. Vote:0.41 Tot.Seat:0.38 RI:0.93	

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							Unrepresented Parties (Number of Votes)	SP-949,178 VP-161,674 BTP-96,475 DSP-85,810 DP-75,784 TURKP-72,701 HKP-60,396 HOP-58,716 DYP-28,852 AnP-27,688 LDP-26,500 MeP-20,945 MP-17,473 KP-13,780 YP-9,289 HAP-5,711
2015 Nov.	8.1	6.7	16	2.98	2.45	AKP (1.18)	HDP (0.99) CHP (0.96) MHP (0.60)	AKP-74,706 HDP-87,255 CHP-90,386 MHP-142,353
						Tot. Vote:0.49 Tot.Seat:0.58 RI:1.18	Tot. Vote:0.48 Tot.Seat:0.42 RI:0.87	Unrepresented Parties (Number of Votes)
								SP-325,978 BBP-253,204 VP-118,803 HOP-108,583 HKP-83,057 CP-52,527 DP-69,319 BTP-49,297 DSP-31,805 LDP-26,816 MP-19,714 DYP-14,131
2018	7.7	6.2	8	3.68	3.07	AKP (1.15) CHP (1.08)	HDP (0.96) MHP (0.73) IyP (0.67)	AKP-72,335 CHP-77,768 HDP-87,572 MHP-113,578 IyP-131,759
						Tot. Vote:0.65 Tot.Seat:0.73 RI:1.13	Tot. Vote:0.34 Tot.Seat:0.27 RI:0.79	Unrepresented Parties (Number of Votes)
								HuDP-155,539 VP-114,872
Average between 2002 and 2018	15.4	10.6	15.1	3.70	2.52			
Average between 1983 and 2018	16.1	11.3	12.7	4.24	2.96			

The electoral system impact on minor parties reached to a catastrophic level by 2002. The high disproportionality in this election indicates that PR with 10 percent threshold worked actually as a

majoritarian system. The wide gulf between ENEP and ENPP justifies this. It also provides a comparative viewpoint to how far the threshold can lead a disproportional result under certain circumstances. Although the threshold seems to have been ineffective in avoiding party fragmentation and reducing the ENEP in the 1995 and 1999 Elections, the 2002 Election shows the opposite effect since all but the two parties, the AKP and CHP, fell short of the threshold.

Especially both the elections of 1995 and 2002 exemplify two extreme cases about the effect of the threshold. Both elections had virtually equal ENEP; 5.9 and 5.4. In 1995, five parties exceeded the threshold, with the support varying from 10.7 to 21.4 each. The only two parties with a marginal support remained outside were the MHP with 8.2 percent and the HADEP with 4.2 percent. Leaving aside these two, most of the support was diffusely distributed to a number of parties of nearly equal size. On the other hand, in 2002, nearly half of the votes was fragmented into such big pieces that were just below the threshold each. The apportionment then, had to be made only between AKP and CHP. The two incidents by and large suggest that the 10 percent threshold entails an electoral system producing unpredictable disproportionalities with the changes in voters' preferences. Over time such harsh treatment of the electoral minor parties by the electoral system seems to have led their voters to move towards a limited number of parties standing a higher chance in passing the threshold. Table 6.20 indicates that the percentages of unrepresented votes gradually decreased as follows: 45.2 in 2002, 13 in 2007, 4.6 in 2011, 3.7 in 2015 June, 2.4 in 2015 November and 0.5 in 2018.

As the last point of the analysis, the electoral system also appears to have affected the electoral strategies of the minor parties throughout the whole period. Their defensive tactics against the threshold developed in two ways: merging or nominating independent candidates. Concerning the former, seven significant alliances have been formed since 1983 as follows:

1. RP-MCP-RP alliance in 1991 under the RP: 16.9 percent of the vote, 62 seats
2. SDHP-CHP alliance under the CHP in 1995: 10.7 percent of the vote, 49 seats
3. DSP-CHP alliance in 2007 under the CHP: 20.9 percent of the vote, 13 seats were given to the DSP.
4. ANAP-DYP alliance in 2007 under a new party, DP: 5.4 percent of the vote, no seat
5. DP-BTP alliance in 2011 under DP: 0.6 percent of the vote, no seat
6. SP-BBP alliance in 2015 June under the SP: 2.1 percent of the vote, no seat
7. IyP-SP-DP alliance under the IyP in 2018 Election: 11.2 percent of the vote, 45 seats

While three of these alliances achieved to pass the threshold, the others resulted in failure.

The second tactic of running with independent candidates proved to be more successful. Muhsin Yazicioglu, the leader of the BBP and Mehmet Ufuk Uras, the leader of ODP, were both elected as independents in the 2007 Election. Yet, this tactic noticeably came forward when the HDP

adopted it in the elections of 2007 and 2011. It was expected that the party could be more strongly supported than the other minor parties particularly in the southeast, where Kurdish population is concentrated (Hale, 2007). It won 22 seats in 2007 and 36 seats in 2011 through its independent candidates. The party with the increased popularity of its leader, Selahattin Demirtas, amongst left and liberal wings, took the risk of running as a party in the elections of 2015 and succeeded to pass the threshold in both elections held in June and November with 13.2 and 10.8 percent of the vote respectively.

Overall, since 2002 in particular, the post-1980 electoral system have started to work consistently with the junta's plan to promote governmental stability at the expense of the elimination of minor parties from the political arena. Although most of the obstacles of the electoral system were removed prior to the 1995 Election, the use of an excessively high threshold continues to be a defining aspect of the Turkish PR system in the exclusion of minor parties. The results clearly show that the factors such as apportionment method or district size which are widely argued as the other decisive factors of the breakthrough of minor parties have had little or no explanatory value in the post-1980 period compared the earlier periods.

6.4. Conclusion

The main goal of the current chapter was to examine how the electoral systems in Turkey have affected the representational chances of minor political parties. The threshold of representation in Turkey has frequently undergone restructuring since the transition to multi-party competitions in 1950. It has been changed fundamentally no less than three times, with several other amendments introduced at intervals. This instability of the electoral systems makes difficult to end the present analysis with a solid conclusion that deals with all aspects of the argued electoral systems at once. Yet even so, if a single lesson can be derived from the analyses carried out in this chapter, this would be that the major parties in every period have profited at the expense of minor parties and have always gotten favourable treatment, sometimes even gained unearned absolute majorities where this was not provided by the voters. Nearly two-thirds of the one-party majorities (8 in 11) in the legislature were produced by this means (1957-DP; 1969-AP; 1983 and 1987-ANAP; 2002, 2007, 2011, 2015 Nov, and 2018-AKP).

This study supports Rae's main argument (1971: 87) that "all electoral systems work to the advantage of leading parties". The task of the present analysis, however, was not only to identify whether electoral systems have advantaged the major parties or disadvantaged their smaller rivals, but also to differentiate the degrees to which these systems have engendered that bias. The main insights of this chapter can be summarized as follows:

Chapter 6: the Threshold of Representation

Figure 6.3: The aggregated results of actual (N) and effective numbers of electoral (ENEP) and parliamentary parties (ENPP).

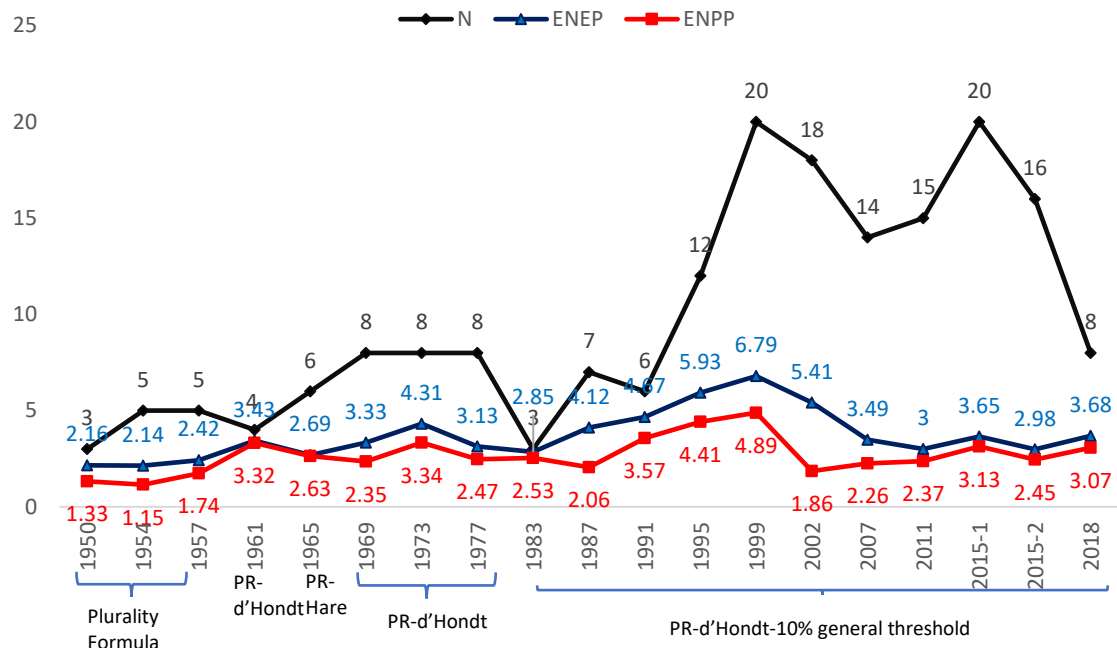
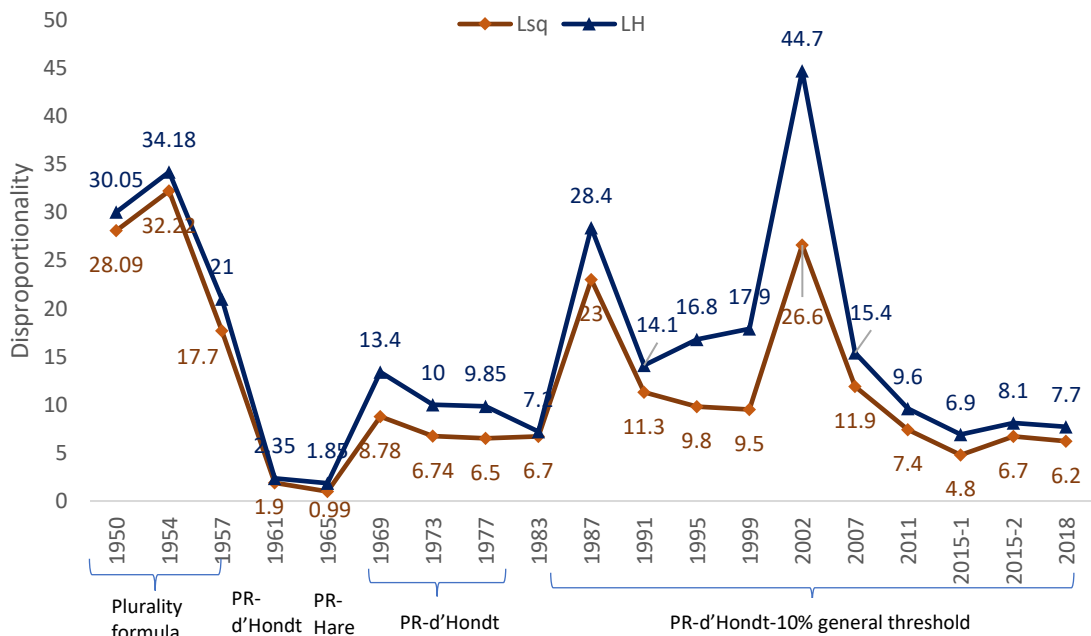


Figure 6.4: The aggregated results of disproportionality based on Loosemore and Hanby's index (LH) and Least Square index (Lsq).



The Comparison of the Electoral Systems on the Basis of Disproportionality

Table 6.22 illustrates the ranking of the electoral systems that were investigated given the disproportionality indices of elections and the reduction of ENEP. The findings presented here are largely consistent with the previous research. The results reaffirm that PR with Hare quota of

largest remainder formulas has provided the most proportional distribution of seats compared to the d'Hondt of the highest average formulas (Lijphart, 1986; Loosemore and Hanby, 1971). The study also showed that the plurality formula resulted in the least proportional distribution. PR with d'hondt and 10 percent threshold has produced an average disproportionality nearly two times more than that of d'Hondt without the threshold. Although PR with 10 percent threshold appeared more proportional than the plurality formula, Figure 6.4 shows that it can sometimes lead as much the disproportionality as the plurality formula. In a nutshell, a key exciting insight of the study is that PR with ten percent general threshold eliminates smaller parties as effectively as a majoritarian-plurality system would have done.

Table 6.22: Comparing the disproportionality of the electoral systems used between 1950 and November 2015.

Electoral System	Elections	Avg. ENEP	Avg. ENPP	Avg. Reduction of ENEP (%)	Avg. LH index	Avg. Lsq index
Plurality in multi-member districts	1950, 1954, 1957	2.24	1.41	37	28.4	26
PR with d'Hondt and 10 percent threshold	1983, 1987, 1991, 1995, 1999, 2002, 2007, 2011, 2015/1, 2015/2, 2018	4.24	2.96	30	16.1	11.3
PR with d'Hondt	1961, 1969, 1973, 1977	3.55	2.87	19	8.9	6
PR with Hare quota	1965	2.69	2.63	1	1.8	0.99

The Change of the 'Battle' Ground from District to National Level

The second important observation relates to the change in the spatial level of party contest by the post-1980 electoral system. Notwithstanding the opposite nature of PR and majoritarian systems in proportionality, there appeared to be a notable similarity between these two in the sense that both have enabled minor parties to concentrate their campaigning in limited number of districts/constituencies. Certainly, it is true to say that majoritarian systems, as proven in the multi-member designation of districts of the 1950s' Turkey, mainly advantages the two most mighty parties at national level. One can also hardly disagree with that the 'average effective threshold' in majoritarian systems, as Lijphart (1998: 50-51) well established, is a few times higher than that of PR cases⁷⁶. Similarly, this study also found that the disproportionality dramatically decreased

⁷⁶ He found that while 12 majoritarian systems have an 'average effective threshold' of 35 percent, 57 PR systems have the threshold of only 6.6 percent.

almost three-fourth on average when the country changed the majoritarian system with PR with d'Hondt.

Having said that, both plurality-majoritarian system and PR with no threshold converged on the logic of sectional competition, whereby the seat(s) of each district were distributed based on the choices of their own electorate. Although the penalizing impact of the majoritarian rule seems to vary depending on the magnitude, being lesser in single-member constituencies than the multi-member constituencies (Taagepera and Shugart 1989), such logic is more markedly represented by the single-member constituencies. When it comes to PR with a national threshold, particularly as high as that of Turkey however, the level of battle ground is dramatically shifted from district to country. Although the distribution of seats is still district-based, no party gains a seat unless ten percent of the national vote is obtained. Thus, even if a regionally strong minor party decisively passes the seat-winning number of votes in a district according to the d'Hondt formula⁷⁷, and which would warrant the contested seat when reaching the simple majority in FPTP, it is not awarded any seat there, unless it passes the 10% legal threshold when votes are counted nationally.

On the other hand, both of (1) the majoritarian formula operated between 1950 and 1960 and (2) PR between 1961 and 1980 did not employ such a legal instrument which subordinates district-level performance to country-level performance. The mismatch between the shares of votes and seats in both was hence the sole result of their mechanical working at district level⁷⁸. The important implication of this commonality is that whereas these two are referred to be literally on the opposite poles of electoral systems in theory, both of the systems enable contesting minor parties to independently reap the benefits of their investment or existing popularity in district-level competition, as seen in the case of Turkey⁷⁹, and thereby enable them to focus their electoral activities and resources into limited number of districts, possibly in their strongholds⁸⁰. That said, Turkish parties now need to contest differently to before as the legal threshold carried the 'battle ground' from district to national level. Considered this way, the spatial concentration of votes, district-based campaign strategies, and the personality of candidates seem to be no longer decisive

⁷⁷ For instance, although the DEHAP, a *Kurdish* nationalist party in the south east region of the country was in 2002 Election supported by 79, 72, 68 and 61 percent of the vote in the districts of Hakkari, m:3; Sirnak, m:3, Diyarbakir, m:10 and Mus, m:4 respectively, the party could not send any representative to the parliament as it with a total of 6.2% of the national vote was below the ten percent legal threshold.

⁷⁸ While the relation between district magnitude and proportionality was totally different in those two systems.

⁷⁹ E.g., the MP in the district of Kirsehir in 1950, 1954 and 1957; the HP in the district of Burdur in 1957, the MHP in the district of Adana in 1969, TIP in the second district of Istanbul in 1969, TBP in the district of Sivas in 1971, DeP in the district of Konya in 1977.

⁸⁰ In this respect, the chapter discussed how the size of district magnitude helps to explain the relatively better performance of smaller parties in gaining more seats under the PR system operated between 1961 and 1980.

in the way they once were. This means that in order to have a meaningful chance in elections, or to be precise, to win even ‘the first single seat’ in the parliament, Turkish minor parties should start to woo a quite large section of the electorate from the very beginning of their electoral journey.

How large is the scale of campaigns that Turkish parties should involve in? A comparative survey covering the electoral systems of 47 member states of the Council of Europe shows that Turkish electoral parties are forced to campaign for the highest ‘minimum number of votes not to lose the first seat’ among PR systems. Table 6.23 displays the results only among the countries employing PR with national legal thresholds. It does not include the mixed electoral systems that combine PR with majoritarian/plurality formula (usually the FPTP), as those systems give smaller parties the choice not to contest nationwide (Russia, Ukraine, Germany, Italy, Lithuania and Sweden). Put it another, the *threshold of exclusion* in the mixed electoral systems is not determined by the legal threshold operated on the part of PR, but the district factors of the FPTP formula⁸¹. For each country, the table lists the minimum number of votes ‘not to lose the first seat’ in the parliament (the threshold of exclusion; Taagepera and Shugart, 1989: 273-5) given the most recent elections held.

Table 6.23: The minimum number of vote to access the parliament among the PR countries with general legal threshold. Source: OSCE’s observatory reports on the parliamentary elections of the member states of the Council of Europe, available at <https://www.osce.org/resources/documents> (accessed 21 Sept 2018)

Country	The last election	Legal Threshold %	LT=TE Minimum number of votes not to lose the first seat
Estonia	2015	5	44,990
Slovenia	2018	4	64,840
Latvia	2014	5	77,612
Netherlands	2017	0.67	86,387
Albania	2017	3	103,569
Norway	2017	4	150,610
Croatia	2015	5	189,567
Moldova	2014	6	193,586
Slovakia	2016	5	221,338
Austria	2017	4	256,039

⁸¹ To take an example, in the Russian 2016 Elections (registered voters: 110,061,200), whereby one half of the members of Duma was elected with PR with 5% legal threshold and the other half by the FPTP, a minor party, *Civic Platform*, succeeded to win one seat in the district of *Neftekamsk* with 146,324 votes through the FPTP formula (Candidate: *Rifat Shaykhutdinov*, Source: https://en.wikipedia.org/wiki/Neftekamsk_constituency). Similarly, in the Italian 2018 elections (registered voters: 46,505,499), whereby 386 seats of the Chamber of Deputies were elected with PR with 3% legal threshold and the other 232 seats with the FPTP, a minor party, *Civica Popolare*, succeeded to win one seat in the district of *Firenze* with only 58,712 votes by the FPTP. (Candidate: *Gabriele Toccafondi*, Source: <http://www.gonews.it/2018/03/05/eletto-toccafondi-felice-preoccupato-risultati-nazionali/>).

Bulgaria	2017	4	272,410
Greece	2015	4	393,622
Hungary	2018	5	415,613
Czech Republic	2017	5	418,725
Romania	2016	5	920,152
Poland	2015	5	1,531,457
Turkey	2018	10	5,118,373

This comparison indicates that the minimum degree of campaign activity to be engaged by the smallest electoral party should be much more diffuse in Turkey than in the other PR systems with general thresholds. The difference between Turkey and the second highest PR case, Poland, in this respect is already huge.

The Psychological Impact of the Legal Threshold on Voters

The other interesting aspect of a nationwide threshold pertains to its psychological impact on the electorate. It can be argued that not only are Turkish small party elites forced to engage with the highest numbers of the electorate in election campaigns (among 47 member states of the Council of Europe), but also their potential supporters are burdened with the difficult strategic calculation of estimating whether their party will secure ten percent of the popular vote or whether their vote will be wasted.

A considerable amount of literature has grown up around the theme of the psychological impact of electoral systems. From a theoretical point of view, it is widely argued that short-term, instrumentally rational voters who are concerned with influencing electoral results and have an awareness of the mechanical effects of the electoral system in use prefer to cast a vote for a viable party rather than waste it on a party that has no hope of winning. In this respect, many scholars argue that the incentives to cast a strategic vote are particularly strong in plurality systems, more specifically, first-past-the-post (FPTP) ones. Yet, are the incentives for strategic voting always stronger in plurality systems than proportional representation (PR) ones, like the one adopted by Turkish electoral law? More specifically, how is it indeed possible for a Turkish minor party, no matter whether it is new or has already failed in previous elections, to easily convince a large section of the electorate that it will get through the barrier of millions of votes (as many as 5.1 million in 2018) on its first try or after suffering a failure, so that it is not negatively affected by strategic voting?

Although these questions are now urgent to ask, and require an independent study, the chapter has already provided important clues to start the discussion. The foregoing analysis has indicated that Turkish minor parties post-1980 have effectively been deterred from concentrating their campaign activities into a limited number of districts. Because of the nationwide legal threshold, which

importantly led the system to depart from pure proportionality, the seats of each district are not simply apportioned based on the choices of its own electorate, meaning that the geographical concentration of electoral support is not unconditionally awarded as done in plurality and PR systems a general threshold⁸². Such a representational bias inherent in the ten percent legal threshold has played an important role in producing the outcomes discussed above and served as the leading obstacle to the emergence of minor parties in the post-1980 parliament. The analysis has also shown that the post-1983 electoral system with the introduction of a ten percent legal threshold is a substantially restricted form of proportional representation whose "strength" and distinctive feature from pure proportionality of reducing the number of small parliamentary parties and the size of the parliamentary party system is comparable to that of single-member district systems. It has been argued that the electoral strategies of minor parties in the post-1980 regime need to be coordinated at a national level and applied non-stop in order to have a meaningful chance in elections.

This nationalizing impact of the threshold on party contest is also likely to effectively discourage the Turkish electorate from casting their ballot for their party of first choice if this is a minor party with little or no chance to pass such a high threshold. In contrast to plurality voting and pure PR where the viability of candidates or parties is believed to exert a certain impact on voting behaviour at the constituency or district level (Harfst et al., 2018: 91), the psychological factor of a nationwide threshold, such as the one adopted by Turkish electoral law, finds its source at the national level. This is mainly because the voters, unless they are casting an expressive vote (Brennan and Hamlin, 1998), should take into account the chance of their party of first choice winning not only in their own electoral area, but also, as a more decisive factor, across the whole country. The system gives each voter the right to send his or her representative to the parliament from the district where he or she is registered, but only as long as the other candidates of their party are given sufficient support to pass the threshold set for the entire country.

This suggests that the incentives to cast a strategic vote under PR with a nationwide legal threshold is different to, if not stronger than, under a plurality system. The distinction between strong and weak candidates is not as relevant as in FPTP systems. What is at stake here is the distinction between a viable and inviable party based on the threshold at a national level. The psychological impact would however be much greater for the minor parties under PR with a threshold than those in plurality systems. When PR is used with a national threshold, voters who tend to vote strategically face two calculations: (1) whether their vote enables the party to pass district-level

⁸² The level of strategic voting in PR systems is argued to be in a negative relationship with the district magnitude. The smaller the magnitude of the district, the harder it becomes to allocate the seats proportionally and, therefore, the incentives for strategic voting increase (Sartori, 1968; Cox and Shugart, 1996; Cox, 1997; Gschwend, 2009).

barriers (the factors: district magnitude and apportionment method in PR and the simple majority in plurality) and (2) whether their votes enables the party to pass the national-level barrier (the factor: the legal threshold in PR). However, what puts the electorate under PR with a legal threshold in a more difficult situation and thereby possibly hurting the smaller parties of this system more is that the latter assessment, which the electorate in a plurality system is immune from, has a higher importance and precedes the former in order. The reason is simple: even if a minor party seems to have a meaningful chance to pass the district-level barriers in the eyes of a relevant voter, which would warrant the contested seat when reaching the simple majority in FPTP, this voter is also aware of the fact that his or her party is not awarded any seat there unless it passes the ten percent legal threshold when votes are counted nationally.

Although studying the impact of strategic voter coordination at the national level could be more difficult than those that occur at the district/constituency level, if nothing else, an important insight of this study is that Turkey's post-1983 electoral law on legal threshold has provided an important incentive for "sophisticated" or "strategic" voting, which could also be contended for similar cases that employ PR with a nationwide legal threshold. The need to measure this impact (the strategic voting conditioned at national level, the second assessment mentioned above) with a more rigorous analytical model within the cases of PR with legal threshold, and to compare the level and extent of strategic voting between two diverse electoral systems, plurality and PR with a legal threshold, can be noted as issues for future research.

The Psychological Impact of the Legal Threshold on Party Elites

Perhaps the most striking observation can be made concerning the vagueness of the psychological impact of the ten percent threshold on Turkish minor party elites. Interestingly, quite a high number of minor and new parties decides to contest elections even there seems to be no chance of winning at all considering the past electoral performances. Such tendency would suggest that those parties should have either long-term goals or the other motivations in entering the race, such as ideological or different instrumental interests. This issue can only be raised here to be taken as a concern for further research that can deeply seek the electoral goals and strategic choices of Turkish minor parties' officials. In the next paragraphs, the details of the emerged counterintuitive finding will be summarized. Then, how this finding should rather be interpreted in light of the research insights in Chapter 6 will be explained.

Using the quantifiable measures of the mechanical effects of electoral systems, the present analysis suggested that the current PR contains an unprecedented basis of representational bias in favour of the major parties: 10 percent legal threshold. The analysis, as illustrated in Table 6.24, showed that PR with d'Hondt and 10 percent threshold between 1983 and 2018 entailed an average disproportionality nearly two times more than that of the previous period's PR. Relatedly, the

average reduction of the effective number of electoral parties (to the ENPP) in the existing electoral system was found two times more than in the previous one. The period following 2002 Election was of particular importance considering the declining support to the minor parties at a critical level, from 45 percent in 2002 to 2.4 percent in November 2015.

Table 6.24: The comparison of the effects of electoral systems and the number of electoral parties between the periods of 1961-1980 and 1983-onward

	1961-1980				1983-2015									
Threshold of Authorization	Must be organized at least in 15 provinces				Must be organized at least in 41 provinces and hold the last general congress									
Mechanical Effect of TR	<i>Lsq</i> index: 6; Reduction of ENEP: 19%				<i>Lsq</i> index: 11.8; Reduction of ENEP: 32%									
Election Year	61	69	73	77	83	87	91	95	99	02	07	11	15/1	15/2
Number of EP	4	8	8	8	3	7	6	12	20	18	14	15	20	16
Avg.No of EP	7				13.1									

Meanwhile, the post-1980 regime was distinguished with more stringent ballot-access requirements, meaning a higher threshold of authorization than the previous regime (1961-1980). While both of the thresholds of authorization and representation are less permissive under the current legal structure, surprisingly the electoral political parties have gradually increased. The average number of electoral parties per election increased from 7 in the former system to 13.1 in the current system, notwithstanding the less 'permissive' thresholds. This finding was contrary to the previous studies which have suggested that politicians anticipate or at least are aware of what the electoral system mechanically does, and accordingly are expected to react strategically to electoral systems.

According to this general assumption, the decision for parties to participate in electoral arena hinges on the calculations of political elites. The higher the costs associated with the formation of a party and running in elections, the lower the possibility to get the benefits of office, the less likely it would be that minor parties crop up and persist (Blais and Carty, 1991; Katz, 1997; Cox, 1997; Lachat, 2012; Tavits, 2007; Harmel and Robertson, 1985).

Under the post-1980 legal framework in which (1) the registered parties are required to pass a higher threshold of authorization, and (2) electoral minor parties are mechanically penalized in a very direct and palpable way, one may expect that the number of Turkish electoral parties would have decreased. This did not appear to be the case. Why?

Although the present analysis did not offer a robust explanation for this, the analysis of Chapter 5 (the threshold of authorization) has implied that the contradictory result emerged here, as a matter of fact, may not be bold as much as being appeared in the quantitative data. That analysis, first and foremost, suggested that each party on the ballot should not be treated as equal in understanding or investigating the psychological effects of electoral systems. This fallacy in the comparative electoral studies seems to stem from the methodical choice. Apart from Gunther's study (1989), all the established research dominating the scholarly field of the psychological impact of electoral systems have taken the advantage of quantitative indicators, mostly on a comparative basis at high levels of abstraction. None of them has examined the preceding contextual peculiarities with much precision when gathering their quantitative data. This may not be problematic at all if research seeks the mechanical impact of the systems, but it would end with misleading inferences as to the psychological ones.

Considering the Chapter 5's insights, for instance, the Turkish parties which put forward some authentic preliminary showing of a significant modicum of support at the stage of passing the threshold of authorization, and so have something to lose (the *cost* factor) should not be put in the same basket with those which temporarily pass this threshold and have less to lose. In this respect, the expected elite behaviour (merging, abstaining etc.) and the idea underlying the *strategic entry theory* would be (only or differently) applicable to roughly not more than ten Turkish electoral parties, and any evidence confirming or not the assumptions about the psychological impact of electoral systems should be derived from these parties in the first place. Future research would therefore primarily concentrate on the investigation of which outsider parties (new entrants or minor parties) are to be differently considered in examining the effects of legal structure in use. This lesson is also in line with the idea of Harmel and Robertson (1985), who have suggested to separate *contender parties* and *promoter parties*. While the former is dedicated to winning elections, the latter rather uses the party as a vehicle to promote some issues or personality.

Chapter 7

7. The Threshold of Public Funding

“On the one hand, you feel thankful for having sufficient money in the account to pay the next month’s rent; on the other, the state supports your political opponent with hundreds of millions of liras...The word unfairness is too simple to describe what we go through; it is actually cruelty”

the EP deputy leader

7.2. Introduction

The analyses of Chapters 5 and 6 have indicated a biased treatment of the Turkish law against smaller organizations and vote shares in party contests. Due to the high barriers of electoral participation and representation, the system fails to see minor parties as they are in the political process. For this study, party finance law represents another crucial legal theme to gain further insights about where minor parties are formally situated within the political arena. It is crucial not only because political financing emerged to act as a concealed filter within the thresholds of authorization and representation against them (argued further in the next section 7.2), but also because it brings forth a new threshold, namely public funding, which would either promote a level playing field by decreasing the disparity of private party financing, or complicate further their breakthrough by overfunding their major rivals. By this last empirical chapter, the thesis will take the investigation forward by looking at what is going on at the financial side of the competition, and more specifically, how the formal rules governing private and public party funding practically affects the competitive position of minor parties in Turkish politics.

Reaching out the electorate, to connect, to truly become part of the political life require financial resources. The scholars in the field of political finance tend to agree on that money plays a significant part in the survival and electoral performance of political parties (Lucardie 2000, Pinto-Duschinsky, 2002; Fisher and Eisenstadt, 2004; Lewis, 1998; Samuel, 2001). In Samuel’s terms (2001:569), it ‘shapes the contours of electoral representation’. Money matters for parties because, as Fisher (2002:393) notes, “the financial needs of parties are constant at both organizational and campaign levels”. This is actually what Unruh (2003:76) seems to mean when he likens it to the ‘mother milks of politics’ that can “buy goods, skills and services”. Similarly, Haughton (2012:16) describes it as ‘the

fuel for the engines of party politics', which is not the single factor of the result of the race, but a prerequisite for staying on the track.

Acknowledging the research casting doubt on the relation between spending and election results (Fisher, 1999), at the heart of the analysis of this chapter lies the premise that money may not be sufficient in itself to propel minor parties into the parliament; but without adequate funding, it could be either impossible to be a contestant, or even possible, futile-to be in the contest-taking into account what the rules of the game expect them to achieve. The legal context of elections, as the main area of interest of this thesis, here thus acts as the first reference point by which the financial needs of parties need to be evaluated. The preceding three empirical chapters have offered important insights on this, and the following section of the chapter will start the discussion with a summary of those insights.

Moreover, minor parties, mostly being on the challenger side of their electoral setting, need to sell themselves to the public as a viable alternative (if they really are). This also requires a fundraising prowess at a comparable level or, at least, not too far beyond comparison with whom they want to challenge. As Bischoff (2006: 103) points out, "Ignorance may well be the most important barrier shielding established parties from competitive threats emerging from outside the political institutions". Indeed, no matter how strong the electorate turns out to be disenchanted with the political *status quo* or ruling elite, if a challenger does not have the requisite sources to establish itself in the mind of the electorate as an alternative, it hardly stands much of chance of winning elections. At this point, the existing research has induced this study to consider that laws can hinder the breakthrough of minor parties by not only the first-hand rules of electoral competition, examined at length in the previous chapters, but also some extra-legal safeguards nurturing such ignorance on the benefit of the parties in power. The scholars in the field have long recognized this risk. In this respect, it is worth asking whether the Turkish regulation of party finance arises as another problematic legal theme for smaller parties-whereby they confront a much more disguised sort of institutional bias, or quite the opposite, a mechanism to alleviate the financial burden of the thresholds of authorization and representation, and to enhance their competitive position in elections.

The chapter proceeds as follows. The next section will revisit the previous insights of the study regarding the costs of the institutional context of elections. Section three then reviews the previous research on the impact of public party funding regimes. Section four goes on to look at the party finance regime of Turkey. Then, the chapter turns to analyse the impact of Turkish party regulation under two sections. The first of these examines the private income disparity between major and minor parties, and argues the role of private income regulation on the observed disparity. The other deeply explores the development of Turkish public party funding regime, and examines how it influences the competitive position of minor parties in the political process. Section seven finally summarizes the insights of the chapter.

7.3. The Law-Driven Costs of Entry

The perception

If there is one thing which all the minor party leaders agreed on during the interviews, it was the contention that the failure of their parties, in terms of access either to ballot or to parliament, is importantly brought about by the paucity of funding available to them. One of them, for instance, pointed out that

“the fact that our party does not come near the top, or is not heard as much as the AKP, CHP or MHP in election periods has much to do with the differences between our bank account and theirs rather than the differences between what we and they say to the voters” (SP, 5th party in 2015 November Elections).

It is not only the possibility for such statement to be true per se that might be the essence of the problem, but also, no less importantly, the worrying degree of psychological power which money exercises over Turkish party leaders. In their opinions, the resource availability is mainly accounted for the failure of their parties on the ground or ballot. This study has not been undertaken to independently address the question how much *money talks* in Turkish elections, but the fieldwork has, at the very least, showed that *money talks* profoundly in party leaders' account of the party politics and in their estimation of their parties' chance to grow from a start-up to parliamentary entity.

Undoubtedly, explaining electoral defeat with the lack of financial resources could be an easy excuse for these politicians to disguise the primary reason behind it: the lack of party popularity among the electorate. Keeping this in mind, the bottom line of their concern does not, however, completely sound far-fetched considering the institutional structure of elections in Turkey. Having divided the legal structure of party contest into three parts (the previous three chapters), this section will explore the 'law-driven' costs of Turkish elections by following the same systematic approach and in light of the evidence so far analysed.

7.3.1. The Costs of the Threshold of Registration

About party registration regime, no serious financial burden emerged to deter political entrepreneurs in Turkey from the establishment of a new party. Given the fact that party registration regimes of the earlier two constitutional periods (1950-60, 1961-1980) were not more rigid than that of the last period (from 1983 onwards), it can be inferred that the practices in those periods were not financially more burdensome than that of today.

7.3.2. The Costs of the Threshold of Authorization

It transpired from the interviews that one major challenge confronting aspiring electoral parties with the requirement of a half-nationwide dissemination of party organizations is its financial burden concerning the maintenance costs of the registered branches in the pre-campaign stage. The leader of a recently founded party (TBB, 3147 members), for instance, brought a vivid illustration in point by stating that

(talking on the 2015 Elections) “...We later on met with the executive committee to find out what we have done wrong or overlooked...We come to the point that neither the time left, nor our money was enough to organize at the requisite level...⁸³”

The typical expenses incurred during that period were claimed to be the rent and utility bills of offices⁸⁴, the cost of office equipment, the expenses of party congresses to hold at each layer of organization (central, provincial, and sub-provincial), and the salaries of party personnel, employed mostly in larger provinces in order to fulfil organizational duties that are stipulated by the Political Parties Act. Truly, the rule, at first glance, seems to force parties to recruit a certain number⁸⁵ of local partisans, but in the backstage they must sooner or later find sufficient/stable sources of revenue to genuinely maintain such massive organizational size in compliance with the discussed-organizational rules of the Political Parties Act (hereafter PPA).

7.3.3. The Costs of the Threshold of Representation

Turkey currently uses a form of PR with *d'Hondt* and ten percent nationwide threshold. The comparative survey at the end of Chapter 6 indicated that Turkish electoral parties are forced to campaign for the highest ‘minimum number of votes not to lose the first seat’ in the 47 member states of the Council of Europe. In this respect, almost two-thirds of party leaders interviewed argued that campaigns under the current system are quite expensive because of the large size of the electorate to target (11 out of 17). As the VP leader noted, the ten percent legal threshold makes large-scale campaigns ‘necessity’ rather than a choice. Similarly, the BBP leader pointed out that

⁸³ The respondent in advance said: “Whenever I and my fellows left a coffeehouse, shop, or an arranged meeting, a number of people there were always approaching and saying, ‘we would like to support your cause, what do you suggest us, where should we start’...I then got my first lesson about leading a party in this country: You should have at least some money in your pocket to launch the action when these people come to you with such good deeds...It is too much for him (talking on a sympathizer) to finance a party starting from zero. He already proves his bravery by declaring his support to us and the people around him with different political leanings...”

⁸⁴ Where the governorships strictly impose parties to have its own office. The study has observed that this practice of the governorships arises when they strictly interpret the rule of the address requirement for registration of branches as if it means a special office exclusive to party usage only.

⁸⁵ At minimum 827 founding members, see Chapter 5

“To those asking me why the party does not do well in elections, I just tell them I can guarantee you at least a ten percent of the vote if you can guarantee me 100 million liras.”

Another similarly described the electoral campaigns in Turkey as ‘big business’ (MP). During the interviews, the participants varyingly argued that the electoral campaigns in Turkey requires certain qualities for parties as follows:

- evenly-spread local organizations to secure political activity throughout the country (AKP-major party 1, VP, DP),
- continuous political activities and propaganda efforts (rather than campaign-centred) in order to develop party identification among the electorate in the long-term (EP, VP, LDP),
- the use of mass communication propaganda tools to reach out almost every voter so that a fair share of the electorate is persuaded to support the party in the election day (AKP-major party 1, CHP-major party 2, BBP, SP, LDP, AP).
- nationwide election promises rather than particularistic demands of smaller segments of the society (VP),

This all implies that, compared to the earlier two systems with no general threshold, the party politics and electoral strategies of the post-1980 regime need to be coordinated and applied non-stop and at a national scale. Leaving aside the implications on the election manifestos of parties, the threshold of representation undeniably puts a financial strain on parties by the other three concerns above mentioned. Under this nationalizing impact of the threshold on campaigning, it can be argued that parties now do not just require more resources, but also they need to deploy them in such a way, as raised by some leaders (EP, BBP, MP), as to create a distinguishable ‘national imagery’ of party, or in the EP deputy leader’s terms, to pursue ‘*a shared narrative touching everyone from Edirne to Hakkari*’⁸⁶. A crucial implication of this is that central organizations of parties should invest more heavily in advertising, mass-media and marketing than used to be.

This all has, in return, some ramifications on the financial relation between central and local organizations too. Although central parties, as argued by some, possibly need more resources of revenue including those raised at grass-root level (LDP, MP, HKP), local organizations and candidates appear to be strategically less relevant in the formation of campaign tactics, and play relatively less decisive role in the winning or losing of their own district seats as were the case in the earlier two electoral systems. It is simply because those seats cannot simply be won anymore owing to how local party branches or candidates convey their party’s message well in their specific electoral areas, but how the

⁸⁶ The two cities are located on the opposite longitudinal and latitudinal directions of the country, the far northwest and far southeast respectively.

party leadership does well, or to what extent the electorate respond positively to these messages at the national scale. This is to say that despite the increased importance of financial resources to the party overall, the local organizations and candidates possibly see fewer incentives to deliver those resources to the party or to put extra effort to raise more funding for their own activities at district-level.

The Argument in Brief

An important insight of the earlier chapters of the thesis is that the permeability of the thresholds of authorization and representation under the current Turkish legal framework is highly contingent upon the financial capacity of parties. To begin with, the financial burden of the organizational requirement implicitly serves as a gatekeeper restricting electoral participation. The interview data suggested that financing in Turkish politics represents not only a matter for minor parties to compete with major ones on equal terms, but also-and perhaps more fundamentally-an unwritten legal precondition to partake in elections, hidden behind the letter of the law as a filter stifling electoral participation before campaigning period. When the issue comes to the representation barrier, political parties within the post-1980 electoral system are forced to engage in ever more costly battles to form and sustain a nationwide public profile. All in all, it can be said that in Turkey, where money strikingly appears to be a requisite asset of the formal politics, state control over parties' finances turns out to be a more critical issue than what was presumed in the earlier periods of this research project. The following section will extensively review the literature on public party funding with a special focus on minor political parties.

7.4. Theoretical Considerations on Public Party Funding Laws

Casas-Zamora (2005:1) correctly notes that “the story of contemporary political finance regulation is the story of the emergence and expansion of direct state funding”. According to the IDEA’s political finance database⁸⁷, nearly 68 percent of the states across the world (118 out of 174) and 87 percent of the states in Europe (40 out of 45, including Turkey) at present offer some form of direct public funding to their political parties. Although modern states are argued to have resorted to different institutional strategies in accommodating their party laws to this trend⁸⁸, the ostensible reasoning behind state aids to parties by and large tends to focus on three areas of concern: the increasing costs of electoral politics, corrupt financing practices and the disparity of party finances. Of these, the last argument is of particular importance for the present study as the discourse in it is mainly built upon the inter-party dimension of financing and the resource gap among major and minor parties.

⁸⁷ <https://www.idea.int/data-tools/data/political-finance-database>

⁸⁸ the *cartel party thesis* of Katz and Mair (1995), the *diffusion thesis* of Nassmacher (2001), the *revenue-maximizing and electoral economy perspectives* of Scarrow (2004), the *new institutionalist perspective* of Cliff and Fisher (2004) on the cases of Britain and France or the idea of *the management of parties by states* and *the control of the state by parties* of van Biezen and Kopecky (2007).

Within this argument, it is hoped that public party financing can act as a tool creating a more ‘level playing field’ among the participants of elections (the terminology has varied such as ‘*equality of opportunity*’ by Ewing, 1992; ‘*a level playing field*’ by Fisher, 2002:398; Ward *et al.*, 2003: 22 and Kolln, 2016:71; ‘*competitive elections*’ by Briffault, 1988:568 or ‘*fairness*’ by Sousa, 2004: 12). The Venice Commission underlines this rationale in its opinions by stating that “such systems of funding are aimed at ensuring that all parties are able to compete in elections in accordance with the principle of equal opportunity, thus strengthening political pluralism and helping to ensure the proper functioning of democratic institutions” (the Guidelines of Political Party Regulation, 2010, parag.176). The concern here is that political arena by itself is economically heterogeneous and formed by political parties of different degree of fundraising capacity (Alexander, 1989; Hopkins, 2004; Scarrow, 2015). This becomes more noticeable when the issue comes to minor parties whose political programme, as van Biezen points out (2012:201), is “unlikely to appeal to wealthy or established interests and lack any linkages with affiliated interest organisations”. In this perspective, *laissez faire* approach is explicitly or implicitly assumed to endanger democracy mainly because it sets free the concentrated wealth to perpetuate with its own monopolistic structures and actors. This supposedly minimalizes electoral choice for citizens and eventually undermines the ‘one man one vote’ principle (Kolln, 2016). Briffault (1988:570) raises this point by writing that ‘if an election is financially uncompetitive, it is usually politically uncompetitive too’.

Here, the remedy which is hoped from public party financing would come in two forms: (1) by including less resourceful contestants into the distribution scheme and (2) by providing the state a regulatory leverage on the private arena of political money to moderate the impact of the inequality arising from its *supply* and *demand* sides by means of the statutory limits on private income or spending of major parties (the *carrot-stick* metaphor of Scarrow, 2011:3-5; for an interesting critical perspective, see also Orr, 2012). With that ‘competitive elections’ rationale in mind, there has accordingly appeared an urgent need for the scholars to address to what extent these laws, once introduced, have produced the expected ‘levelling’ impact on party competition. Scholars are divided in their answers to this question (for detailed reviews, see Roper, 2002: 177-79; Biezen, 2004: 706-07; Casas-Zamora, 2005:36-53; Fisher, 2011:20-25).

One side of the debate thinks of the public party funding to be a genuinely effective regulatory instrument in providing some stable source of income to underprivileged parties/candidates. For instance, in his study on the governorship elections of US, Briffault (1999:571-73) finds that public funding has contributed to the outsider challengers to oust the Republican and Democrat incumbent nominees in two jurisdictions-Minnesota and New York City. Using a merely quantitative approach, Casas-Zamora (2004: 40-45), in his PhD thesis, compares the percentages of vote of parties and the allocated public funding to them in 10 selected countries, and reported that smaller parties in eight of his cases receive larger proportion of public funding than the proportion that their actual vote share

would warrant. Similarly, Sundberg's study (2002:199) on the Scandinavian countries shows that the proportion of the public financing is relatively larger in minor party revenues than that in major party revenues. For these scholars, such over-distribution of state money to smaller parties implies that the main beneficiaries of public financing are sometimes smaller parties, not always major ones.

The other side, on the contrary, argues public funding to influence smaller parties in a quite opposite way to what is typically expected of it on the theoretical level. First, it has been claimed that public funding does not expectedly reduce the spending of major parties. Heywood (1997: 431) asserts that public financing has 'little impact on the drive to seek extra funds' and 'secret financing' of its beneficiaries in a number of western democracies. Mendilow (1992: 102) reports that, in the case of Israel, the major parties in 1988 amended the legislation by retrospectively increasing the ceiling expenditure following the introduction of public financing.

Second, some are critical of state financing of parties as the parties dominating law-making processes are more self-interested than the extent to which the normative logic takes it as a remedy (Paltiel, 1981:170; Nassmacher, 1989:57-61). The intriguing question stimulating this group to adopt such critical approach is how logical would it really be that the parties with the strong advantages of affluent resources in their disposal and controlling law-making processes construct a funding system favouring their political rivals from outside and so to their own disadvantage. The answer which this group tends to give is that public funding laws are sometimes introduced or modified by self-seeking parties which pursue their own personal or organizational interests with the intention of reducing the competitiveness of elections rather than the reverse. Considered this way, some raise the doubt that state assistance to parties may thus end up with 'the ossification of party systems' by mostly endorsing the parties in power with high thresholds for eligibility and generous rewards (Paltiel, 1981). The public funding laws are, in this argument, considered to be pro-incumbent biased and to disfavour challenger/new parties mainly for two reasons: First, the distribution formula is typically based on prior electoral performance of parties. On the other hand, most of the new or minor challengers do not enjoy electoral success beforehand. Second, the parties in government or parliament holds the legislative power in their hands to manipulate the relevant laws on their own. The rules specifying eligibility (criteria) and allocation (amount) can be revised on their own benefit and whenever they want.

This contention in the main was recently echoed in Katz and Mair's *cartel party* model (1995), which has offered an empirically disputed (Kitschelt, 2000; Detterbeck, 2005; Ashton, 2009), but theoretically one of the most relevant arguments. Their theory approaches the public funding of parties as the major sign of parties' co-optation of the state and the 'invasion of states' as a response to their weakened relationship with citizens. For them, parties within 'the cartel', due to falling levels of members and increased financial needs, turns to state resources in a collusive manner in order 'to ensure their own collective survival'. Such cooperation, so the argument goes, comes at the expense of their smaller

rivals of which access to the same resources is importantly blocked. This eventually turns elections into a vicious circle for smaller parties, whereby state resources are granted to the same parties in power, already enjoying the strong advantage of being known to the electorate and previously proved a significant degree of electoral success. The rules regulating state funds, says the theory, are a product of major/established parties who supposedly collude to reduce the electoral chance of minor/new opposition parties in political competition for the aim of entrenching their status-quo. Katz and Mair (1995:16) points out that “the state, in this sense, becomes an institutionalized structure of support, sustaining insiders while excluding outsiders”.

Interestingly, it appears that most of the recent studies have specifically paid much of their attention to the empirical validity of the petrification hypothesis or the cartel party thesis. Table 7.1 summarizes the findings of some prominent research carried out with that purpose. A respectable number of scholars have found weak empirical evidence for the idea that state funds prevent new party emergence, mostly from established democracies. Taken together, their studies have suggested that, in some of the heavily-subsidized systems, there appears no substantial downward trend in

(1) the entries of new parties to parliaments (Nassmacher, 1989; Mendilow, 1992; Pierre *et. al*, 2000; van Biezen and Rashkova, 2014),

(2) vote volatility and party fragmentation scores (Roper, 2002; Casas-Zamora, 2004; Scarrow, 2007)

On the other hand, Birnir (2005), in his study on the relationship between party system institutionalization and public funding in new democracies, has found that new party entry is lower, and the institutionalization of party system is higher where it is introduced. A similar insight has been offered by the study of Smilov (2002:340-341), who found that parliamentary and government parties are the main beneficiaries of public funding in Russia and Bulgaria.

Evaluation

Overall, the foregoing review of the literature on the impact of state party financing on minor parties, as summarized in Table 7.1 below, points to mixed results. The core lesson for the present study is that it is difficult to take for granted public party funding in every case as a magic bullet for the economic inequalities between major and minor parties. Truly, it would in principle promote competition by ensuring regular cash flow for smaller parties which are less able to appeal wealthy interests and have little chance of raising such income from private sources and by making it easier for them to gain a foothold in elections. However, one cannot overlook the fact that the legal structure of such funding, as highlighted by the critics, is mainly controlled by its recipients, the major parties, of which financial dominance is hoped to be counterbalanced by such regulatory tool. As Scarrow points out, ‘the devil

may be in the detail'. Rather than making simple generalizations, it would be much better to take a closer look at how those subventions are structured and distributed in each polity.

Table 7.1 The findings of the previous research investigating the impact of the direct public funding on party systems

Author(s)	Context	Findings/insights about the party system impact of state funds (mostly focused on the 'petrification' hypothesis or the 'Cartel Party' theory)
Nassmacher (1989)	Italy and West Germany	Found some evidence that new parties have managed to enter the parliaments under the public funding system.
Mendilow (1992)	Israel	Observes a substantial increase in the number of new parliamentary parties following the introduction of public funding. The number of new parliamentary parties is three before and twenty after its introduction.
Pierre <i>et. al</i> (2000)	12 EU member states and U.S.	Found no evidence that public funding deters new party entrances in most of the cases investigated.
Kitschelt (2000)	General	Disagrees with the cartel party theory by refuting the evidence used by Katz and Mair.
Roper (2002)	Romania	Claimed that the high fragmentation of the party system in 1999 elections of Romania was mutual consequence of public funding and the low requirements of party registration for ballot.
Casas-Zamora (2004)	10 established democracies	Found that the volatility scores in seven and effective number of parliamentary parties in eight grew following the introduction of public funding.
Knapp (2004)	France	Claimed that the loosening of the funding criteria after the judicial reviews has had an impact of the proliferation of parties and candidacies.
Scarrow (2006)	24 EU member states	Found no important evidence that the changes in the vote share for parties and the number of competitors in party systems coincided with the introduction of public funding.
van Biezen and Rashkova (2014)	20 European states	Found no evidence that public funding affects the permeability of party systems in terms of the entry of new parties into parliaments.
Smilov (2002)	Russia and Bulgaria	Found that the main beneficiaries of public funding are established parties.
Birnir (2005)	17 Eastern Europe	Found that in new democracies party system institutionalization increases and new party entry decreases after public funding is introduced.

7.5. Rules: An Overview of the Party Finance Regulation in Turkey

In the first decade after the transition to multi-party elections (1950s), political parties were not specifically recognized in the law in Turkey. Few indirect public funding instruments aside⁸⁹, their financing was subject to the general law of private associations (YukseI, 2007: 37; Duran, 2009: 113; Celik, 2015:74). Considering the conspicuous lack of regulation on many aspects including registration, party organizations and finance, the period can best be described with a *laissez faire* approach. A specific regime for party financing was for the first time established when the *Political Parties Act 1965* came into force, shortly after the military coup of 1960 (Official Gazette, no.12050⁹⁰). This was the beginning of such a period in which the number of minor parties gradually increased with the momentum of another fundamental structural reform adopted, a new electoral system (PR, d'Hondt), in that, weaker parties, as Chapter 6 showed, experienced more favourable results in vote-seat transformation.

Despite its enactment in quite an early phase of the multi-party experience, this legislation, as illustrated in Table 7.2, contained nearly all the aspects traditionally associated with party finances (IDEA, 2014, Funding of Political Parties and Election Campaigns; Pinto-Duschinsky, 2002; van Biezen and Kopecky, 2007; Iktens et al., 2002): (1) the sources of private income and the limits on contributions, (2) direct public funding, (3) expenditure (4) reporting obligations for any transaction of which value were above £16 (in real terms), and (5) the judicial oversight of party accounts.

Table 7.2: The financial content of the PPA 1965 and the PPA 1983

Theme	Article of the PPA 1965 (1965-80)	Article of the PPA 1983 (1983-onwards)
Private funding	65-73	61-69
Public funding	74	Additional Article 1 (in 1984)
	<i>revisions</i> 1968, 71, 73	1987, 88, 90, 92, 2005, 14
	<i>judicial reviews</i> 1969, 71	1988, 89, 2006, 09, 16
Expenditure	76-77	70-72
Annual reporting obligations	79-80	73-74
Annual judicial oversight	78, 81-82	75-77

Apart from a few revisions of the public funding scheme (1968, 1971, 1973), the financial section of *the PPA 1965* completely remained unchanged until the second major military coup, taken place in

⁸⁹ (1) Free access to state-owned radio channel during campaign periods and (2) the exemption from 'municipality fee' for party posters and leaflets (the Act No. 5392 and 5545).

⁹⁰ For the official gazette, see <http://www.resmigazete.gov.tr/arsiv/12050.pdf>

September of 1980. The martial laws, introduced following the coup, annulled the *PPA 1965* and constitution, disbanded the parliament, and outlawed all the registered parties along with those in the parliament. The ensuing political agenda of the junta was to reconstitute the basic legal laws annulled, mainly the constitution, electoral law, and the law on political parties before returning the administration to civil politicians (Ozbudun, 2007: 140-43). Accordingly, the transitional government, appointed by the military, passed a new *Political Parties Act* in 1983 (PPA 1983, Official Gazette, No:18027⁹¹), which is still in force today. In terms of content, although this act brought new provisions about party registration, electoral participation (stricter requirements, Chapter 5) and electoral system (the addition of 10% threshold, Chapter 6), it adopted almost the same party finance model of the abandoned act with some linguistic editing and the abolishment of public funding. That said, shortly after the new civil parliament was opened with the new elected parties in November 1983, a cross-party commission was set up to work on a bill re-inserting public funding into this model, and this eventually ended up with the reintroduction of public funding in June 1984 with the support of all the parties in the parliament (Genckaya, 2009: 45). Since then, while public funding provisions have undergone a series of changes—more often than the previous period (1987, 88, 90, 92, 2005, 14), almost all the other provisions have been kept as adopted in the initial draft of the legislation. Considering this continuity, it can be said that, with the exception of the public funding provisions, the origins of the today’s party finance legislation of Turkey actually date back to 1965.

Before starting the analysis, this section will summarize the three main sets of the Turkish party finance rules for (1) private income, (2) public funding, and (3) spending. Since the public funding regime has changed for several times, the details of those changes will be explicated in the respective stage of the analysis.

7.5.1. Private Income

(PPA 1965, art.65-75; PPA 1983, art.61-69)

The PPA 1983, as did its predecessor, specifies three private sources of funding: (1) the fees from party individuals (members, MPs, mayors), (2) donations and (3) the earnings from party estates, products or fundraising events. The law also places both quantitative and qualitative limits on private funding. Donations from a single source (individuals or ‘legal persons’, including companies) cannot exceed TL 37,000 (£5,138) in 2018. The ceiling is to be adjusted each year according to ‘re-valuation formula’ mentioned in *the Tax Procedures Act*. Parties are not allowed to accept donations (cash or in-kind) from any public institutions, foreign states/individuals/companies (of which shares with 50% or more are owned by ‘non-citizens’) and anonymous sources. They are also prohibited from engaging in any

⁹¹ <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.2820.pdf>

commercial activity and borrowing money from any source unless they prove the money borrowed is essential for their needs.

7.5.2. Public funding

(PPA 1965, art.74; PPA 1983, additional art. 1)

Turkey has been providing annual monetary support to parties from the first moment of the introduction of party finance regime. From 1965 onward, its legal framework was amended ten times, three of which took place in the period of the *PPA 1965*, and the others in the period of the *PPA 1983*. During the 53 years up to present, the Constitutional Court was appealed seven times to review the constitutionality of public funding regime. Whereas the two rulings of the first period stroke down the whole scheme (1969, 1971), all the five rulings of the following consistently declared the legislation to be fully constitutional (1988, 1989, 2007, 2009, 2016). That said, from 1965 onward, the funding system ceased to operate two times. While the first, lasted two years (1971-72), occurred as a result of the second invalidation of the law by the Court, the other was led by the Military Intervention 1980 from 1981 to 1983. Table 7.3 presents a chronological summary of the critical moments of public funding regulation in Turkey.

Table 7.3: The evolution of Turkish public party funding regulation

	<i>Year</i>	<i>Threshold</i>	<i>Amount</i>
the PPA 1965	<i>Int.</i> 1965	5% of the vote	Fixed (from TL 500,000 to TL 3,500,000)
	1968	Alternatively, 5% of the seat (only in 1968 and 1969)	Fixed (TL 500,000)
	1969		Judicial Review: Invalidated
	1970	reintroduction: 5% of the vote	Fixed (TL 6,000,000 to share among all parties)
	1971		Judicial Review: Invalidated
	1974	reintroduction: 5% of the vote or parliamentary group (10 MPs)	1/5000 of the central state revenues
	the PPA 1983	<i>Int.</i> 1984	10% of the vote
1987		Alternatively, only in 1987: to have a parliamentary group (20 MPs)	Only in 1987: A threefold increase for all eligible parties
1988			Judicial Review: Validated
1988		7% of the vote	Permanently: Threefold and twofold increases in general and local election years respectively
1989			Judicial Review: Validated
1990		Alternatively, until 1991: to have 10 MPs	
1992		Alternatively-permanent, 3 MPs	2/5000 of CSR
2005		Abolishment of the alternative MPs threshold	
2007			Judicial Review: Validated
2009			Judicial Review: Validated
2014	3% of the vote		
2016		Judicial Review: Validated	

By a cursory glance at the table, four general observations can be made about the public party funding systems in Turkey:

First, the main threshold of public funding in Turkey has always been based on a minimum share of votes to garner in the last elections. While this was five percent of the popular vote between 1965 and 1980, it was increased to ten percent by 1984 in parallel with the new electoral system which adopted the same percentage as the representational threshold in 1983 (Chapter 6). While the latter has been retained since then, the threshold of public funding was subsequently reduced to seven percent in 1988 and three percent in 2014.

Second, the parliaments in both of the periods loosened the criteria at later stages through both ‘temporary alternative’ thresholds-to apply for limited periods (1968-69, 1987, 1990-92), and ‘permanent alternative’ thresholds (ten-MPs threshold between 1974 and 1980, and three-MPs threshold between 1992-2005). While the purposes behind each adopted ‘temporary alternative’ criterion, as will be discussed later, appear to have benefited one specific minor party, the permanent alternative criteria in both laws seem to have led the expansion of the funding scheme in general until their abolishment.

Third, in respect to the amount of state funds, two different strategies have been employed so far: The first, operated only for seven years (1965-1973), was the scheme of absolute ‘fixed amounts’. The second, which was introduced in 1974 and is still in force, is the adjustment of funds to the annual central state revenues (CSR). Whereas the formula initially adopted was 1/5000 of the CSR from 1974 to 1992, it was increased to the 2/5000 in 1992.

Fourth, public party funding regime in Turkey primarily aimed to fund the routine activities of parties on an annual basis until 1987. However, the revisions of 1987 and 1992 respectively increased funds threefold in general election years and twofold in local election years for all the parties qualified for funding. Since 1987, the system has been thus providing support for both regular and electoral activities of qualified parties.

7.5.3. Expenditure

(PPA 1965, art.76-78; PPA 1985 art.70-72)

The crucial aspect of the Turkish party finance model is that party spending has never been restricted quantitatively. There are only two rules parties need to notice when spending their monies. First, they are prohibited from loaning money to party individuals or third persons. Second, both of the laws stipulate that “*the expenditure of parties cannot be inconsistent with their objectives.*” What the law means by the ‘objectives’ of a political party is not clear. As will be argued in the analysis, this was identified to be one of the problems when party accounts are inspected by the Constitutional Court.

7.6. The Analysis of the Fundraising Capacity of Major and Minor Parties in Turkey

As illustrated in Table 7.4, there are two preliminary questions to be addressed before examining the impact of public funding.

Table 7.4: The research design of Section 5

Question	The Impetus for Public Funding	Data Source	Analysis	Insight
(5.1) In terms of the income raised by parties' own means, how competitive is the political market in Turkey?	an 'uneven playing field' to level?	281 auditing reports of the Constitutional Court	Quant./ Statistical	Verified
(5.2) What role does the law practically play behind the observed trends of inequality of private income?	any shortfall caused in party revenues to compensate?	19 semi-structured elite interviews	Qualit./ Thematic	Mainly Unverified

In what follows, each question is approached with a specific dataset that allowed the research to offer important insights in depth, along with certain repercussions on the empirical validity of public funding arguments in the research case. Examining the monetary data, the first part explores the private income (the total of donations, membership dues and others) gap between the major and minor parties of Turkey, and critically appraises that, if the economic inequality provides some parties with an advantage over the others (Ewing, 2001; Biezen, 2003; Gauja, 2010), then to what extent is this really the case in Turkey, and so a concern to be brought up when bringing her public funding law into the table? Later, the study turns to analyse the interview data to illuminate the role of the private income restrictions behind the gap identified, and to find out whether these restrictions really limit the fundraising capacity of Turkish parties so that the public funding would be considered to be also a tool of compensation for the shortfall emerging in party coffers, as another key driver of these funds in the universal arena (Scarrow, 2011)?

7.6.1. The Disparity of Private Income between Major and Minor Parties

Table 7.5 summarizes the private income of the Turkish electoral parties from 1996 to 2013, a period spreading over four and half election cycles (1999, 2002, 2007, 2011 and the first two years of the 2015 one). Chapter 3 in section 3.2 provides the details of the data collection process and the analytical tools developed to measure the concentration trends in the data. The main insights of the research can be reported under two subheadings as follows.

Table 7.5: The private income of Turkish political parties from 1996 to 2013 (in real terms-Sept 2018)

Year	N	PI of all electoral parties (1000s-£)	Parliamentary Parties (% of the total PI)					The wealthiest three parties out of parliament (% of the total PI)			$\frac{1}{HHI}$	n of 1%>
			SP	AP	DYP	DSP	CHP	MHP	DTP	HDP		
<i>1999 Election-cycle⁹²</i>												
1996	18	25,549	18	13	21	7	26	7	-	2	5.8	9
1997	19	25,137	17	13	19	10	15	7	5	2	8.0	8
1998	20	28,390	15	18	14	14	18	8	4	2	7.3	9
1999	20	34,601	5	18	15	26	17	10	3	1	6.1	10
total	20	113,679	13	16	17	15	19	8	3	2	7.2	8
<i>2002 Election-cycle⁹³</i>												
2000	13	25,988	DSP	MHP	SP	AP	DYP	CHP	AKP	GP	6.1	5
2001	15	32,667	25	11	17	15	11	15	-	-	5.2	7
2002	18	71,427	33	11	10	16	16	7	2	-	6.8	10
total	18	130,084	22	9	7	7	5	12	21	13	7.2	9
<i>2007 Election-cycle⁹⁴</i>												
2003	14	28,642	AKP	CHP				GP	MHP	AP	5.1	6
2004	14	42,875	31	17				23	7	6	3.3	7
2005	15	26,652	48	22				13	6	3	3.1	7
2006	15	30,037	49	27				1	5	6	3.9	6
2007	15	45,669	43	22				2	7	13	2.4	7
total	15	173,877	61	15				1	11	6	3.4	7
<i>2011 Election-cycle⁹⁵</i>												
2008	13	40,803	AKP	CHP	MHP			DSP	DP	SP	3.1	6
2009	13	30,465	51	20	6			9	11	2	3.6	6
2010	14	22,910	45	18	8			17	2	5	3.3	7
2011	14	36,240	51	10	8			6	14	5	2.8	8
total	14	130,419	52	26	9			1	6	3	3.3	7
<i>2015 Election-cycle⁹⁶</i>												
2012	15	19,281	AKP	CHP	MHP			SP	DP	VP	3.1	7
2013	15	32,931	50	24	10			3	3	2	2.6	8
total	15	52,212	51	34	6			3	2	2	2.8	7

7.6.1.1. From Multi-Effective Parties to the Hegemony of Two Parties

The study has found that there are major disparities in the private income raised by Turkish parties. Looking at the gulf between the ‘simple’ number of electoral parties and the ‘effective number of private income parties’ (*ENPIP*) illustrated in the figure below, it is evident that the wealth from private sources

⁹² 20 political parties participated in the 1999 Elections. Newly-founded electoral parties during the period: *Demokratik Türkiye Partisi* (1997), *Değişen Türkiye Partisi* (1998)

⁹³ 18 political parties participated in the general elections of 2002. Newly-founded electoral parties during the period: *Adalet ve Kalkınma Partisi* (2001), *Bağımsız Türkiye Partisi* (2001), *Genc Parti* (2002), *Yurt Partisi* (2002), *Yeni Türkiye Partisi* (2002)

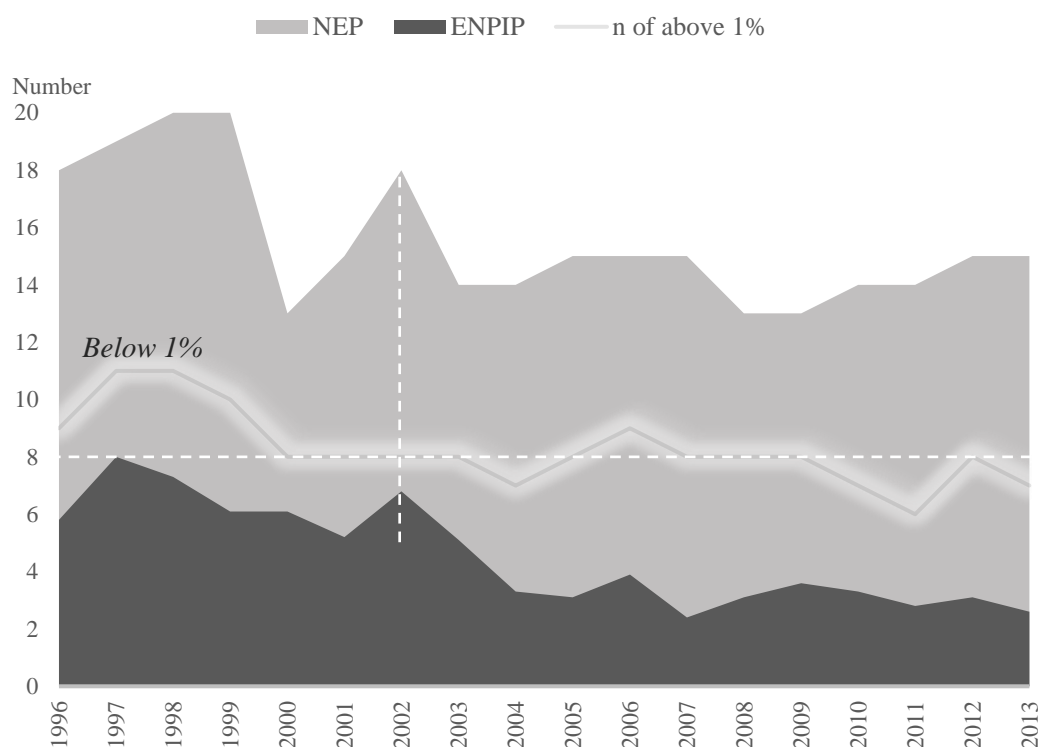
⁹⁴ 14 political parties participated in the general elections of 2007. Newly-founded electoral parties during the period: *Halkın Yükselişi Partisi* (2005). Electoral coalition parties: *Anavatan Partisi* and *Doğru Yol Partisi* under *Demokrat Parti* (2007)

⁹⁵ 15 political parties participated in the general elections of 2011. Newly-founded electoral parties during the period: *Halkın Sesi Partisi* (2010), *Milliyetçi Muhafazakar Parti* (2010). No available data for the MMP

⁹⁶ 16 political parties participated in the general elections of 2015. No available data for the Konumist Parti.

tends to concentrate in less than one-third of the electoral parties in every year and cycle. Similarly, in the years studied, about half of the electoral parties always appears to have been at a serious disadvantage with the income just below one percent of the total income (periodically, 8 out of 20 in 1999, 9 out of 18 in 2002, 7 out of 15 in 2007, 7 out of 14 in 2011 and 7 out of 15 in 2013) regardless of how the incomes above one percent have diversified. Given that the economic heterogeneity through private sources is a fact of party competition even in mature democracies (*Germany*: Blumenberg *et al.*, 2018; *UK*: Fisher, 2017: 182; *Australia*: Rayner, 2016: 152-53; *Canada*: Seidle, 2011: 47), the evidence revealing it in a nascent one would not come as a surprise to most of the students of the political finance. What would rather make it an intriguing (may be worrisome) matter for any case is its degree.

Figure 7.1 The evolution of the concentration of private income of Turkish parties from 1996 to 2013



Herein lies another observation arising from the data: There has been not just a constant pattern as to the existence of desperately-poor parties in every election, but also, more importantly, a growing gap between the richest and all the others since 2002. Turning to Table 7.5 once more, it is apparent that, in the first two election cycles (1996-1999 and 2000-2002), in which the parliaments were highly fragmented with the ENPP (effective number of parliamentary parties) of 4.4. and 4.9 respectively (Chapter 6), there was similarly a quite balanced distribution of income among the Turkish parties including not only the parliamentary ones, but also some outsiders, particularly in the cycle of 2002. Both annual and periodical figures of the *ENPIP*, as an indicator of this, were relatively high in both of

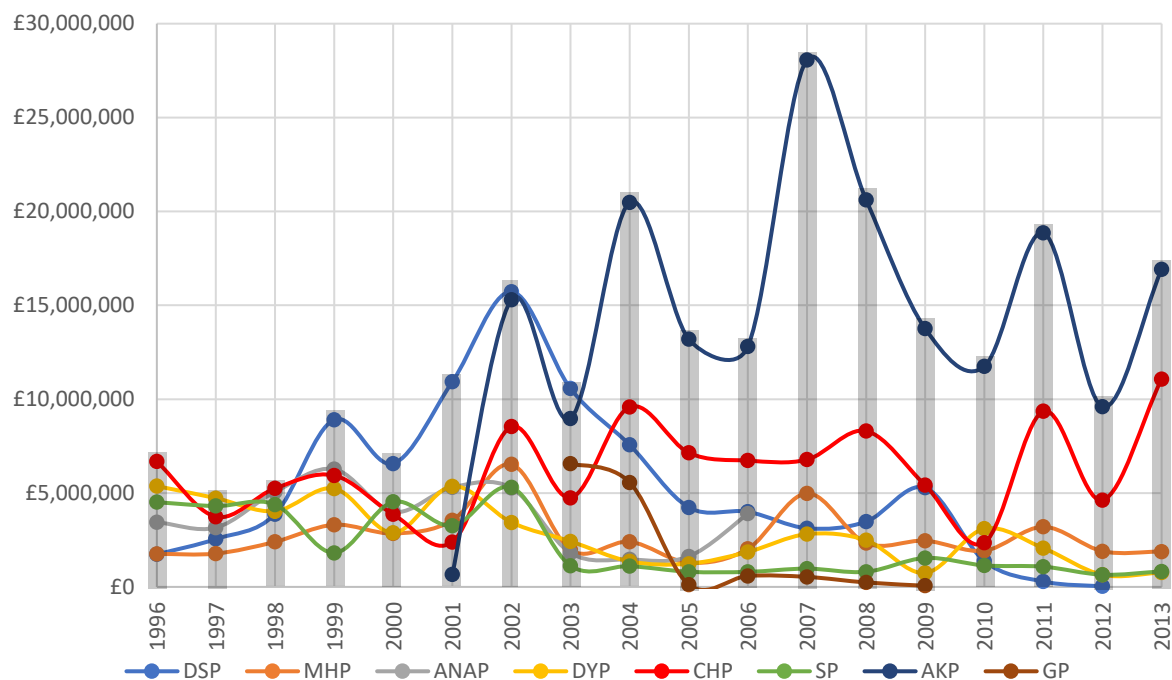
the occasions, attesting to less concentrated wealth, or put it another, more equally-financed parties in the group exceeding one percent of the total income. The study has found that only the DSP (*Democratic Left Party*), as the major party of the 1999-2002 coalition government, comes to the forefront with its increased income (from 15% to 26%) in the last of these cycles, particularly in the year of 2001 (33%), as a result of which the yearly *ENPIP* was notably reduced from 6.1 to 5.2. That said, it was also significant that, just beneath the DSP, there were seven ‘closely-effective’ income parties both in parliament and outside, which together achieved to raise 70% of the total income—with the percentages of 12, 11, 11, 10, 10, 9 and 7. Both the proximity and multiplicity of the shares within this group can be argued to have possibly acted as a brake on any excessive advantage which such additional income (around £17m) would have provided for the DSP if fewer parties had arisen at the same tier.

This (multi-effective party) pattern yet markedly changed following the 2002 election, when the AKP came to power as the single party government. The *ENPIP* dramatically fell from 7.2 to 3.4 in the period ahead of the 2007 election, almost a 70% decline. Since then, the high concentration of the private income on the one hand and the lack of change in the first and second most resourceful parties that take the lead in this concentration (AKP and CHP, respectively) on the other have become the notable features of the system. Another significant, but recently-emerged, aspect of the data is that the share of the most resourceful three parties outside the parliament has declined to a critical level in the years of 2012 and 2013, from a total of 19% in the cycle of 2011 to 8% in 2012-13.

To understand more the steep decline in the *ENPIP* following the 2002 Election, it is worth looking at the changing income trends at individual party level. As discussed in Chapter 6, the 2002 Election was a turning point of the post-1980 coup period in respect to the configuration of the party system. By that election, two non-incumbent parties, the AKP and CHP (the richest parties of the latter periods), won together all the parliamentary seats with only 54.8 percent of the votes in total, as a result of which the vote-seat disproportionality reached the highest of all times (since 1950, with 44.7 LH, 26.6 Lsq)⁹⁷. Dramatically, of the five incumbent parties of the 1999-2002 Parliament, none could get through the ten percent electoral threshold. Given the steep decrease of *ENPIP*, revealed in the figure above, one may wonder how the private incomes of those outgoing and emerging major parties have changed over time. The figure below shows their PI from 1996 to 2013.

⁹⁷ The beginning of the today’s ‘predominant party system’; Sartori, 1976: 127

Figure 7.2: The private income of outgoing and emerging major parties from 1996 to 2013 (in real terms-Sept 2018)



The graph is quite revealing in two ways. First, it shows that the prosperity in private financing quickly shifted to the AKP and CHP in 2004, shortly after the party system change of 2002. While the fundraising capacity of the former incumbents, most notably the DSP, has decreased year by year, the two new major parties have become the dominant private income parties since then⁹⁸. Having said that, this change still does not merely account for the decline of the ENPIP. What mainly stands out in the graph in relation to this is the increased dominance of the new ‘richest’. It is seen that while there was no huge variance between the amounts raised by the second richest party (CHP) of the post-2002 cycles and the richest parties of the pre-2002 ones (CHP and DSP, respectively), the AKP managed to collect much more than the amounts that the former incumbent parties raised in their terms. Passing the 2001 ratio of the DSP soon in 2004, the party achieved new peaks in the same year and 2007 in real terms, with £20m and £28m respectively. Thereafter, the ruling party almost always raised as much income as all the other electoral parties. Its unprecedented degree of dominance and consequently the widened gulf between the richest and the all the others have substantially ruined the former evenness of private financing in the post-2002 period. As important as this-however, the former incumbent parties that were closely effective in fundraising were moderately plural, and their private sources altogether seem to have melted away, with the exception of the Nationalist Movement Party (MHP). The key observation

⁹⁸ Actually, the CHP, as the richest party of the period 1996-99, has successfully continued its fundraising capacity although it remained out of the parliament in between 1999 and 2002.

in short is that the richest party has become super-rich, and the moderate plurality in the top (next to the richest) has gradually vanished.

7.6.1.2. A Four-Tier Distribution of Private Income

The foregoing analysis suggests that the private financing of Turkish parties since the 2002 election is better conceptualized as a four-tier one, with the AKP representing a top-tier in which the private income is counted in tens of millions (Table 7.6). The second tier is represented by the main opposition CHP, of which fundraising prowess is likewise counted with tens of millions, but about one-third to half of that of the ruling party. As each of these two major parties has consistently achieved a ‘decisive’ superiority over the adjacent party (the AKP over the CHP, and the CHP over any from the third tier), the first two tiers are idiosyncratically made up of these two by name.

Table 7.6: The four-tier disparity of private income of Turkish parties(in real terms-Sept 2018)

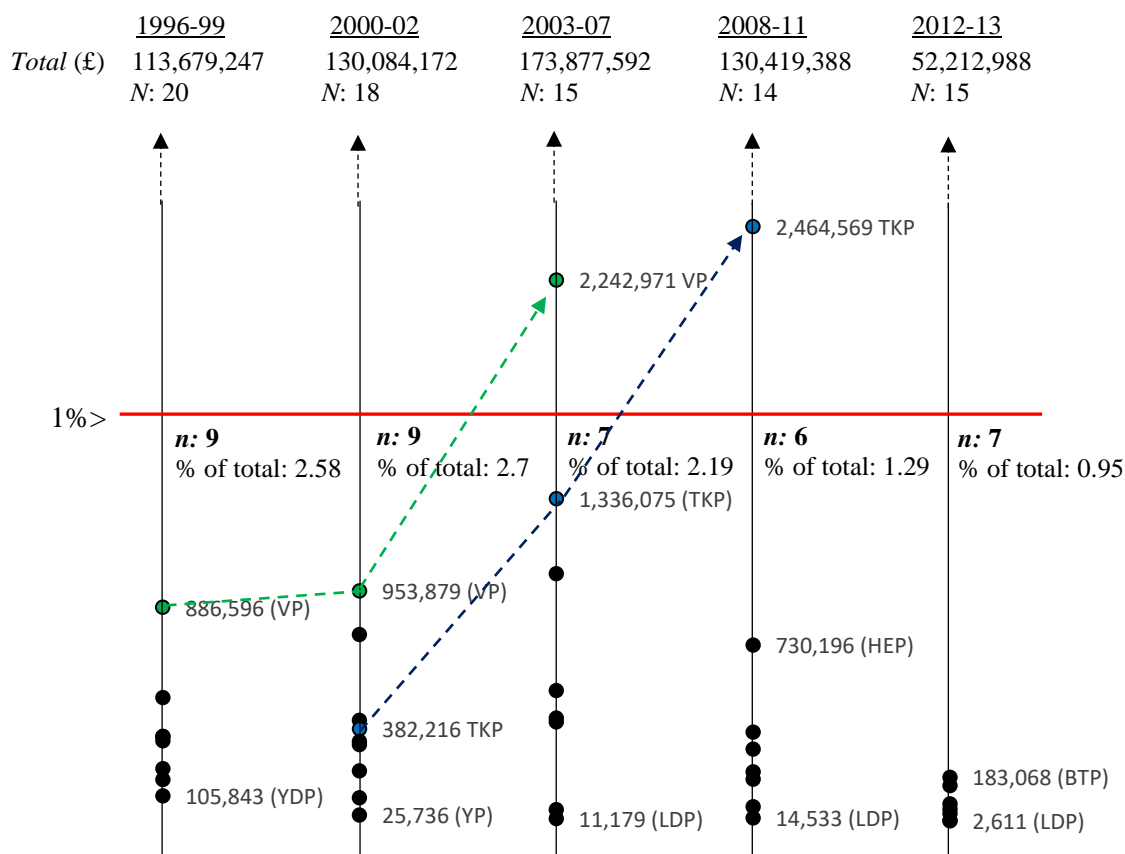
			Private Income (Donations+Dues+Others)			
			2003-2007	2008-2011	2012-13	
			£	£	£	
	Party					
Tier 1	<i>Interviewed</i>	Government since 2002	AKP	83,516,536	64,980,089	26,513,971
Tier 2	<i>Interviewed</i>	Main opposition since 2002	CHP	34,984,326	25,425,028	15,692,825
Tier 3		Former incumbent (1999-2002)	MHP	12,673,872	9,918,298	3,781,881
	<i>Interviewed</i>	Former incumbent (1987-2002)	DP	9,694,964	10,387,451	1,410,329
	<i>Interviewed</i>	Former incumbent (1991-2002)	DSP	7,569,569	10,422,150	n/a
	<i>Interviewed</i>	Former incumbent (1983-2002)	ANAP	8,792,180	<i>Merged with the DP</i>	
	<i>Interviewed</i>	Former incumbent (1991-2002)	SP	4,811,423	4,564,092	1,475,094
	<i>Interviewed</i>	Founded in 1992, 7 elections	VP	2,242,971	2,645,633	1,224,418
	<i>Interviewed</i>	Founded in 1993, 5 elections	BBP	1,252,263	1,578,404	673,651
		Founded in 1993, 3 elections	TKP	1,336,075	2,464,569	n/a
Tier 4	<i>7 interviewed</i>		Avg.	370,690	279,884	70,513
	<i>2 interviewed</i>	Never participated in elections (recently founded)				

Beneath these two parties sit the former five incumbent parties of the pre-2002 election, MHP (again in the parliament since 2007 as the third largest party), DSP, DP, ANAP and SP with budgets that hover around between £1 million and £10 million. Compared to the bottom tier, these older parties still seem to be able to raise a substantial amount of income, but obviously lagging seriously far behind AKP and CHP. Meanwhile, few parties which have never accessed the parliament, but had a long organizational and electoral history, such as the Patriotic Party (VP), Grand Union Party (BBP) and the Communist Party of Turkey (TKP) appear to be progressing towards this bracket from time to time.

Finally, far beneath these three tiers sit the rest of minor parties, with the income that are counted in few hundreds of thousands of pounds, and sometimes even less. As illustrated in the figure below, nearly half of the electoral parties in each episode may well match with this tier, each with less than one

percent of the total private income. Adding the non-electoral parties (currently near to 80 out of 93) to this tier, it amounts to the most populated one.

Figure 7.3: The parties of Tier 4 (in real terms-Sept 2018)



From 1996 to 2013, 24 different electoral minor parties fell into this tier. Seven of them were identified to have been deregistered at a later time. Among all, only two, as illustrated in the figure above (*Vatan Partisi* following 2002, *Turkiye Komunist Partisi* following 2007), were found to have increased their income above one percent of the total income in the succeeding cycles. 14 of them contested elections only once, and never tried for the second time. Of the remainder, three on two occasions, three on three occasions, one on four occasions, two on five occasions, and one on seven occasions contested elections with these relatively-fractional amounts of income (see Appendix K, p. 254). Bearing in mind that only few of them were provided public funding in the period studied (discussed later), these parties can better be construed as micro-financial entities lagging far behind the upper three tiers, most evidently the AKP and CHP. As a matter of fact, apart from two⁹⁹, none of them passed even one percent of the vote in the

⁹⁹ The later PDP, a Kurdish-oriented party, under different party names received 4.1, 4.7 and 6.2 percent of the vote in the 1995, 1999 and 2002 Elections, respectively. The YTP received 1.1 percent of the vote in 2002.

elections contested. Their desperate situation in financing (the most notable case in point, the LDP with a total of £11,179 before the 2007 election) appropriately demonstrates the reality of ‘inflated (vanity) electoral minor parties’ that the research previously identified. One of insights of the Chapter 5 was that due to the lack of the organizational capacity in terms of both human and financial resources, many of the parties in the elections of 2015 and 2018 (around two-thirds) seem to have circumvented the organizational requirement of electoral participation with pseudo organizations. The current analysis provided a long-lasting financial evidence across this group. Apart from the establishment/maintenance costs of an organization genuinely spread in half of the country, it is difficult to assume for this group with such small amounts of income to have designed and delivered effective electoral campaigns that are worthy of comparison with the parties of the first three tiers.

In summary, if money, as supposedly, renders the kind of electoral advantage that the previous research suggest, it can be inferred from this analysis that, setting aside the disparities between themselves, the two major parties, the AKP and CHP, with around a total of 80 percent of the private income of all, are likely to enjoy a noticeable advantage over the rest including the ones from the third tier.

7.6.2. The Impact of the Private Income Restrictions

Is the above-documented gap between major and minor parties really the outcome of an importantly obstructive private income regime? How far do the statutory restrictions, explained in Section 4, limit the funding of Turkish parties in practice? Utilizing semi-structured elite interviews with 17 political parties and two officials from the Constitutional Court (CC) and the Court of Accounts (CA), the analysis of this section is carried out on the basis of the (quantitative) data-driven identification of the participants, as displayed in Table 7.7.

Table 7.7: The data-driven identification of the research interviewees

Tier	Participants
1	AKP
2	CHP
3	DP, DSP, ANAP, SP+ (VP, BBP)
4	EP, HKP, LDP, MP, MeP, YP, HOP, TBP, AP
CC	One rapporteur judge with nineteen-year tenure
CA	One comptroller with six-year tenure

Although the sub-questions asked during the interviews varied in each session according to the flow of conversation, all interviews followed a similar sequence in the main themes of ‘Donation Cap’, ‘Foreign Donations’, ‘Anonymous Donation’ and ‘Public Donations’ (theory-law-driven).

7.6.2.1. The Donation Cap

As the auditing reports of the Court do not clearly itemize the sources of the reported private income of parties, the study has not been able to quantitatively examine the amounts of the donations raised by Turkish parties. These reports, as argued in the last section, only suggest that the incidents in which parties have breached the donation cap is remarkably rare (in 5 out of the 512 reports). Based on this, it appears that, at least on the side of ‘accountability’, parties do not experience any major difficulty in handling the donations within the specified quantitative limit. Importantly, however, the fieldwork allowed the research to gain important insights as to the operation of the cap.

To begin with, the two major parties interviewed expressed different views on the issue. While the deputy leader of the CHP argued that the size of the cap is reasonably set, and easy to abide by, his counterpart from the AKP lamented that it is too low. When he was asked whether the cap causes any situation in which they reject the money proposed above the limit, he replied that

“You have no choice, do you?...The rule is very clear. You return the money to the treasury as much as it exceeds the limit. No escape”

Even if the cap, as he implied, prevents the AKP raising more donations, there is no reason to claim that this prevention hurts its competitive advantage even a bit considering the significant margin by which it dominates the system in the total of private income.

The views of minor party leaders broadly divided in three strands of opinion. Only two leaders, both of whom have recently founded their parties, asserted that the cap is beyond what ‘an average citizen’ can afford, and argued for more prescriptive capping (TBP, AP).

“I do not know where we can draw the line, but it should certainly be much less than this.”
(TBP)

The second group, largely comprising the third-tier parties (all the former incumbents and the two, close to them), tended to be either neutral with or supportive of the current arrangement as did the respondent from the major party, CHP (DSP, DP, SP, VP, MeP, MP). At bottom, they have not indicated any constraining effect of the cap on the fundraising of their parties. Rather, some have praised the cap with its potential to eliminate or limit the purchasing of political influence over parties by ‘the rich’ (DSP, VP, EP) or to achieve a greater degree of equity in financing between parties (SP). Among fifteen minor parties approached, only six parties (BBP, HOP, YP, LDP, HKP, EP), all of which fall into the bottom tier with little income—with the exception of the changeable position of the BBP, objected to the cap along with the claim that it from time to time prevents their parties raising extra income.

Yet, how would it be possible that the parties with a lesser fundraising capacity feel more the constraining effect of the cap, when most of the more resourceful parties (all the second and third-tier parties) with a relatively higher potential to rely on wealthier donors have not brought up it as a concern in their financing? Should not it have intuitively been the reverse? After a careful in-depth analysis of the data, the study has identified a number of factors behind this dilemma.

First, the respondents from the parties with the least income appeared to be more ideologically oriented in their assessments than the rest. Of the six parties that objected to the cap, three argued against it as a point of principle by taking it to mean ‘an excessive level of regulation’ (YP) or undue intervention of the state into parties’ freedoms (LDP, HKP). Neither the two major parties nor those from the third tier except one (DSP) challenged the cap from such theoretical viewpoints.

Second, the evidence indicated that the parties which tend to rely on a relatively small number of donors and have the least organizational capacity to generate income from membership dues appear to be more susceptible to the constraining effect of the cap. In this regard, some of the fourth-tier parties have specifically argued that the parties which are not provided public funding (EP), do not form the government (HKP), or could not reach a certain level of income (BBP, LDP) should be exempt from the cap. The shared idea underlying their objection was that expecting minor parties to raise a great sum of money through large number of individual donors excludes the possibility of ‘a rapid advancement’ (LDP) at financial level against their major counterparts, which have affluent sources on top of donations.

“Let’s read the rule in depth behind its letter. The lawmaker expects us to be supported by, at least, hundreds of donors to reach a fair amount of income. Reaching this quantity for a party devoid of public and media attention is not an ordinary thing to easily achieve.”
(BBP)

“Why should not we accept, say, a hundred-thousand-lira or even more from one person when it is okay for some to take hundreds of millions from the state at once?” (EP)

This line of thought was actually underpinned by another aspect of minor party financing in Turkey. Independently of the discussions on the cap, membership was seldom brought up as a source of income among the minor party leaders. Once raised, it was expected to be only a very small proportion of parties’ total income.

“To be honest, no party can survive with limited membership dues.” (DP)

“This is not the sort of society where party members simply show their support by dues.”
(EP)

“Being a member of a party other than those which feed both themselves and their followers from the spoils of the state is already perceived as a sufficient sacrifice to make... Therefore, dues as an obligation does not suit to the spirit of small parties” (LDP)

A preponderance of the responses from these parties also showed that, due to the lack of alternative sources of income, the personal monetary contributions of party leaders or executives are of primary importance in their financing both at central and local levels. More than half of the respondents (9 out of 15), most of which were from the fourth-tier parties, highlighted that their parties survive owing to these personal capital donations of party officials.

“When very few people accompany you in this road of politics, you need to be brave, spirited and sometimes generous...I will be honest with you. This party today survives owing to the contributions from our own monies.” (MP)

This and similar statements suggest that, since minor parties, particularly of the fourth tier, lack the organizational capacity to generate income by high numbers of financial supporters, the reliance on a small number of contributors (the very same individuals who have founded or currently in charge of the party) seems to be the predominant and, in some cases, the only choice to raise the necessary income for their needs.

On the other hand, the major parties, such as the AKP with more than 10 million members or the CHP with 1.2 million members, seem to be more advantageous in finding many donors than their minor rivals. Furthermore, both of the respondents from these parties cited the membership dues as one of the important sources of their parties' revenues. Being a mass-membership organization, however, brings along not only membership dues as an alternative source of revenue, but also the abundance of potential individual donors, which enable these parties to easily absorb the constraining effect of the cap. Similarly, the lack of objection from the former incumbent parties to the cap may also be related to that, given their fundraising experiences from the earlier periods and the recent numbers of their membership (DP: 588,853, SP: 244,020, DSP: 43,144 in 2018), they still seem to rely on formerly established sources of support and obviously much higher numbers of members than the fourth tier. In this sense, the differential impact of the cap seem to arise depending on the multiplicity of potential donors that a party can appeal for.

Putting aside the views of politicians, another noteworthy issue has been expressed by the officials of the auditing bodies. Pinto-Duschinsky states that “laws are one thing; whether they are followed is quite a different matter” (2002:80). Indeed, the two interviews with these officials have similarly indicated a serious legal loophole that Turkish parties allegedly use to get around the cap when necessary: bogus donors, who make contribution in another person's name. According to the participants, by this means, wealthy donors in practice contribute unrestricted sums of money to the targeted party by splitting the over-cap contribution into many smaller amounts. Then the divided donation is transferred to the party

by different individuals acting on behalf of the real donor. The rapporteur judge with a nineteen-year experience of his tenure informed that such avoiding has commonly been applied by all the major parties not only today but also in the past.

The official comptroller gave some examples in point. The most typical ones are reportedly the cases in which the number of donors with the same surname are suspiciously high. He asserted that the actual donation in such cases mostly originates from a single source rather than the declared number of donors. One of the recent incidents that he briefly spoke of was the 2014 account of ‘the leading party’ in the parliament (indirectly pointing to the AKP). In the party list of donors, he reportedly identified around ten donors, all of whom share the same surname, with some below 18-year-old and relative to each other at first degree. He reported that the same account is replete with the donations of similar kind, and this is not limited to only that party as well. Another notable practice, he exemplified, is the donations-at the level of cap-made by students or the individuals who work in the low-paid jobs, most typically party personnel. As the law requires the parties to display the occupation of the donor in the income book, this in practice gives a clue to them about ‘the soundness of the amount’ of the donation. He pointed out,

“Can a cleaner or chauffeur with the minimum wage afford such large donations? The oddness instantly reveals itself when you know that the person declared hardly makes that amount of money during the whole year even if he never spends his salary¹⁰⁰.”

According to the rapporteur judge, the problem arises from the law which does not explicitly (a) forbid the parties from this sort of devious actions and (b) authorize the comptrollers of the CA to inspect the actual intentions of the both sides in a more sophisticated method of investigation when there is a ‘reasonable doubt’. He said, ‘Is this against the law? Technically, they seem to have been doing nothing wrong’. For him, parties are also well aware of this, and avoid the law as long as they need.

7.6.2.2. Prohibitions

First, none of the respondents brought up the ban on foreign contributions as a concern. Including the interviewee from a socialist minor party, the EP, which has sister organizations at international level, it is unanimously believed that domestic political affairs should be kept away from any foreign influence.

Second, concerning the ban on the contributions from anonymous sources, five interviewees including the deputy leader of the CHP asserted that the restriction of the privacy of the donors negatively impacts the fundraising capability of their parties, particularly in recent times (CHP-major party 2, DSP, MeP, DP, VP). They reported that, compared to the past periods, people today seem more hesitant in making

¹⁰⁰ The donation cap equals to nearly 22 times of the minimum wage in 2018. The cap in 2018 is TL 37,000 (£5,211). The net minimum wage in 2018 is TL 1,600 (£225).
<https://wageindicator.org/salary/minimum-wage/turkey/>

donations to ‘opposition’ parties due to the fear of being ‘blacklisted’ by the government. Talking about this issue, the deputy leader of one former government party, the DSP, commented:

“...the act of ‘giving’ to a different party in our times was a kind of prestige. The likelihood to be identified as a donor of any party other than the AKP now scares them.”

The leader of another former incumbent party (DP) mentioned that his party in 2014 decided to stop to publicise the names of the donors because they increasingly wanted the party not to make their donations public any more. He argued that particularly up until recently reporting donors in party bulletins and even sometimes exaggerating the accurate figures were typical strategies for parties to motivate people to give more. Yet, he claimed that the disclosure or declaration of donor identity is today widely viewed with scepticism¹⁰¹.

(Kickbacks on contracts). Third, in relation to the ban on the contributions from the public institutions or state-sponsored businesses, a majority of the respondents including the deputy leader of the CHP believes that the parties in government abuses the state power to raise money from the contractors of the businesses of state-owned companies. Most of the claims were likewise centred around the AKP, the ruling party. The accusation is that the party unofficially asks the contractors which do business with the state to donate not directly to the party, but to one of the party-connected voluntary associations, which fall outside the regulatory net of the PPA. The alleged motive is to conceal any larger transaction which can be associated with the party. When the participants put forward the similar allegations against the current government, they were asked whether the situation is specific to today or common. The general view is that this is the common problem of Turkish governments, with increasing trends since the coming of the AKP to power. To sum up, while no one can be sure whether such contributions are real or not, or even if they are real, whether they are collected for party or personal interest, the prevailing perception is that government parties in Turkey are exploiting their power mainly through the state-owned enterprises to raise large sums of money, and those monies are not reported in their financial accounts. Such perception merits the attention especially when a party rules the country on its own for almost sixteen years.

Evaluation

Summing up this section, a few items deserve to be noted. The quantitative analysis of the reported private income of parties first showed that money in Turkish politics tends to tilt the playing field in favour of a small handful of actors. There is apparently nor any evidence which indicates a shortfall in

¹⁰¹ Interestingly, except for one of those who raised this issue (MeP), none of the respondents has a suspicion that the Constitutional Court might share the personal details of the donor displayed in party accounts with the government, but they think that people do not know the law preventing the government to access the personal details of party accounts or trust the independence of the Court as much as in the past. The greater truth, one interviewee said, is “how individuals feel, not what the rules say” (VP).

the revenues of major parties because of the donation cap. All in all, it can be argued that the restrictions placed on private sources of parties have no function of restricting the supply side of the money and no ‘field-levelling’ consequence on the system. On the contrary, the Turkish legislation leaves enough loopholes for major parties to maximally use their fund-raising potential. Recognizing the possible dangers posed by the concentrated wealth at the observed level, the chapter now turns to analyse the public funding regime. Does this regime help Turkish minor parties gain a financial foothold in the political market, or make their situation even worse? The aim of the following section is to explore to what extent the public funding regime actually achieve the desired outcome of fostering more equal electoral competition between parties in Turkey (Guidelines on Political Party Regulation, OSCE, 2010; para. 176).

7.7. The Analysis of the Threshold of Public Party Funding of Turkey

This section examines the Turkish public funding regulation under two questions (Table 7.8).

Table 7.8: The research design of Section 6

Question	Data Source	Analysis
(6.1) Considering the 54-year-history of Turkish public party funding regime with the several revisions made, what have these revisions brought to minor political parties?	The Budget Acts of the years from 1965 onwards	Quant.
(6.2) Have the public funds in Turkey enhanced the competitive position of minor parties, or the opposite?	281 auditing reports of the CC	Quant.

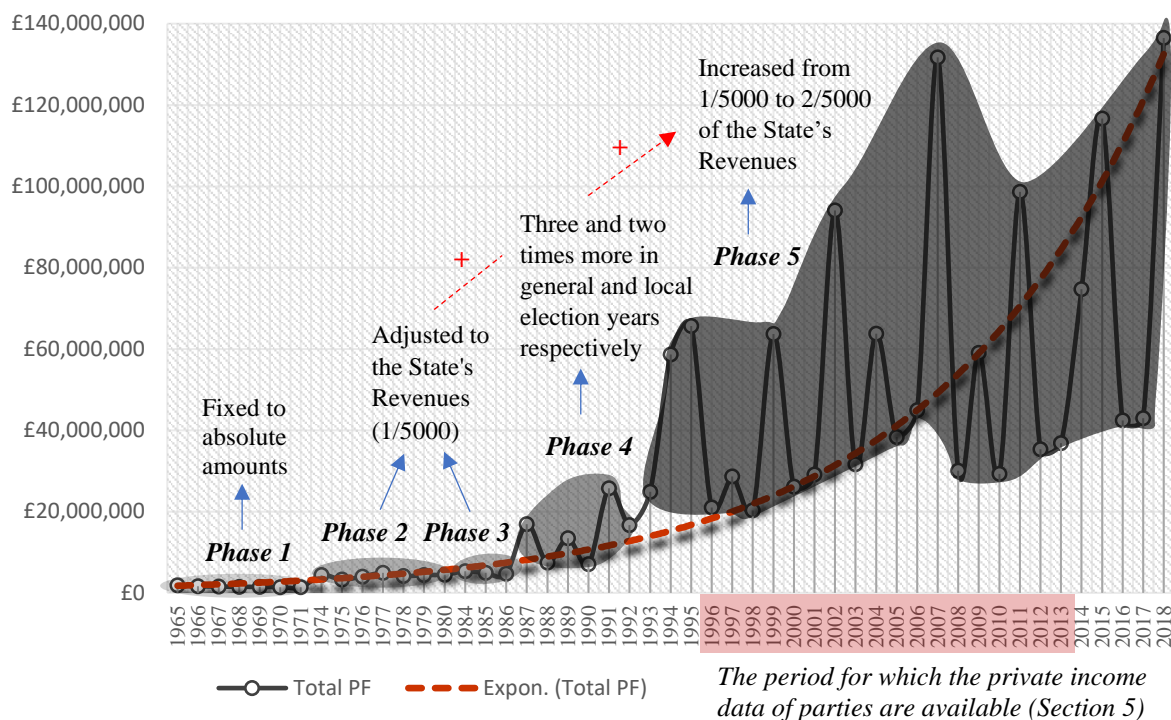
Part 6.1. critically evaluates the legislative history of public party funds in Turkey. As noted in Section 4, the law has been amended ten times since its first enactment, 1965. Which parties have benefitted from these amendments, and how has the design of the regime evolved in terms of inclusiveness and amounts of the funds? Then, Part 6.2. lastly deals with the question whether the public funds have really narrowed or not the above-identified fundraising gap between major and minor parties.

7.7.1. A Critical Evaluation of the History of Turkish Public Party Funding Regime

Figure 7.4 clearly indicates that the carrot tied to the bridle of Turkish parties is today markedly bigger than ever, not least in comparison with its earlier phases. Over the last-half century, the subsidies as a whole have gradually increased from around £1,864,029 in 1965 to £136,464,507 in 2018, amounting to a growth of 7220% with 9% per year compounding¹⁰²

¹⁰² $(Fund_{2018} \div Fund_{1965})^{\frac{1}{n-1}}$, n=48

Figure 7.4: The evolution of the size of Turkish public party funds from 1965 onwards (in real terms-Sept 2018)¹⁰³



Considering the related legislative amendments underlying the visualised growth in the figure above, this study proposes to break down the history of the Turkish public party funds into five phases. By doing so, it aims not only to provide a succinct summary of the legislation under study, but also to differentiate the period analysed in Section 5 from its predecessors in terms of the inclusivity and size of state funds.

Phase 1 (1965-1971): Until its annulment by the Constitutional Court in 1971, the initial model of the Turkish funding scheme¹⁰⁴ required parties to receive at least five percent of the vote nationwide for the qualification. What mainly distinguishes this phase from its successors is that the funds to distribute were fixed in absolute terms¹⁰⁵.

Periodic Analysis: (1) While the number of minor parties passing the five-percent-threshold were limited in each election (CKMP and YTP in 1961, MP in 1965 and GP in 1969), the two major parties of the period (AP and CHP) were the ones which were entitled to funds after all elections

¹⁰³ The shaded areas in the graph are intended to visually give an idea about how the total amount public funding has evolved over the five phases of Turkish public party funding regime, and to roughly distinguish these phases one from another in terms of quantity of funds. The red line ('expon.') indicates the best fitting line. It represents the trend in the amount of total funds since the first introduction of these funds, 1965.

¹⁰⁴ *Official Gazette* (12050), 16.07.1965

<http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/arsiv/12050.pdf&main=http://www.resmigazete.gov.tr/arsiv/12050.pdf>

¹⁰⁵ Between £89,000 and £625,000 (in Sept 2018's prices) depending on the vote range that the eligible party falls in.

with decisive victories above the threshold. (2) Since PR with d'Hondt, operated until 1980, enabled parties to access the parliament with concentrated electoral support at district level (Chapter 6)¹⁰⁶, this occasioned a number of minor parties represented in the parliament below the five percent of the vote countryside, and so not included into the funding scheme (3 parties with 45 seats following 1965 Election and 5 parties with 23 seats following 1969 Election). (3) The study has found that depending on the increased costs of living from 1965 to 1971, the payments that were specified in absolute terms gradually decreased in value by around 27%. On average (1965-1971), the total payments per year amounted to £1,543,473, which is 18% less than the first year's funds.

Phase 2 (1974-1980): The first upward trend in the amount of Turkish funds was observed following the amendment of 1974, which adopted a new method in the calculation of subsidies along with the introduction of an alternative threshold for smaller parties. After a three-year interlude of the 1971 ruling of the Constitutional Court¹⁰⁷, which struck down the law on the grounds of 'unjust distinction' in the treatment of minor parties below five percent vote, the parliament passed a new law¹⁰⁸ reformulating the funds through a more inclusive scheme. In order to appease the Court (Aydin, 2005; Yuksel, 2007), the formula this time included not only the parties above five percent of vote, but also those winning at least ten seats in the parliament with an electoral support below the vote threshold. Moreover, instead of specifying absolute amounts as in the previous law, it adjusted the funds to Central State Revenues (CSR) per annum. According to this, 1/5000 of the CSR was decided to be annually distributed to all parties qualified by one of the two criteria in proportion to their vote shares.

Periodic Analysis: (1) It was found that, with this latter change, the total of payments instantly increased to £4,352,448 in the year of enactment (1974), which corresponded to an increase of 233% compared to the last year funding of the previous method (1971). In the long run, the total payments on average-per year-rose from £1,543,473 (1965-71) to £4,224,004 (1974-80), which amounts to an increase of 173%. (2) More importantly, however, since no minor party emerged to have passed the alternative ten-seat-threshold during the period, this growth in practice occurred to the benefit of only the parties that were entitled to funds by the five-percent-threshold. Put it another, although the 1974 expansion of the funds was accompanied by the rule loosening the vote criterion, no additional party in reality benefitted from the funds by means of it. (3) Having said that, apart from the AP and CHP, three and two minor parties respectively were qualified for funds

¹⁰⁶ The proportionality correlated with the size of district.

¹⁰⁷ The decision date: 02.02.1971 <http://kararlaryeni.anayasa.gov.tr/Karar/Content/949e1f6c-a05d-4c5f-af3c-53c22c909f8b?excludeGerekce=False&wordsOnly=False>

¹⁰⁸ *Official Gazette* (14881), 09.05.1974

<http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/arsiv/14881.pdf&main=http://www.resmigazete.gov.tr/arsiv/14881.pdf>

by the five percent threshold in 1973 and 1977 Elections. (4) Moreover, notwithstanding much higher inflation rates of the period (avg.44%) than the previous one (avg.10%)¹⁰⁹, the payments from one year to the next never decreased in real terms, yet even mostly increased, as this method not only made the size of subsidies indirectly attuned to the changing costs of living annually, but also enabled the eligible parties to enjoy some extra monies in the cases that the CSR increased more than the inflation rates. That said, the amounts of subsidies distributed in this phase emerge to have been still much less than those of Phases 4 and 5.

Phase 3 (1984-1986): When the junta of the 1980 military coup outlawed all the former political parties and annulled the *PPA 1965*, the funding system was interrupted for the second time. Following a three-year interval, the newly-elected civil parliament of the 1983 Election reintroduced¹¹⁰ public party funding by a joint legislation of all the three parliamentary party groups (ANAP, SDHP, MDP) in 1984. Quite the opposite to the pre-1980 regime, the new scheme, however, represented a more exclusionary policy against the minor parties by increasing the threshold to ten percent of vote in parallel with the new electoral threshold, adopted in 1983 (Article 33 of Law No. 2839). Having employed five percent of the vote as the main threshold, the previous two phases thus represent a single unit against Phase 3 in which the threshold was doubled. The total subsidy per annum was yet similarly adjusted to 1/5000 of the CSR, as operated in Phase 2.

Periodic Analysis: (1) Using the same method with the latter phase of the pre-1980 regime, this phase was not notably distinguished from its predecessor in terms of the size of total payments. Only due to the slight increases in the revenues of the central state during the interval and the ensuing years, the total amount of funds on average (per year) scaled up by around £700,000 compared to Phase 2 (1974-80). (2) In the short run, the very same parties who increased the threshold to ten percent already emerged as the only beneficiaries of the funds based on the election conducted the year before¹¹¹ (1984, 1985, 1986).

Phase 4 (1987-1991): Two historic revisions in the law have divided this phase from the previous one. Each varyingly reduced the ten percent threshold to the benefit of minor parties, but alongside the rules which sharply increased the payments mainly to the benefit of major parties both in short and long terms. The first revision was made in 1987¹¹², just four months before the forthcoming general election

¹⁰⁹ Source: <https://data.oecd.org/price/inflation-cpi.htm>

¹¹⁰ *Official Gazette* (18453), 10.07.1984

<http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/arsiv/18454.pdf&main=http://www.resmigazete.gov.tr/arsiv/18454.pdf>

¹¹¹ They had in fact already passed the threshold according to the election results of the previous year, 1983.

¹¹² *Official Gazette* (19439), 22.04.1987

<http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/arsiv/19439.pdf&main=http://www.resmigazete.gov.tr/arsiv/19439.pdf>

(August 1987), by the government Motherland Party (ANAP). By this, first, the subsidies were decided for once to be tripled in the year of 1987 for the purpose of election. Second, it temporarily added one alternative threshold to the scheme to be applied again only in 1987 for the parties which failed to pass the ten percent threshold in the 1983 Election, but later founded a group (formed by at least ten MPs) in the parliament. The related provision, however, stipulated that the payments to these parties were to be made from the extra budget of the treasury, not from 1/5000 of the CSR, which was originally allotted to the parties of the ten percent threshold (1984).

Periodic Analysis: (1) The only minor party which was meeting the alternative group-criterion was the DSP that was founded by the intra-faction (25 MPs) of the main opposition SDHP just sixteen months before the revision (party website)¹¹³. (2) As to the additional funding, the payments in total sharply increased from £4,691,523 in 1986 to £16,940,305 in 1987. (3) The payment¹¹⁴ to the DSP amounted to only 9% of this increase. The remainder flowed into the coffers of the other three incumbent parties, which had been being funded for the last three years. (4) Given that such increase mainly covered them, and the payments were made in a time that the next election was only four months away, it can be argued that the revision was completely subjective in its premeditated outcomes, and blatantly provided an economic advantage for its own drafters during campaigning against the other contestants. Yet even so, these funds did not prevent one new party from emerging in the new parliament (TPP) and one of their beneficiaries from falling behind the electoral threshold (MDP).

Contrary to the 1987 revision, the next revision¹¹⁵, made in 1988, brought permanent changes to the original scheme of 1984. According to this, the subsidies were permanently decided to triple in general election years and to double in local election years. This rule is still in force today. In addition, the revision permanently decreased the threshold from ten percent to seven percent. Owing to this change, the minor parties which failed to enter the parliament because of the high electoral threshold, but managed to garner more than seven percent countrywide, were included into the scheme. Similar to the 1987 revision, the payments to these parties were decided to be made from the extra budget rather than 1/5000 of the CSR, which was reserved for only the parties above ten percent¹¹⁶.

Periodic Analysis: (1) At the time of the revision, there were two unparliamentary parties of which previous electoral support (1987 Election) were exactly meeting the seven percent threshold: The

¹¹³ <http://www.dsp.org.tr/dsp/tarihce/>

¹¹⁴ £1,097,856 in Sept 2018 prices

¹¹⁵ *Official Gazette* (19898), 03.08.1988

<http://www.resmigazete.gov.tr/main.aspx?home=http://www.resmigazete.gov.tr/arsiv/19888.pdf&main=http://www.resmigazete.gov.tr/arsiv/19888.pdf>

¹¹⁶ After the 1/5000 of the CSR was apportioned among the parties above ten percent in proportion to their vote shares, the funds of parties above seven percent were calculated in proportion to the amount of funds the former group was entitled and the vote share the latter received.

DSP with 8.5% of the vote and the Welfare Party (RP), an emerging Islamist party, with 7.2% of the vote. In the short-term, the revision therefore resulted into, first, a more inclusive funding regime by which two outsiders were additionally supported until the next general election (1991). (2) Second, it brought extra payments to all eligible parties in the year of 1989 local elections, which were around £6,731,495 in total. While only 10.3% of this extra funding went into the DLP and WP, the remainder 89.7% was shared among the three parties above ten percent in the 1987 Election. (3) In the long term, one party in between 1996 and 1999 (MHP) and three parties in between 2003 and 2007 (DYP, MHP and GP) were funded from outside thanks to the seven-percent threshold. (4) Moreover, since then, the eligible parties have always been given the multiplied funds in election years, which explains the sharp spikes in the payments of election years from 1988 onwards in Figure 7.3¹¹⁷.

Phase 5 (1992-onwards): The last legislative action underlying the size of today's public funds was taken in the 1992 revision, which doubled the payments from 1/5000 to 2/5000 of the CSR for the parties above ten percent. This increase technically benefitted the parties of the seven percent threshold as well, since their funding was previously indexed to the funds of those qualified by the ten percent threshold¹¹⁸. Crucially, also, similar to the previous two revisions, the 1992 revision introduced this increase along with a very radical step taken towards the inclusion of minor parties. While it maintained the ten and seven percent thresholds with their own methods in the calculation of funds, it also permanently enlarged the scheme for the parties which failed to pass the vote thresholds, but have had at least three members in the parliament. This gave rise to a much more inclusive system than even the revisions of 1974 and 1987 with the ten MPs threshold. On the other hand, the three-MPs threshold of the 1992 revision was repealed in 2006 by a legislative amendment. Finally, in 2014, the parliament decreased the alternative seven percent threshold to three percent.

Periodic Analysis: (1) The paradox implicit in regulating the three-MPs threshold in a period like the post-1980 one is that how possible can a party have three MPs in the parliament, while it has been already blocked by another structural institution of the system, the electoral law with ten percent general threshold, which mechanically renders the winning of such minimum number of seats impossible. As highlighted in Chapter 6, the 1991 Election appears to have been the first tactical election in which some small parties nominated their candidates under the parties standing a much higher success in passing the ten percent threshold of representation. By this strategy, two minor parties (MCP-18 seats and IDP-3 seats) under the Welfare Party and one minor party (HEP-21 seats) under the Social Democrat People's Party managed to access the parliament. Owing to

¹¹⁷ The general election years are 1987, 1991, 1995, 1999, 2002, 2007, 2011, 2015 and 2018. The local election years are 1989, 1994, 1999, 2004, 2009 and 2014

¹¹⁸ Considering this increase together with the 1988 revision that permanently multiplied the funds for the election years, it meant that the total funding adds up to 4/5000 of the CSR in local elections (x2) and 6/5000 of the CSR in general elections years (x3)

the three-MPs-threshold, not only these three minor parties, but also some newly-emerged parties split from the major parties in the ensuing periods received state funding. (2) From 1992 to 2006 in which the two largest parties of the parliament, the AKP and CHP (identified to have been the wealthiest private income parties since 2002-Section 5), collusively abolished the rule of 3 MPs threshold, 16 different minor parties that failed to pass the minimum vote threshold (%7) in the related elections achieved to get funds by this alternative threshold. (3) While the three seat-threshold of the 1992 Revision was removed from the formula, the accompanying rule which concurrently increased the funds from 1/5000 to 2/5000 of the CSR remained in force. (4) No party achieved to pass the newly- adopted three-percent threshold in the elections of 2015 and 2018. Considering also that no party was funded owing to seven percent threshold between 2007 and 2014, the parties only above ten percent of the vote have been getting funds since 2007.

Overall Analysis

The most interesting insight of the foregoing analysis is that in the case of Turkey major parties seem to have approached to the public funding system more with a strategy of ‘maximizing revenue’, with Scarrow’s terms (2004). A holistic examination of the phases argued above indicates a constant pattern in the evolution of Turkish public party funding regulation: Whenever major parties (as the lawmakers) sought to enlarge the size of public funding to their own benefit, they also developed some alternative thresholds for the minor parties which were out of the existing apportionment (Table 7.9). In three out of four occasions, however, these alternative thresholds have resulted in a limited number of minor parties receiving a share from the funding that has been increased. The only amendment which reduced the threshold for funding with no increase in the size of payments to the benefit of the already eligible ones was the 2014 revision that reduced the alternative vote threshold from seven to three percent of the vote¹¹⁹. In reality, however, no minor party so far has managed to receive state funding by passing the three percent threshold since its enactment.

¹¹⁹ This change has seemingly been made in line with the OSCE’s report on the 2011 Election, in that, the observers recommended lowering the threshold for public funding (2011:17). Available at: <https://www.osce.org/odihr/84588?download=true> (Accessed 21st Nov 2018)

Table 7.9: The phases of the Turkish legislation on public party funds (in real terms-Sept 2018)

	The expansion of public party funds	Avg. total funding per year	The alternative threshold added	Beneficiary
1965 Phase 1	<i>Introduction: Absolute amounts-%5 of the vote</i>	1,543,483		
1974 Phase 2	From absolute amounts to 1/5000 of the CSR	4,224,004	10 MPs	No party
1984 Phase 3	<i>Introduction: 1/5000 of the CSR-10% of the vote</i>	4,968,257		
1986 Phase 4	Temporarily three times more in 1987		10 MPs	DSP (1987)
	Three times more in general election years and two times more in local election years	14,114,189	7% of the vote	DSP-RP (1987-1991) MHP (1995-1999) MHP, DYP, GP (2002-2007)
1992 Phase 5	From 1/5000 to 2/5000 of the CSR	54,126,180	3 MPs	16 different minor parties
			2006 Abolition of the 3 MPs threshold	
			2014 3% of the vote	No party

One major exception to this has been the alternative three-seat threshold, which remained in force between 1992 and 2006. In order to understand the relevance of this threshold to minor parties, it is worth recalling the impact of the existing electoral system on them (Chapter 6). The analysis argued that the ten percent-representational threshold makes impossible for minor electoral parties to win the seats which their vote shares would warrant purely under d'Hondt formula. Its 'penalizing' effect so far has been uncompromisingly straightforward. The first instructive lesson on this came as early as 1987, when three popular minor parties, the DSP¹²⁰, RP and MCP, remained out of the parliament with the vote shares of 8.5, 7.2 and 2.9, respectively. Since then, the electoral system has brought about two 'tactical' and one 'foundational' behaviour in minor party politics: (1) participating in elections under the parties with a relatively higher chance of passing the electoral threshold, (2) participating in elections under independent candidates that are not subject to the threshold, and (3) being founded or participated in later by the dissident MPs of the major parliamentary parties. The study has identified 26 different parties which have been represented in the parliament by one of these three ways since 1983 (Table 7.10, see Appendix L, p. 255, for the list of the parties).

¹²⁰ Despite the fact that the party was granted public funding prior to the election through the temporary 10 seat-threshold

Table 7.10: The minor parties which have been represented in the parliament in different ways other than passing the ten percent threshold of elections from 1983 onward. Source: The collection of the recordings of the Turkish parliamentarians, published by the Turkish Grand National Assembly. See at https://www.tbmm.gov.tr/TBMM_Album.htm

How	N	N (1992-2006)	N (funded)
Represented by gaining seats under a different party in elections	8	4	4
Represented by gaining seats through independent candidates in elections	3	1	0
Represented by the dissident MPs of the major parties (splinter parties)	15	12	12
<i>total</i>	26	17	16

17 of these 26 minor parties emerged in the parliament throughout the course of the alternative three seat-threshold (1992-2006). Among them, 16 parties with a number of seats exceeding three have taken the advantage of state funding thanks to the 1992 revision. It can be argued that the system was, to a certain degree, compensating its discriminatory treatment of minor political parties within the electoral system by the three seat-threshold for public funding. This compensation yet, first, came at a price of the increased payments to the major parties that were qualifying for funding through the vote threshold (from 1/5000 to 2/5000 of the CSR). Second, it did not last long whereas major parties still continue to benefit from the augmented funds of the 1992 revision¹²¹.

The close examination of the funded minor parties through the three seat-threshold shows that it has mostly benefitted the splinter parties,-in 12 out of 16 cases. These parties have been either formed or participated in by the parliamentarians that have resigned from the major parties, indicating that the threshold has worked principally against the interests of the major parties. The last incident which ended up with its abolition well exemplified this. Similar to the previous cases, twenty MPs of the government AKP and five MPs of the main opposition CHP, in 2005, resigned from their parties, and participated in two unrepresented parties, the former incumbent ANAP and the newly-founded SHP, respectively. Both of these parties qualified for funding in the same year thanks to the three seat-threshold. The parliamentary minutes, which have recently been made public, show that both the AKP and CHP vehemently reacted to these incidents by sharing the view that the obtainment of public funds through party splits serves to reward the parliamentarians who act against ‘party discipline’ and ‘the ethics of politics’ (2005, Volume 79, Kaya and Ozcan, the CHP MPs, 92-102)¹²². In order to prevent further splits, the parliamentary groups of both parties managed to pass a law that abolished the threshold

¹²¹ Although the government and main opposition parties changed in the 2002 Election.

¹²² https://www.tbmm.gov.tr/develop/owa/td_v2.goruntule?sayfa_no_ilk=85&sayfa_no_son=102&sayfa_no=92&v_meclis=1&v_donem=22&v_yasama_yili=&v_cilt=79&v_birlesim=076

shortly before the 2007 Election. This effectively prevented the ANAP from receiving state funding in the election year. In the long run, it also debarred three additional minor parties from receiving state funding (Table 7.11).

Table 7.11: The parties which were represented in the parliament following the abolition of the three seat-threshold

Party	Year of access to the parliament	Seats	How
Anavatan Partisi	2005	20 ¹²³	By the dissident MPs of the AKP
Demokratik Sol Parti	2007	13	Contested under the CHP (2007)
Demokratik Toplum Partisi	2007	21	Contested with independents (2007)
Barış ve Demokrasi Partisi	2011	35	Contested with independents (2011)
Türkiye İsci Partisi	2018	2	By the dissident MPs of the CHP
Saadet Partisi	2018	2	Contested under the CHP (2018)
Demokrat Parti	2018	1	Contested under the CHP (2018)
Büyük Birlik Partisi	2018	1	Contested under the AKP (2018)

Another interesting observation can be made regarding the attitudes of major parties towards the three seat-threshold. Ten of the 12 funded splinter party cases noted above took place before the 2002 Election¹²⁴. Until this election, the parliament was quite fragmented with the presence of multiple major actors,-the ANAP¹²⁵, DYP¹²⁶, DSP¹²⁷, SP¹²⁸, MHP¹²⁹, and CHP¹³⁰ (Chapter 6). With the exceptions of the MHP and CHP, all of them at least once suffered from the intra-party factions which resulted in the rebellious party getting public funding based on the three seat-threshold. Despite this, no legislative action was taken to abolish it when these parties remained in power, implying that they, in a sense, tolerated the rewarding treatment of their dissident members by the law. This attitude, yet, could not last long in the least fragmented parliament of the post-1980 period, when the AKP and CHP gained all the seats with only a total of 54 percent of the national vote by 2002 Election¹³¹. In the first instance that these two parties faced with the same problem, they agreed on the removal of the threshold from the funding scheme. What is more interesting is that both of the parties were similarly established by the factions of the former major parties¹³², and managed to receive state funding in the early years of

¹²³ In 2006, six MPs rejoined the AKP.

¹²⁴ Four in the parliament of 1991-1995, two in the parliament of 1995-1999, four in the parliament of 1999-2002.

¹²⁵ 1991-2002, in both government and opposition

¹²⁶ 1991-2002, in both government and opposition

¹²⁷ 1991-2002, in both government and opposition

¹²⁸ 1991-2002, in both government and opposition

¹²⁹ 1995-2002, in government

¹³⁰ 1995-1999, in opposition

¹³¹ Owing to those which fall behind the electoral threshold (Chapter 6)

¹³² The CHP was founded in 1992 by the 17 MPs of the DSP and SDHP, and the AKP was founded in 2001 by the 59 MPs of the DYP, ANAP and SP.

their foundation, before accessing to the parliament, owing to the same alternative threshold (AKP in 2001 and 2002: £7,217,253. CHP between 1992 and 1995: 14,697,346).

Looking at the parties which have received state funding through seven percent threshold, as shown in the table below, another interesting pattern emerges about the sorts of parties that the system has helped. From its enactment in 1988 to its reduction to three percent, the threshold was passed six times in total (the MHP in two occasions). In four of these six occasions, the parties qualified for funding emerged from the outgoing parliament as follows:

- the MHP in between 1996 and 1999, after a four year-period in the parliament (1991-1995, as the opposition),
- the CHP in between 2000 and 2002, after a four year-period (1995-99, as the main opposition)
- the DYP in between 2003 and 2007, after a sixteen year-period in the parliament (1987-2002, as both the government and main opposition)
- once more, the MHP, in between 2003 and 2007, after a three year-period in the parliament (1999-2002, as a coalition partner)

Only in two occasions, the parties from outside passed seven percent of the vote in elections: the DSP with 8.5 percent in 1987 and GP with 7.2 percent in 2002. Even the DSP may not be seen completely as an outsider given the fact that it was already being represented in the parliament by the 25 former MPs of the main opposition, SDHP, before the 1987 Election. This suggests that the alternative vote threshold in practice helped principally those which were previously popular with a support above ten percent of the vote, and therefore mainly worked to the advantage of the former major parties falling into a decline.

Table 7.12: The parties which received state funding from 1965 to 2018

1965-1980		1984-2018					
By 5%	By 10 seats	By 10%	By 7%	By 3%	By 10 seats	By 3 seats	
AP (13)	No Party	CHP (20)	CHP (3)	No party	DSP (1)	BBP (8)	SOHP (2)
CHP (13)		ANAP (19)	DYP (5)			CHP (4)	ANAP (2)
MNP (7)		DYP (15)	MHP (9)			DTP (4)	YP (1)
MP (4)		MHP (14)	GP (5)			SP (3)	MP (1)
CGP (4)		DSP (11)	DSP (4)			MCP (3)	YDH (1)
DP (4)		AKP (16)				AKP (2)	YUP (1)
MHP (3)		SDHP (9)				HEP (2)	ODP (1)
CKMP (1)		SP (7)				DEP (2)	SHP (1)
		HDP (3)					

All in all, it can be argued that Phase 5 of Turkish public party funds can be distinguished, first, with the highest amount of funds that have been distributed since its first introduction in 1965. This stage also witnessed practically the most inclusive apportionment of the funds in the first fifteen years (1992-2006) through the alternative three seat-threshold. It is difficult to claim an equal effect for the alternative seven percent threshold, which has mostly benefitted the former incumbent parties. Having said this, given that it has enabled the parties out of the parliament to receive state funding as the parliamentary ones, no matter they were outsiders or previously in power, it has certainly rendered a more inclusive and possibly more even distribution of funds than a situation in which it had never been adopted. As the final step of this investigation, the following section briefly examines the impact of public funds on the disparity of private income among Turkish parties. The period for which the private income data of all electoral parties are available (1996-2013) covers two variations of public funding distribution.

- the period between 1996 and 2007: In this period, the public funds were effectively distributed among all the three eligible groups that were specified by the law; the parties above 10 percent of the vote, the parties between seven and ten percent of the vote, and the parties with not less than three seats in the parliament.
- the period between 2007 and 2013: In this period, the public funds were distributed just among the parties which were above ten percent, as (1) no minor party have passed the alternative vote threshold since 2007, and (2) the three seat-threshold was abolished in 2006.

7.7.2. The Impact of Public Party Funding on the Disparity of Private Income

The fourth and last question of this chapter is whether public party funding levels the playing field between major and minor parties in Turkey. Figure 7.5 displays the aggregated data of the private income and public funding of Turkish electoral parties from 1996 to 2013. What stands out in the figure is that in most of the years the total amount of public funding outweighed the total amount of private income raised by all the parties including those receiving public funds. The dominance of public funding is quite obvious in general election years, in which it is distributed three times more than regular years. This overall suggests that the impact of public funding on the playing field would be immense if it is concentrated on a few major parties.

Figure 7.5: The total private income and public funding of all electoral parties from 1996 to 2013 (in real terms-Sept 2018)

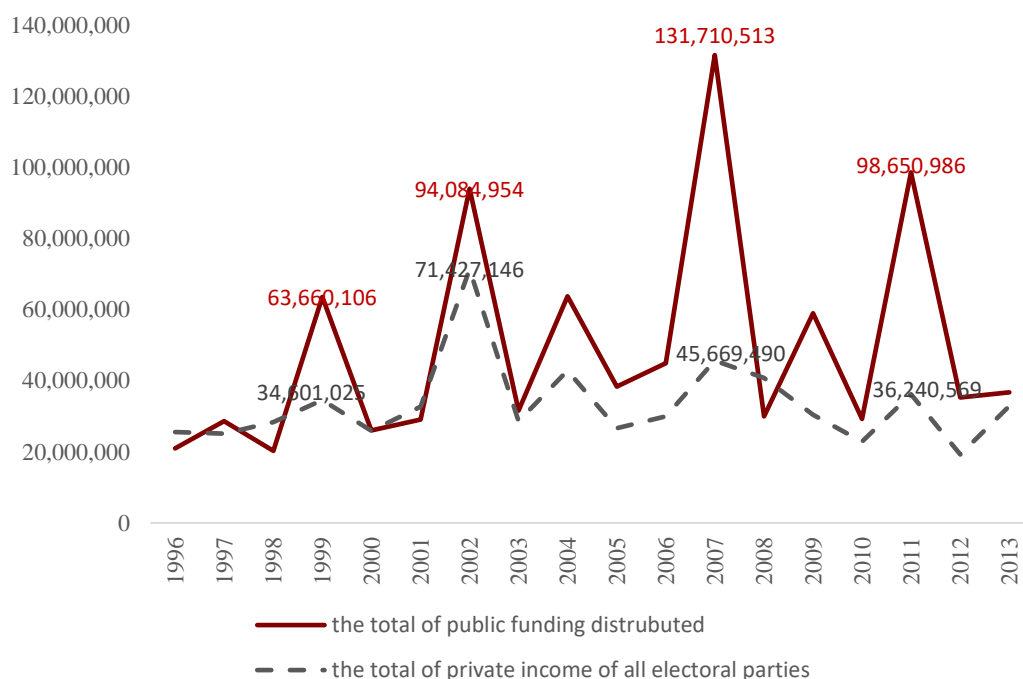


Table 7.13 displays the percentages of both private and public income of Turkish electoral parties and the effective number of publicly funded parties (ENPFP). The data is summarized under the five groups of parties: (1) the two most funded parties, (2) the other parties which have been funded on the basis of ten percent threshold, (3) the parties funded on the basis of seven percent threshold, (4) the parties funded on the basis of three seat-threshold and (5) the parties which have not been funded.

Table 7.13: The public funding data from 1996 to 2013

Year	NEP	ENPFP	Inside the parliament						Outside the parliament							
			The two most funded parties		The others by 10% threshold		Funded by 7% threshold		Funded by 3 MPs threshold		Unfunded					
			% of the total private income	% of the total public funding	n	% of the total private income	% of the total public funding	n	% of the total private income	% of the total public funding	n	% of the total private income	% of the total income after public funds are distributed			
<i>1999 Election cycle</i>			(ANAP-DYP)		(SP, DSP, CHP)		(MHP)									
1996	18	5.17	48.2	38.7	3	46.4	43.4	1	6.9	7.0	1	1.1	1.5	11	7.0	4.7
1997	19	5.30	35.9	47.5	3	37.6	42.8	1	7.1	7.0	2	6.4	2.6	11	13.0	8.1
1998	20	5.39	32.0	52.2	2	32.1	25.7	1	8.4	8.3	3	21.0	13.8	12	6.3	4.4
1999	20	5.75	33.3	50.1	2	42.9	24.0	1	9.6	8.0	3	9.0	17.9	12	5.2	2.5
<i>2002 Election cycle</i>			(DSP-MHP)		(SP, ANAP, DYP)		(CHP)									
2000	13	5.53	36.2	44.9	3	43.9	45.4	1	14.9	9.7	0			7	5.0	2.9
2001	15	5.58	44.3	52.2	2	32.6	32.8	1	7.3	11.3	2	12.2	3.6	8	3.7	2.5
2002	18	6.46	31.1	44.8	2	12.2	26.9	1	11.9	9.3	5	30.4	21.0	9	14.7	7.1
<i>2007 election cycle</i>			(AKP-CHP)				(MHP, DYP, GP)									
2003	14	3.52	47.9	68.1	0			3	38.2	31.9	0			9	13.9	7.1
2004	14	3.52	70.1	68.1	0			3	21.8	31.9	0			9	8.1	3.0
2005	15	4.12	76.3	63.1	0			3	9.9	29.9	2	6.8	8.1	8	7.7	3.2
2006	15	4.10	65.0	62.2	0			3	14.9	29.1	1	13.0	8.7	9	7.1	3.0
2007	15	3.52	76.3	68.1	0			3	18.2	31.9	Abolished		10	5.4	1.5	
<i>2011 election cycle</i>			(AKP-CHP)		(MHP)											
2008	13	2.38	70.9	82.5	1	5.7	17.5	0						10	23.4	14.0
2009	13	2.38	62.9	82.5	1	8.1	17.5	0						10	29.0	10.3
2010	14	2.38	61.5	82.5	1	8.4	17.5	0						11	30.1	13.5
2011	14	2.38	77.9	82.5	1	8.8	17.5	0						11	13.3	3.9
<i>2015 election cycle</i>			(AKP-CHP)		(MHP)											
2012	15	2.37	73.7	85.4	1	9.9	14.6	0						12	16.4	6.0
2013	15	2.37	85.0	85.4	1	5.7	14.6	0						12	9.3	4.5

Looking at the figures in the table, five main observations can be made about the impact of public party funding.

1. From a pure equality perspective, it is obvious that public money barely flows into the coffers of the least resourceful minor parties of which incomes are less than one percent of the total private income. As previously identified, almost half of the electoral parties in the periods analysed raised less than one percent of the total private income. The figures in the last column of Table 7.13 suggest that their competitive situation has become much worse by the state funding distributed mainly to the major parties of the specific parliamentary terms.
2. One exception to this has been the years in which the funding has also been distributed to the parties which have passed the three-seat threshold. As argued in the previous section, 16 different parties have received state funding on the basis of the three seat-threshold. 9 of them received these funds in the period for which private income of parties are available. Table 7.14 shows the percentages of private income, and the amount of public funding of these parties.

Table 7.14: The parties which received public funding through three seat-threshold (in real terms-Sept 2018)

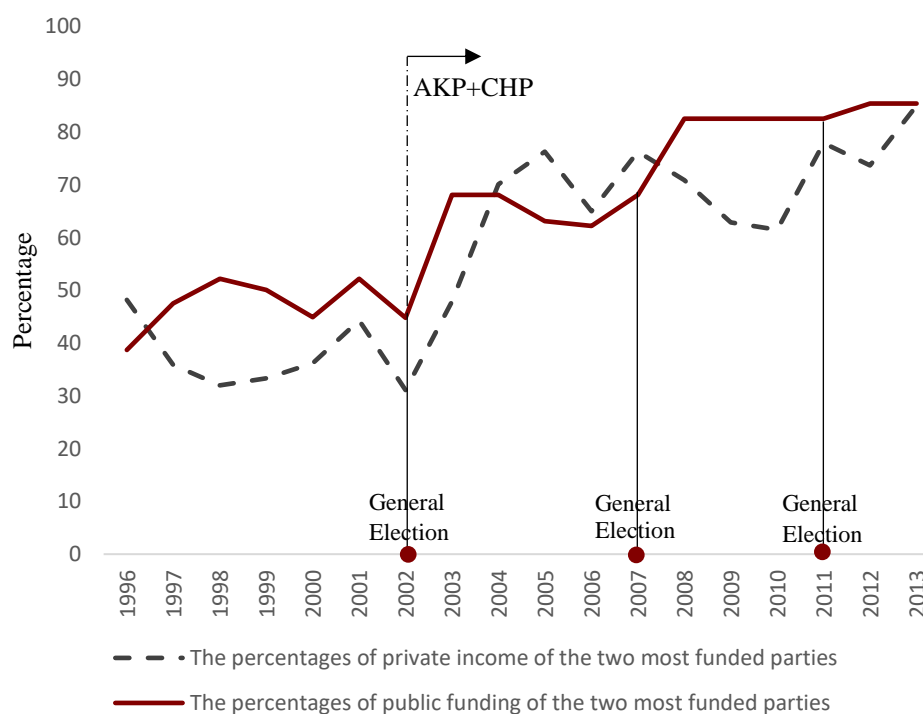
Year	Party	% of the total private income	Public Funding (£)
1996	Büyük Birlik Partisi	1.06	185,419
1997	Büyük Birlik Partisi	1.14	262,485
	Demokrat Türkiye Partisi	5.28	138,017
1998	Büyük Birlik Partisi	1.28	266,659
	Demokrat Türkiye Partisi	4.30	1,066,646
	Fazilet Partisi	2.49	452,816
1999	Büyük Birlik Partisi	0.86	781,908
	Demokrat Türkiye Partisi	2.93	3,127,634
	Fazilet Partisi	5.24	3,127,634
2001	Adalet ve Kalkınma Partisi	2.05	129,772
	Saadet Partisi	0.90	430,985
2002	Büyük Birlik Partisi	0.79	708,752
	Yurt Partisi	0.04	631,076
	Özgürlük ve Dayanışma Partisi	0.36	543,697
	Adalet ve Kalkınma Partisi	21.42	7,087,482
	Saadet Partisi	4.03	7,144,647
2005	Anavatan Partisi	6.08	2,405,363
	Sosyaldemokrat Halk Partisi	0.92	563,098
2006	Anavatan Partisi	12.98	3,588,603
	<i>total</i>		32,642,693

From 1996 to 2006, the state provided a total of £32,642,693 to the parties on the basis of three seat threshold. Looking at the percentages of the private income of these parties, the parties funded through this threshold tended to be mostly relatively poor ones. Only in two occasions, the threshold served to the benefit of already resourceful parties, the AKP in 2002 and ANAP

in 2006. Given the fact that the funds by means of the ten and seven percent thresholds have always been given to the parties of which private income was above five percent of the total private income (Table 7.13), it can be argued that the three seat-threshold has been the only effective one in providing financial support to the relatively poorer Turkish parties. Its abolition in 2006, hence, meant that the only channel by which public funding can flow into the coffers of these poor parties was blocked.

- Since 2007, the public funding system not only has left least resourceful parties completely unsupported, but also has made the two leading private income parties increasingly dominant in income. Figure 7.6 illustrates the increased percentages of the AKP and CHP in the total public funding.

Figure 7.6: The total shares of the private income and public funding of the two most funded parties from 1996 to 2013 (in real terms-Sept 2018)

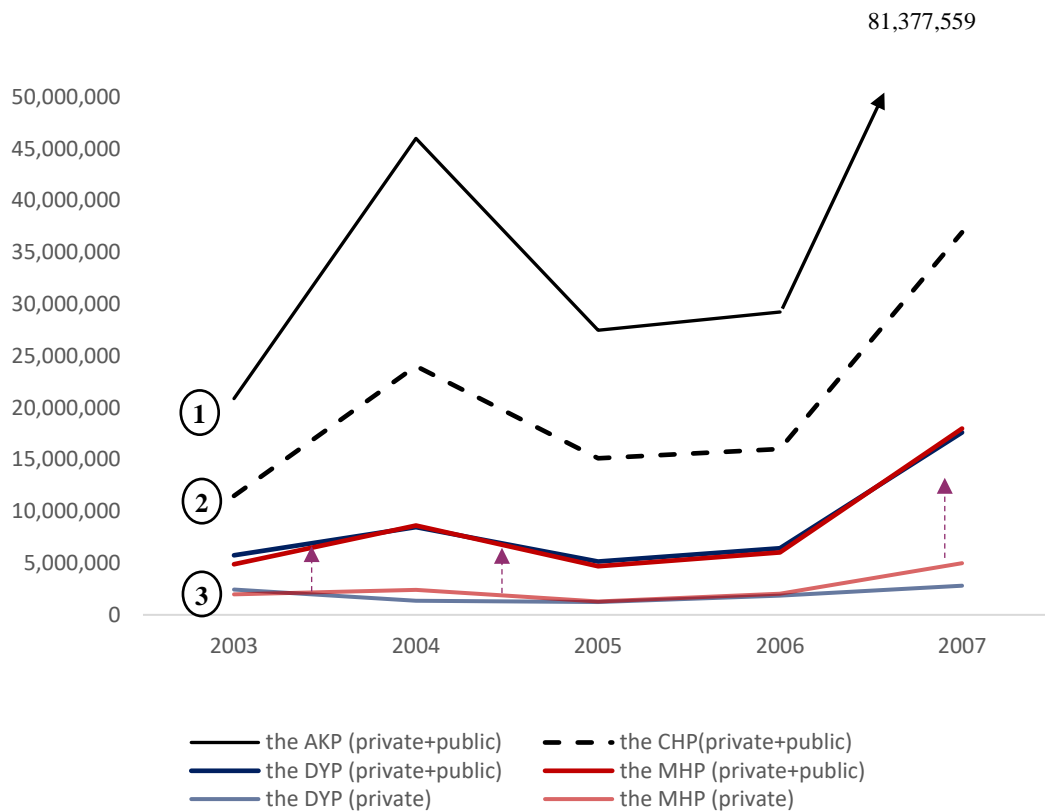


Following the 2007 Election, around 70% of the total private income of all electoral parties has already been identified to have been raised by the same two major parties, the AKP and CHP. The data shows that since 2002, the total share of these two parties in public funding has gradually increased. There are two reasons behind this. First, the parties which were previously granted state funding through alternative thresholds completely vanished. Contrary to the earlier elections, no party emerged to have passed the alternative seven percent threshold in the 2007 and 2011 Elections. Similarly, with the abolition of three seat-threshold in 2006, no minor party below the vote thresholds had the chance to receive public funding. Second, the number of eligible parties on the basis of ten percent threshold dramatically fell from five to two in the

2002 Election and three in the 2011 Election. This meant that the entire 2/5000 of the central state revenues was to be apportioned among fewer parties. The gradual decrease of the ENPFP from around 5.5 to 2.4 also proves the increased concentration of public funding.

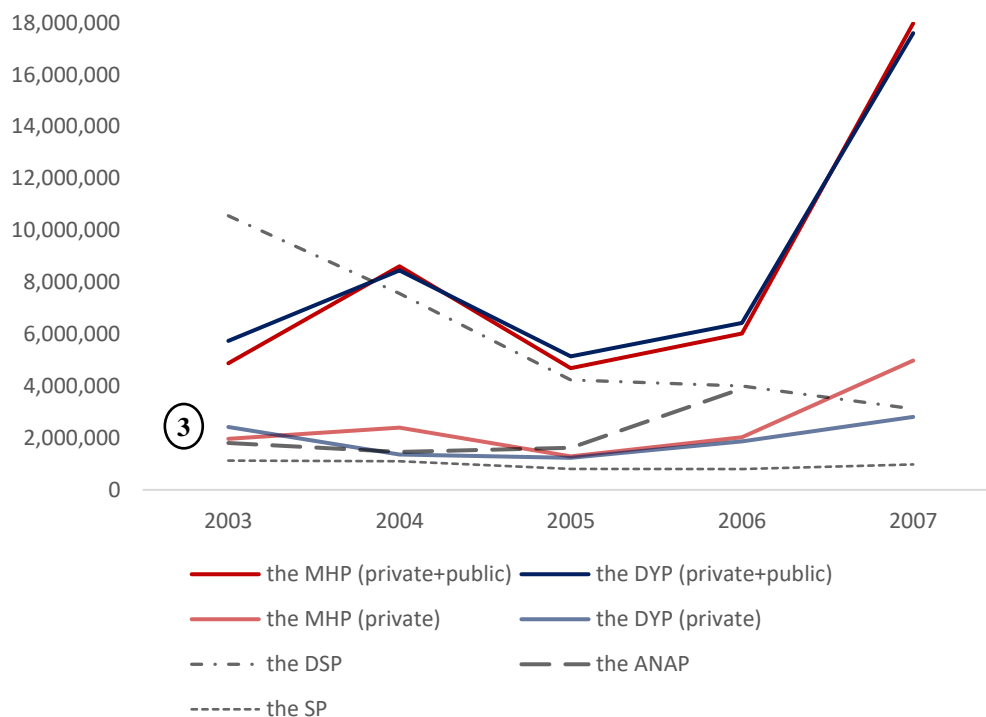
- The increased shares of the two largest parties (the AKP and CHP) in public funding in between 2003 and 2007 was mainly brought about by the fact that no other party managed to pass the ten percent threshold in the 2002 Election, which resulted in 2/5000 of the CSR being shared among the two parties in the following years. That said, the two former incumbent parties, the DYP and MHP, were also granted public funding from the extra budget owing to their vote percentages above seven percent in that election. From 2003 to the next election in 2007, these parties, as being previously identified to have represented the third tier in private financing in the same period, took almost £33,688,628 and £29,520,061, respectively. Comparatively, their total public funding amounted nearly one-third of that of the AKP (the first tier) and CHP (the second tier). This was a considerable amount of support for the parties from the third tier of private financing, based on the previous findings of this chapter. First, as illustrated in Figure 7.7, owing to this extra source of income, their competitive position, compared to those of unfunded electoral parties, remained relatively less ‘diminished’ against the augmented financial dominance of the first and second tier parties, AKP and CHP.

Figure 7.7: The comparison of income data of the first three tier parties from 2003 to 2007 (in real terms-Sept 2018)



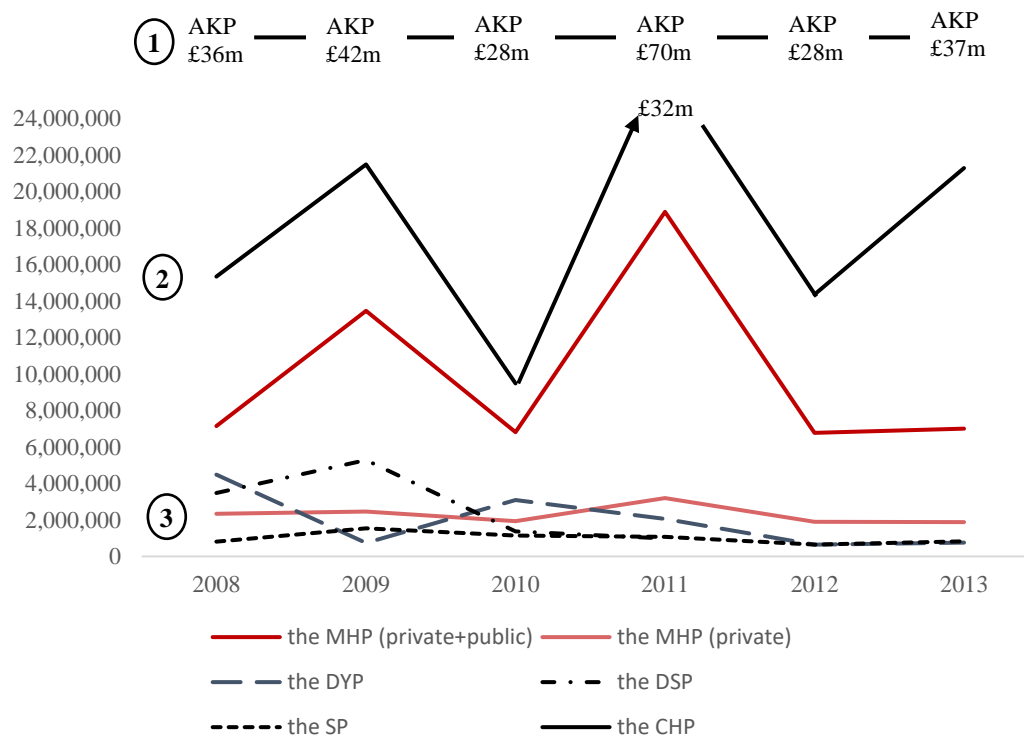
Second, although the public funding that they received was not enough to put them on an even footing with the AKP and CHP, the support obviously elevated their competitive position against the other parties of their own tier. This is seen in Figure 7.8.

Figure 7.8: The comparison of income data of the third tier parties from 2003 to 2007 (in real terms-Sept 2018)



At the end of the five years under the state's financial support, only the MHP from outside increased its electoral support in the 2007 Election in comparison with the previous election, and managed to access to the parliament with 14.2% of the national vote as the third party after the AKP and CHP. The DYP this time with 5.4% of the vote felt even below the seven percent, which meant the loss of public funding in the following years. Since no other party came in between seven and ten percent of the vote, 2/5000 of the CSR had to be shared among the AKP, CHP and MHP. In the next election of 2011, these parties with the advantage of public funding again managed to enter the parliament, and in so doing continued to receive state funding together. Similar to the previous election, no party emerged in between seven and ten percent of the vote in the election. Having kept its qualification for public funding between 2008 and 2013, only the MHP from the third tier, similar to the period between 2003 and 2007, had the advantages of (1) falling relatively less behind the first two tiers (AKP and CHP) and (2) leaving far behind the parties of its own tier (Figure 7.9). The DYP soon regressed towards the third tier due to the loss of the qualification for public funding. The AKP, CHP and MHP thus accessed to the 2015 Election with the advantage of public funding.

Figure 7.9: The comparison of the income data of the first three tier parties from 2008 to 2013 (in real terms-Sept 2018)



Despite the fact that only these three incumbent parties participated in the 2015 November Election with the advantage of a total £263,472,887 public funding (2012-2015), an unfunded minor party, the pro-Kurdish HDP, achieved to access the parliament with 10.8% of the vote. Although there is no available data regarding parties' private income for the period following 2013, the budget acts of the following years show that in period up to the 2018 Election, the four parliamentary parties received a total of £221,852,544 in public funding, as seen in Table 7.15.

Table 7.15: The public funding of the parliamentary parties from 2016 to 2018 (in real terms-Sept 2018)

Party	2016-£	2017-£	2018-£	Total-£	% of the total public funding
AKP	21,542,800	21,815,464	69,304,225	112,662,490	51
CHP	11,019,600	11,158,943	35,449,859	57,628,403	26
MHP	5,179,600	5,245,225	16,652,957	27,077,783	12
HDP	4,683,600	4,742,802	15,057,464	24,483,868	11

The most recent election was held in 2018 with the participation of the four funded parties of the outgoing parliament, and eight outsiders, which relied on their own resources during the campaign. As happened in the previous election, another party, the IP, without the advantage of public funding managed to pass the ten percent electoral threshold. The party was founded in 2017 by the intra-faction of the MHP and few from the main opposition CHP. Both of the cases of the HDP of the 2015 Election and the IP of the 2018 Election mainly showed that even under the circumstances in which the public funding regime favoured only the incumbents and the playing field was severely distorted to the benefit of a limited number of eligible parties in economic terms, outsiders can succeed to enter the party system. This specific insight of the recent two cases brings us to finally take a more longitudinal look at the Turkish experience of public party funding through the lens of the petrification hypothesis of Paltiel (1981) concerning public funding systems.

5. Has the public party funding regime ossified the party system in Turkey? It should be noted at the outset that Turkey does not render an entirely suitable case for testing the petrification hypothesis for two reasons. First, the operation of party system was interrupted in 1960 and 1980 by the military coups, at the end of which almost all the former political actors were banned from politics. There is no a party system which is long enough to argue whether it has been petrified or not as in the sense of the established party systems of Western democracies. Second, in none of the three constitutional periods, there is no two consistent units of analysis to divide the 'party system' before and after public party funding. Between 1950 and 1960, parties were not financially supported at all by the state. In the following two periods, only the first elections (1961 and 1983) were run without public party funding. A single election is not enough to identify the patterns of an 'unfunded' party system.

Having said these, the petrification hypothesis can limitedly be assessed in the case of Turkey on the basis of the frequency of two types of occasions:

- (1) the parties, like the HDP of the 2015 Election and the IP of the 2018 Elections, which have never been supported by the state, but have succeeded to access the parliament in the face of a distorted playing field in favour of incumbents,
- (2) the parties, which have been relatively limitedly supported by the state through the alternative thresholds of public funding, and succeeded to access the parliament.

As displayed in Table 7.16 below, between 1965 and 1980, the number of parties which was not represented in the outgoing parliament, but managed to gain seats in the next term was six: one in 1965 with 6.3% (MP), one in 1969 with 6.5% (GP), and four in 1973 with a total of 25.5% of the vote (DP, MSP, MHP, TBP). No new party accessed the parliament in the last

election of the period (1977). There was no party which received public funding while remaining outside, contrary to the post-1980 period in which a series of alternative thresholds have enabled some parties below the representational threshold to receive state funding. These six cases suggest that the funding system did not entirely ossify the party system in favour of the incumbents. One possible reason of this would be that the amount of public funding distributed during the whole period was not so high to entrench the incumbents (a total of £3,298,391 on average per year). In addition, the electoral system of the period, as argued in the previous chapter, enabled minor parties to run a district level campaign and access the parliament with small number of votes owing to PR formula without a nationwide threshold.

In the post-1980 period, however, the tide has explicitly turned against them through both the electoral system and public funding regime. The financial pressure of the legal context of elections has increased with the shift of the battle ground from district to national level, and the size of state financial support to eligible parties has gradually been enlarged to the point that it tends to dwarf the total private money of all the competitors in the political market. From 1983 onwards, however, four political parties managed to cope with this institutional context and access the parliament without any financial support from the state. Just in the second election, two outsiders, the SDHP and DYP, passed the ten percent electoral threshold with 25 and 19 percent of the vote, respectively. The other two cases, as noted above, were the HDP with 10.8 percent in 2015 and the IP with 10 percent in 2018.

Table 7.16: The new parties which have accessed the parliament without public funding or with public funding through alternative thresholds. The parties which showed with red colour are the splinter parties.

Election	the number of parties accessed to the parliament	①	②			
		the new parties accessed to the parliament without public funding	the new parties accessed with public funding			
			By 7%	% of the total public funding	By three seat	% of the total public funding
The period from 1965 to 1980						
1961	4	all				
1965	4	MP				
1969	4	GP				
1973	7	DP, MSP, MHP, TBP				
1977	6	-				
The period from 1980 onward						
1983	3	All				
1987	3	SDHP, DYP				
1991	5	-	SP (1988-91)	5.1		
			DSP (1988-91)	5.0		
1995	5	0			CHP (1992-95)	8.9
1999	5	0	MHP (1996-99)	6.4		
2002	2	0	CHP (2000-02)	9.5	AKP (2001-02)	6.0
2007	3	0	MHP (2003-07)	10.4		
2011	3	0				
2015	4	HDP				
2018	5	IP				

Looking at the parties which for the first time passed the electoral threshold after receiving some public funding, their shares of public funding in the total public funding distributed before the given elections were not so much high to gain a competitive advantage against the insiders. Put it another, although they were funded less than the parties of the outgoing parliament, they managed to garner sufficient vote to access the parliament. The most striking case has been the AKP, which gained 34.3% of the vote in its first election (2002) with only £8,943,273 public funding (2001-02), amounting just 6% of the total funds distributed in the 2002 election cycle. These new entry cases with limited public funding therefore may also considered to be counter evidence against the petrification argument.

Having said this, another interesting observation downplays the value of most of these new entry cases (either without public funding or with public funding in small amounts) against the petrification argument.

Table 7.17: The new parties which have been founded by the MPs of the major parties of the parliament

The new parliamentary party	Year of Access	Year of Foundation	Major party, Split From	Number of MPs
The period from 1965 to 1980				
MP	1965	1962	CKMP	14
GP	1969	1967	CHP	32
DP	1973	1970	AP	38
The period from 1980 onward				
SDHP	1987	1985	HP	117
DSP	1991		SDHP	18
CHP	1995	1992	SDHP-DSP	17
AKP	2002	2001	SP, DYP, ANAP	59
IP	2018	2017	MHP, CHP	5

Among the 15 new parties emerged in the parliament from 1965 onward, eight of them were founded by the MPs of the existing parliamentary parties (Table 7.17). In one sense, these splinter parties could be considered to be already a part of the ‘party system’ or, put it mildly, not a completely a new party in the sense that their leadership cadres in particular were previously the members of the parties receiving public funding. These cases may still, however, be seen to act as a counter evidence against the petrification argument given that they had received no state funding or just a relatively small amount of it (three seat-threshold) before the elections in which they passed the representational threshold.

7.8. Conclusion

The underlying premise of this thesis in approaching to the political finance regulation is that if party finance laws by and large deal with the upper boundaries of the ‘demand’ and ‘supply’ sides of political money (income and spending caps or qualitative restrictions), the thresholds of authorization and representation can reversely be seen as if indirectly urging parties to engage in a minimum level of financial activity. They do so because, with different barriers and components of formulas incorporated, such as the types of ballot access requirements (financial deposit, signature, organisations, etc.), the size of district magnitude and legal thresholds, or seat allocation formulas, they indirectly point to what a meaningful degree of organizational and campaign activity would be in order to stand a realistic chance of gaining a minimum degree of representation. Considered this way, it can be argued that if it is not based on wishful thinking, securing a place on the ballot paper and the pursuit of a representational existence in the parliament ‘at a minimum level’ (‘the first seat’) cost Turkish minor political parties so much, possibly more than their counterparts from different electoral democracies.

Although the current forms of party finance regulations are often argued to have resulted from diverse institutional strategies at domestic level¹³³, the ostensible reasoning behind the state control over political money tends to concentrate on two areas of concern: (a) ethical standards and (b) financial equality. While the rules under the former would be expected to treat all political parties equally with the purpose of preventing *political corruption* such as the documentation of financial transactions or monitoring mechanism (e.g. Nassmacher, 1989; Pinto-Duschinsky, 2002; Heywood *et al.*, 2002); the rules under the latter are by and large meant to counteract the impact of excessive money on elections and to create *a level playing field* to a degree, such as caps on private financing or spending (Ewing, 1992; Fisher, 1999; Scarrow, 2007; Kolln, 2016). For this research investigating the variation of the impact of party finance laws between major and minor parties, the rules from the second area of this division has been of critical importance.

Whatever arguments are made on the extent to which the lack of financial equality is a problem for democracy and to be remedied by law (for this research, it is by no means necessary to take a stance in this debate¹³⁴), it is so obvious that all those parties, over whom party finance laws purport to have authority, are financially unequal. Having acknowledged this, the main postulation of this study is that certain regulatory instruments in these laws have unquestionable potential to empirically reduce or intensify the inequality of party finances.

In this respect, given the fact that party spending is not restricted in Turkey, there appear two statutory instruments by which the playing field in elections can be shaped: the limits on private financing and the public party funding.

The study first demonstrated that there has been a huge disparity of private financing between major and minor parties, since 2002 in particular. Almost half of the electoral parties are, so to say, beyond hope with the monies below one percent of the total private income of all. Among the others, the situation has gradually gotten worse in favour of the two most resourceful parties, the AKP and CHP. The crux of the issue here is not these two major parties, or the AKP with a fundraising potential amounting to almost half of the total private income, by name. It is rather the financing regime itself that allows an outcome in which few parties are let free to have become richer and richer to the degree that the competitive position of the others are importantly lessened.

Analysing the qualitative data, the study found no substantial evidence that the Turkish law causes a shortfall in the revenues of major parties by the cap on donations. The restrictions placed on private

¹³³ Such as *the cartel party thesis* of Katz and Mair (1995), *the diffusion thesis* of Nassmacher (2001), *the revenue-maximizing and electoral economy perspectives* of Scarrow (2004), *the new institutionalist perspective* of Cliff and Fisher (2004) or the idea of *the management of parties by states and the control of the state by parties* of van Biezen and Kopecky (2007).

¹³⁴ This study in no way aims to claim state responsibility for the existing disparities of party finances nor to justify a positive obligation for the state to level the playing field.

sources of parties have no function of restricting the supply side of the money and no ‘field-levelling’ consequence on the system. On the contrary, the Turkish legislation leaves enough loopholes for major parties to maximally use their fund-raising potential. The major loophole concerning the rule of cap is that the law fails to deal with the possibility of ‘bogus’ donors. According to the rapporteur judge of the Constitutional Court, major parties in Turkey receive donations exceeding the cap by fabricating multiple sources for the exceeded amount. This brings to mind the analogy of the ‘hydraulics’ of political finance of Issacharoff and Karlan (1998). It is mainly attributed to the US campaign finances, where some companies are claimed to evade the limits on the contributions by making donations through their employees. According to this analogy, money, like water, has to go somewhere. If the state puts a limit on the existing fundraising capacity of parties, this will supposedly lead them to behave more dishonestly or less transparent with the potential to create a more illegal activity rather than simply complying with the rule. The idea implicit in this assumption here is that no matter the type of regulation, parties and donors can always find alternative ways to get around it. A similar ‘hydraulics’ effect of political money seems to occur in the case of Turkey.

Under these circumstances, public party funding, which, this study found, has tremendously been increased since its first introduction, can accomplish one thing to the benefit of Turkish minor parties: to decrease the observed disparity between them and major parties. The main insight of this research from the period of 18 years for which the private income data of parties are available is that it has rather allowed the largest two parties of the parliament, the AKP and CHP, to enhance their already formidable advantages in the political process since 2002. Truly, it has not completely petrified the party system in the view of two new entry cases, the HDP and IP, but this does not mean that it has not made their struggle more complicated. At this point, this study may add a further note on the petrification hypothesis of Paltiel (1981) or the related studies which have attempted to critically evaluate the impact of public party funding regimes by testing his hypothesis.

Although the studies which have cast doubt on the contention that public funding petrifies the party system have importantly contributed to the scholarship of political finance, neither the hypothesis itself nor the research with counter evidence gives a complete picture about the impact of state funding on new or minor parties. If state funding does not really petrify the party system, does this show that it has no deterring effect on the outsiders? Turning to Turkey, do the cases of the HDP and IDP, or the other successful new entries, really indicate that public party funding regime in Turkey have not negatively affected their competition with the incumbents? Truly, these cases suggest that the funding regime has not resulted in a party system completely frozen in Turkey, but, is this observation solely enough to assert that these parties have not been disadvantaged by public funding regime during their access to the system?

The petrification hypothesis seems to have led many scholars to assess the importance of financial resources or money only in terms of the election results. If an outsider achieves to enter the parliament without state funding in a system where public funding is operated, then this is widely interpreted as that ‘public funding does not debar newcomers’. A very simple fact which is somehow underestimated here is that a certain amount of money additionally flows into the pockets of a limited number of parties, no matter how far this is successfully converted to their own electoral benefit or to a systemic change on the whole. The public funding is a reward on its own, and its recipients are certainly the ones that are relatively privileged by such extra source even if this privilege may not sometimes result in freezing the former support of the incumbents. There are various factors that may determine new/minor party entry to the system such as the salience of new issues, the previous performance of outgoing parties, electoral system, etc. (Harmel and Robertson, 1985). The effects of public funding on new comers are nearly impossible to extricate from those of the other factors, and the permeability of the party system is too multifaceted a phenomenon for it to be uniformly affected by or explained with state funding. One may argue that the outsiders, like the HDP in 2015 or IP in 2018, have managed to increase their electoral support and accessed to the parliament after all the economic disadvantages and distorted playing field by the public funds. It can be argued that the electoral gain of these parties would have been even much higher in a case that the coffers of their major rivals had not been filled with public funding. In other words, the loss of some seats of the beneficiaries would have been much greater if they had not received any state funding. Here, the state funding can still be considered to have covertly petrified the party system by preventing a much higher loss of its recipients.

All in all, the public party funding regime in Turkey has importantly altered the financial structure of competitions to the benefit of major parties since 2002 in particular. In the face of a more complicated and distorted electoral arena, a few outsiders appear to surpass the legal thresholds of elections and be part of the party system anyway.

Chapter 8

8. Conclusion

8.2. Introduction

Main question Central to this thesis has been the examination of the structural barriers of party and electoral laws, through which minor political parties are excluded from or put at a

Relevance disadvantage in the representative political arena. Most attention in the previous empirical research has focused principally on how electoral systems condition the breakthrough of minor parties. What makes this thesis novel and original in its own field of scholarship is that it has taken a more comprehensive approach in the analysis of the treatment of the minor parties in the law, though a single case research design. With the advantage of the familiarity with the specific environment of the research subjects- Turkish laws and minor political parties- and the multiple data sets employed however, it succeeds in starting the investigation from the very initial stage of party-building, and tracing in depth the influence of the succeeding legal mechanisms, including the electoral system, in the formal process of parties growing from a start-up to a parliamentary entity. The thesis therefore presents the first comprehensive assessment of party and electoral laws in the entry of minor parties to the ‘system’. The research reported in this thesis has been underpinned by the fundamental premise that such holistic perspective on the impact of law on minor parties requires us to acknowledge the rules of party establishment, organisation, party financing and electoral system together (the ‘direct state regulation’; Muller, 1993).

Research premise

How To this end, the ‘party lifespan’ approach of Pedersen (1982) was initially improved upon to the extent that it casts light upon the ‘barrier’ effects of the ‘direct state regulation’ on smaller parties. In Chapter 2, four different ‘thresholds’ to entry were identified as the main empirical model in grouping the law under review, and respectively analysed in the case of Turkey with a special focus on the conditions of the research’s own subjects, smaller parties, of which interaction with the law were described with the ability of accommodating themselves with the restricted playing field of competition. The first three thresholds, namely *registration* (party on the register), *authorization* (party on ballot paper), and *representation* (party in the parliament)

represented a sequential process in which as if each progressively makes the access of smaller parties to the system difficult, and reduces their possibility to emerge as ‘relevant’ actors of ‘the party system’ or, based on Sartori’s measures of the ‘relevancy’, to reach ‘bargaining’ or ‘coalition’ influence on the party system.

*Summary
of Insights*

By doing so, the study has provided an in-depth view as to whether or not the law in Turkey is conducive to the rise of smaller political parties. If the matter here is the rise ‘on paper’ (on the register), the answer that emerged is quite positive. Setting up a political party in Turkey has always been governed with quite a liberal form of law, and in practice has been an uncomplicated venture for enterprising politicians depending on the qualitative evidence derived from the recent party registration cases. If it is meant rather as the capability of inserting themselves into political mainstream, then the answer emerging for the post-1980 legal regime in particular is not so positive; principally on two grounds: First, the requirements of electoral participation appear to be quite tough for the rise of an outsider if it does not already display the characteristics of a massive organization with an active and permanent following in half of the country in non-election periods. The study also indicated that there is a wide range of quality in meeting this organizational requirement among the existing electoral parties. Second, Turkey uses a highly-manipulated PR system which is susceptible to vote-seat disproportionality in the extremes as a result of the ten percent nationwide threshold (e.g. ENEP: 5.41, ENPP: 1.86, D:44.7 in 2002). The thesis argued that this legal threshold, which tends to over-reward just a few popular parties at national level in return for each of those falling by the wayside, so far has acted as the most formidable part of the institutional structure at the expense of smaller parties in Turkey. Overall, it can be pointed out that the ‘openness’ of the party regime to new political groups in party-building stage is severely hampered by the legal framework of party contest, leading legislative power to be concentrated in the hands of either few of much larger size (1983, 1987, 2002, 2007, 2011, 2015), or four-five parties of moderately equal size (1991, 1995, 1999), none of which yet tends to hold a decisive majority in the parliament.

The succinct insight of the first three analytical chapters is that the crux of the matter in the post-1980 period is not how to bring a political party into existence, but rather how to create and sustain a viable organization which is sufficiently ‘national’ in character to surpass the high thresholds of authorization and representation. In this struggle, party financing also emerges to be a crucial factor. The study found that most of the electoral parties in Turkey are not able to raise enough funding to design and and deliver effective

electoral campaigns in order to stand a realistic chance in passing the threshold. Here, party finance regulation may help minor parties in two ways: by restricting the private income potential of major parties, and by including them into public funding apportionment. The study found that the current regime not only fails to operate in both ways, but also, more notably, exacerbates further the existing ‘uneven’ playing field by overfunding the two largest parties, the AKP and CHP, which have already been dominating the system in private financing since the 2002 Election with around 70 to 80 percent of the income of all parties.

Regarding the broader statement of the thesis on the relationship between party laws and the breakthrough of small political parties, the thesis suggests that various thresholds can combine to exert a strong influence on the nature of party systems and more specifically the number of minor parties that succeed in gaining a place in the political arena. Illustrating a number of institutional obstacles that stand in the way of Turkish minor parties, it can tentatively be concluded that under a highly regulated electoral and political environment, minor parties confront a complex entry process that hinders, and often precludes, their entry, and thereby effectively entrench the existing parties in their positions of power. Of the biased rules of representation, electoral systems seem to play the major part, but, an effective elimination process for them is likely to begin much earlier than what the electoral systems mechanically do through the other formal difficulties that they encounter in gaining a place on the ballot paper and presenting themselves to the public as alternatives to major parties. Taking all the insights together, the earlier three thresholds, namely the thresholds of registration, authorisation and public funding, represent the other crucial legal themes for researchers to gain further insights about where minor parties are formally situated within the political system.

The remainder of this conclusion is structured under two sections. The next section will reiterate the main insights of the thesis around the four legal thresholds of the research step by step. In the last section, the thesis is concluded with a final note on the limitations of the study and future research directions.

8.3. The Summary of the Research Insights

8.3.1. The Threshold of Registration

Questions:

- How difficult is it for a political organization to register as a political party in Turkey?

- Is there any serious cost to be incurred in the actual operation of the relevant rules to play a deterring role in the formation attempts of neophyte politicians in Turkey?
- How do Turkish party politicians overall view the party registration regime?

If there is a single mutual point that the three distinct periods of Turkey's multi-party politics have converged on, it is that party registration has always been regulated with quite simple procedural rules. Despite the fact that the minimum requisite number of founders were slightly increased from seven to fifteen and thirty in the last two periods respectively, the current regulation still insists a much fewer 'minimum number' of founders than most of the contemporary European legal regimes, as the comparative survey in Chapter 4 showed. The 'human' factor of organization hence appears as a relatively neglected issue in the Turkish formal process of party-building.

As a distinctive feature of the Turkish regime from most of the European ones¹³⁵, the registration process is protected against any involvement of the state, including rejection, through the principle of '*ipso-facto* registration'. As the research respondents highlighted, this principle gives absolute immunity to the substances of the party statutes and programs against the 'appropriateness control' of any state institution during the process. The evidence showed that the importance of the principle is more evident when it comes to the registration of two types of marginal parties: the separatist minor parties which overtly advocate the self-determination rights (independence/autonomy) of Kurds, and the far-left minor parties which defy the liberal economic system under communism.

The overall insight of Chapter 4 is that the Turkish party law barely exerts a deterring influence on the formation attempts of neophyte politicians. Virtually, no barrier effect of law has been identified at this stage. The only difficulty of the regime under review was found to stem from the rule that enforces founders to locate party's central headquarters in the capital, Ankara. The study observed that the imposition of a certain city for parties' central headquarters does not fit well the practical conditions of minor parties for three main reasons: First, the politicians in most minor parties tend to perform leadership duties simultaneously with their existing profession or an additional activity in another political movement. Depending on the place of their professional job or another political activity, Ankara is rarely a usual living area for them. Second, none of them has any organic relation with the central state institutions. Third, in terms of the intensity of political interest and mobility, Ankara is not seen as being as dynamic Istanbul which is believed to be most heterogeneous and active site of the country for civil political movements.

From an organizational point of view, an important insight of the qualitative data has been that the low level of legal standards of the concept of political party in Turkey leads any entrepreneurial endeavour to easily end up with party formation. Duverger (1965: 63) states that "without members, the party

¹³⁵ In all the European countries surveyed, the applications for party registration need the approval of a related state authority.

would be like a teacher without pupils”. According to the official data, of the 82 Turkish political parties on the register, 60 parties have recruited just less than 1,000 members so far. Considering along with the fieldwork observations, the study found that most of the Turkish parties resembles micro ‘cadre’ parties that have been internally created by a small number of elites. Members are not the very constituent of these parties. Recognizing that they are deprived of the ‘human’ factor of organization in reality, it hardly makes sense to go further in the analysis of their organizations. So to say, these 60 parties may not be regarded even as political party in the sense of the legal criteria of nine much smaller European countries, such as Czech Republic, Estonia, Lithuania or Poland with 1,000 member-requirement, or the most exclusive one, Romania with 25,000 member-requirement.

As a general pattern arising from the interviews, Turkish politicians, even the ones from the major parties, largely view the electoral function of parties as part of a gradual process following the obtainment of the legal status of party. This does not mean that they have not initially been electorally orientated when registering their parties. They, however, tend to see the formation of organization and the gaining of the ability to contest in elections as a post-registration issue. For them, the threshold of registration is rather a much more constitutional matter, in that, the state should recognize the right to form a political party in the easiest way as much as possible. The research insights provide two tentative explanations behind such perceptions. First, as noted previously, launching a party under a quite tolerant law has become a long-standing feature of Turkish politics. Neither in the past nor today, it has required considerable effort beyond the assembly of a handful of enthusiastic individuals and a series of documents, in principle. The term party has always been used liberally and taken for granted anytime it has been wished for. Having merely a political motivation in mind and procedurally on paper to pursue, no matter that it is orientated by pure ideology or short-term anti-government feelings, or a blend of the both, has been enough to launch the party. In the eyes of Turkish minor party politicians, the recruiting of members and the electoral function largely appear to become post-registration matters. This perception would be either the result of or goes hand in hand with the Turkish long-established way of dealing with party establishment since the transition to competitive party system in 1950.

8.3.2. The Threshold of Authorization

Questions:

- How difficult is it for an ordinary political party to be an electoral party in Turkey?
- What are the common problems of Turkish parties in the compliance of the obligatory rules of Political Parties Act in respect to the formation of organizations?
- What types of cost do emerge in the process of fulfilling the participation requirements, and how effective are they in reducing the number of minor parties in the ballot?

The second factor in the elites' tendency to bring up the electoral function as a post-registration concern can be explained with that the threshold of authorization, the legal conditions for parties to perform their electoral role, in Turkey was set so high in the post-1980 period that, as the evidence indicated, a great deal of money, time and human resources needs to pile up for an ordinary organization to shape up from scratch to the one insisted upon by the threshold of authorization. Contrary to the simplicity of threshold of registration, the threshold of authorization, by which parties are forced to be organized in at least half of the country (41 out of 81 provinces), appears to be the first real barrier by which Turkish minor parties start to be subject to an effective elimination, possibly much more than their counterparts in other countries.

Two notable aspects have eventually come to the fore about the Turkish 'threshold of authorization'. First, the threshold is unequivocally based on the demonstration of a considerable degree of organizational strength. More importantly, also, this imposed organizational strength in Turkey is expected to be (1) durable via the rule which retrospectively insists parties to be organized six months before elections and (2) active via the rule which obliges the registered organizations to regularly meet in 'the grand congress' in Ankara and to fulfil a series of obligations specified by the law. Second, since the requirements are set at the national level (41 provinces at minimum), electoral parties are not allowed, in practice, to emerge from regional groups or those of which organizational activity is focused on limited number of provinces. For Turkish minor parties, having a national character in organizations is therefore not a choice, but a necessity that the law requires them to have.

Given the fact that the Turkish threshold of authorization is principally based on the organizational expansion of parties, this has required the study to initially converse with the research participants about the impact of the organizational provisions of the Political Parties Act on their parties. The participants expressed both positive and negative arguments about the impact of the law, as displayed in the table below. Among these arguments, the most prevalent and the least speculative theme was the financial and criminal sanctions imposed on minor parties for the failure of fulfilling the organizational obligations, mainly meetings to be held once every two years and keeping the requisite books, including the income and expenditure records, on an annual basis. Neither of the two major parties interviewed, for which the statutory obligations reportedly represent only an insignificant share of their actual organizational events, raised these sanctions as a concern at all.

Table 8.1 The views of the research participants on the organizational provisions of the Political Parties Act 1983

Positive Views	Which parties	Negative Views	Which parties
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Effective management of party organizations	5 (AKP, VP, BBP, SP, DSP)	Interference in the internal affairs of parties	11 (AKP, CHP, LDP, HKP, EP, HOP, VP, SP, BBP, MP, MeP)
Acquaintance with the state administration	5 (AKP, CHP, BBP, SP, VP)	Inconsistency with party preferences in organizing	3 (HOP, LDP, EP)
Encouragement of territorial diffusion	4 (AKP, CHP, DSP, DP)	The strictness of the organizational obligations	13 (VP, EP, HKP, HOP, LDP, SP, BBP, MP, MeP, TBP, AP, DP, YP)
Overall	6 different parties (Mainly major parties and large minor parties)	Overall	17 different parties (all)

The insights of Chapter 5 in this part can be summarized as follows: First, the organizational activity of minor parties is typically limited to electoral campaigning. Even if the meeting requirement is fulfilled in non-election periods, the majority of respondents indicated that this is mostly not because the relevant branch wants to do so-by its own will, but because the law enforces it into this direction. Second, the statutory duties are believed to necessitate a constant relationship between parties and their backers in local areas. The party affiliation among the local executive members of minor parties, however, appears to be extremely weak. Last, but not least, maintaining organizations as intended by the Political Parties Act has been reported to be highly connected to the financial capabilities of parties on the ground. Both the interviews and the quantitative evidence indicated that, apart from the parliamentary and few minor ones, Turkish parties are rather poor, at local level in particular, where the problem of organizational obligations are experienced most.

The study overall suggested that anyone studying electoral participation requirements in a country like Turkey, where the threshold of authorization is primarily embedded to the territorial organisation of parties, must not to be misled by the letter of the rule, but also take into account its financial implications in practice. Truly, the rule, at first sight, seems to principally force parties to recruit a certain number¹³⁶ of local partisans, but in the background they must sooner or later find sufficient and stable sources of revenue to maintain such immense organizational size in compliance with the specific rules of the party law. Ideally, those expenses would directly be defrayed from the personal contributions of local partisans-*membership dues*-or their fundraising activities. With close attention to the cases of Turkish parties, Chapter 5 instead argued that the quintessential trait of Turkish parties apart from few major ones is local weakness. During inter-election periods, the local branches of minor parties are moribund

¹³⁶ At minimum 827 founding members, see Chapter 5

and loosely organized, with an apparently limited organizational and financial capacity to intervene on the ground.

Having said this, the qualitative evidence also demonstrated that the threshold is bypassed by some minor parties (*bogus electoral parties*), which aim to partake in elections anyway, while they do not have active and permanent organizations at the requisite level. The study found that the majority of Turkish electoral parties resort to five deceptive ways to pass the threshold as follows:

- Using households or work places as party office
- Organizing in the provinces which have fewer sub-provinces to be organized
- Presenting candidate lists in the provinces which have less seats to be filled
- Nominating someone in the provinces which they are not from
- Changing the ownership of a party which already has enough local branches

Quite interestingly, the recent evidence indicated that the number of electoral parties which pass the threshold with bogus organizations outweighs the numbers of electoral parties with genuine organizations.

8.3.3. The Threshold of Representation

Questions:

- If all electoral systems, as suggested by the previous research, distort the election results with some parties being advantaged more than others, then to what extent and by which legal instruments has this occurred at the expense of minor parties in Turkish electoral history?
- Comparing the different electoral systems operated so far, which period was more favourable for the representation of minor parties?

Owing to the rich electoral history of the research case that has employed the major variations of electoral systems, majoritarian-plurality, pure PR d'Hondt and Hare, and PR d'Hondt with a general legal threshold, the study has had an opportunity to discuss the electoral system effects on minor parties on a wide spectrum. Summing up this part of the research, a series of findings deserve to be noted. The majoritarian-plurality system in Turkey rewarded only the largest party in districts. Mainly because the multi-party politics was so novel in the 1950s, and the electoral system gave no chance to the parties which had dispersed-popular support, the number of electoral parties remained limited. In a system where the winner takes all, the minor parties won few seats in the districts owing to the popularity of their candidates. It is evidently true to say that the 1950s minor parties could have been elected only if they had had concentrated power in districts. Since the allocation of each district was independently operated, the increased support given to them nationwide did not change the outcomes in the parliament as observed in the case of the Republican Nation Party of the 1954 and 1957 Elections. Rather, the

party's increasingly dispersed-support resulted in more distortion from votes to seats and thereby in the increased variations from the effective numbers of electoral parties to parliamentary parties. The main drawback of this electoral system for minor parties has been identified as the multi-member designation of the districts. The larger districts meant higher distortions and conceivably higher psychological barrier for both the minor parties to contest the elections and the voters to support a third party, not the DP (government) or CHP (main opposition).

The degrees of disproportionality in the 1950s spurred the law makers to introduce a PR system. The first experience of a PR system in Turkey enhanced minor parties both in ballot papers and in representation during the 1960s and 1970s. Expectedly the disproportionality indices were lower than those of the 1950s. Therefore, PR, to some extent, seems to have achieved a reduction in the distortions between popular votes and parliamentary representation. In particular, the 1965 Election, which was run on the basis of the largest remainder system, produced the most proportional allocation of the seats in Turkey's electoral history. The Hare quota expectedly gave the minor parties the most ideal number of seats in proportion to their shares of the popular vote. Of the five elections, only two resulted in parliamentary majorities, one of which was manufactured owing to the d'Hondt formula. The elections of that period also allowed an assessment of the relation between the proportionality of vote-seat transformation and the district magnitude (M). The outcomes demonstrated that there was a positive relation between the two. The least represented districts have been discerned as being the ones where the M was below five. The gap between the shares of the vote and seats of the minor parties was least in the districts where M exceeded nine. Another key factor that partly determined the degree of the representation of minor parties was the choice of the d'Hondt as the apportionment method.

The system that was adopted following the last major coup in 1980 aimed to prevent the unstable governments of the 1970s. This incentive in that time was to undermine the electoral power of smaller parties (literally, smaller shares of votes). The reconstruction of the electoral system accordingly was based on the introduction of the sharp measures such as the general threshold, the district threshold and the reduced district magnitudes. All these elements including the rule of bonus seat in 1986 seem to be introduced to act as a brake on the representation of minor parties and to help the formation of one-party governments. The outcomes until 1991 were come by as intended. Yet, in the aftermaths, the number of electoral and parliamentary parties together dramatically increased until 2002. This decade in general witnessed once again an increased fragmentation of the parliament and minority governments despite all the legal measures introduced against it. The radical change of voters' preferences in the 2002 Election, however, caused to face with the most severe output of 10 percent of the threshold. Since that election, while the number of electoral minor parties remained almost the same or slightly increased, the vote cast for them has decreased dramatically. The 2000s and 2010s has been distinguished as the most plausible years that the minor parties were subjected to the psychological effect of the general threshold via voters that have been unequivocally shifting to the parliamentary

parties since the 2002 Election. Although it is certainly true that PR systems tender the ‘threshold of representation’ lower than plurality systems, what the legal threshold has done so far in Turkey have surpassed the possible implications of the other components of the electoral system. This finding reaffirms Moser’s (1999) idea that the effect of the threshold can be stronger than that of low district magnitudes. The brief survey at the end of Chapter 6 showed that comparing with the electoral systems of the 47 countries of the CoE, Turkish minor parties are today confronted with the highest ‘minimum number of votes not to lose the first seat’ because of the nationwide threshold. Regarding the impact of electoral systems on minor parties, one can drive two exciting insights from the case of Turkey to the wider literature as follows:

1. PR with ten percent nationwide threshold eliminates smaller parties as effectively as a majoritarian-plurality system in multi-member constituencies would have done.
2. Whereas majoritarian-plurality and pure PR are widely referred to be on the opposite poles of electoral systems in the literature, both of the systems, contrary to ‘PR with nationwide threshold’ systems, enable contesting minor parties to independently reap the benefits of their investment or existing popularity in district-level competition, and thereby enable them to focus their electoral activities and resources into limited number of districts, possibly in their strongholds.

8.3.4. The Threshold of Public Funding

Questions:

- In terms of the income raised by parties’ own means (private income), how competitive is the political market in Turkey?
- What role does the law practically play behind the observed trends of inequality of private income?
- Considering the 54-year-history of Turkish public party funding regime with several revisions made, what have these revisions brought to minor political parties?
- Considering the answer emerged in Question 9, does the public funding system in Turkey enhance the competitive position of minor parties, or the opposite?

To continue the foregoing discussion, the role of party financing in Turkish politics can be appraised on two bases: First, the study suggested that money has increasingly been a requisite asset of the formal politics in Turkey. The research participants highlighted that the formation and maintenance of a half-expanded nationwide organization, as insisted by the threshold of authorization, requires stable sources of revenue. Similarly, coping with the highest vote barrier necessitates a quite large scale of campaign activity to engage in order to stand a reasonable chance of winning, which obviously comes with a huge

cost. Second, there is the competitive dimension of the playing field in economic terms. The research, in Chapter 7, extensively expanded on this latter issue.

Apart from the rules for public party funding, the party financing regime in Turkey has been governed with the same rules since 1965. In quantitative terms, the study found that, if money renders the kind of electoral advantage that the previous research suggest, the two major parties, the AKP and CHP, with a total of around 70 percent of the private income of all electoral parties, excessively dominates the system, and thereby have been enjoying a noticeable advantage over the others since 2002. More specifically, the study proposed to conceptualize the private financing of Turkish parties as a four-tier one. The first two tiers are represented by the two major parties, the AKP and CHP, both of which periodic income is counted in tens of millions. Beneath these two tiers sit five former incumbent parties (MHP, DSP, DP, ANAP and SP) and few others (VP, BBP and TKP) with budgets that hover around between £1 million and £10 million. Far beneath these three tiers arises the rest of minor parties as micro-financial entities lagging far behind the upper three tiers, most evidently the AKP and CHP, with an income each less than one percent of the total income of all electoral parties. The study found that nearly half of the electoral parties in each period match with this tier. The desperate situation of this group in financing aptly supports the reality of ‘inflated (vanity) electoral minor parties’ that was identified in Chapter 5. All in all, the study demonstrated in detail that the playing field is excessively uneven despite a set of restrictive regulatory instruments on private fundraising activities of parties. By this partial analysis, the case of Turkey has emerged to be a good case to see whether her public funding regime levels the uneven playing field between major and minor parties.

This study found no evidence that the cap placed on donations restricts the supply side of political money in Turkey. On the contrary, the legislation under review reportedly leaves one major loophole for major parties to make the best of their fund-raising potential, namely through ‘bogus’ donors, who make contribution in another person’s name. This implies that the observed degree of inequality of private income in the earlier stage of the analysis is the one that largely reflects parties’ unrestricted income potential truthfully. In the case of Turkey, no credible evidence thus appears to verify the argument which sees the public funding as a tool of compensation for the shortfall emerging in party coffers, particularly for major parties. Even if the rule of cap is to some extent operated successfully, the qualitative data suggested that it is likely to exert a differential impact on major and minor parties. Due to the lack of alternative sources of revenue, the personal monetary contributions of party leaders or executives tend to be of primary importance in the financing of minor parties. This implies that these parties are more susceptible to the constraining effect of the cap compared to the major parties which are able to raise the needed money from a large number of donors.

Another empirical hook that makes interesting Turkish public funding law for this research is the fact that the public funds to Turkish parties have immensely increased since its first enactment. Considering

the legislative amendments underlying this growth, Chapter 7 proposed to break down the history of the Turkish public party funds into five phases. Carrying out separate analyses for each phase, it identified a constant pattern in the evolution of the Turkish legislation under review: Whenever major parties wanted to enlarge the size of the funds to their own benefit, they also introduced some alternative thresholds for the inclusion of minor parties into the apportionment: 10 seats in 1974, again 10 seats in 1987, 7% of the vote in 1988, 3 seats in 1992 and 3% of the vote in 2014. In four out of five occasions, however, these alternative thresholds have led only limited number of minor parties to receive a share from the enlargement. In the fifth stage, when the funding reached to its maximum size, the two major parties (AKP and CHP) that were previously identified as the dominant private income parties, together decided to abolish the most favourable alternative threshold of funding for minor parties, the three-seat rule. This threshold was so crucial because it provided an alternative financial source for the minor parties which have been represented in the parliament through the candidates nominated under the parties with a higher chance to pass the electoral threshold (four cases), the independent candidates which are immune from the electoral threshold (one case), and the dissident MPs of the major parties (twelve cases).

Overall, it was found that the public funding system in Turkey does not promote an even playing field. It tends to impair the competitive position of minor parties in elections. In such a legal environment where they are already faced with the immense financial pressure of the institutional design of elections, the observed changes in the history of Turkish public party funding regime have not been conducive to the Turkish minor parties, particularly of the post-2002 period, in which all of them were found lagging far behind the AKP and CHP in terms of private financing. As Turpin and Tomkins (2007: 507) argue, ‘the free choice of the electorate may be impaired if the competing parties have unequal opportunities of making their policies known to the people’. From the financial point of view, these unequal opportunities can arise from either free-riding factors of political market (the inequality in private funding) or the direct state’s involvement in competition. The study observed that both of these substantially take place in Turkish politics.

8.4. Limitations and Future Research Directions

While this research has taken a comprehensive perspective on the impact of the direct state regulation on Turkish minor political parties, the debate is to be moved forward on a number of issues which could not be focused enough here because of the restrictions of time and space. The following limitations can be addressed in future research:

- The present study modified Pedersen’s evolutionary approach (1982) for the purpose of studying minor political parties under four thresholds: the threshold of registration, the threshold of authorization, the threshold of representation, and the threshold of public funding. Having discussed the effects of these thresholds on Turkish minor parties, it would be interesting to observe whether

they exert similar or different constraining effects on the entry of minor parties in a large group of countries with higher and lower barriers. A proper assessment of the strength of the thresholds requires taking the analysis a step further than the analysis of such an in-depth case study permits. The relative strength and nature of the individual barriers as well as their combined effects on minor party breakthrough can only be properly evaluated if they are analysed in a model that enables a comparison of different legal frameworks. What is now needed is a cross-national study involving the cases of similar context, such as among the countries within a developing or established democracy context. The approach applied in this study may also be improved further and employed in single-case studies with the advantage of multiple dataset in order to gain fresh insight about the role of the national legal frameworks on minor contestants of elections. • Future research should focus more explicitly on the psychological impact of the Turkish electoral system on party elites. A distinct study needs to be carried out to understand why Turkish minor electoral parties, most of which suffer a lot both organizationally and financially, choose to contest under a quite biased electoral system against smaller vote shares. What does motivate them to appear on the ballot? Is there any other motivation aside from winning a seat in the parliament? An independent qualitative research would be worth undertaking to answer these now urgent questions with a potential of wider contribution to the study of minor parties in general.

• This research did not investigate in detail the legislative history of public funding with a special focus on the behaviours of the major institutions that have effectively involved in it. The major institutions in this have been the parliament with varying ruling and opposition parties, and the Constitutional Court, which annulled the challenged laws in 1969 and 1971, and validated them in 1988, 1989, 2006, 2009 and 2016. It is thus a very rich history to critically assess the cartelization behaviour of major parties and the role of the judicial institution in this history. To do this, however, one needs to know the details of the legislative process behind each amendment, and the arguments of those who made the amendments. Although the rulings of the Court were available, no data was available to know the intention of the major parties behind the legislative amendments. In April 2018, the online library of the Turkish Grand National Assembly made a very exciting source of data available for academic researchers: the complete parliamentary minutes from 1908 onwards¹³⁷. Having done a preliminary observation on it, the search tools appear to be very efficient and useful to extract specific minutes for each legislative act. These minutes include the full debate of the parliament on each proposal of the former and current acts, and the related amendments session by session, party by party, with the final results of passing or rejection. Using this dataset, research would be carried out to test the ‘cartel party’ model, which was originally claimed for established party systems, in Turkey, a country from developing context.

¹³⁷ Available at: https://www.tbmm.gov.tr/kutuphane/tutanak_sorgu.html (Accessed 14th of Jan 2019)

• Another research topic that may enhance the understanding of the impact of the law on smaller parties is the auditing process of parties' financial accounts. To use Scarrow's 'carrot-stick' metaphor (2011), Turkish law regulates both the carrot of direct public funding and the sticks of restraints on party income and spending, annual reporting obligations and the judicial oversight of party accounts by the highest judicial authority of the country, the Constitutional Court. Equipped with both rewarding and constraining regulatory instruments, such model of extensive legislation embodies a crucial intersection between stimulating and restrictive environments for political parties. This research showed that the reward side of the regime (public funding) is confined to a limited number of parties. To understand more the stick side of this analogy or the 'cost' dimension of the party finance model of Turkey, future research would in detail examine the problems that minor parties encounter during the documentation and auditing of their accounts. The Court publishes the auditing reports on its website with a few-year delay. The dataset covers a period from 1996 to 2015 with 837 reports in total. Both qualitative and quantitative content analyses of these reports can further illuminate to what extent minor parties are capable of managing their finances in compliance with the law and fulfilling the reporting obligations as imposed by the law. Such examination can eventually provide a more nuanced debate about the implementation of Turkish party finance regime in between the questions of (1) what the system gives (to whom and how much) on the one hand (public funding) and (2) how balanced its expectations appear to be taking into account the answer to the former question on the other.

Appendices

Appendix B: Income of Turkish electoral political parties from 1996 to 2013

Table B.1: Income of electoral parties in 1996

Party-1996	Private Income £	Public Funding £	Total Income £
Demokratik Sol Parti	1,731,930	1,582,502	3,314,432
Milliyetçi Hareket Partisi	1,756,382	884,210	2,640,592
Fazilet Partisi	4,510,368	3,288,767	7,799,135
Anavatan Partisi	3,445,590	2,748,564	6,194,154
Doğru Yol Partisi	5,368,604	2,812,268	8,180,872
Cumhuriyet Halk Partisi	6,676,779	1,157,690	7,834,469
Halkın Demokrasi Partisi	617,258	0	617,258
Büyük Birlik Partisi	270,151	185,419	455,570
Özgürlük ve Dayanışma Parti	446,990	0	446,990
Liberal Demokrat Parti	42,090	0	42,090
Demokrat Parti	167,100	0	167,100
Millet Partisi	67,272	0	67,272
Barış Partisi	112,788	0	112,788
İşçi Partisi	176,568	0	176,568
Emeğin Partisi	3,557	0	3,557
Yeniden Doğuş Partisi	36,483	0	36,483
Sosyalist İktidar Partisi	78,768	0	78,768
Demokrasi ve Barış Partisi	40,810	0	40,810

Table B.2: Income of electoral parties in 1997

Party-1997	Private Income £	Public Funding £	Total Income £
Demokratik Sol Parti £	2,553,724	1,878,355	4,432,079
Milliyetçi Hareket Partisi	1,775,537	1,067,786	2,843,323
Fazilet Partisi	4,307,246	3,900,687	8,207,934
Anavatan Partisi	3,159,371	3,262,412	6,421,784
Doğru Yol Partisi	4,727,262	3,336,558	8,063,821
Cumhuriyet Halk Partisi	3,738,645	1,374,126	5,112,771
Halkın Demokrasi Partisi	485,461	0	485,461
Büyük Birlik Partisi	287,528	262,485	550,013
Özgürlük ve Dayanışma Parti	653,981	0	653,981
Demokrat Türkiye Partisi	1,330,821	138,017	1,468,838
Liberal Demokrat Parti	98,111	0	98,111
Demokrat Parti	61,180	0	61,180
Millet Partisi	63,490	0	63,490
Barış Partisi	1,459,647	0	1,459,647
İşçi Partisi	206,741	0	206,741
Emeğin Partisi	63,381	0	63,381
Yeniden Doğuş Partisi	29,757	0	29,757
Sosyalist İktidar Partisi	87,564	0	87,564
Demokrasi ve Barış Partisi	48,459	0	48,459

Table B.3: Income of electoral parties in 1998

Party-1998	Private Income £	Public Funding £	Total Income £
Demokratik Sol Parti	3,877,593	1,909,012	5,786,605
Milliyetçi Hareket Partisi	2,400,284	1,066,646	3,466,931
Fazilet Partisi	4,386,183	439,751	4,825,934
Anavatan Partisi	5,063,559	3,315,653	8,379,212
Doğru Yol Partisi	4,032,248	3,391,011	7,423,258
Cumhuriyet Halk Partisi	5,248,832	1,396,552	6,645,385
Halkın Demokrasi Partisi	530,311	0	530,311
Büyük Birlik Partisi	364,653	266,659	631,313
Özgürlük ve Dayanışma Parti	443,557	0	443,557
Demokrat Türkiye Partisi	1,222,488	1,066,646	2,289,134
Liberal Demokrat Parti	114,492	0	114,492
Demokrat Parti	137,071	0	137,071
Millet Partisi	91,180	0	91,180
Barış Partisi	0	0	0
İşçi Partisi	224,787	0	224,787
Emeğin Partisi	75,473	0	75,473
Yeniden Doğuş Partisi	20,158	0	20,158
Sosyalist İktidar Partisi	109,405	0	109,405
Demokrasi ve Barış Partisi	48,318	0	48,318

Table B.4: Income of electoral parties in 1999

Party-1999	Private Income £	Public Funding £	Total Income £
Demokratik Sol Parti £	8,908,386	5,597,625	14,506,010
Milliyetçi Hareket Partisi £	3,310,375	3,127,634	6,438,009
Fazilet Partisi £	1,810,409	3,127,634	4,938,043
Anavatan Partisi £	6,271,587	9,722,191	15,993,777
Doğru Yol Partisi £	5,240,981	9,943,150	15,184,131
Cumhuriyet Halk Partisi £	5,938,397	3,816,994	9,755,391
Halkın Demokrasi Partisi £	506,860	0	506,860
Büyük Birlik Partisi £	296,796	781,908	1,078,704
Özgürlük ve Dayanışma Parti £	463,498	0	463,498
Demokrat Türkiye Partisi £	1,010,131	3,127,634	4,137,765
Liberal Demokrat Parti £	96,943	0	96,943
Demokrat Parti £	147,688	0	147,688
Millet Partisi £	112,627	0	112,627
Barış Partisi £	0	0	0
İşçi Partisi £	278,499	0	278,499
Emeğin Partisi £	75,851	0	75,851
Yeniden Doğuş Partisi £	19,445	0	19,445
Sosyalist İktidar Partisi £	77,145	0	77,145
Demokrasi ve Barış Partisi	35,638	0	35,638

Table B.5: Income of electoral parties in 2000

Party-2000	Private Income £	Public Funding £	Total Income £
Demokratik Sol Parti	6,570,381	4,875,897	11,446,278
Milliyetçi Hareket Partisi	2,846,897	3,950,645	6,797,542
Anavatan Partisi	3,995,384	2,905,192	6,900,576
Doğru Yol Partisi	2,879,972	2,639,182	5,519,155
Cumhuriyet Halk Partisi	3,863,608	1,913,877	5,777,485
Saadet-fazilet Partisi	4,527,995	3,384,824	7,912,819
Demokratik Hal Partisi	3,425	0	3,425
İşçi Partisi	250,413	0	250,413
Millet Partisi	88,653	0	88,653
Özgürlük ve Dayanışma Parti	316,405	0	316,405
Türkiye Komünist Parti	87,875	0	87,875
Liberal Demokrat Parti	99,817	0	99,817
Büyük Birlik Partisi	457,758	0	457,758

Table B.6: Income of electoral parties in 2001

Party-2001	Private Income £	Public Funding £	Total Income £
Demokratik Sol Parti	10,928,766	4,469,396	15,398,162
Milliyetçi Hareket Partisi	3,545,535	3,621,277	7,166,812
Anavatan Partisi	5,304,881	2,662,990	7,967,871
Doğru Yol Partisi	5,361,982	2,419,155	7,781,136
Cumhuriyet Halk Partisi	2,391,868	1,754,318	4,146,185
Saadet-fazilet Partisi	3,258,365	427,765	3,686,130
Demokratik Hal Partisi	3,349	0	3,349
Adalet ve Kalkınma Partisi	670,433	129,772	800,205
Bağımsız Türkiye Partisi	18,230	0	18,230
İşçi Partisi	230,180	0	230,180
Millet Partisi	121,706	0	121,706
Özgürlük ve Dayanışma Parti	196,731	0	196,731
Türkiye Komünist Parti	101,855	0	101,855
Liberal Demokrat Parti	173,873	0	173,873
Büyük Birlik Partisi	360,006	0	360,006

Table B.7: Income of electoral parties in 2002

Party-2002	Private Income £	Public Funding £	Total Income £
Demokratik Sol Parti	15,726,891	18,056,458	33,783,349
Milliyetçi Hareket Partisi	6,523,357	14,630,037	21,153,395
Anavatan Partisi	5,269,999	10,758,535	16,028,534
Doğru Yol Partisi	3,434,592	9,773,441	13,208,033
Cumhuriyet Halk Partisi	8,534,116	7,091,277	15,625,393
Saadet-fazilet Partisi	5,302,890	7,087,482	12,390,372
Adalet ve Kalkınma Partisi	15,300,287	7,087,482	22,387,769
Büyük Birlik	566,431	708,752	1,275,184
Yurt	25,736	631,076	656,812
Özgürlük ve Dayanışma Partisi	261,809	543,697	805,506
Genç	8,950,418	0	8,950,418
Demokratik Halk	90,562	0	90,562
Bağımsız Türkiye	190,703	0	190,703
Yeni Türkiye	419,019	0	419,019
İşçi	473,286	0	473,286
Millet	108,270	0	108,270
Türkiye Komünist	140,934	0	140,934
Liberal Demokrat	108,526	0	108,526

Table B.8: Income of electoral parties in 2003

Party-2003	Private Income £	Public Funding £	Total Income £
Adalet ve Kalkınma Partisi	8,964,553	11,904,835	20,869,388
Cumhuriyet Halk Partisi	4,746,718	6,733,614	11,480,332
Doğru Yol Partisi	2,428,366	3,314,229	5,742,595
Milliyetçi Hareket Partisi	1,970,522	2,902,025	4,872,547
Anavatan Partisi	1,808,073	0	1,808,073
Genç Parti	6,556,647	2,517,495	9,074,142
Aydınlık Türkiye Partisi	13,959	0	13,959
Emek Partisi	83,404	0	83,404
Türkiye Komünist Partisi	206,909	0	206,909
Liberal Demokrat Parti	0	0	0
Bağımsız Türkiye Partisi	73,902	0	73,902
Saadet Partisi	1,127,284	0	1,127,284
Özgürlük ve Dayanışma Partisi	250,988	0	250,988
İşçi Partisi	411,513	0	411,513

Table B.9: Income of electoral parties in 2004

Party-2004	Private Income £	Public Funding £	Total Income £
Adalet ve Kalkınma Partisi	20,484,147	25,502,192	45,986,339
Cumhuriyet Halk Partisi	9,586,188	14,424,554	24,010,742
Doğru Yol Partisi	1,357,942	7,099,648	8,457,590
Milliyetçi Hareket Partisi	2,404,264	6,218,928	8,623,192
Anavatan Partisi	1,462,815	0	1,462,815
Genç Parti	5,560,239	5,417,081	10,977,320
Aydınlık Türkiye Partisi	10,390	0	10,390
Emek Partisi	80,179	0	80,179
Türkiye Komünist Partisi	243,540	0	243,540
Liberal Demokrat Parti	0	0	0
Bağımsız Türkiye Partisi	66,177	0	66,177
Saadet Partisi	1,103,671	0	1,103,671
Özgürlük ve Dayanışma Partisi	147,464	0	147,464
İşçi Partisi	368,561	0	368,561

Table B.10: Income of electoral parties in 2005

Party-2005	Private Income £	Public Funding £	Total Income £
Adalet ve Kalkınma Partisi	13,192,500	14,271,902	27,464,402
Cumhuriyet Halk Partisi	7,143,472	7,977,822	15,121,294
Doğru Yol Partisi	1,234,564	3,909,668	5,144,232
Milliyetçi Hareket Partisi	1,289,475	3,399,603	4,689,078
Anavatan Partisi	1,619,289	2,405,363	4,024,652
Genç Parti	122,460	3,014,505	3,136,964
Aydınlık Türkiye Partisi	7,551	0	7,551
Emek Partisi	88,481	0	88,481
Türkiye Komünist Partisi	267,602	0	267,602
Halkın Yükselişi Partisi	174,860	0	174,860
Liberal Demokrat Parti	738,591,5493	0	739
Bağımsız Türkiye Partisi	74,465	0	74,465
Saadet Partisi	806,016	0	806,016
Özgürlük ve Dayanışma Partisi	203,881	0	203,881
İşçi Partisi	427,025	0	427,025

Table B.11: Income of electoral parties in 2006

Party-2006	Private Income £	Public Funding £	Total Income £
Adalet ve Kalkınma Partisi	12,801,941	16,424,523	29,226,464
Cumhuriyet Halk Partisi	6,728,148	9,290,041	16,018,189
Doğru Yol Partisi	1,863,000	4,572,482	6,435,482
Milliyetçi Hareket Partisi	2,026,849	4,001,874	6,028,724
Anavatan Partisi	3,902,003	3,588,603	7,490,607
Genç Parti	583,482	3,473,266	4,056,748
Aydınlık Türkiye Partisi	6,922	0	6,922
Emek Partisi	90,377	0	90,377
Türkiye Komünist Partisi	356,111	0	356,111
Halkın Yükselişi Partisi	125,510	0	125,510
Liberal Demokrat Parti	4,285	0	4,285
Bağımsız Türkiye Partisi	76,085	0	76,085
Saadet Partisi	800,938	0	800,938
Özgürlük ve Dayanışma Partisi	217,938	0	217,938
İşçi Partisi	453,513	0	453,513

Table B.12: Income of electoral parties in 2007

Party-2007	Private Income £	Public Funding £	Total Income £
Adalet ve Kalkınma Partisi	28,073,395	53,304,165	81,377,560
Cumhuriyet Halk Partisi	6,779,800	30,144,104	36,923,904
Demokrat Parti	2,811,091	14,792,600	17,603,692
Milliyetçi Hareket Partisi	4,982,761	12,997,631	17,980,393
Genç Parti	532,272	11,271,893	11,804,165
Emek Partisi	86,054	0	86,054
Halkın Yükselişi Partisi	242,367	0	242,367
Aydınlık Türkiye Partisi	9,914	0	9,914
Liberal Demokrat Parti	6,156	0	6,156
Bağımsız Türkiye Partisi	122,263	0	122,263
Saadet Partisi	973,514	0	973,514
Türkiye Komünist Partisi	261,911	0	261,911
Özgürlük ve Dayanışma Partisi	205,836	0	205,836
İşçi Partisi	582,358	0	582,358

Table B.13: Income of electoral parties in 2008

Party-2008	Private Income £	Public Funding £	Total Income £
Adalet ve Kalkınma Partisi	20,622,202	15,700,388	36,322,590
Cumhuriyet Halk Partisi	8,302,733	7,035,116	15,337,848
Milliyetçi Hareket Partisi	2,331,514	4,809,817	7,141,331
Türkiye Komünist Partisi	294,215	0	294,215
Millet Partisi	58,324	0	58,324
Liberal Demokrat Partisi	3,643	0	3,643
Büyük Birlik Partisi	299,620	0	299,620
Doğru Yol Partisi	7,520	0	7,520
Saadet Partisi	804,886	0	804,886
Hak ve Eşitlik Partisi	116,436	0	116,436
Demokratik Sol Partisi	3,476,809	0	3,476,809
Demokrat Parti	4,485,258	0	4,485,258

Table B.14: Income of electoral parties in 2009

Party-2009	Private Income £	Public Funding £	Total Income £
Adalet ve Kalkınma Partisi	13,755,357	28,540,838	42,296,194
Cumhuriyet Halk Partisi	5,413,584	16,081,876	21,495,460
Milliyetçi Hareket Partisi	2,459,111	11,000,273	13,459,384
Türkiye Komünist Partisi	345,106	0	345,106
Millet Partisi	49,042	0	49,042
Liberal Demokrat Partisi	3,726	0	3,726
Büyük Birlik Partisi	465,478	0	465,478
Emek Partisi	99,090	0	99,090
Doğru Yol Partisi	27,148	0	27,148
Saadet Partisi	1,539,520	0	1,539,520
Hak ve Eşitlik Partisi	283,712	0	283,712
Demokratik Sol Partisi	5,283,165	0	5,283,165
Demokrat Parti	741,780	0	741,780

Table B.15: Income of electoral parties in 2010

Party-2010	Private Income £	Public Funding £	Total Income £
Adalet ve Kalkınma Partisi	11,740,411	15,963,578	27,703,989
Cumhuriyet Halk Partisi	2,351,146	7,134,970	9,486,116
Milliyetçi Hareket Partisi	1,929,552	4,890,446	6,819,998
Milliyetçi ve Muhafazak	0	0	0
Türkiye Komünist Partisi	469,139	0	469,139
Halkın Sesi	68,146	0	68,146
Liberal Demokrat Partisi	3,651	0	3,651
Büyük Birlik Partisi	357,640	0	357,640
Millet Partisi	45,921	0	45,921
Doğru Yol Partisi	15,522	0	15,522
Saadet Partisi	1,143,302	0	1,143,302
Emek Partisi	95,805	0	95,805
Demokrat Parti	3,096,970	0	3,096,970
Hak ve Eşitlik Partisi	214,361	0	214,361
Demokratik Sol Partisi	1,378,807	0	1,378,807

Table B.16: Income of electoral parties in 2011

Party-2011	Private Income £	Public Funding £	Total Income £
Adalet ve Kalkınma Partisi £	18,862,120	51,234,112	70,096,232
Cumhuriyet Halk Partisi £	9,357,565	22,962,866	32,320,431
Milliyetçi Hareket Partisi £	3,198,121	15,695,581	18,893,702
Türkiye Komünist Partisi £	356,108	0	356,108
Millet Partisi £	51,331	0	51,331
Liberal Demokrat Partisi £	3,513	0	3,513
Büyük Birlik Partisi £	455,667	0	455,667
Emek Partisi £	104,591	0	104,591
Halkın Sesi £	301,984	0	301,984
Doğru Yol Partisi £	10,151	0	10,151
Saadet Partisi £	1,076,384	0	1,076,384
Hak ve Eşitlik Partisi £	115,687	0	115,687
Demokratik Sol Partisi £	283,369	0	283,369
Demokrat Parti £	2,063,444	0	2,063,444

Table B.17: Income of electoral parties in 2012

Party-2012	Private Income £	Public Funding £	Total Income £
Adalet ve Kalkınma Partisi	9,594,995	18,677,059	28,272,054
Cumhuriyet Halk Partisi	4,619,443	9,736,902	14,356,344
Milliyetçi Hareket Partisi	1,900,621	4,875,020	6,775,641
Halkların Demokratik Partisi	930,211	0	930,211
Saadet Partisi	649,548	0	649,548
Büyük Birlik Partisi	291,521	0	291,521
Vatan Partisi	465,790	0	465,790
Hak ve Özgürlükler Partisi	31,088	0	31,088
Halkın Kurtuluş Partisi	25,760	0	25,760
Demokrat Partisi	644,591	0	644,591
Bağımsız Türkiye Partisi	57,338	0	57,338
Demokratik Sol Partisi	32,812	0	32,812
Liberal Demokrat Partisi	1,741	0	1,741
Millet Partisi	34,986	0	34,986
Doğru Yol Partisi	747.1549296	0	747

Table B.18: Income of electoral parties in 2013

Party-2013	Private Income £	Public Funding £	Total Income £
Adalet ve Kalkınma Partisi	16,918,977	19,618,470	36,537,446
Cumhuriyet Halk Partisi	11,073,382	10,227,686	21,301,068
Milliyetçi Hareket Partisi	1,881,260	5,120,744	7,002,004
Halkların Demokratik Partisi	17,014	0	17,014
Saadet Partisi	825,545	0	825,545
Büyük Birlik Partisi	382,130	0	382,130
Vatan Partisi	758,628	0	758,628
Hak ve Özgürlükler Partisi	116,697	0	116,697
Halkın Kurtuluş Partisi	25,937	0	25,937
Demokrat Parti	765,737	0	765,737
Bağımsız Türkiye Partisi	125,730	0	125,730
Demokratik Sol Parti	0	0	0
Liberal Demokrat Parti	870.2535211	0	870
Millet Partisi	37,311	0	37,311
Doğru Yol Partisi	2,578	0	2,578

PARTICIPANT INFORMATION SHEET

1. Study Title

THE IMPACT ANALYSIS OF STATE REGULATIONS ON TURKISH MINOR POLITICAL PARTIES

2. Invitation

By this information sheet, you are kindly asked to participate as an interviewee in the study of impact analysis of state regulations on Turkish minor parties. Before you decide, it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully. Please ask me, if there is anything that is not clear or if you would like more information.

Thank you for your participation.

3. What is the purpose of the study?

The study is carried out specifically to explore and explain how the state regulations (such as constitution, party law and electoral law) in Turkey influence the behaviour and electoral fortune of minor parties. The study, which is a PhD research project, started on 1st October of 2013 and is expected to end on 31st December of 2016.

Identification of Minor Parties in the Turkish Context: All registered political parties

- (1) whose arithmetic means of shares of the votes (1983-2015) are below 10%

OR

- (2) which have never taken part in elections

4.. Why have I been chosen?

There are two sequential steps in choosing participants.

The selection of political party: Firstly, the researcher has to decide a number of parties according the sampling criteria that indicate what sorts of minor parties should be included. Each strategy shown below will consist of between 1 and 3 political parties.

- a. Success
- b. Non-electoral party
- c. Latest involvement
- d. Experience
- e. Membership strength
- f. Major party

The selection of the interviewee status: Secondly, the features of the occupational status of interviewees inside the selected political parties are the main determinants of who should be involved in the study. In this respect, party leaders and deputy leaders in central and local headquarters are considered best appropriate positions to be approached under four criteria. These all increase the importance of part leaders in respect to the purpose of the study.

- a. The political culture of Turkey where party leadership have traditionally become more decisive and dominant than party ideology in appealing to the electorate
- b. Relatively more importance of leadership in the organizational structure of minor parties
- c. Professional experience and occupational knowledge of party leaders particularly about the administrative procedures of internal and external affairs
- d. Authority and responsibility of party leaders in problem identifying and solving, in deciding new strategies, in organizing and campaigning.

The interviews will be conducted within around 12-15 political parties. The expected number of participants is around 24-30. The researcher will interview with one central leader and one local leader of each selected political party.

5. Do I have to take part?

As participation is entirely voluntary, it is up to you to decide whether or not to take part. If you do decide to take part you will be given this information sheet to keep and be asked to sign a consent form. If you decide to take part you are still free to withdraw at any time and without giving a reason

6. What will happen to me if I take part?

First of all, the interview is expected to last between one and two hours.

Secondly, the interview will be recorded by audio recording.

Thirdly, the participant is expected to share his/her own ideas, opinions, comments and viewpoints about the issue of how the state regulations influence their internal and external activities. These might be subjective or organizational perspectives. The pre-defined questions will be asked by using a topic guide list and each interval between the main questions will be supplemented with further unstructured questions. The flow of supplementary questions is expected to be formed mutually by interviewer and interviewee in an interactive way.

Lastly, after the interviews end, the collected data will be transcribed in a written form as soon as possible. As mentioned in the beginning, the study aims to understand and explain the impact of state regulations on minor political parties. To do that, essentially three methodical techniques are employed for that. The analysis of interviews corresponds to one of these three methods. The other two are based on respectively legal doctrinal analysis of legal rules and court decisions, and quantitative analysis of election results. Interview strategy within the case study design adopted by this study is believed to make an important contribution to developing new and further explanations as regards the influences of state regulations on minor parties.

The data collected within the interview will be analysed in order to find new possible themes and patterns relating with the plausible mechanisms and associations existing between the law and the ongoing situation of Turkish minor parties. These themes and patterns will be defined, coded and associated by making use of each interview data jointly step by step. To do that, some pre-established analytical standards and approaches will be followed. These standards and approaches are those which have been put forward and addressed in detail so far in the Methodology of Social Sciences.

7. What do I have to do?

You only need to answer the questions that are asked throughout the interview and participate in the conversation.

8. What are the possible disadvantages and risks of taking part?

No risk is likely to happen in any circumstances. There are unlikely to be any risks and a disadvantage as a result of giving up some of your valuable time.

9. What are the possible benefits of taking part?

There is no intended benefit to the participant from taking part in the study.

10. What if something goes wrong?

You can complain if something goes wrong. The person to be contacted is the Chair of the College of Business, Arts and Social Sciences Research Ethics Committee. Indemnity Arrangements- Brunel provides appropriate insurance cover for research which has received ethical approval. The contact details can be found in the last section of this sheet.

11. Will my taking part in this study be kept confidential?

All information which is collected about you during the course of the research will be kept strictly confidential. Any information about you, your name and address will be removed so that you cannot be identified from it.

12. Who is organising and funding the research?

Harun Muratogullari, the conductor of the present study, is an independent researcher and a PhD student of Brunel University London. My PhD education fee at Brunel University is sponsored by the Ministry of Education of the Republic of Turkey.

13. What will happen to the results of the research study?

The results which are reached by the interviews will be used in my PhD thesis and other academic platforms such as conferences, publications and reports. As mentioned before, the identity of the participant will not be revealed, and the quotes excerpted from the data will not be used as causing any identification.

14. Who has reviewed the study?

The study has been reviewed by the College of Business, Arts and Social Sciences Research Ethics Committee.

15. Passage on Research Integrity

'Brunel University is committed to compliance with the Universities UK Research Integrity Concordat. You are entitled to expect the highest level of integrity from our researchers during the course of their research.'

16. Contact for Further Information and Complaints

The Researcher: Harun Muratogullari (Harun.Muratogullari@brune.ac.uk)

The supervisor: Justin Fisher (Justin.Fisher@brunel.ac.uk)

The Chair of the CBASS Research Ethics Committee: (cbass-ethics@brunel.ac.uk)

Harun Muratogullari

Thank you for your invaluable participation and contribution.

Note: The participant will be given a copy of the information sheet and a signed consent form to keep.

21 June 2016

LETTER OF APPROVAL

Applicant: Mr. Harun Muratogullari

Project Title: Interviews with the incumbent auditors of the Turkish Constitutional Court and the Court of Auditors

Reference: 3276-LR-Jun/2016- 3259-1

Dear Mr. Harun Muratogullari

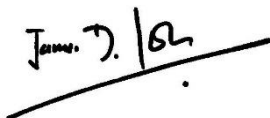
The Research Ethics Committee has considered the above application recently submitted by you.

The Chair, acting under delegated authority has agreed that there is no objection on ethical grounds to the proposed study. Approval is given on the understanding that the conditions of approval set out below are followed:

- The agreed protocol must be followed. Any changes to the protocol will require prior approval from the Committee by way of an application for an amendment.

Please note that:

- Research Participant Information Sheets and (where relevant) flyers, posters, and consent forms should include a clear statement that research ethics approval has been obtained from the relevant Research Ethics Committee.
- The Research Participant Information Sheets should include a clear statement that queries should be directed, in the first instance, to the Supervisor (where relevant), or the researcher. Complaints, on the other hand, should be directed, in the first instance, to the Chair of the relevant Research Ethics Committee.
- Approval to proceed with the study is granted subject to receipt by the Committee of satisfactory responses to any conditions that may appear above, in addition to any subsequent changes to the protocol.
- The Research Ethics Committee reserves the right to sample and review documentation, including raw data, relevant to the study
- You may not undertake any research activity if you are not a registered student of Brunel University or if you cease to become registered, including abeyance or temporary withdrawal. As a deregistered student you would not be insured to undertake research activity. Research activity includes the recruitment of participants, undertaking consent procedures and collection of data. Breach of this requirement constitutes research misconduct and is a disciplinary offence.



Professor James Knowles

Chair

College of Business, Arts and Social Sciences Research Ethics Committee
Brunel University London

21 June 2016

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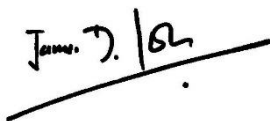
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- The Research Ethics Committee reserves the right to sample and review documentation, including raw data, relevant to the study
- You may not undertake any research activity if you are not a registered student of Brunel University or if you cease to become registered, including abeyance or temporary withdrawal. As a deregistered student you would not be insured to undertake research activity. Research activity includes the recruitment of participants, undertaking consent procedures and collection of data. Breach of this requirement constitutes research misconduct and is a disciplinary offence.



Professor James Knowles

Chair

College of Business, Arts and Social Sciences Research Ethics Committee
Brunel University London

Appendix D: Interview Topic List

1. Identification of the Party (Basic Organizational Information)

(This introductory section aims to get brief/generic responses each of which should not exceed one or two sentences.)

- Year of foundation:

- Position in the ideological spectrum:

- The number of

- Members
- Workers
- Party officials
- Active volunteers

- The recent events

Date/...../..... Topic..... Participation.....

- The number of elections involved:

- The prior knowledge about the relevant state regulations (SR) before establishing the party

.....

- The overall role of the SR in the existence of the party

.....

- The first impressions about the SR

The most operative/influential legal rules

.....

The most encountered/recurred problem about the SR

.....

The areas that have been excessively regulated

.....

The areas that have been needlessly regulated

.....

The most fundamental criticism about the SR

.....

INTERVIEW QUESTIONS-THE IMPACT OF STATE REGULATIONS ON MINOR POLITICAL PARTIES

1. Foundational Impact

Problems

- (1) What were the legal difficulties that you had to tackle with during the foundation process?
-Contested rules? -Rejection/Failure? -Amendments in documents? -Legal or other assistance?

Party program and statute

- (2) What was the role of the foundational regulations (both rules and the reviewing authorization of officials) when you prepared the content of the party program and statute in the foundation process?

Discrepancy between the rule and its operationalization

- (3) How was the efficiency and approach of state authorities in the registration process (Bureaucratic hurdles)? Did you observe any dissonance between the form of foundational rules and the way they were put into practice?

Motivation

2. Organizational Impact

Problems

- (4) What are the legal difficulties that you often face in the organizational activities of your party?
-Contested rules -organizing intra-units -policy making -selection of candidates

Independence from State Interventions

- (5) How do legal organizational impinge on your ability to organize the party as you wish?

Discrepancy between rules and capabilities

- (6) Taking into consideration the human and financial resources of the party, to what extent are you capable of conforming with the organizational rules?

Adaptability

- (7) Does the law enable you to adapt the necessary changes either you wish to make or requested by the other intra-party organizations (such as local headquarters, rank and files, central or executive committees)?

Control over the distribution of power

- (8) How do you address the role of the law in respect to the power dissemination amongst the central and local headquarters?
-party coherence/discipline -intra-party democracy

3. Financial Impact

Problems

- (9) What are the legal difficulties that you often face in the party finance?

Constraints

- (10) In what ways do the financial rules determine or confine the incomes and expenditures in your party?

Donation Cap

Foreign Contributions

Anonymous Donations

Court Auditing

- (11) How does court auditing influence the use of the financial resources of the party?

Public Funding

- (12) How does the threshold of public funding affect the campaign strategies of the party?
 - The impact on your belief in the competition between you and the funded parties

4. Electoral Impact*Main Rules and Problems Faced in Practice*

- (13) What are the legal difficulties that you often face in respect to elections?
 - the legal barriers to the electoral fortune of your party

The Threshold of Authorization

- (14) To what extent have the legal requirements of being authorized as an electoral party played a deterrent role over the participation of your party in the elections?

- Territorial diffusion (half of the provinces at minimum)

- Holding Grand Congress

- Parliamentary group

The Threshold of Representation

- (15) How does the ongoing electoral system determine/affect the beliefs and strategies of the party about the campaigning?

- Cost and benefit analysis of party officials

- Psychological impact on the party

Appendix E: The deregistered political parties from 1983 onwards

Table E.1 The parties which were deregistered by the decision of party's general congress to join another party

Party	Registration Year	Joining year	Joined Party
Milliyetçi Demokrasi Partisi	1983	1986	Anavatan Partisi
Yeni Düzen Partisi	1983	1983	Sosyal Demokrasi Partisi
Yeni Doguş Partisi	1983	1984	Anavatan Partisi
Fazilet (B) Partisi	1983	1984	Anavatan Partisi
Bayrak Partisi	1983	1992	İslahatçı Demokrasi Partisi
Sosyal Demokrat Halkçı P.	1985	1995	Cumhuriyet Halk Partisi
Vatandaş Partisi	1986	1986	Dogruyol Partisi
Hür Demokrat Parti	1986	1986	Anavatan Partisi
Halk Partisi	1986	1986	Demokratik Sol Parti
Demokrat Merkez Partisi	1990	1991	Dogruyol Partisi
Demokratik Mücadele Parti	1990	1990	Dogruyol Partisi
Demokratik Hareket Partisi	1991	1991	Milliyetçi Çalışma Partisi
Yeşil Türkiye Partisi	1991	1991	Anavatan Partisi
Özgürlük ve Esitlik Partisi	1992	1993	Halkın Emek Partisi
Butunleşme Partisi	1992	1992	Cumhuriyet Halk Partisi
Türkiye İsci Köylü Partisi	1992	1992	İsci Partisi
Demokratik Katılım Partisi	1993	1993	Sosyal Demokrat Halkçı Par.
Büyük Değişim Partisi	1993	1994	Demokrat Parti
Yeni Ufuk Partisi	1993	1993	Dogruyol Partisi
Yeni Parti	1993	1997	Demokrat Parti
Türkiye İçin Birlik Partisi	1994	1994	Anavatan Partisi
Sosyal Demokrat Parti	1994	1994	Sosyal Demokrat Halkçı Par.
Demokratik Hedef Partisi	1994	1994	Milliyetçi Hareket Partisi
Solda Katılım Partisi	1994	1994	Demokratik Sol Parti
Birliğe Çağrı Partisi	1994	1994	Milliyetçi Hareket Partisi
Genc Demokrat Parti	1994	1994	Milliyetçi Hareket Partisi
Milli İrade Partisi	1994	1994	Dogruyol Partisi
Anavatan Butunleşme Parti	1994	1994	Anavatan Partisi
Soz Milletindir Partisi	1994	1994	Dogruyol Partisi
Solda Birlik ve Butunleşme	1994	1994	Demokratik Sol Parti
Yeni Demokrasi Partisi	1994	1997	Barış Partisi
Yükselen Ülke Partisi	1995	1995	Milliyetçi Hareket Partisi
İkinci Değişim Partisi	1995	1995	Yeni Parti
Öz Adalet Partisi	1995	1995	Dogruyol Partisi
Demokratik Halk Partisi	1997	2005	Demokrat Toplum Partisi
Aydınlık Türkiye Partisi	1998	2010	Milliyetçi Hareket Partisi
Hürriyet ve Demokrasi Parti	2005	2008	Halkın Yükseliş Partisi
Sosyal Demokrat Halk P.	2002	2010	Esitlik ve Demokrasi Partisi
Yeni Türkiye Partisi	2002	2004	Cumhuriyet Halk Partisi
Bağımsız Cumhuriyet Partisi	2002	2014	Anadolu Partisi
Hürriyet ve Değişim Partisi	2005	2008	Halkın Yükseliş Partisi
Yeni Parti	2008	2012	Hak ve Esitlik Partisi
Has Parti	2010	2012	Adalet ve Kalkınma Partisi

Table E.2 The parties which were deregistered for unknown reasons

Party	Registration Year
Cumhuriyetçi Muhafazakar Parti	1983
Türkiye Komünist Emek Partisi	1993
Türkiye Adalet Partisi	1995
Türkiyem Partisi	1998
Kurtuluş Huzur Partisi	1999
Radikal Değişim Projesi Partisi	2001
Esitlik Partisi	2001
Lider Türkiye Partisi	2001
Çözüm Partisi	2001
Cumhuriyetçi Demokrasi Partisi	2002
Yeniyüzler Partisi	2002
Cumhuriyet Demokrat Türkiye Partisi	2003
Milli Demokrat Halkın Partisi	2004
Vatanserverler Partisi	2007

Table E.3 The parties which were deregistered by the decision of party's general congress to terminate permanently

Party	Registration Year	Dissolution Year
Bizim Parti	1983	1983
Bayrak Partisi	1983	1988
Buyuk Anadolu Partisi	1986	1992
Buyuk Vatan Partisi	1986	1986
Medeniyet ve Hayirseven Ekonomi ve Tarım P.	1988	1990
Cumhuriyetçi Demokrat Gençlik Partisi	1989	1994
Yeni Doguş Partisi	1989	1990
Buyuk Anadolu Partisi	1991	1994
Sosyalist Birlik Partisi	1991	1994
Ozgürlük ve Demokrasi Partisi	1992	1993
Buyuk Adalet Partisi	1995	2011
Türkiye Sultan Partisi	1996	2002
Türkiye Ozurlusuyle Partisi	1996	2003
Baris Partisi	1996	1999
Degisen Türkiye Partisi	1998	2002
Sosyalist Birlik Partisi	1999	2008
Demokrat Halk Partisi	1999	2010
Gonul Birliđi Yesiller Partisi	2000	2016
Varligimiz Parti	2001	2004
Ulusal Medeniyet Partisi	2001	2006
Avrasya Partisi	2002	2002
Türkiye Partisi	2009	2012

Table E.4 The parties which were outlawed by the Constitutional Court

Party	Registration Year	Prohibition Year
Buyuk Turkiye Partisi	1983	1983
Yuce Gorev Partisi	1983	1983
Huzur Partisi	1983	1983
Refah Partisi	1983	1998
Yesiller Partisi	1988	1994
Sosyalist Parti	1988	1992
Halk Partisi	1989	1991
Turkiye Birlesik Komunist Partisi	1990	1991
Halkin Emek Partisi	1990	1993
Dirilis Partisi	1990	1997
Sosyalist Birlik Partisi	1991	1994
Demokrasi Partisi	1991	1994
Ozgurluk ve Demokrasi Partisi	1992	1993
Sosyalist Turkiye Partisi	1992	1993
Demokrat Parti	1992	1994
Halkin Demokrasi Partisi	1994	2003
Demokrasi ve Degisim Partisi	1995	1996
Emek Partisi	1996	1997
Demokratik Baris Hareketi Partisi	1996	1998
Demokratik Kitle Partisi	1997	1999
Fazilet Partisi	1997	2001
Demokratik Toplum Partisi	2005	2009

Appendix F: The threshold of authorization in the member states of the Council of Europe**Table F: Ballot access requirements in the member states of the Council of Europe**

Country	Signature	Financial Deposit	OSCE Report/ page
Albania	(N) 5,000	-	2017: 10
Andorra	(C) 0.5% of the registered voters	-	2015: 6
Armenia	-	(N) AMD 10 million	2018: 7
Austria	(C) 100-500	-	2017: 8
Azerbaijan	(C) 450	-	2011: 8
Belgium	(C) 200-500	-	2014: 3
Bosnia	(N) 3,000	(N) BAM 20,000	2019: 12
Bulgaria	(N) 2,500	(N) BGN 2,500	2017: 11
Croatia	(C) 100	-	2015: 7
Cyprus	-	(C) €500 (in 2018)	2016: 6
Czech Rep.	-	(C) CZK 19,000	2017: 9
Denmark	(N) 1/175 of all valid votes cast	-	2015: 6
Estonia	.	(C) a minimum wage	2018: 6
Finland	-	-	2011: 8
France	<i>nad</i>	-	2017: 7
Georgia	(N) 0,75% of voters	-	2016: 9
Germany	(N) 2,000 for party, (C) 200 for cand.	-	2017: 6
Greece	-	(C) €150	2012, 10
Hungary	(C) 500	-	2018, 11
Iceland	(C) 30-40 times the number of seats	-	2017, 5
Ireland	(C) 30	(C) €500	2016: 6
Italy	(C) 375	-	2018: 10
Latvia ¹³⁸	(N) 500 (members)	(N) €1,400	2018: 7
Liechtenstein	(N) 30 (founders)	-	2017: 5
Lithuania	(C) 1,000	(N) €7,570 (C) €757	2016: 10
Luxembourg	(C) 100	-	2013: 6
Malta	(C) 4	(N) €90	2017: 9
Monaco	-	-	2012: 5
Montenegro	(N) 0.8% of the voters	-	2016: 10
Netherlands	(C) 30	(C) €11,250	2017: 9
Norway	(C) 500	-	2017: 7
Poland	(C) 5,000	-	2016: 6
Portugal	(N) 7,500	-	2009: 5
Moldova	(C) 200-1000	-	2019: 5
Romania	(C) 1% of the registered voters	-	2006: 7
Russia ¹³⁹	(N) 200,000 for federal list	-	2011: 5
San Marino	(N) 90	-	2016: 7
Serbia	(N) 10,000	-	2016: 7
Slovakia ¹⁴⁰	-	(N) €17,000	2016: 7
Slovenia	(C) 50	-	2018: 7
Spain	(C) 0.1% of the registered voters	-	2015: 10
Sweden	(N) 1,500	-	2018: 6
Switzerland	(C) 100/200/400	-	2012: 8
N.Macedonia	(C) 1,000	-	2017: 11
Ukraine	-	(N) \$50,000 (C) \$200	2014: 4
UK	-	(C) £500	2017: 7

¹³⁸ Parties are also required to be founded one year before the elections.

¹³⁹ Parties are required to nominate at least a total of 600 candidates in federal and regional lists together.

¹⁴⁰ Parties are required to nominate at least 12 candidates nationwide.

Appendix G: The letter of the Chief Prosecutor's Office of the Court of the Appeal

**T.C.
YARGITAY
CUMHURİYET BAŞSAVCILIĞI
Siyasi Partiler Sicil Bürosu**

Sayı : 51047475-2017/170

07/02/2017

Konu : Siyasi Parti Teşkilatları.

Sayın: Harun MURATOĞULLARI

İlgi : 30/01/2017 tarihli dilekçeniz.

İlgi sayılı dilekçenize konu talebiniz incelenmiş olmakla;

07.02.2017 tarihi itibarıyla 93 siyasi partinin aktif olarak faaliyetlerine devam ettiği, bunlardan Adalet ve Kalkınma Partisinin 81 ilde, Milliyetçi Hareket Partisinin 72 ilde, Cumhuriyet Halk Partisinin 81 ilde, Halkların Demokratik Partisinin 56 ilde, Anavatan Partisinin 42 ilde, Bağımsız Türkiye Partisinin 58 ilde, Büyük Birlik Partisinin 53 ilde, Hür Dava Partisinin 41 ilde, Saadet Partisinin 75 ilde, Vatan Partisinin 52 ilde teşkilatlarının bulunduğu, toplam 10 siyasi partinin 2820 Sayılı Kanununun 36. ve 298 Sayılı Kanununun 14/11. maddelerinin aradığı anlamda yeterli teşkilata sahip olduğu ve seçime katılmalarının mümkün bulunduğu anlaşılmıştır.

59 siyasi partinin merkez teşkilatı hariç il ve ilçe teşkilatının bulunmadığı 24 siyasi partinin ise çeşitli il ve ilçelerde teşkilatlarının bulunduğu ancak 2820 Sayılı Kanununun 36. ve 298 sayılı Kanununun 14/11. maddesinin aradığı anlamda il ve ilçelerde yeterli teşkilata sahip olmadıkları anlaşılmıştır.

Siyasi partiler demokratik hayatın vazgeçilmez unsuru olduğundan Anayasa ve kanuna uygun amaçlarını gerçekleştirmesi için kuruluş işlemleri ile faaliyetleri Başsavcılığımızca siyasi parti kurma ve örgütlenme özgürlüğü çerçevesinde takip edilmektedir.

Bilgilerinize rica olunur.



Haluk BEŞER
Yargıtay Cumhuriyet Başsavcısı Y.
Yargıtay Cumhuriyet Savcısı

The Republic of Turkey
The Attorney General of the Court of Appeal
The Office of Political Parties

07/02/2017

Number: 51047475-2017

Topic: The Organizations of Political Parties

Dear Harun Muratogullari

In response to your request within the given number of petition;

It has been understood that as of the date of 07.02.2017, 93 political parties continue to be active and of those; the Justice and Development Party in 81 provinces, the Nationalist Movement Party in 72 provinces, the Republican People's Party in 81 provinces, the People's Democracy Party in 56 provinces, the Motherland Party in 42 provinces, the Independent Turkey Party in 58 provinces, the Grand Union Party in 53 provinces, the Free Cause Party in 41 provinces, the Felicity Party in 75 provinces, the Patriotic Party in 52 provinces have organizations, and 10 political parties in total have enough organizations and meet the criteria regulated in article 36 of the Act 2820 and article 14/11 of the Act 298 to be capable of participating in elections.

It has been understood that 59 political parties do not have any provincial or sub-provincial organizations except for the central organizations and 24 political parties have organizations in a number of provinces and sub-provinces, but do not have enough organized branches in light of the article 36 of the Act 2820 and article 14/11 of the Act 298.

Since political parties are the indispensable actors of the democracy, their formations and activities, for the purpose of compatibility with the Constitution and the law, are administered by our Office of Attorney General in light of the freedom of party formation and organization.

Kindly submitting for your information

Haluk BESER
In the name of the Attorney General
The Attorney of the Court of Appeal

Appendix H: Definitions of some key terms used in Chapter 6

The term *electoral law* is used to refer to a set of rules governing electoral processes. The legislation on elections regulates a series of electoral affairs such as calling of elections, the registration of voters, electoral parties and independent candidates, the process of campaign, the formation of electoral committees, the formula of transforming votes into seats, drawing of district boundaries, fixing of district magnitude, the official issue of election results, objections to the reports and results etc.

Electoral system refers to such a broad concept being composed of electoral formula, apportionment method, district magnitude and legal thresholds.

Electoral formula is distinguished under three basic types: (1) Majoritarian Systems with plurality, two-ballot systems, and the alternative vote as the main subtypes, (2) Proportional Representation (PR) with largest remainders, highest averages, and single transferable vote, and lastly (3) Mixed Systems.

Apportionment method means the specific way of transforming votes into seats. While most majority systems are based on the rules of simple or absolute majorities, PR systems need to adopt a mathematical formula to allocate seats to parties in proportion to votes. There are mainly seven methods under PR: The highest average methods are d'Hondt (with divisors 1,2,3, etc.) and Sainte-Lague (with divisors 1,3,5, etc.); the largest remainders methods are Hare (v/m), Droop ($v/m+1$), and two Imperiali methods ($v/m+2$ and 3); and the single transferable vote.

Electoral district is a designated unit under which a certain number of voters are registered and assembled in translating votes into seats together (not necessarily embedded to geographic provinces). The designation may range from single seat-districts to the whole country as one district.

District magnitude (m) is the number of seats allocated to one electoral district. It may range from one to the entire size of parliament where the whole country is designated as a single electoral district.

Multi-member district is used for those where $m > 1$.

District Level Quota (q)-also known as simple quota- is the legal district threshold calculated by dividing the number of valid votes by m ($q=v/m$). For example, in an electoral district having five seats to be filled, the q would be 20 percent of the valid votes.

Legal threshold, as the minimum level of support to gain representation, can be applied either at the national level or at the district level.

Appendix I: The difference between the highest average formulas and the largest remainder formulas in producing the disproportionality

The Highest Average Formulas

Amongst the highest average formulas, the d'Hondt formula is the least proportional than Sainte-Lague and systematically works to the advantage of major parties (Lijphart, 1998: 23). It is because the d'Hondt is reactive to the index of over-representation of each party (Gallagher, 1991: 34-35). Taagepera and Shugart (1989: 69) name it '*advantage ratio*' calculated as S_s/V_s . An example can help to understand the point.

Table I.1 An example of seat distribution according to the Highest Average Formulas

Party	Votes	Apportionment of seats by d'Hondt	The Index of Representation (S_s/V_s)	Party	Votes	Apportionment of seats by Sainte-Lague	The Index of Representation (S_s/V_s)
A	180,000	4	1.33 (+0.33)	A	180,000	3	1 (0)
B	84,000	1	0.71 (-0.29)	B	84,000	1	0.71 (-0.29)
C	36,000	0	0	C	36,000	1	1.66 (+0.66)

As illustrated in Table G.1, in a district where the m is five, each party's total vote is divided by the respective divisors of the formulas (1, 2, 3, etc. for the d'Hondt and 1,3,5 etc. for Saint-Lague). The apportionments are actualized as 4-1-0 and 3-1-1 respectively. The first observation is that the d'Hondt favours the party A by giving one more seat. It produces the disproportionality against B and C. On the contrary, Sainte-Lague's disproportionality visibly occurs on the benefit of the party C. Due to that Saint-Lague uses odd numbers as divisor, it reduces more quickly the averages of those that once gain a seat by the previous division, and corollary results in the overall disproportionality in favour of minor parties which do not gain any seat so far. Nevertheless, the d'Hondt promotes bigger parties by minimizing the over-representation of each party instead of the overall disproportionality. If the apportionment had been actualized like Sainte-Lague that gives the undeserved seat of A to the minor party C, the index of over-represented C would have been 1.66, which is more than A. Hence, it thinks preferable the overrepresentation of A to that of C.

The bias of the d'Hondt in favour of major parties occurs simply because the more a party gains votes, the less its undeserved seats will be treated as over-represented. In the example, A has no even one extra vote to be rewarded that one additional seat whereas C at least merits 0.6 share of that seat with 36,000 votes. Although d'Hondt has the appearance of minimizing the over-representation of the most-overrepresented party (in this case, C), that reasoning uses a misleading indicator which both works against the parties that have no or very few seats and increases the overall D in comparison with the Sainte-Lague. In the illustrated case, the D scores of the d'Hondt and Sainte-Lague are 0.2 and 0.08 respectively.

The Largest Remainder Formulas

The basic property of these formulas is an electoral quota. Parties are granted as many seats as they have quotas, and the remaining seats are distributed to the parties with the largest remainders of votes. Amongst these quotas, the Hare quota is calculated by dividing the total number of votes by the number of seats.

Table I.2 An example of seat distribution according to the Hare quota

Party	Votes	Apportionment from the quota	Remainder	Apportionment from the pool	Total Seats
A	180,000	3	0	0	3
B	84,000	1	24,000	0	1
C	36,000	0	36,000	1	1

Table G.2 illustrates the apportionment of the seats in a district where M is five and the Hare quota is 60,000. The reason why the party C, not the party B is given one seat is not that its remainder votes is more than that of B. The case depends on such an assumption that the total remainder votes of C in the pool helps the party to gain that seat. As the example suggests, the largest remainder formula under the Hare quota ascertains proportional results nationwide. It makes representation fair and straightforward for minor parties in gaining proportional seats than they would in the highest average systems. However, that proportionality can be reduced in the largest remainder formula by devising a lower quota, like Droop ($V/m+1$) or Imperiali ($V/m+2$ and $+3$) where the quota is calculated by adding one or more to the divisor. The use of lower quotas means that there will be fewer remaining seats to be distributed in the pool. This is especially harmful for the minor parties, since the remaining votes of those parties will be awarded with fewer remaining seats (Lijphart, 1997).

Appendix K: The electoral parties with private income below 1% of the total private income of all parties

Yeniden Dogus Partisi (1999)
Sosyalist Iktidar Partisi (1999)
Demokrasi ve Baris Partisi (1999)
Degisen Turkiye Partisi (1999)
Demokratik Toplum Partisi (2002)
Yurt Partisi (2002)
Yeni Turkiye Partisi (2002)
Aydinlik Turkiye Partisi (2007)
Halkin Yukselis Partisi (2007),
Milliyetci Muhafazakar Parti (2011)
Hak ve Esitlik Partisi (2011)
Halkin Sesi Partisi (2011)
Hak ve Ozgurlukler Partisi (2015)
Halkin Kurtulus Partisi (2015)
Demokratik Parti (1999, 2002)
Ozgurluk ve Dayanisma Partisi (2002, 2007)
Dogru Yol Partisi (2011, 2015)
Turkiye Komunist Partisi (2002, 2007, 2011)
Bagimsiz Turkiye Partisi (2002, 2007, 2015)
Emek Partisi (1999, 2007, 2011)
Millet Partisi (1995, 1999, 2002, 2011)
Halklarin Demokrasi Partisi (1995, 1999, 2002, 2015, 2018)
Liberal Demokrat Parti (1999, 2002, 2007, 2011, 2015)
Vatan Partisi (1991, 1995, 1999, 2002, 2007, 2015, 2018)

Appendix L: The minor parties which have been represented in the parliament in different ways

Table L. The minor parties which have been represented in the parliament in different ways other than passing the ten percent threshold of elections from 1983 onward. *Source:* The collection of the recordings of the Turkish parliamentarians, published by the Turkish Grand National Assembly. Available at https://www.tbmm.gov.tr/TBMM_Album.htm

Party	Year	Seats	How
Demokratik Sol Parti	1986	25	By the MPs of the SHP
Milliyetçi Çalışma Partisi	1991	18	Contested under the RP (1991 Election)
Millet Partisi	1991	3	Contested under the RP (1991 Election)
Halkın Emek Partisi	1991	21	Contested under the SHP (1991 Election)
Cumhuriyet Halk Partisi	1992	17	By the MPs of DSP and SDHP
Büyük Birlik Partisi	1992	6	By the MPs of the MCP
Milliyetçi Hareket Partisi	1993	10	By the MPs of the MCP
Demokrasi Partisi	1994	16	By the MPs of the outlawed HEP
Büyük Birlik Partisi	1995	3	Contested under the ANAP (1995 Election)
Yeni Demokrasi Hareketi	1995	7	By the MPs of the SHP
Demokratik Toplum Partisi	1997	3	By the MPs of the DSP
Saadet Partisi	2001	47	By the MPs of the outlawed RP
Adalet ve Kalkınma Partisi	2001	59	By the MPs of the DYP, ANAP and SP
Yurt Partisi	2001	3	By the MPs of the DYP
Özgürlük ve Dayanışma	2002	3	By the MPs of the DSP
Büyük Birlik Partisi	2003	2	By the MPs of the MHP
Anavatan Partisi	2005	20	By the MPs of the AKP
Sosyaldemokrat Halk Partisi	2005	5	By the MPs of the CHP
Demokratik Sol Parti	2007	13	Contested under the CHP (2007 Election)
Demokratik Toplum Partisi	2007	21	Contested with independents (2007 Election)
Barış ve Demokrasi Partisi	2011	35	Contested with independents (2011 Election)
Türkiye İsci Partisi	2018	2	By the MPs of the CHP
Saadet Partisi	2018	2	Contested under the Nation Alliance (2018 Election)
Demokrat Parti	2018	1	Contested under the Nation Alliance (2018 Election)
Büyük Birlik Partisi	2018	1	Contested under the People's Alliance (2018 Election)

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- The register of Turkish Political parties, available at: <http://www.yargitaycb.gov.tr/kategori/108>
- The national laws of Turkey, available at: <https://www.mevzuat.gov.tr/>
- The financial reports of Turkish political parties, available at: <http://www.anayasa.gov.tr/icsayfalar/kararlar/kbb.html>
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