

## ДЕМОКРАТИЧНІ ІНСТИТУТИ ТА ПРОЦЕСИ

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### DEFECTIVE DEMOCRACIES – IS IT BAD OR GOOD?

*This article is devoted to the elucidation of the role of democratic «defects» in the democratic development of society. By using the concept of the German political scientist Wolfgang Merkel, who under the democratic «defects» meant some deviation from the constitutional and legal standards of modern liberal democracies, the author emphasizes the fact that such deviations can be caused by the need to protect unconsolidated democracies against threats from anti-democratic forces. The article analyzes the situation in Latvia and Turkey, the political regimes that represented a variety of defective democracies such as «exclusive democracy» (Latvia) and «tutelary democracy» (Turkey).*

**Keywords:** defective democracies, exclusive democracy, tutelary democracy, liberal democracy, defensive democracy, Latvia, Turkey.

**Романюк О.І.**

### ДЕФЕКТНІ ДЕМОКРАТІЇ – ЦЕ ПОГАНО ЧИ ДОБРЕ?

*Розглядається роль «дефектів» демократії в процесі демократичного розвитку суспільства. Використовуючи поняття німецького політолога Вольфганга Меркеля, який під «дефектами» демократії розумів певні відхилення від конституційно-правових стандартів сталих ліберальних демократій, автор наголошує на тім, що такі відхилення можуть бути зумовлені необхідністю захисту неконсолідованих демократій від загроз з боку антидемократичних сил. У статті аналізуються ситуації в Латвії та Туреччині, політичні режими яких являли такі різновиди дефектних демократій як «ексклюзивна» (Латвія) та «опікунська» (Туреччина).*

**Ключові слова:** дефектні демократії, ексклюзивна демократія, опікунська демократія, ліберальна демократія, обороноздатна демократія, Латвія, Туреччина.

**Романюк О.І.**

### ДЕФЕКТНЫЕ ДЕМОКРАТИИ – ЭТО ПЛОХО ИЛИ ХОРОШО?

*Рассматривается роль «дефектов» демократии в процессе демократического развития общества. Используя понятие немецкого политолога Вольфганга Меркеля, который под «дефектами» демократии понимал определенные отклонения от конституционно-правовых стандартов современных либеральных демократий, автор подчеркивает, что такие отклонения могут быть обусловлены необходимостью защиты неконсолидированных демократий от угроз со стороны антидемократических сил. В статье анализируются ситуации в Латвии и Турции, политические режимы которых представляли собой такие разновидности дефектных демократий, как «эксклюзивная» (Латвия) и «опекунская» (Турция).*

**Ключевые слова:** дефектные демократии, эксклюзивная демократия, опекунская демократия, либеральная демократия, обороноспособная демократия, Латвия, Турция.

One of the main trends of the modern world policy is its democratization. In the period of 1974 – 2015 the number of democratic countries increased from 39 (27.5 % of the total) [1, tab.1 on p.26] to 125 (64%) [2]. At the same time the typological differentiation of democracies in the political science increased significantly which was caused by two factors: 1) the dominant paradigm of liberal democracy, under which democratic development means moving from electoral democracy to liberal democracy by expansion of political rights and civil liberties; 2) the introduction of democratic standards, which began to use democratic governments and international organizations [3]. But new democracies do not fully meet these standards, which were copied from the institutions and norms of old liberal democracies. The «defective democracy» concept was introduced into scientific circulation by German political scientist Wolfgang Merkel to distinguish the new (imperfect) democracies from liberal ones [4]. It received conceptual development in subsequent writings by Merkel, Aurel Croissant, Peter Thiery, Hans-Jürgen Puhle [5; 6; 7; 8, 9]. In the well-known article by Merkel and Croissant «Formal Institutions and Informal Rules in the Defective Democracies» (2000), which shortly after Germany was reprinted in serious political science journals [10, 11], defective democracies are identified as: «a system of domination in which access to power is regulated through meaningful and effective universal elective regimes (free, secret, equal and general elections), but no strong guarantees of basic political and civil rights and freedoms as well as horizontal control of power and efficiency of a democratically legitimate government severely limited» [5, s.5fff]. In the literature the «defects» began to be treated as serious flaws of democratic governance, which should get rid of as soon as possible. At the same time Western democracies within its doctrine of «promoting democracy abroad» began to put pressure on the new democracies in order to force them to respect for human rights in accordance with western standards [12] But Western democracies had been moving towards such standards for decades and some for several centuries, gradually improving their institutions and regulations in accordance with the maturity of civil society, and the transforming of political culture. The rapid implementation of the same western standards in new democracies, without the maturity of civil society and the formation of democratic culture often leads to increased anti-democratic tendencies. In this regard, the

question arises: do defects «always» play a negative role in the democratic process? The *purpose* of this article is to answer this question. To test my hypothesis that the «defects» do not always play a negative role in promoting the democratic process, I will analyze the experience of Latvia and Turkey.

#### **Exclusive democracy in Latvia.**

Merkel, Croissant and Thiery identified postcommunist Latvia as «*exclusive democracy*» [6, tab.2 on p.51; 8, tab.4 on p.13]. Expanding its essence, they point out that such regime ensures the sovereignty of the people, ensure observance of universal voting rights, but one or more segments of the adult population for some reason (most frequently ethnic, religion or sex) deprived of voting rights [6, p.49; 8, p.12]. Latvia can be considered a defective democracy is due to the fact that after the restoration of state independence, the citizenship of this country has become only person who had it before Soviet occupation (June 13, 1940), their direct descendants and those who had «special Merit Latvia» [13]. Thereby, a third of the population was deprived of citizenship. Most of those deprived of citizenship, received the unique status of «non-citizens», i.e. residents of Latvia who do not have citizenship of other countries. Latvian non-citizens have no voting rights in parliamentary and local elections (although they may be in the parties and make their donations) [14].

Although these restrictions have caused a lot of criticism from international democratic organizations, especially human rights ones, but in concrete terms they were the circumstances. At the time of the restoration of Latvian independence, the proportion of Latvians among the total population of country was only 52% [15, c.124]. The majority of the other 48% were persons who had moved to Latvia during the Soviet occupation (the so-called «Russian-speaking population»). As a rule, they did not know Latvian, were not integrated into the national culture, and had a negative attitude to Latvia is acquiring their own sovereign state. If following precautions would have not been taken, the political system would become extremely confrontational, creating a real threat not only to democratic development, but also to independence. The elimination of potentially destructive elements from political decision-making contributed to the rapid establish of democratic institutions and market economy reforms. The advancement of Latvia towards democratic development is clearly demonstrated by fact that the country was admitted to NATO

(2004, April) and it became a full EU member (2004, May).

As for accusations of Latvia by human rights organizations and especially Russia about ethnocratic nature of its political regime, it should be noted that the restrictions on the political rights of migrants were based not on ethnic factor, but on loyalty to the Nation State. This is evidenced by the following: 1) not only ethnic Latvians received citizenship of Latvia, but *all* persons who had his before Soviet occupation and their descendants; 2) the migrants who took part in the national liberation movement almost immediately got citizenship; 3) the migrant's children who were born after 21 August 1991 are eligible to obtain citizenship by the fact of its birth in Latvia; 4) migrants can obtain citizenship (naturalized) for the execution of certain conditions (knowledge of Latvian language, living in the country for at least five years, and loyalty to the Latvian state) [16]. Thus, we have to recognize that restrictions on the rights of migrants in Latvia were not discriminatory, but it was a kind of quarantine dictated by the need to create favorable conditions for the formation of national statehood. These restrictions on naturalization of migrants were due to considerations of national security.

Over 25 years of Latvian independence, the number of persons who have not received citizenship has decreased almost three times. In January 2016, the persons who had citizenship of Latvia was 84.13% of the country's population, 11.75% had the status of non-citizens, 2.61% were Russian citizens, 1.51% were citizens of other countries [17]. However, the rapid elimination of «exclusive» defect had negative consequences. Because of the inclusion of migrants to the electoral process there increased the electoral base of anti-systemic parties: procommunist Socialist Party of Latvia and pro-Russian «Russian Union of Latvia», which are: against the country's integration into European and Euro-Atlantic structures; for cancellation of political restrictions on former communist regime officials and employees of the Soviet secret police; for to declaring Russian a second official language and the transformation of Latvia into state with two autonomous ethno-cultural communities (Latvian and Russian). These parties were a great success in municipal elections in major cities of Latvia, which is a significant proportion of «Russian-speaking population». In 2009 municipal elections in Riga, the pro-Russian politician Nils Ušakovs was elected mayor of the capital (in 2013 he was re-elected),

and his association «Harmony Centre» won 26 seats out of 60 in the Riga City Council. Strengthening of destructive elements in the political system deteriorated the stability of the political situation. The situation was particularly alarming after the Russian leadership adopted the doctrine of «Russian World», which intensified the activity of destructive forces. A lot of organizations of «Russian-speaking population» openly supporting the Kremlin's aggressive policy, demand abolition of economic sanctions on Russia and conduct anti-government and anti-state propaganda. In Latgale (eastern region of Latvia near the Russian-Latvian border), pro-Russian activists frankly campaign for an accession this region to Russia [18]. In Latvian public life and the media is increasingly discussed the presence of Russian «fifth column» in Latvia.

#### **Tutulary democracy in Turkey.**

The political regime that has been functioning in Turkey for a long time was defined by Puhle as «*tutulary democracy*». This definition describes that democratic governance gets the *tutelage* of certain external forces, most all military. Puhle believes that such regime was installed in Turkey by Atatürk [9, p.12]. However, it was not possible to about democracy (even a defective one) in Turkey until 1950. In fact, Atatürk did much for modernization and westernization of the country. Under his leadership a series of major political, social and cultural reforms were conducted: the sultanate and caliphate were abolished, a Republic was proclaimed, new criminal and civil codes were adopted after the European model, voting right were granted to women, state and education became secular, feudal titles and forms of address were abolished, and surnames were introduced, the alphabet was latinized, everyday life underwent Europeanization, national banks and national industry were created. Political resistance of the regime of Atatürk was led by the Republican People's Party (RPP) established in 1923. Atatürk tried to introduce multi-party system in Turkey three times, but soon after their establishment the new parties gained Islamist nature threatening a secular state. Consequently, these political parties were banned, and Turkey's political regime based on one-party system until 1950.

The democratization of Turkey took place after the death of Atatürk (1938) in context of the second (short) wave of the global process of transitions to democracy caused by result of the Second World War [19, p.18-19]. After the war,

Turkey was introduced freedom of organizations (except Communists and Islamists). The transition to electoral democracy was the result of the parliamentary elections in 1950 won by the opposition Democratic Party (DP). It formed a government led by Adnan Menderes. However, the DP, acquiring power democratically, began to abandon democratic governance. It began actively to use nationalist and Islamist rhetoric and practice («Istanbul pogrom» in 1955). A number of unconstitutional laws were adopted: a restrictive law in the information provided legally responsible for any anti-government message (1954), a law to ban any closed or open protests at public meetings and demonstrations (1956). On the eve of parliamentary elections in 1957, the DP managed to introduce the majority election system; thus, it received fewer votes than the opposition but won an absolute majority in the Majlis. Trying to suppress by government mass demonstrations of students and professors of the

University of Istanbul in the spring of 1960 the government put the country on the brink of a civil war. Such developments of political situation forced the army to act.

The army in Atatürk's time was the force on which he relied, pursuing a modernization of Turkey. It suppressed anti-government riots and conducted a large educational and cultural work. But Atatürk strongly opposed a direct involvement of the military in political life [20, c.55–56]. After the transition to electoral democracy, the army did not intervene in politics for a long time, being an autonomous structure. However, the army made a political coup with a real threat of civil war (May 27, 1960). Since then, the political system Turkey has become a cyclical functioning, which can be defined as «tutelary democracy». Because of the threats of a civil war or Islamization of the country, the army took power in their hands, but electoral democracy was restored after a short period of military rule (tab.).

Table 1.

**Turkish political coups and their consequences**

Political coups	Its causes	Its consequences	Restoration of Democracy
1960 military coup (May 27)	Usurpation of power by the Democratic Party and its Adnan Menderes government; adoption of unconstitutional laws; inciting religious and ethnic contradictions (Istanbul pogrom in 1955); repressions against opposition, and threat of civil war, attempt to turn foreign policy toward Soviet Union.	Elimination of Menderes government; transition of power to military «National Unity Committee»; conviction of Menderes and two members of his government to death; adoption of the Constitution of 1961.	1961 parliamentary elections (October 15)
1971 military coup (March 12)	Failure democratic government to cope with the strengthening of political extremism; strengthening of radical right-wing («Grey Wolves») and left-wing (Workers Party of Turkey) political forces; a threat of civil war.	Elimination of Suleyman Demirel government; formation of Nihat Erim non-party civil government; suppression of extremist forces.	1973 parliamentary elections (October 14)
1980 military coup (September 12)	Legal incapacity of the parliament, inability of the parliament to elect president of Republic, an extreme aggravation of relations between the major political parties, an unprecedented wave of political violence.	Elimination of Suleyman Demirel government again; transfer of power to National Security Council for three years; introduction of martial law throughout the country; adoption of 1982 Constitution and several laws that greatly increased the influence of the army in society; dissolution of many older parties and removal of their leaders from politics.	1983 parliamentary elections (November 6)
1997 military memorandum (February 28), so the title «Post-modern coup»	A real threat Islamization of Turkish society and the loss of secular state by Necmettin Erbakan government and the ruling Welfare Party.	Elimination of pro-Islamic Erbakan government by military; ban of Welfare Party by Constitutional court; forming a coalition civil government without radical Islamists.	1999 parliamentary elections (April 18)

The victory of new pro-Islamist Justice and Development party (*turk.* AKP) in 1982 parliamentary elections brought an end to tutelary democracy. It became the first Turkish party to win an outright majority in the Grand National Assembly (363 seats out of 550) in 11 years. This success was secured by the AKP in the parliamentary elections of 2007 (341 out of 550) and 2011 (327 seats out of 550). The General Prosecutor of Turkey twice attempted to ban the AKP in 2002 and 2008 for the Islamist trend in its activities, but they were not successful because the Constitutional Court did not have the necessary votes for this. The AKP, with the absolute majority in parliament and his government, was concentrated gradually in its own hands of other government institutions, removing the army from politics. For this purpose it conducted constitutional referendums in 2007 and 2010. As a result of the referendum in 2007, the significant changes were made to the Constitution. President was to be elected in a general election and he has the right to be re-elected. Parliamentary cadence was reduced from 5 to 4 years. The Mailis quorum was reduced by half (from 2/3 to 1/3). The consequence of the 2010 referendum was a significant restriction of the jurisdiction of military tribunals, an introduction of opportunities to try the military in civilian courts, a ban of trying civilians in military tribunals (except in time of war), the exclusion of the article about the military justice system from the constitution, the abolition of exemption from justice of organizers of a military coup in 1980.

The loss of the army is tutelary function had the effects of an increasing trend of Islamization of the Turkey and authorization of its political regime. The power began to concentrate in the hands of the AKP and its leader Recep Erdoğan, who was prime minister from March 2003 to August 2014 and elected President of the Turkish Republic in the first direct presidential election (August 10, 2014). The Erdoğan ruling is characterized by large-scale repression against military officers as well as intellectuals, university professors and journalists, who were disloyal to his regime. In recent years, hundreds of opponents of Erdoğan regime were imprisoned on dubious charges of terrorism. In the wake of corruption allegations against the government, thousands of police officers, judges, and prosecutors were reassigned during 2014, and the government passed laws to gain more control over the courts as well as the Higher Council of Judges and Prosecutors, the

body responsible for judicial appointments. The last Turkish elections are criticized by the opposition and international democratic organization [21]. The military attempt to overthrow the Erdoğan regime in July 2016 did not succeed, although the possibility of such cases in future is not excluded [22].

**Defective democracies in the context of the defensive democracy concept.** The experience of Latvia and Turkey corroborates the hypothesis that all non-consolidated democracies tend to defects. The lack of common principles of social and political development, as well as idea about the optimal structure of the political system and its regulations necessitate a certain retreat from the standards of liberal democracy. The restrictions of political rights and civil liberties of certain groups or individuals, or their exclusion from the electoral system, the distortions in the system of separation of powers and horizontal accountability, the appearance of «power veto» can be caused by the need to avoid a civil war or the coming to power of democratically anti-democratic forces. Obvious examples of the use of democratic procedures by anti-democratic forces are coming to power of Hitler in Germany (due to the victory of the Nazi party in elections to the Reichstag in 1932) and Putin in Russia (for results of the presidential elections in 2000). In both cases the elections were free, competitive and general, i.e. they were democratic. If Weimar Germany had not canceled the ban of the Nazi party (for the sake of democratic reasons) and of postcommunist Russia would have passed a law on lustration that would forbid functionaries of the previous communist regime and its security services to hold public office (as it was in Poland and the Czech Republic), it could have prevented major disasters of the past and modern times. The result of these considerations is the conclusion that the present dominant paradigm of liberal democracy should be adjusted to the foundations of the defensive democracy concept. Without denying the fundamental position of the liberal paradigm according to which the level of democracy – is determined by implementation of civil rights and political freedoms in social and political life, defensive democracy concept emphasizes the fact that there are fuse for use in own purposes of these rights and freedoms by antidemocratic forces. But restrictions of political rights and civil liberties are not only contrary to democratic principles and orientations of social development, if: 1) they are forced, i.e. they are

applied under threats to democratic development; 2) they do not cancel (at least, temporarily cancel) political pluralism and a competitive system of powers obtaining; 3) their level is corresponds to these threats; 4) they should have the quarantine goal and designed to last over period of eliminate the thereats that led to their introduction.

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