The Role of Political Parties in Democratization:

the Cases of Turkey and South Africa

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Introduction

Democracy by its nature cannot exist without elections to express the will of the people being governed.[[1]](#footnote-1) Successful elections are largely a function of political parties strong enough to inform and mobilize the electorate.[[2]](#footnote-2) Thus, modern democracy is not possible outside of the political parties that carry it out.[[3]](#footnote-3)

[P]olitical parties remain the best instrument to fulfill vital functions in democratic polities. At their best, they structure political choices in democratic elections, recruit political leadership, provide a channel of communication between society and state institutions and, crucially, aggregate social interests into political platforms. In their electoral and aggregative functions, in particular, they are not likely to be replaced by other civil society groups, no matter how active and vibrant the latter may be.[[4]](#footnote-4)

Democracies depend on the buy-in of political parties that are willing to "accept open-ended governance outcomes" in which their share of power is not guaranteed.[[5]](#footnote-5) Political parties can be especially important for "pacted democratizing transitions," in which parties can be expected to "deliver on promises made" and "keep members and constituents in compliance with pact principles."[[6]](#footnote-6) Competition between parties can also be an "engine of democratic deepening" by motivating extension of suffrage to widen political bases.[[7]](#footnote-7) But political parties can also at times be detrimental to democratization, for example, by reinforcing authoritative regimes,[[8]](#footnote-8) especially in transitional democracies.

To a large extent, the nature of a political regime shapes the ability of parties to participate effectively in a democracy.[[9]](#footnote-9) "The state is what one rules, regimes are how one rules, and government is the group of individuals who rule. In short, regimes are the rules governing the distribution of power and the relationships between the agents of power in polities."[[10]](#footnote-10) But a party itself may also be able to affect regime change during times of government transition.[[11]](#footnote-11) Ultimately, a political party's ability to compete effectively is dictated not only by the rules of the game, so to speak, but also by a party's ability to harness resources and infrastructure to mobilize the electorate.[[12]](#footnote-12)

This paper analyzes the rules and access points that liberate or inhibit successful political party participation in two transitional democracies, Turkey and South Africa. It examines the constitutional and legal rights and protections, or lack thereof, afforded to political parties in order ultimately to discover how they promote or restrain democracy. For this ultimate goal, it is important to keep in mind that "[w]hat makes democracy *possible* is not the same thing as what makes democracy *more democratic*."[[13]](#footnote-13) Although both dimensions are arguably expressed at various points in this paper, because the paper focuses on *transitional* democracies, much of the analyses necessarily centers on what can make democracy *possible* in these two countries.

For a comparative analysis, Turkey and South Africa might seem miles apart. However, they are both democracies in transition. They are both what many scholars consider the best representatives of successful democratic transitions in their respective cultural-political peer state groups – that is, majority-Islamic countries in the case of Turkey and sub-Saharan or at least southern African nations in the case of South Africa.[[14]](#footnote-14) They also both face specific challenges with societal divisions and how best to deal with those divisions politically. In the case of Turkey, the division centers on religious expression and its place in politics,[[15]](#footnote-15) although divisions with ethnic minorities have also surfaced with Turkey's Kurdish population. In the case of South Africa, problems center on ethnic divisions caused both by South Africa's cultural diversity and its apartheid past. Both of the transitions to democracy were also effectuated with well-established political infrastructure already in place from prior regimes.[[16]](#footnote-16)

There are, however, significant differences between these two countries that require mentioning. First of all, although both countries transitioned to democracy from authoritarian regimes, Turkey never suffered periods of colonialism from imperialistic powers,[[17]](#footnote-17) whereas South Africa was one of the last African countries to shed the shackles of its colonial heritage and suffered great consequences in the form of apartheid because of it.[[18]](#footnote-18) Consequently, Turkey has labored under various democratic regimes for many decades,[[19]](#footnote-19) while South Africa has only experienced completely open elections since 1994.[[20]](#footnote-20) The particular social divisions that the two countries encounter are different from each other, although not unique in terms of the types of social divisions typically encountered by nascent or even established democracies. Turkey has experienced, however, a number of internal military interventions in its democratic governance, although each intervention was relatively short and ultimately led to the return of the country to civil democratic hands.[[21]](#footnote-21) Although South Africa has not experienced military interventions, the majority of its people did suffer extreme oppression under apartheid for more than forty years and less formalized oppression for much longer.[[22]](#footnote-22) Ultimately, the two countries are ripe for research because of their success at democratization relative to their peer states and also because the challenges they still face with social division over religious and ethnic issues are common challenges to democracies, particularly transitional ones.

This paper analyzes Turkey and South Africa separately in turn and then concludes with some comparative observations about the relative success or failure of their efforts at democratization. In analyzing any country's transition to democracy, it is, of course, important to understand the historical context and social, cultural, and political impetuses that fomented democratization and then nurtured or inhibited that growth. Thus, analysis of each country will begin with a summary of these factors to appropriately contextualize their transitions. Secondly, because the crux of this paper is the systemic features, particularly the constitutional facets, that encourage or discourage democratization through the vehicle of political parties, each country's analysis will then proceed with a review of the constitutional and legal rights and limitations affecting their political parties. Particular attention will be paid to party formation and dissolution, the range of political expression allowed, the ability of parties to truly represent their constituencies, and factors affecting the ability of parties to effectively compete with each other, such as laws governing party funding. The paper will conclude with a comparative review of how the two countries address similar problems, how they deal with unique problems, and the relative success of their approaches.

I. The Republic of Turkey

In order to fully understand the unique modern political landscape of Turkey, it is necessary to know something about the social, cultural, and political forces that forged the country. Turkey sits at the crossroads of what is traditionally thought of as East and West, with Greece, a cradle of Western civilization, on its Western border, and Iraq, Syria, and Iran on its southern and eastern borders. Consequently, although Turkey was committed to religious rule while part of the Ottoman Empire, Western influences pushed Turkey toward political independence in both positive and negative ways. Turkey is now considered to have more democratic attributes than any other Middle Eastern or majority-Muslim country[[23]](#footnote-23) – it has even applied for membership in the European Union.[[24]](#footnote-24) Some of the means by which Turkey has sought democracy, however, are arguably not so democratic. Turkey has experienced a series of military interventions in response to political violence, swung between periods of single party authoritarian dominance and political fragmentation, and used nationalism and secularism in extreme ways at times to oppress minority political groups. Turkey's historical influences, especially those of its founder, inform its political evolution and the way it parses political power today.

A. *Turkey: History and Origins of Political Parties*

Originally as the heart of the Ottoman Empire and its hub,[[25]](#footnote-25) Turkey was ruled by Sultans (monarchs) who, starting in 1517, were also self-proclaimed Caliphs (successors to the Muslim Prophet).[[26]](#footnote-26) However, the Ottoman Empire at its height encompassed all of the Mediterranean coast from Greece to all of north Africa, Egypt, the coast of the Red Sea, a deep section of the Middle East extending to the Persian Gulf, and land north to Russia. Non-Muslim groups were allowed to preserve their own cultural identities within the Empire,[[27]](#footnote-27) and Western powers eventually came to wield great influence on Ottomans.[[28]](#footnote-28) In the end, the Turkish came to see both the monarchy and religious rule as detrimental to their progress.[[29]](#footnote-29)

Even prior to the founding of the Republic of Turkey, political parties had been in existence in the Ottoman Empire for several decades.[[30]](#footnote-30) A type of feudal land system, which enabled elites to bid on the privilege of collecting taxes from various regions, turned into a desire by those elites to influence political decisions in the Empire. [[31]](#footnote-31) The feudal-type system also led to a weak central government and laid the foundation for the political networks that later enabled the independence movement.[[32]](#footnote-32) The Ottoman Empire also had a history of rotating administrative personnel between the capital and the provinces, which also ultimately helped build a political network for use by parties and later opposition movements.[[33]](#footnote-33) Coupled with Western influences, this led to the establishment of a constitutional monarchy and the Ottoman Empire's first European-modeled constitution in 1876,[[34]](#footnote-34) along with the establishment of an indirectly-elected parliament the following year.[[35]](#footnote-35) What followed were several "Constitutional Periods" during which various reforms and concessions were made. Signs of a two-party system began to emerge even in the First Constitutional Period; the first parliament was divided mainly on the role of the state and whether it should expand or contract.[[36]](#footnote-36) The first parliament was relatively weak, however, and served at the Sultan's pleasure.[[37]](#footnote-37) It was subsequently disbanded in 1880.[[38]](#footnote-38) The thirty years that followed the constitutional monarchy regressed into an increasingly repressive police state at the whim of the Sultan.[[39]](#footnote-39)

In the wake of this, several important political groups "formed in opposition to Ottoman autocracy," including the Committee for Union and Progress (CUP), founded in 1889.[[40]](#footnote-40) The CUP initially formed as a secret organization and would later become one of the most influential political groups in Turkey's history.[[41]](#footnote-41) "It is significant that Mustafa Kemal, founding father of the Republic, became active in politics and in the Committee of Union and Progress (CUP) movement at this time."[[42]](#footnote-42) With the support of key Ottoman army members, the CUP forced the Sultan to reinstate the constitution and reopen Parliament in 1908.[[43]](#footnote-43) Thus, the Second Constitutional Period began, and it lasted until 1918.[[44]](#footnote-44) The new parliament secured increased powers via amendments to the 1876 constitution, including the rights to initiate legislation, conclude treaties, and depose cabinets.[[45]](#footnote-45) Accountability of the grand vizier and his now self-appointed cabinet was also shifted from the sultan to parliament.[[46]](#footnote-46)

This period also saw the first real birth of opposition parties within the constitutional monarchy, although the CUP maintained a grip on power.[[47]](#footnote-47) The CUP leaders and activists were mostly urbanized bureaucrats, army members, and intelligentsia who advocated strengthened, centralized government and secularism.[[48]](#footnote-48) In catalyzing a political network strong enough to challenge the Sultan and bring constitutional and parliamentary reform, CUP had to tap the network of rural provincial nobles, who tended to be both anti-centralization and anti-secularism.[[49]](#footnote-49) This center-periphery conflict came to define the Turkish political arena into the modern day;[[50]](#footnote-50) in the face of a shrinking empire, the CUP more fervently advocated nationalism and a strong central government, while provincial nobles understandably were loath to yield any more of their own power to a centralized government.[[51]](#footnote-51) The CUP was unable to consistently count on the votes of provincial nobles in parliament, and opposition parties started forming and creating organizational networks to challenge CUP's policies.[[52]](#footnote-52) One such party was the People's Party, established in 1910 with an Islamist bent.[[53]](#footnote-53) That party banded with two others to form a new party and defeat a CUP candidate in 1911, after which the CUP began resorting to intimidation to ensure its grip on power.[[54]](#footnote-54) When even that failed to guarantee its control over policy-making, the CUP ceded some of its parliamentary power gains back to the executive branch and essentially ensured the collapse of competitive politics and guaranteed its own authoritarian rule until end of the Second Constitutional Period in 1918 when the Ottoman Empire was defeated in World War I.[[55]](#footnote-55) That began a cycle that would continue in Turkish politics in the decades to come.

Turkey as we now know it is essentially what remained of the Ottoman Empire after the World War I.[[56]](#footnote-56) Prior to the war, the Ottomans were already struggling to keep their empire together in the face of disagreement among internal political parties, separatist insurgencies on various fronts, and pressures from the Great Powers of Europe and Russia to make land concessions and form strategic alliances.[[57]](#footnote-57) When World War I began, the Ottoman army had already been under the control of Germany – at the request of the Ottoman Empire – for retraining after the Ottoman's devastating defeat in the Balkans War.[[58]](#footnote-58) Although the Empire, largely because of economic reasons, signed a formal alliance treaty with Germany after World War I began, it was with initial reluctance that it actively engaged in the war.[[59]](#footnote-59) The Ottoman cabinet even tried to propose an alliance with the Allied Powers after the treaty with Germany had been signed, but their proposal was cursorily rejected, the Allied Powers having already decided to carve up the Ottoman Empire for themselves.[[60]](#footnote-60)

One of few successful Ottoman military commanders during World War I, Mustafa Kemal Pasha, later known as Atatürk, warded off the British navy from the Gallipoli peninsula in the Mediterranean Sea, a crucial point of defense against invasion of Istanbul.[[61]](#footnote-61) At the end of the war, what was left of the Empire faced divvying by the Allied Powers.[[62]](#footnote-62) All the political parties had to band together in order to maximize their resources to protect their independence, and ideological differences were at least temporarily set aside.[[63]](#footnote-63) They were successful at preserving what now remains as Turkey largely because of the leadership of Mustafa Kemal, who led a nationalist movement abolishing the Sultanate and founding the Republic of Turkey.[[64]](#footnote-64) Consequently, he became the leader of the new Republic and the head of the new Republican People's Party (RPP), which ruled Turkey unchallenged for the first thirty years of the Republic.[[65]](#footnote-65) Mustafa Kemal can be considered the father of Turkey.[[66]](#footnote-66) His political ideology left a lasting impression on Turkey[[67]](#footnote-67) and ultimately enabled Turkey's democratization.

That the Republic was born in the wake of a severe contracting of the Ottoman Empire and after an independence struggle against imperialistic carving-up had an effect on the political environment and regime that emerged under Mustafa Kemal, which was characterized by both intense secularism and intense state protectionism. The RPP was based on "the Six Arrows, or ideological tenets, of Ataturk's Republican People's Party (RPP) (republicanism, nationalism, populism, secularism, revolutionism and etatism)," which "represented … a *post facto* summing-up of achievements."[[68]](#footnote-68) This fits with the RPP's view of itself as a movement rather than a party.[[69]](#footnote-69) Mustafa Kemal did make sweeping changes that arguably made the Republic much more democratic, including universal male suffrage, which was extended to females in 1934, and strict secularism.[[70]](#footnote-70) The Sultanate had, of course, been abolished before the Republic had been declared, but to promote secularism and squelch potential Islamist sympathizers of the Sultan/Caliph, the Caliphate was also abolished in 1924.[[71]](#footnote-71) At the same time the government closed all medreses and other religious schools and mandated secular education, and later reforms abolished Sharia courts, the fez and turban, and the Islamic calendar.[[72]](#footnote-72) One scholar argues that the RPP invoked secularism to squelch opposition and maintain party dominance.[[73]](#footnote-73)

The lack of challengers to the RPP was at first the party's own design and not for lack of opposing viewpoints. Mustafa Kemal refused to associate the new party with any particular political ideology, which some scholars argue allowed him to minimize opposition to the sweeping changes he made.[[74]](#footnote-74) The viewpoint of democracy held by Turkish elites was not that it was a system for representing and reconciling opposing interests but that it was "an intellectual debate with the intention of determining the best policy."[[75]](#footnote-75) Early on, Mustafa Kemal considered political parties not to be parties at all but rather factions that damaged the nation when they sought prioritization of their members' interests over all others.[[76]](#footnote-76)

Nevertheless, opposition to Mustafa Kemal's principles began to coalesce. The first opposition group, formed in 1924 by Ataturk's own associates under the name Progressive Republican Party, quickly became a rallying point for opponents to his ambitious reform programme including monarchists, separatists and Islamic conservatives and was dissolved in the backlash against the Kurdish rebellion of 1925. Another opposition group, the Free Party of 1930, formed with Ataturk's specific encouragement by his close friend Fethi Okyar, was dissolved within a few months - having soon become too popular for Ataturk's liking and, once again, encouraged more fundamental religious - conservative opposition.[[77]](#footnote-77)

The Free Party lasted only three months.[[78]](#footnote-78) Political elites in Turkey were incentivized to create one main opposition party to challenge the dominant RPP, which had been in power for two decades.[[79]](#footnote-79) The same provincial political network that enabled the CUP's opposition to the Sultanate was harnessed to successfully challenge Mustafa Kemal's incumbent RPP and create a trans-national network of political elites.[[80]](#footnote-80) New RPP leader Ismet Inonu initially tried to create "controlled opposition" by allowing an independent group within the RPP.[[81]](#footnote-81) Irregularities in a 1946 election, however, "guaranteed the defeat of the newly-founded Democratic Party ...."[[82]](#footnote-82) In 1950, Inonu allowed actual free and competitive elections, and despite his surprise at the "overwhelming Democratic [Party] victory," – an almost 84 percent parliamentary majority[[83]](#footnote-83) – he resisted calls from the military to set aside the election and resigned his presidency peacefully, completing one of the most crucial steps in Turkey's evolution toward democracy.[[84]](#footnote-84) The 1950 election brought social issues to the forefront, and voter turnout reached eighty-nine percent.[[85]](#footnote-85) "[I]n the 1950s, it was the center-right Democrat Party that first brought Islamic claims to the political sphere in terms of human rights and respect for culture."[[86]](#footnote-86)

Although the decades that followed fostered a pluralism of parties, they also bore three military interventions. Unfortunately, despite the advance to free and competitive elections, the Democratic Party (DP) quickly replaced the RPP as another dominant authoritarian party. Beginning in 1950, the DP won victories in three successive elections and then began encouraging rioting at opposition party rallies, which it would then call on the military to suppress.[[87]](#footnote-87) The military was unwilling to be co-opted and imposed a military junta, banning the DP[[88]](#footnote-88) and using a special tribunal to execute its leader.[[89]](#footnote-89) But the military also fostered a new constitution, new laws for the 1961 elections, and the exiling of extremist military leaders who did not want to return control to a civilian democracy.[[90]](#footnote-90) However, "[a]fter 1961, the military acquired the constitutional right to constrain civilian decision-making processes through the institution of the National Security Council, a body of military and civilian leaders possessing what amounted to veto power over cabinet initiatives."[[91]](#footnote-91) A new party, the Justice Party, coalesced enough support within a few years to replace the DP as the new dominant party for the next few election cycles.[[92]](#footnote-92) By 1971, after violent extremist demonstrations, the military again intervened and forced the Justice Party's prime minister to resign.[[93]](#footnote-93) In the first few years after the first military intervention as well as during the 1970s after the second military intervention, Turkey experienced a plurality of parties and was ruled by coalition governments that became increasingly polarized and, in the wake of the resulting political violence and domestic terrorism, slung blame instead of making compromises.[[94]](#footnote-94)

In 1980, once again after escalating violence, the military ruled for three years and oversaw the creation of new political parties after banning *all* of the old ones.[[95]](#footnote-95) In the interim, the National Security Council (NSC) banned former political leaders from seeking office, vetoed most other candidates, and created two parties predicted to be favorable to military interests, headed by a retired general and a former bureaucrat.[[96]](#footnote-96) However, in the 1983 election voters installed the Motherland Party, the only party not "beholden to the outgoing military regime,"[[97]](#footnote-97) which the NSC had allowed to participate "on the assumption that it would not win enough popular support to alter the political outcome preferred by the military."[[98]](#footnote-98) The Motherland Party became the first party outside the traditional political cleavages in Turkey to gain dominance, which it held during the 1980s.[[99]](#footnote-99) The two traditionally dominant parties (along the center-periphery divide), after being banned by the military in 1980, fragmented into several groups; but once they began to resolidify their voter bases and a referendum allowed former political leaders to participate again, coalition and minority governments dominated in the 1990s, and more radical parties began to emerge.[[100]](#footnote-100) From 1995-97 for the first time a pro-Islamist party held the largest slice of the electoral pie.[[101]](#footnote-101) After a soft coup in 1997, the military implemented some extreme secular mandates that many Turks found oppressive to their practice of Islam, causing the military to lose much support.[[102]](#footnote-102) In combination with the Copenhagen criteria for Turkey's European Union membership, which required a removal of military influence from the political sphere, the military's power shrank and political freedom expanded.[[103]](#footnote-103)

Unfortunately, the late 1990s bore increased political fragmentation and polarization, economic and social crises, and widespread political corruption.[[104]](#footnote-104) In the wake of this, the Justice and Development Party (JDP), also known as the AK Parti, came to power after moderating its politics and won enough seats in the 2002 national elections "to form a single party government"[[105]](#footnote-105) – thus returning Turkey to a dominant-party system.[[106]](#footnote-106) The JDP was the offspring of the Welfare and Virtue parties, which were abolished by the Constitutional Court for violating secular principles.[[107]](#footnote-107) The party is primarily sustained by the Islamic bourgeoisie, a first generation college-educated and urbanized business class, which has roots in provincial towns and villages and grew out of liberalized economic policies that facilitated growth of small- and medium-sized, mostly family-owned businesses.[[108]](#footnote-108) Reflective of Turkey's long opposition party history, the JDP advocates the traditional position of government decentralization and is influenced by Islamic ideals.[[109]](#footnote-109) Pressures to make changes to facilitate Turkey's accession to the EU, as well as the traditional secularist pressures from the state, have resulted in the JDP's adamant denial of its Islamic roots.[[110]](#footnote-110) On one hand, this has led the JDP to define itself through a service-related platform rather than a religious or identity-politics platform; on the other hand, it has led some scholars to question whether Islamic politicshave truly been integrated into or accommodated by the Turkish system and others to question whether the party's conservative-democratic-not-Islamist persona is really a façade for Western onlookers.[[111]](#footnote-111) The JDP has succeeded at giving a voice to some of the traditionally, politically marginalized Turkish sectors, but some question whether the transition from identity-based to service-based politics is lasting or will revert once Turkey joins the EU.[[112]](#footnote-112) And although the party advocates increased political participation, pluralism, and decentralization, its own internal structure is democratically deficient and male-driven.[[113]](#footnote-113)

B. *Turkey: Constitutional and Legal Rights and Limitations*

The constitutional rights afforded to political parties in Turkey have waxed and waned through the tenure of several constitutions and their amendments.[[114]](#footnote-114) Some of the rights of political parties have decreased in correlation to the increase in rights of other groups, namely the military. Turkey's pending application to join the European Union has significantly affected the rights of political parties since the mid-1990s. The battle over secularism has continued, however, and in recent years has taken on constitutional dimensions as the ruling JDP has made or attempted to make many constitutional amendments.

Interestingly, the historically nationalist focus of one of the dominant Turkish political cleavages can be traced to the first constitution – the 1876 Ottoman Constitution – which stated that "[t]he Ottoman Empire … forms an indivisible whole, from which no portion can be detached under any pretext whatever."[[115]](#footnote-115) Although that constitution guaranteed many personal rights such as inviolable personal liberty, freedom of religion, the right to education, and the right to personal property, the right to assemble and form political parties is not in the Ottoman Constitution.[[116]](#footnote-116) Eligibility for public office was conditioned on knowledge of Turkish, and one entire body of the General Assembly was nominated by the Sultan and appointed for life.[[117]](#footnote-117) Political freedom was further constrained because legislative initiative was designated to the Ministers, appointed by the Sultan.[[118]](#footnote-118) After the Committee for Union and Progress (CUP) – Mustafa Kemal's first party – forced the Sultan to reinstate the Ottoman Constitution in 1908, one of the constitutional amendments they secured the following year, tacked on to the end of the Ottoman Constitution, was the right of assembly.[[119]](#footnote-119) Even then, however, groups were forbidden that "aim[ed] at injuring the territorial integrity of the Ottoman Empire … or bringing about a separation between the various Ottoman elements."[[120]](#footnote-120) Surprisingly, secret groups were also forbidden, although the CUP itself began as a secret society.[[121]](#footnote-121)

After World War I ended, in the midst of Turkey's fight to maintain its independence, the Constitution of 1921 was drafted more out of necessity than anything else.[[122]](#footnote-122) It vested executive and legislative authority in the Turkish Grand National Assembly,[[123]](#footnote-123) but it did not provide for a head of state or define any individual rights.[[124]](#footnote-124) A year later in 1922 the Sultanate was abolished; in 1923 the constitution was amended to establish Turkey as a republic, and Mustafa Kemal was unanimously elected its first president.[[125]](#footnote-125) The year after that, the Caliphate was abolished by parliament and a new constitution was adopted a little more than a month later.[[126]](#footnote-126) The Constitution of 1924 is somewhat of a combination of some of the rights and limitations outlined in the 1876 Ottoman Constitution, as amended in 1908, and a continuation of the unified legislative and executive power under the parliament in the 1921 Constitution.[[127]](#footnote-127) For example, many of the disqualifiers for public officer were the same in the 1876 Constitution and the 1924 Constitution, one of which was a lack of proficiency in the Turkish language.[[128]](#footnote-128) The 1924 Constitution provided for a President as the head of state, "elected by the Assembly from among its members,"[[129]](#footnote-129) thus providing for less democratic, indirect election. Freedom of assembly and association, however, along with traditional individual rights, are enshrined in article 70 as "among the natural rights of Turks."[[130]](#footnote-130) This provision is interesting, considering that Mustafa Kemal's Republican People's Party (RPP) squelched opposition parties until the first competitive election in 1950. Article 79, however, provides that freedom of assembly and association may be limited by law,[[131]](#footnote-131) which seems contradictory to classifying them as "natural rights." Another unique provision is Article 88: "The name Turk, as a political term, shall be understood to include all citizens of the Turkish Republic, without distinction of, or reference to, race or religion."[[132]](#footnote-132) This could be due to the Treaty of Lausanne, signed by the Allied Powers and Turkey in 1923, through which Turkey wanted to abolish certain preferences for foreigners and Westerners wanted Turkey to commit to protecting its minorities.[[133]](#footnote-133) The Treaty states, "The Turkish Government undertakes to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion."[[134]](#footnote-134) In laying out rights to be protected, however, the Treaty defines minorities as "non-Moslem,"[[135]](#footnote-135) a fact that the government and the judiciary subsequently have used in disbanding Kurdish political parties seeking minority rights.[[136]](#footnote-136) Although the 1924 Constitution proclaimed Islam as the state religion,[[137]](#footnote-137) amendments in 1937 declared a secular state and enshrined the "six principles" of Mustafa Kemal's ruling RPP.[[138]](#footnote-138)

The1924 Constitution's rights of assembly and association did eventually have political function in the peaceful transfer of power after the first truly competitive parliamentary elections in 1950, but it was a mere decade later that the Democratic Party's leash on power became too tight and led to the first military intervention. The new constitution that took force in 1961 brought many substantive changes from the prior versions. "[F]or the first time in Turkish history, a constituent assembly prepared a constitution and this constitution was accepted with a referendum" of 61.5 percent.[[139]](#footnote-139) Initial drafts of the constitution were prepared by faculty at different Turkish law schools.[[140]](#footnote-140) The 1961 Constitution created expanded descriptions of prior individual rights and some completely new ones, such as an entire section on economic and social rights, including several labor and union rights, the right to social security, and the right to medical care.[[141]](#footnote-141) One very progressive article even mandates conservation of forests.[[142]](#footnote-142) Part two of the 1961 Constitution outlines fundamental rights and duties, and section one of that part lays out general provisions for fundamental rights.[[143]](#footnote-143) Article ten states,

The State shall remove all political, economic and social obstacles that restrict the fundamental rights and freedoms of the individual in such a way as to be irreconcilable with the principles embodied in the rule of law, individual well-being and social justice. The State prepares the conditions required for the development of the individual's material and spiritual existence.[[144]](#footnote-144)

Article eleven further states that "[t]he law shall not infringe upon the essence of any right or liberty not even when it is applied for the purpose of upholding public interest, morals and social order, social justice as well as national security."[[145]](#footnote-145) These articles seem contradictory to the very military coup that led to their creation and the government's subsequent treatment of ethnic minority and religious groups marginalized from the political realm. However, in the same section on the general provisions of fundamental rights, article twelve couples the grant that "[a]ll individuals are equal before the law irrespective of language, race, sex, political opinion, philosophical views, or religion or religious sect" with the mandate that "[n]o privilege shall be granted to any individual, family, group or class."[[146]](#footnote-146) Although the state takes responsibility for ensuring the well-being and equality of its citizens, it also outlaws claims to entitlements based on special groupings, which by its nature includes those disadvantaged, marginalized, and disenfranchised. Even at the time the 1961 Constitition was written, some scholars found Turkey's commitment to providing social equality to be too ambitious, even for the most developed democracies.[[147]](#footnote-147)

Furthermore, although article nineteen guarantees freedom of religious worship "not in opposition to public order," it also states,

No one shall be allowed to exploit and abuse religion or religious feelings or things considered sacred by religion, in any manner whatsoever for the purpose of political or personal benefit, or for even partially basing the fundamental, social, economic, political and legal order of the State on religious dogmas. Those who violate this prohibition, or those who induce others to do so shall be punishable under the pertinent laws. In the case of associations and political parties the former shall be permanently closed down by an order of authorized courts and the latter by order of the Constitutional Court.

Thus, although the 1961 Constitution is the first to create specific provisions related to political parties, many of the provisions relate to *restrictions* on political parties, including the right to abolish them. The Constitution creates a Constitutional Court and a right for political parties to bring suits challenging laws as unconstitutional,[[148]](#footnote-148) but it also grants the Constitutional Court the right to permanently dissolve parties that fail to "conform to the principles of a democratic and secular republic, based on human rights and liberties, and to the fundamental principle of the State's territorial and national integrity."[[149]](#footnote-149) These provisions in the 1961 Constitution relating to political parties remain largely unchanged in the current version of the Turkish constitution.[[150]](#footnote-150)

Civilian political prerogatives were further constrained by the creation of the National Security Council, which had the right to "communicate the requisite fundamental recommendations to the Council of Ministers with the purpose of assisting in the making of decisions related to national security and coordination."[[151]](#footnote-151) Ultimately, the 1961 Constitution created many lasting changes to the prior versions of Turkey's constitution and to the political landscape.

Although the Justice Party was able to attract enough constituents to become the ruling party after the first military intervention, the military's bust-up of political parties during each of the three interventions – and arguably some of the marked changes in the 1961 Constitution – contributed to a spike in the fragmentation and polarization of political parties.[[152]](#footnote-152) Increases in extremist parties, especially Kurdish sympathizers and Islamists, and political violence led to the military's interventions again in 1971 and 1980, culminating in another new constitution in 1982. Like the 1961 Constitution, the 1982 Constitution was drafted by a Consultative Assembly – although a quarter of the delegates were appointed by the NSC – and submitted to a referendum which garnered 91.4 percent voter approval with 91.3 percent voter participation, although that number is artificially inflated due to a provisional article in the Constitution suspending individual voting rights for failure to vote in the referendum.[[153]](#footnote-153) Much of the 1982 Constitution is borrowed directly from the 1962 Constitution, and in fact all of the provisions previously discussed are included in the 1982 Constitution in some form. Some new rights were created, such as "the right to live in a healthy, balanced environment," and the right to housing.[[154]](#footnote-154) The state also pledged to "take necessary measures to protect the youth from addiction to alcohol, drug addiction, crime, gambling, and similar vices, and ignorance" and also to "take measures to develop the physical and mental health of Turkish citizens of all ages, and encourage the spread of sports among the masses."[[155]](#footnote-155)

Ultimately, the biggest difference in the 1982 Constitution is a further contracting of political party rights and an expansion of the military and NSC power.[[156]](#footnote-156) "For example, political parties are required to obtain a minimum percentage of the total vote cast before any candidates on their lists can qualify for seats in the National Assembly."[[157]](#footnote-157) Political groups are recognized only if their number of representatives totals twenty or more out of the 550 assembly members.[[158]](#footnote-158) The Constitution also specifically mandates that members of parliament represent the entire nation and not merely their constituents.[[159]](#footnote-159) A version of this provision first appeared in the 1876 Ottoman Constitution, although it was absent from the first constitutions of the Republic.[[160]](#footnote-160) A president-elect must even go so far as to resign from his party upon election by the Turkish Grand National Assembly.[[161]](#footnote-161) Article 68 also lists a variety of people who are prohibited from joining political parties, including "[j]udges and prosecutors, … civil servants …, other public servants …, members of the armed forces and students."[[162]](#footnote-162) And military privates, corporals, and cadets cannot vote at all,[[163]](#footnote-163) which is particularly surprising given the military's influence on Turkish political development and especially the military interventions.

The military and NSC did seek, however, significant protections via provisional and regular articles in the 1982 Constitution.[[164]](#footnote-164) The Constitution allows the Council of Ministers, headed by the President, to declare a state of emergency for "serious indications of widespread acts of violence aimed at the destruction of the free democratic order established by the Constitution or of fundamental rights and freedoms, or serious deterioration of public order because of acts of violence."[[165]](#footnote-165) And the Constitutional Court may *not* review the constitutionality of any decisions under martial law.[[166]](#footnote-166) Furthermore, the provisional articles

stipulated that the chair of the NSC and head of state would become president of the republic for seven years following approval of the constitution in a referendum. Another provisional article stipulated that the NSC would be transformed into an advisory Presidential Council … [that] would function for a period of six years and then be dissolved. Yet another provisional article made permanent a 1981 NSC decree that barred more than 200 politicians from joining new political parties or becoming candidates for a period of ten years.[[167]](#footnote-167)

Although some of these articles were later rescinded, the NSC also issued Law No. 2820 further restricting political parties by specifically prohibiting parties "based on class, religion, race, or language distinctions" and prohibiting criticism of the 1980 military intervention.[[168]](#footnote-168) This, of course, backfired when the Motherland Party ended up winning the election in 1983.[[169]](#footnote-169) Since then, the National Security Council description was revised in 2001 to make its recommendations reviewable by and subordinate to the Council of Ministers rather than the other way around,[[170]](#footnote-170) and earlier this year, the Justice and Development Party (JDP) passed a law allowing civilian courts to prosecute army officials.[[171]](#footnote-171) But the constraints on political parties brought about by the last military coup arguably contributed to political fragmentation and radicalization, fostering feelings of disenfranchisement by some groups.

Since 1995 several amendments have been made to the Constitution to restore some rights to political parties, and the Justice and Development Party (JDP) has made political party law reform a priority.[[172]](#footnote-172) Article 68 of the constitution was amended in 1995 to require the state to fund political parties equitably, and "[s]ince 1995 political parties have been allowed to organize sub-branches, for example for women and youth, and to engage in political cooperation with and receive financial aid from associations, trade unions, foundations, cooperatives and public professional organizations." [[173]](#footnote-173) Parties are still prohibited from seeking funding through commercial activities or from foreign or international entities.[[174]](#footnote-174) The Constitutional Court also still has the right to dissolve political parties, which it has exercised a number of times since 1963.[[175]](#footnote-175) The JDP amended the constitutional provisions for bringing and appealing a case against a political party, and now the Constitutional Court has the option of denying state funding to a party rather than dissolving it.[[176]](#footnote-176) Three pro-Islamist parties have been dissolved for violating laicism.[[177]](#footnote-177) In 2008 the Court even halved the public funding of the JDP on similar grounds after the JDP passed a law allowing females to wear the Islamic headscarf at universities – a law the Court struck down as unconstitutional.[[178]](#footnote-178) The ruling party escaped dissolution by merely one vote.[[179]](#footnote-179) The Court has dissolved eighteen parties since 1980.[[180]](#footnote-180) Dissolved parties are not supposed to be reconstituted, and their leaders suffer temporary banishment from any political party.[[181]](#footnote-181) However, that temporary banishment has been contracted somewhat under the JDP.[[182]](#footnote-182) Furthermore, "the prospect of a Constitutional Court case against a party with Kurdish or Islamic tendencies is so normal that in recent years an interesting strategy of founding what is called 'spare parties' has emerged," so that members may "resume political activity in case the main party [is] dissolved."[[183]](#footnote-183) One scholar also claims that "the distribution of free broadcast time during political campaigns is unequal, breaching the constitutional limits on fundamental rights and freedoms."[[184]](#footnote-184)

C. *Turkey: A Way Forward?*

Turkey's continuing political issues stem from the country's extreme secularism and nationalism, which were grafted to the identity of the Republic at its inception. Although the secular changes Mustafa Kemal made after abolishing the Caliphate were not constitutionalized, they had a huge impact on what "secularism" would evolve into, namely a form of laicism that oppresses both religious and political expression. In the balancing of rights, freedom of religion always gives way to the secularism of the state in all arenas. And potentially a drafting mistake in the Treaty of Lausanne, failing to anticipate the needs of non-Muslim, ethnic minorities in Turkey, has allowed Turkey to use the treaty to essentially disregard the Kurds and their needs. Coupled with the mandate to abolish "privileges" for any class, it enshrines a sort of oppression. These issues highlight the need to couch rights in terms of equality rather than reservations or proscriptions for certain groups. Unflinching commitment to the founding principles has created disenfranchised groups and has not accomplished the goal of stamping out religious or ethnic political catalysts. On the contrary, these political interests have existed since the founding of the Republic. "Although various constitutional and criminal provisions against over religious propaganda in politics remain in force, Islamic conservative parties in all but name have in fact run in most Turkish elections since 1950, their vote typically ranging from 5 to 11 per cent of the total."[[185]](#footnote-185) The current ruling party is rooted in Islamism and enjoys wide support, despite rumors of secret military plans for intervention or overthrow by ultranationalist groups.[[186]](#footnote-186) For now, Turkey's pending EU application has allowed the EU to exert significant influence over the country to stimulate constitutional amendments and protect Kurdish and Islamic political groups.[[187]](#footnote-187) But Turkey may need to undergo yet another constitutional revision to ensure their acceptance into the EU[[188]](#footnote-188) and, more important, democratic legitimacy via political party participation.

II. South Africa

Like Turkey, South Africa has a colorful history influenced by many cultures. Unlike Turkey, however, South Africa's tribal kingdoms were not sufficiently organized and pacted to resist imperial invasion. The history of both countries reflects decades of culture clash, but in South Africa's case, those clashes took place not at the frontiers of a vast empire but within the confines of a small region where competition for land and resources was fierce. And South Africa's history as a nation state, unlike Turkey, was shaped by its invaders rather than its natives. However, South Africa's ultimate transition to democracy was a product of its native sons and daughters.

A. *South Africa: History, Origins of Politics, and Political Parties*

There were essentially two types of tribes in the region prior to colonization – a more nomadic type and herdsmen.[[189]](#footnote-189)

The first inhabitants of the region were the Khoisan ... [who] were joined, and substantially displaced, by successive waves of people from the north, as the Bantu migrations dispersed peoples throughout Africa. These Bantu-speaking peoples were agriculturalists, as well as pastoralists ... . Their descendants are found today throughout southern Africa--for example, ... the Xhosa and Zulu in South Africa. [[190]](#footnote-190)

The Khoikhoi tribe were herdsman, which allowed them to live together in larger units and develop a sort of early political organization.[[191]](#footnote-191) While "Bushman life did not allow for the accumulation of property[,]" the Khoikhoi derived wealth and, thus, power by their accumulation of cattle and sheep.[[192]](#footnote-192) "A ruler's authority derived from his wealth,[sic] and disappeared if that wealth was dissipated or captured by enemies."[[193]](#footnote-193) This system, unfortunately, also developed to the exclusion of participation by women.[[194]](#footnote-194)

After the Dutch East India Company discovered that an efficient route to and from India and Southeast Asia required only a stopover on South Africa's Cape, the Dutch founded a settlement there.[[195]](#footnote-195) "In 1652, then, a small party of Dutchmen under Jan van Riebeeck arrived in Table Bay. In political and constitutional terms, the modern South African state is the lineal descendant of Van Riebeeck's settlement."[[196]](#footnote-196) Initially, the Dutch tried to trade with the Khoikhoi for provisions, primarily meat, needed to sustain their sailors, but the Khoikhoi were "unable or unwilling."[[197]](#footnote-197) Subsequently, the Dutch took what they needed by force, including seizing land and livestock.[[198]](#footnote-198)

Since the authority of the Khoikhoi leaders was primarily based on their riches in stock, both of these practices had the effect of decreasing their power, and thus the cohesion of the groups they controlled and their ability to resist. With the seizure of their flocks and herds, Khoikhoi polities disintegrated as organized units.[[199]](#footnote-199)

The Khoikhoi tried to band together with the San of the mountains and desert to resist the Dutch invasion, but were unsuccessful.[[200]](#footnote-200) Ultimately, Cape Town grew with voluntary immigrants who were usually former employees of the Dutch East India Company or, to a lesser extent, religious refugees from other European countries such as France, and involuntary immigrants in the form of tens of thousands of slaves "from Indonesia, India, Madagascar, and the east coast of Africa in approximately equal numbers."[[201]](#footnote-201) The Dutch East India Company "governed" the colony, and the Khoisan and slaves provided labor for surrounding farms owned by white Europeans.[[202]](#footnote-202) Less-well-off Europeans invaded the mountains and raided the Khoisan there of their herds, while simultaneously depending on the survivors they made into their slaves to keep their herds alive.[[203]](#footnote-203) "The population of [European descendants] doubled every generation; the area of European settlement, however thin, expanded almost as rapidly. In doing so, farmers moved beyond the scope of effective political control by the [Dutch East India Company] government, and its institutions were only accepted when it suited the farmers."[[204]](#footnote-204)

Tribal leaders who could capitalize on trade with the Dutch East India Company colony were able to provide for more followers, and in combination with the increasing conflict, it meant that those tribal leaders who could provide more security attracted many more followers.[[205]](#footnote-205) Thus, political consolidation began to occur among African tribes, often by force in an effort to both quash competitor tribes and gain power by taking livestock, farm land, and slaves.[[206]](#footnote-206) Ultimately power came to be concentrated in a few tribal kingdoms.[[207]](#footnote-207)

After changing hands a few times between the British and Dutch starting in 1795, the Cape Colony finally ended up in British hands.[[208]](#footnote-208) But "the British maintained the existing system of law, so that the basis of the South African legal system to this day is the Roman-Dutch law of the pre-revolutionary Netherlands. The codification which occurred in Europe under Napoleon was not incorporated."[[209]](#footnote-209) The British also continued political alliances with major landowners, and their takeover led to increased access to trade, abolishment of slave trade to British colonies in 1808, and an influx of British immigrants.[[210]](#footnote-210) By the 1830s "the Cape [was] probably the most heavily missionised area in the world," at least partly because the early missions had been very successful, providing safe havens for the Khoisan farm laborers.[[211]](#footnote-211) The missionaries were also instrumental in the political reforms that granted greater labor rights to free blacks, particularly Khoisan, and abolished slavery.[[212]](#footnote-212) The late 1820s and 1830s, however, also saw ongoing battles between the British army and tribes on frontier lands.[[213]](#footnote-213) Fed up with this and the British political reforms spurred by the missionaries, the colony's Dutch-speaking inhabitants, by then known as Afrikaner, began what was called the Great Trek, a northward movement of settlers seeking farmland.[[214]](#footnote-214) "Its result was a massive increase in the extent of that proportion of modern South Africa dominated by people of European descent."[[215]](#footnote-215) These Voortrekkers, or Trekkers, came into conflict with the Zulu nation but eventually became the dominant force in the area – until, that is, the British decided to annex the area that the Trekkers had settled.[[216]](#footnote-216)

The Dutch were not happy about the British decision to annex lands that the Dutch had settled largely to get away from British rule.[[217]](#footnote-217) Some Trekkers remained beyond British reach in the north, and other Dutch eventually made "the tacit decision ... to avoid stressing their nationality, on the reasonable assumption that they would dominate any parliament introduced into the colony."[[218]](#footnote-218) The British introduced a legislative body to the Cape Colony in 1848, and based the right to vote on males' ownership of land worth at least £25.[[219]](#footnote-219)

[I]t gave the Cape one of the most 'democratic' constitutions in the world at the time, one whereby most Dutch men, and a fair number of 'coloureds' as the ex-slaves and Khoisan were beginning to be called, could vote. At no stage in the sixty-six-year history of the Cape Parliament, however, was a coloured man elected, in part because a man with the prestige to be elected was no longer considered coloured. (Both the country's first baronet, Andries Stockenstrom, and its first member of the British House of Lords, J.H. de Villiers, fell in to this category.)[[220]](#footnote-220)

Clashes between the British army and African tribes and between settlers and African tribes continued, sometimes resulting the British granting substantial autonomy to certain regions while rigging control to European descendants.[[221]](#footnote-221) In other cases they brought tribes with their social structures in tact under the arm of colonial rule.[[222]](#footnote-222) Still, the amaXhosa tried in vain but valiantly to fight back against the British.[[223]](#footnote-223) Until, that is, they destroyed ninety percent of their crops and livestock upon a vision by a young girl which was thought to bring their rebirth.[[224]](#footnote-224) It led instead to their near decimation, and the Xhosa became the second African society after the Khoi to fall to imperialists.[[225]](#footnote-225)

Diamonds were found in South Africa in 1867, and, thereafter, "mining, and the industry associated with it, would always be at the centre of South African economic, social and political life."[[226]](#footnote-226) The explosion of the diamond trade brought an influx of black South African workers, and disputes in which mineowners alleged dampened profits caused by theft from their workers led to the establishment of labor compounds to house workers.[[227]](#footnote-227) Mineowners were not politically able to force their white workers to also live in the labor compounds, and "[t]hus developed two characteristic features of South African society, namely the racial bifurcation of the industrial labor force and the housing of at least black migrant workers in compounds."[[228]](#footnote-228) With workers flocking to diamond mines, Indian immigrants were brought in to work sugar plantations mostly as indentured servants.[[229]](#footnote-229)

In some ways, they recreated the divisions of the Indian sub-continent on the African one[, but] … they were treated as a single entity by the whites, unaware of or unconcerned with the distinctions of Indian society. Indian political activism generally attempted to maintain this illusion, as a basis for strength and a following, while at the same time using the illusion of representativeness to promote a particular position within the Indian community.[[230]](#footnote-230)

The discovery of gold in South Africa in the 1880s brought more influx of labor, including experienced miners from Britain, and further oppression of black laborers.[[231]](#footnote-231) The annihilation of about ninety percent of the region's cattle by disease in the following decade further disrupted the black South African's cattle-trading-based societies, causing social unrest prime for subjugation.[[232]](#footnote-232) Both the British and Afrikaner populations were oppressive toward black Africans, and "[b]y the time of the union in 1910, the foundations for the violent, destructive policies that were to become apartheid had all been laid."[[233]](#footnote-233)

After the Great Trek by the Afrikaner population and the subsequent conflicts, "white South Africa was essentially divided into two British colonies, Cape and Natal, and two Afrikaner-led republics, Transvaal and the Orange Free State."[[234]](#footnote-234) Once diamonds were discovered in the Transvaal, the British attempt to annex the other regions led to the four-year-long Anglo-Boer War, which the British ultimately won through brutal violence.[[235]](#footnote-235) This created lasting animosity between the Afrikaners and the British, and also to "the formation of the Union of South Africa in 1910--which joined the Cape colony, Natal, Transvaal, and Orange Free State into a single, self-governing political entity."[[236]](#footnote-236) After the union was formed, power alternated between Afrikaner- and British-influenced parties, with the British mostly dominating until the Afrikaner-dominated National Party (NP) won elections in 1948 on the platform of apartheid – "the first time a non-British-influenced party gained control over the South African state."[[237]](#footnote-237) The NP maintained control for more than four decades.[[238]](#footnote-238) What began as restrictions on land ownership and a relegation to menial labor evolved into laws prohibiting interracial marriages, integrated public facilities, and labor strikes and mandating racial classification.[[239]](#footnote-239)

The migrant labor system used throughout southern Africa, spawned from the discovery of diamonds and gold in South Africa by European colonists, fostered cross-border interconnectedness among peoples and promoted labor movement organization, which would later be harnessed in overturning apartheid.[[240]](#footnote-240) Cross-border connectedness of people in southern Africa also was cultivated by the arbitrariness of the colonial-era boundaries, which remain largely unchanged, causing people of the same ethnic group to be dispersed in several neighboring countries.[[241]](#footnote-241) Surprisingly, although South Africa was under the regime of apartheid, the first university for blacks in southern Africa was founded there, and many black Africans from surrounding countries, with no opportunities for higher education in their own countries, went to South Africa to attend universities, creating another seedling for cross-border political networks.[[242]](#footnote-242) These networks bore fruit as the Frontline States (FLS), a political group made up of independent countries in the region and "formed in an effort to isolate apartheid South Africa and bring an end to white minority rule in the country."[[243]](#footnote-243)

The African National Congress (ANC), dating back to 1912, became the first and the main anti-apartheid vehicle within South Africa.[[244]](#footnote-244)

It acquired a mass following during the 1950s, a decade of militant campaigning against apartheid. The ANC was officially banned in 1960, and while some of its leaders left South Africa, others remained to mobilize clandestine resistance. In conjunction with the South African Communist Party, to which most of its leaders belonged, the ANC established a military wing in 1961. With its internal leadership imprisoned after 1963, initiative shifted to those in exile. Between 1969 and 1985, the organization opened its ranks to white, colored (accepted South African parlance for those of mixed race), and Indian members.[[245]](#footnote-245)

The (NP) began negotiations with the ANC in 1992, leading to the first free and open elections in 1994,[[246]](#footnote-246) after which the ANC "emerged as the leader of a new Government of National Unity (GNU). More astoundingly, the ANC was joined in the GNU by its erstwhile enemy, the National Party (NP), and its main black rival, the Zulu-based Inkatha Freedom Party (IFP)."[[247]](#footnote-247) Some argue that the transition actually benefitted from the black government's inheritance of the white's "tight control over resources and international access to provide a strong infrastructure and relatively sophisticated international economies."[[248]](#footnote-248) Nineteen parties participated in the 1994 election and none boycotted.[[249]](#footnote-249) The voter turnout was 86 percent, and a peaceful turnover of power resulted with all the losing parties accepting the election results and seven parties ultimately being represented in parliament. [[250]](#footnote-250) The second parliamentary election took place in June 1999 with even higher voter turnout (89 percent) and thirteen of sixteen registered parties ultimately represented in parliament.[[251]](#footnote-251) "In 2004, South Africa held its third racially inclusive and democratic election, and twelve parties won national representation. The ANC continued to dominate, winning 279 of the 400 seats in the National Assembly."[[252]](#footnote-252)

The ANC has maintained a hold on political power since the end of apartheid, with the Inkatha Freedom Party (IFP) and the Democratic Alliance (DA) providing the other two main political parties.[[253]](#footnote-253)

South Africa under the ANC has once again become a dominant-party system, albeit in the context of democratic institutions, including an impressive and inclusive constitutional structure and regular multiparty elections. The concentration of power, however, holds implications for governance, for these institutions, and for the country's nascent democratic culture, which may be showing premature signs of decay.[[254]](#footnote-254)

Single-party systems resist credible opposition and, thus, delegitimize democracy.[[255]](#footnote-255) However, one author postulates that because the ANC and parties like it "began as broad independence movements whose main objective was self-rule," a dominant one-party system is a natural consequence and that, at least during initial years of transition to democracy, one-party systems provide stability.[[256]](#footnote-256) The "advantage in getting more press coverage" contributes to ruling party entrenchment as does greater access to domestic and foreign funding networks, which is particularly true in the case of the ANC.[[257]](#footnote-257) South Africa does not regulate "private and foreign donations to parties," and the ANC has amassed tens of millions of dollars from countries as varied as Sweden, Russia, Taiwan, and Indonesia.[[258]](#footnote-258) The party has also acquired significant commercial holdings and benefitted from illicit oil-for-food payments from Saddam Hussein.[[259]](#footnote-259) "In 2006 the *Mail & Guardian* uncovered an elaborate network of companies, known as the Chancellor House Group, established to utilize black economic empowerment deals to raise money for the ruling party." [[260]](#footnote-260) One former ANC parliamentarian has even written a tell-all book about billions of dollars funneled to the ANC and party officials through illicit arms deals and bribes.[[261]](#footnote-261) Yet, the ANC has further entrenched itself by continuing to characterize itself as "a liberation movement rather than an ordinary political party."[[262]](#footnote-262)

In addition to suffering from one-party dominance, South Africa's electoral system and internal party governance structures also contribute to its democratic deficiency.

South Africa's electoral system … influences the internal functioning of parties: Voters elect party slates of candidates rather than individuals, but how parties constitute these slates is their own affair. … [L]eaders have the final say about who goes to parliament. … Party leaders can also reassign seats, and parliamentarians therefore defer to party leaders, particularly in the ANC. Personal accountability of representatives to voters is weak, despite the voluntary assignment of parliamentarians to geographic "constituencies."[[263]](#footnote-263)

Because the parties are allowed to choose their own parliamentary representatives, the opportunity for true democracy and accountability to voters is concentrated within the internal party structures, which are all governed by somewhat elaborate constitutions.[[264]](#footnote-264) But at least in the ANC, competition for the highest party positions is actively discouraged.[[265]](#footnote-265) Even policy discussions are designed to discourage debate, and parliamentarians are subordinated to party leaders by a code of conduct that prohibits their undermining of the party platform.[[266]](#footnote-266) Likewise, "[i]n the IFP, authority is centralized and the [party's] constitution confers considerable power and discretion upon the national leadership."[[267]](#footnote-267) One of the IFP's former parliamentarians even called the party's structure "an internal dictatorship;" however, "the leadership's authority over policy making is buttressed by a system of standing committees appointed by the IFP's National and Provincial Councils, … but there is little evidence of widespread participation in deliberations about policy within the organization." [[268]](#footnote-268) The DA on the other hand affords much greater policy-making influence to parliamentarians.[[269]](#footnote-269)

Discontent with the ANC and politics in general has been growing, however.[[270]](#footnote-270) Organized labor has historically been a strong base for the ANC since the first days of the anti-apartheid movement, but the ANC has been criticized for its economic policies which tend to favor a market approach that benefits big business rather than laborers.[[271]](#footnote-271) There has been some economic growth, but not enough to sustain the population.[[272]](#footnote-272) Some also criticize continued political marginalization of certain groups because of the persistence of pockets of nondemocratic power, like those dominated by "shacklords;" the limited official tolerance of dissent outside of mainstream avenues; and the inability of the poverty-stricken – about 40 percent of society – to effectively participate in the political process outside of periodic elections due to a lack of resources to affect mobilization.[[273]](#footnote-273) South Africa's current political problems include continued drastic income disparities, slow economic growth, unemployment as high as 40 percent among blacks, "one of the highest and most violent crime rates on earth" and "the highest number of [HIV] infected persons anywhere in the world" (with 4.7 million). [[274]](#footnote-274) Large populations of nonindigenous groups – mainly whites but also Indians – control much of the wealth and productive capacity.[[275]](#footnote-275) In addition, perceived failures of the Truth and Reconciliation Commission have "led to bitterness and disillusionment in a substantial segment of the black community and among some members of the white population as well."[[276]](#footnote-276)

The ANC's power is extremely entrenched, however, and it has decades of experience as a national movement to draw upon in developing political bases. A study of grassroots organization indicated that the ANC was highly mobilized, at least according to participation in some of their volunteer activities and access to leadership positions at their branch offices.[[277]](#footnote-277) Other factors indicated that some people felt more *compelled* to participate, with some even suggesting that ANC membership was requisite to getting housing subsidies.[[278]](#footnote-278) Without serious rivals in grassroots efforts, however, the ANC is likely to continue its grip on power.[[279]](#footnote-279)As the ANC has grown and expanded through rural and provincial networks, it is vulnerable to factioning and splits, but these splits tend to occur along ethnic identity lines rather than ideological lines.[[280]](#footnote-280) The ANC has expanded welfare policies largely in response to demands of its new rural poor constituency, and some believe such pressures can help foster more competition.[[281]](#footnote-281) Any potential crack in the ANC's power hold would likely come in the form of disagreement among party leaders resulting in weak leadership.[[282]](#footnote-282) The ANC black middle class constituency largely benefits from affirmative action policies implemented by the party and is also unlikely to defect.[[283]](#footnote-283)

The ANC's only potential challenger at this point is the Democratic Alliance (DA), which is a mostly white, conservative party – having acquired most of the former ruling NP's members – that began recruiting "coloreds," including blacks and Indians, in 1984.[[284]](#footnote-284) The DA has campaigned in the past on an anti-affirmative action and anti-crime platform.[[285]](#footnote-285) Despite effective organization, infrastructure, and representation, the DA is crippled by its inability to produce popular black candidates, as defectors from traditionally black parties tend to start their own parties rather than join DA.[[286]](#footnote-286) The DA has attempted to grow its base of black Africans and by 2001 had established "146 branches in black communities" with plans to create an additional 100.[[287]](#footnote-287) "[T]he DA's black members tend to be working class and educated, and a main impetus for joining is perceived corruption of the ANC as well as the feeling that the DA is the only viable challenger to the ANC."[[288]](#footnote-288) The party has increased its share of the black vote in municipal and local elections – in the 2006 municipal elections, "the DA took more than 40 percent of the colored vote in Cape Town, double the proportion supporting the ANC, and emerged there as the largest party."[[289]](#footnote-289) But the DA garners only a tiny fraction of the black vote in national elections, and its leadership is still comprised of mostly whites.[[290]](#footnote-290) Furthermore, the DA's efforts at diversification have been undermined by "[f]loor-crossing legislation enacted in 2003 [that] allows parliamentarians to change their party affiliation during two-week 'window periods.' To date, floor-crossing has favored the ruling party and has fragmented the opposition."[[291]](#footnote-291)

The other main opposition party is the Inkatha Freedom Party (IFP), which is primarily an ethnic-based Zulu party, although it has tried to recharacterize itself as a national party and successfully advanced several non-Zulu candidates.[[292]](#footnote-292) The IFP and the ANC have a decade-long bloody history from a mid-1980s competition for regional dominance.[[293]](#footnote-293) The IFP has not been able to effectively organize in urban areas except among migrant-worker populations.[[294]](#footnote-294)[165] More recently, the IFP has lost constituents – mostly to the ANC – because of its own lack of strong leadership, the ANC's extension of utilities and infrastructure into the former Zulu kingdom, and its shrinking traditional base due to the AIDS epidemic in South Africa.[[295]](#footnote-295) The ANC's control of government and public resources has helped it develop internal infrastructure and expand its constituent base into poor rural and black middle-class sectors, both of which the ANC now depends on more than its original industrial labor base.[[296]](#footnote-296)

B. *South Africa: Constitutional and Legal Rights and Limitations*

South Africa's constitution is often praised "as one of the most comprehensive and inclusive constitutions in the world."[[297]](#footnote-297) In practice, however, the democracy it has affected falls far short of its aspirations. Debate remains about whether the Bill of Rights is too inclusive, while some critics deride the constitution specifically for its failure to adequately address party politics and voter representation.[[298]](#footnote-298) "[A]n internationally praised constitution designed to promote multiparty competition and individual rights is overshadowed by one-party dominance and limited governmental accountability."[[299]](#footnote-299)

Although the 1993 Interim Constitution guaranteed the freedom to create political parties, the issue of minority party rights has been a controversial in South Africa since the negotiations over the creation of the new democratic government.[[300]](#footnote-300) Radicalized separatist political groups, concerned with their political self-determination, continue to be an issue within both the Afrikaner population and the IFP in KwaZulu-Natal.[[301]](#footnote-301) The interim and 1996 constitutions affirm South Africa is a federal state, but the 1996 Constitution weakened federalism and further centralized power for the ANC to the dissatisfaction of those who want greater provincial autonomy.[[302]](#footnote-302) The 2003 amendment allowing floor-crossing also exacerbated the disparity in political power.[[303]](#footnote-303) Despite the fact that party mergers and floor-crossing were prohibited in the original constitution, the amendment – with approval from the Constitutional Court – resulted in an immediate supermajority for the ANC, allowing it to amend the constitution at will.[[304]](#footnote-304) The floor-crossing amendment was repealed, however, in January 2009,[[305]](#footnote-305) which is at least a step in the right direction. But one effect of the prohibition is that it makes members of parliament beholden to the party that put them in office by rescinding their membership if they leave their party.[[306]](#footnote-306) It also has the effect of allowing a party to eject an MP from parliament by expelling them from the party – a tactic that the ANC has employed in the past.[[307]](#footnote-307) Considering the largely undemocratic party structures, it preserves the disconnect between voters and MPs.[[308]](#footnote-308) Perhaps a better solution would be to specifically prohibit MPs from leaving their party to join another, thus maintaining their right to resign their party to be independent and shielding them from retaliatory action by their parties.

Additionally, as long as party funding remains so unequal, it is unlikely that a party will emerge to legitimately challenge the ANC. Although section 236 of the 1996 Constitution says that "[t]o enhance multi-party democracy, national legislation must provide for the funding of political parties participating in national and provincial legislatures on an equitable and proportional basis,"[[309]](#footnote-309) the government does not have enough resources to provide for some essential social and economic needs, let alone prop up political parties. And with the ANC's grip on power, it is disincentivized to do so. Furthermore, the article applies only to political parties already represented in government, making election to office – arguably the most expensive endeavor for political parties – a prerequisite to receiving any government funding.[[310]](#footnote-310) The legislation promulgating the mandate in section 236 bears this out. [[311]](#footnote-311)

5. ( 1 ) (a) Every political party is entitled to be allocated moneys from the Fund for any financial year that it is represented-

(i) in the National Assembly; or

(ii ) in any provincial legislature; or

(iii) both in the National Assembly and any provincial legislature.

(1) (b) Subject to subsection (3). the moneys so allocated to a political party may be used for any purposes compatible with its functioning as a political party in a modern democracy. These purposes include, amongst others-

(i) the development of the political will of people:

(ii ) bringing the political party's influence to bear on the shaping of public opinion:

(iii ) inspiring and furthering political education;

(iv) promoting active participation by individual citizens in political life:

(v) exercising an influence on political trends; and

(vi ) ensuring continuous, vital links between the people and organs of state.[[312]](#footnote-312)

The bigger issue that needs regulation, as discussed earlier, is *non*-governmental sources of income for political parties.[[313]](#footnote-313) As long as the ANC remains in power, it is likely to continue steering profitable economic opportunities to its own party, which raises deep moral questions. Furthermore, the ANC will continue to profit from foreign investors by characterizing itself as the liberation movement of South Africa. The DA, as essentially the party that succeeded the apartheid era National Party, is unlikely to be able to compete with the ANC for foreign investment dollars. It is not even clear that such foreign investment in political parties is wise at any level, in light of the bribery, arms, and oil-for-food scandals that have plagued the ANC.

C. *South Africa: A Way Forward?*

Although a one-party system may have provided stability to South Africa during its transition to democracy, it is now on the verge of oppressing its people. It is truly ironic that out of a system intended to give a voice to those silenced for so many years has evolved an entrenched, highly centralized, and unaccountable government. South Africa's constitution is in dire need of amendments that either 1) provide for direct election of national political representatives or 2) provide greater oversight of political party structures. Either way, reform of political party funding is desperately needed to stave corruption and enable the seedlings of a competitive party system to be planted. The ANC has become too comfortable in its position of power and has been unable to effectively spur economic growth and provide for the social welfare. And if political power continues to be concentrated in the hands of a few powerful party leaders through authoritarian party structures and traditions, then the people should gain the right to elect leaders directly.

III. Comparisons and Conclusions

Although perhaps Turkey's commitment to secularism initially enabled it to create a "more democratic" governance system than the theocracies of some of its majority-Muslim peer states, its devotion to secularism has become extreme and evolved into "laicism," which buttresses separation of church and state at the expense of individual and even group freedoms – freedom of religion, freedom of association. They've struggled with this issue and religiously-affiliated parties have existed since the pre-Republic days. The attempt to stamp out religion from the public and political sphere has not worked – parties continue to be founded, but perhaps more importantly the desire for political-religious expression remains. Some such parties, like the JDP/AK Parti, have moderated their religious aspects and found great success, setting Turkey apart from other Middle Eastern countries. But the threat and intense fear of Islamic fundamentalism are not gone from Turkey, as borne out of the case involving the JDP's attempt to give female university students the right to wear the Islamic headscarf. A crucial distinction that Turkey seems to miss here is that giving people the right to do something is not the same thing as mandating that they do it. Furthermore, the will of the people of Turkey, in making the Islamist JDP the ruling dominant party for the better part of a decade, suggests that Turkey is ready to become *more* democratic.

Turkey's other primary issue is with ethnic minority groups – the Kurds. More Kurdish-sympathetic political parties have been disbanded than Islamic parties. And like its intense secularism, Turkey's fierce nationalism and attempt to preserve the integrity of the state at all costs was born at the same time the Republic was, hewn from a series of rebellions that chipped away at the edges of the Ottoman Empire. Turkey, fervently sticking to a definition crafted at the same time as the ideals of secularism and nationalism were, refuses to recognize Kurds as "minorities" because they are Muslims. But decades of oppressive policies toward these ethnic minorities and religious groups have not squelched their determination – and perhaps have even fueled violent backlash in the form of domestic terrorism. Turkey's construction of competing rights has politically marginalized these groups. If you don't allow a group a political voice, what choice do you give them? Are they to expect that their needs will be looked out for by the majority? Reality shows otherwise – like the situation with the Kurds. Turkey's refusal to deviate even a small amount from the national identity Mustafa Kemal crafted for it more than half a century ago is inhibiting its democratic evolution. It is only in the face of pressure from the European Court of Human Rights and the European Union after Turkey's application for admission into the EU that Turkey has curbed some of its oppression of religious and minority groups. The primary issue with regard to secularism and nationalism in Turkey is that they are so entrenched in the history of the country and its political culture. Furthermore, procedurally speaking, secularism and nationalism are among Mustafa Kemal's principles enshrined in the constitution in *unamendable* articles.[[314]](#footnote-314) Thus, the Constitutional Court is bound to apply them unless a new constitution is enacted, and even then it is not clear that the unamendable articles from the current constitution would escape inclusion in a new one, nor that Turkish citizens would even desire that. The biggest lesson in that is to be careful what you enshrine in a constitution – particularly things that cannot be amended – lest you get what you seek.

The end of apartheid in South Africa was an historical moment. But the years after have seen them switch from one authoritative regime – albeit not repressive in the sense that apartheid is – to another. The country has made steps toward democratization, but its democratization is not really empowering its citizens at this point. The funding of their political parties raises serious issues – although they have a law mandating state support, it is the private funding structures that cause alarm. Should a political party be allowed to create its own commercial structures to fund its activities? Particularly if it is the dominant party in power? There is inherent risk that the party in power will usurp national opportunities to enrich itself in these scenarios. Furthermore, the failure of the system to create an accountable government, either through direct election or internal political party structure, creates perverse incentives that bind the real political power to a few hands.

Both countries have a main split along the traditional conservative/liberal divide regarding economic policies, the scope of government, the extent of social programs, and so forth. Both have dominant-party regimes – although Turkey has seen more shifting of the dominant party throughout its admittedly much longer history and more advance toward party parity. Getting over a dominant party regime depends on ensuring party parity through resources and ability to mobilize. Both countries have oppressed opposition parties in unique ways. In Turkey's case, it or the military simply disbanded parties determined to be out of line with national ideals. In South Africa's case, the dominant party has found ways – both illegally and within its constitutional framework – to reward itself with resources and further centralize its power. Both scenarios produce the same result: marginalization, disenfranchisement, and disaffection of political constituencies. If the relatively young democracy of South Africa can learn anything from the relatively wizened democracy of Turkey, or even from its own apartheid past, it is that oppression of political groups will not succeed. It may beget political fragmentation, polarization, radicalization, and even domestic terrorism, but it will not extinguish the desire of the oppressed to have a voice in a democracy.

1. *See* Staffan I. Lindberg, Democracy and Elections in Africa 1 (2006). [↑](#footnote-ref-1)
2. *See* Michele Penner Angrist, Party Building in the Modern Middle East 11, 16-17 (2006). [↑](#footnote-ref-2)
3. *See* Marcin Walecki, *Public Funding in Established and Transitional Democracies*, *in* Marcin Walecki et al., International Foundation for Electoral Systems, Public Funding Solutions for Political Parties in Muslim-Majority Societies 25, 26 (2009) [hereinafter Public Funding Solutions] (citing Elmer E. Schattschneider, Party Government: American Government in Action 1 (New York: Transaction Publishers, 2005) (1942)). [↑](#footnote-ref-3)
4. Kevin Casas-Zamora, *Introduction* toPublic Funding Solutions, *supra* note 3, at 10, 12. [↑](#footnote-ref-4)
5. *See* Angrist, *supra* note 2, at 6-17. [↑](#footnote-ref-5)
6. *See id.* at 12. *See also* Casas-Zamora, *supra* note 4, at 12 ("[I]n the context of democratic transitions, political parties – autonomous parties, that is – can play crucial roles in denouncing authoritarian abuses, curbing the power of incumbent regimes, integrating new constituencies into the political process, and furthering the cause of democratic political reform."). [↑](#footnote-ref-6)
7. *See* Angrist, *supra* note 2, at 12-13. [↑](#footnote-ref-7)
8. *See id.* at 12. [↑](#footnote-ref-8)
9. *See* Lindberg, *supra* note 1, at 6-7. [↑](#footnote-ref-9)
10. *Id.* at 6. [↑](#footnote-ref-10)
11. *Id.* [↑](#footnote-ref-11)
12. *See* Angrist, *supra* note 2, at 16-17. [↑](#footnote-ref-12)
13. *See* Metin Heper, *Introduction* to Political Parties and Democracy in Turkey 1, 1 (Metin Heper & Jacob M. Landau eds., 1991) [↑](#footnote-ref-13)
14. *See, e.g.*, Angrist, *supra* note 2, at 4; Casas-Zamora, *supra* note 4, at 19; Tom Lodge, *The Future of South Africa's Party System*, J. Democracy, July 2006, at 152, 152. [↑](#footnote-ref-14)
15. *See* Casas-Zamora, *supra* note 4, at 13 (2009). [↑](#footnote-ref-15)
16. *See* Gretchen Bauer & Scott D. Taylor, Politics in Southern Africa 4 (2005); Angrist, *supra* note 2, at 25; Dankwart A. Rustow, *Political Parties in Turkey: An Overview*, *in* Political Parties and Democracy in Turkey, *supra* note 13, at 10, 11. [↑](#footnote-ref-16)
17. *See* Angrist, *supra* note 2, at 23, 26. [↑](#footnote-ref-17)
18. *See* Bauer & Taylor, *supra* note 16, at 12. [↑](#footnote-ref-18)
19. Scholars alternatively date Turkey's democratization from the birth of the Republic in 1923 or from the date of the first free and fair elections in 1950. *Compare* Omer Faruk Genckaya, *Public Funding of Political Parties: The Case of Turkey*, *in* Public Funding Solutions, *supra* note 3, at 39, 41, *with* Angrist, *supra* note 2, at 3. [↑](#footnote-ref-19)
20. *See* Bauer & Taylor, *supra* note 16, at 237; Lindberg, *supra* note 1, app.4 at 191. [↑](#footnote-ref-20)
21. *See* Genckaya, *supra* note 19, at 41 (citing Ergun Ozbudun, Contemporary Turkish Politics, Challenges to Democratic Consolidation 105-123 (2000)); Rustow, *supra* note 16, at 12-13. [↑](#footnote-ref-21)
22. *See* Bauer & Taylor, *supra* note 16, at 232. [↑](#footnote-ref-22)
23. *See* Angrist, *supra* note 2, at 3-4. [↑](#footnote-ref-23)
24. *See* Sina Akşin, Turkey: From Empire to Revolutionary Republic 282 (Dexter H. Mursaloğlu trans, New York University Press 2007). [↑](#footnote-ref-24)
25. *See* Angrist, *supra* note 2, at 25-26. [↑](#footnote-ref-25)
26. *See* Kemal H. Karpat, *The Republican People's Party, 1923-1945*, *in* Political Parties and Democracy in Turkey, *supra* note 13, at 42, 43, 48; Kemal H. Karpat, Turkey's Politics 5-6 & n.7 (1959). [↑](#footnote-ref-26)
27. *See* Karpat, *supra* note 26, at 4. *See also* Edward Mead Earle, *The New Constitution of Turkey*, 40 Pol. Sci. Q. 73, 76 (1925). [↑](#footnote-ref-27)
28. *See* Akşin, *supra* note 24, at 29. [↑](#footnote-ref-28)
29. *See id.* at 79; Karpat, *supra* note 26, at 41-44. [↑](#footnote-ref-29)
30. *See* Akşin, *supra* note 24, at 20-94. [↑](#footnote-ref-30)
31. *See id.* at 13-14, 20-23. [↑](#footnote-ref-31)
32. *See id.* at 13-14. [↑](#footnote-ref-32)
33. *See* Angrist, *supra* note 2, at 83-88. "In large part due to the activism of provincial notable deputies, the chamber became a vehicle for criticizing the government's decisions and policies. Indeed, it was the deputies' willingness to challenge Ottoman ministers that prompted the sultan to prorogue the parliament indefinitely in 1878." *Id.* at 87-88. *See also* Rustow, *supra* note 16, at 14. [↑](#footnote-ref-33)
34. *See* Akşin, *supra* note 24, at 39-40; Rustow, *supra* note 16, at 10. [↑](#footnote-ref-34)
35. *See* Akşin, *supra* note 24, at 40; Angrist, *supra* note 2, at 87. [↑](#footnote-ref-35)
36. *See* Angrist, *supra* note 2, at 87-88; Karpat, *supra* note 26, at 82. [↑](#footnote-ref-36)
37. *See* Angrist, *supra* note 2, at 86-87.

They created a legislature that was weak relative to the Ottoman executive …. The sultan appointed the grand vizier and all other ministers, who were responsible to the sultan, not parliament; parliament did not have the power to bring down a cabinet. The parliament was also very circumscribed in its ability to initiate legislation. The sultan could open, close, and dissolve parliament as he saw fit. *Id.*

*See also* Ottoman Const. & art. 7 (1876), *available at* http://www.anayasa.gen.tr/1876constitution.htm. [↑](#footnote-ref-37)
38. *See* Akşin, *supra* note 24, at 42; Angrist, *supra* note 2, at 88. [↑](#footnote-ref-38)
39. *See* Akşin, *supra* note 24, at 42-45. [↑](#footnote-ref-39)
40. *See* Rustow, *supra* note 16, at 14. [↑](#footnote-ref-40)
41. *See* Akşin, *supra* note 24, at 45-47. Interestingly, the CUP gave its female and male members equal rights at a time when the Sultanate drastically repressed women and several decades still before women gained suffrage. *Id.* [↑](#footnote-ref-41)
42. *See id.* at 53. [↑](#footnote-ref-42)
43. *See* Angrist, *supra* note 2, at 89. [↑](#footnote-ref-43)
44. *See id.*; Rustow, *supra* note 16, at 14. [↑](#footnote-ref-44)
45. *See* Angrist, *supra* note 2, at 88-89, 91. *See also* Ottoman Const. arts. 7 & 54 (amended 1909), *available at* http://www.anayasa.gen.tr/1909amendment.htm. [↑](#footnote-ref-45)
46. *See* Angrist, *supra* note 2, at 90-91. *See also* Ottoman Const. arts. 27 & 30 (amended 1909), *available at* http://www.anayasa.gen.tr/1909amendment.htm. [↑](#footnote-ref-46)
47. *See* Angrist, *supra* note 2, at 89, 91-92. [↑](#footnote-ref-47)
48. *See id.* at 89-90. [↑](#footnote-ref-48)
49. *See id.* [↑](#footnote-ref-49)
50. *See* Yilmaz Esmer, *Introduction* to Politics, Parties & Elections in Turkey 1, 3-4 (Sabri Sayarı & Yilmaz Esmer, eds. 2002). [↑](#footnote-ref-50)
51. *See* Angrist, *supra* note 2, at 92. [↑](#footnote-ref-51)
52. *See id.* at 91-92. [↑](#footnote-ref-52)
53. *See* Akşin, *supra* note 24, at 69. [↑](#footnote-ref-53)
54. *See id.* at 71-72; Angrist, *supra* note 2, at 92-93. [↑](#footnote-ref-54)
55. *See* Angrist, *supra* note 2, at 93 (citing Feroz Ahmad, The Young Turks: The Committee of Union and Progress in Turkish Politics, 1908-1914 105(1969)). [↑](#footnote-ref-55)
56. *See* Rustow, *supra* note 16, at 10-11. [↑](#footnote-ref-56)
57. *See* Akşin, *supra* note 24, at 20-94. [↑](#footnote-ref-57)
58. *See id.* at 91. [↑](#footnote-ref-58)
59. *See id.* at 94-97. [↑](#footnote-ref-59)
60. *See id.* at 95; Angrist, *supra* note 2, at 93; Karpat, *supra* note 26, at 32 & n.2 (referencing "the secret Allied agreement for the dismemberment of the Ottoman Empire"). [↑](#footnote-ref-60)
61. *See* Rustow, *supra* note 16, at 11-13. [↑](#footnote-ref-61)
62. *See* Angrist, *supra* note 2, at 93*.* [↑](#footnote-ref-62)
63. *See id.* at 93-95; Rustow, *supra* note 16, at 12. [↑](#footnote-ref-63)
64. *See* Rustow, *supra* note 16, at 11-13. *See also* Akşin, *supra* note 24, at 179. [↑](#footnote-ref-64)
65. *See id.* at 12-16. [↑](#footnote-ref-65)
66. *See* Akşin, *supra* note 24, at 53. [↑](#footnote-ref-66)
67. Mustafa Kemal's ideals are enshrined in the Preamble to the Turkish constitution. The constitution begins, "In line with the concept of nationalism and the reforms and principles introduced by the founder of the Republic of Turkey, Atatürk, the immortal leader and the unrivalled hero, this Constitution, which affirms the eternal existence of the Turkish nation and motherland and the indivisible unity of the Turkish state, embodies… ." Turk. Const. preamble (amended 2001). The oath taken by Members of the Turkish Grand National Assembly includes an obligation "to remain loyal … to Atatürk's principles and reforms." *Id.* art. 81. [↑](#footnote-ref-67)
68. *See* Rustow, *supra* note 16, at 12-13. These six tenets were eventually constitutionalized in 1937. *See* C.H. Dodd, *Atatürk and Political Parties*, *in* Political Parties and Democracy in Turkey, *supra* note 13, at 24, 31 (citing Suna Kili, Kemalizm ch. IV (1969)). [↑](#footnote-ref-68)
69. *See* Rustow, *supra* note 16, at 12-13. [↑](#footnote-ref-69)
70. *See id.* [↑](#footnote-ref-70)
71. *See* Akşin, *supra* note 24, at 191-92; Rustow, *supra* note 16, at 13. [↑](#footnote-ref-71)
72. *See* Akşin, *supra* note 24, at 193-94. [↑](#footnote-ref-72)
73. *See* Karpat, *supra* note 26, at 53. [↑](#footnote-ref-73)
74. *See* Rustow, *supra* note 16, at 12-13. [↑](#footnote-ref-74)
75. *See* Heper, *supra* note 13, at 2. [↑](#footnote-ref-75)
76. *See* Dodd, *supra* note 68, at 27-28. [↑](#footnote-ref-76)
77. Rustow, *supra* note 16, at 14-15. [↑](#footnote-ref-77)
78. Dodd, *supra* note 68, at 33. [↑](#footnote-ref-78)
79. *See* Angrist, *supra* note 2, at 74. [↑](#footnote-ref-79)
80. *See id.* at 19-21. [↑](#footnote-ref-80)
81. *See* Rustow, *supra* note 16, at 14-15. [↑](#footnote-ref-81)
82. *Id.* at 15. [↑](#footnote-ref-82)
83. *See* Esmer, *supra* note 50, at 2. [↑](#footnote-ref-83)
84. *See* Rustow, *supra* note 16, at 15. [↑](#footnote-ref-84)
85. *Id.* at 16-17. [↑](#footnote-ref-85)
86. M. Hakan Yavuz, *Introduction* to The Emergence of a New Turkey: Democracy and the AK Parti 1, 8 (M. Hakan Yavuz, ed. 2006). [↑](#footnote-ref-86)
87. *See* Rustow, *supra* note 16, at 18. [↑](#footnote-ref-87)
88. *See* Sabri Sayarı, *The Changing Party System*, *in* Politics, Parties & Elections in Turkey, *supra* note 50, at 9, 12. [↑](#footnote-ref-88)
89. Rustow, *supra* note 16, at 18. [↑](#footnote-ref-89)
90. *See id. See also* Sayarı, *supra* note 88, at 12. [↑](#footnote-ref-90)
91. Angrist, *supra* note 2, at 3-4. *See* Turk. Const. art. 111 (1961), *translated in* Sadik Balkan, Ahmet E. Uysal & Kemal H. Karpat, *Constitution of the Turkish Republic*, 16 Mid. East. J. 215, 227-28 (1962). [↑](#footnote-ref-91)
92. *See* Sayarı, *supra* note 88, at 12-13. [↑](#footnote-ref-92)
93. *See* Rustow, *supra* note 16, at 18; Sayarı, *supra* note 88, at 13. [↑](#footnote-ref-93)
94. *See* Sayarı, *supra* note 88, at 14-15. [↑](#footnote-ref-94)
95. *See* Rustow, *supra* note 16, at 19; Sayarı, *supra* note 88, at 14-15. [↑](#footnote-ref-95)
96. *See* Sayarı, *supra* note 89, at 16. [↑](#footnote-ref-96)
97. *See* Rustow, *supra* note 16, at 19. *See also* Sayarı, *supra* note 87, at 15-16. [↑](#footnote-ref-97)
98. *See* Sayarı, *supra* note 88, at 16. [↑](#footnote-ref-98)
99. *See id.* at 16-17. [↑](#footnote-ref-99)
100. *See id.* at 17-21. [↑](#footnote-ref-100)
101. *See id.* at 18. [↑](#footnote-ref-101)
102. *See* Yavuz, *supra* note 86, at 17. [↑](#footnote-ref-102)
103. *See id.* at 16-17. [↑](#footnote-ref-103)
104. *See* Sayarı, *supra* note 88, at 19. [↑](#footnote-ref-104)
105. *See* Yavuz, *supra* note 86, at 1, 9. [↑](#footnote-ref-105)
106. *See* Genckaya, *supra* note 19, at 41. [↑](#footnote-ref-106)
107. *See* Yavuz, *supra* note 88, at 2. [↑](#footnote-ref-107)
108. *See id.* at 5. [↑](#footnote-ref-108)
109. *See id.* at 9-11. [↑](#footnote-ref-109)
110. *See id.* at 1-2. [↑](#footnote-ref-110)
111. *See id.* at 2-3, 10. [↑](#footnote-ref-111)
112. *See id.* at 3-4. [↑](#footnote-ref-112)
113. *See id.* at 9-10. [↑](#footnote-ref-113)
114. *See generally* Turkish Grand National Assembly Website, *The Constitutional Tradition and Parliamentary Life*, http://www.tbmm.gov.tr/english/about\_tgna.htm (last visited Dec. 2, 2009) (discussing generally the various Turkish constitutions). [↑](#footnote-ref-114)
115. Ottoman Const. art. 1 (1876), *available at* http://www.anayasa.gen.tr/1876constitution.htm. [↑](#footnote-ref-115)
116. *See id.* & arts. 9-11, 15, 21. [↑](#footnote-ref-116)
117. *See id.* arts. 18, 60, 62. [↑](#footnote-ref-117)
118. *See id.* arts. 7, 27, 53. [↑](#footnote-ref-118)
119. *See* Ottoman Const. art. 120 (amended 1909), *available at* http://www.anayasa.gen.tr/1909amendment.htm; *supra* notes 44-53 and accompanying text. [↑](#footnote-ref-119)
120. *See* Ottoman Const. art. 120 (amended 1909), *available at* http://www.anayasa.gen.tr/1909amendment.htm*.* [↑](#footnote-ref-120)
121. *See id.*; *supra* note 41 and accompanying text. [↑](#footnote-ref-121)
122. *See* Akşin, *supra* note 24, at 198. [↑](#footnote-ref-122)
123. The text of the 1921 Constitution is not available in English. *See* Kemal Gözler, *Turkish Constitutional Law Materials in English*, http://www.anayasa.gen.tr/english.htm (last visited Dec. 2, 2009). However, some selected articles have been summarized in English by Ö. F. Gençkaya. *See* Ö. F. Gençkaya, *The 1921 Constitution (Selections)*, http://www.bilkent.edu.tr/~genckaya/1921C.html (last visited Dec. 2, 2009). [↑](#footnote-ref-123)
124. *See* Gençkaya, *supra* note 123; Turkish Grand National Assembly Website, *supra* note 114. [↑](#footnote-ref-124)
125. *See* Akşin, *supra* note 24, at 179, 190. [↑](#footnote-ref-125)
126. *See id.* at 192, 198. [↑](#footnote-ref-126)
127. *See id.* at 198. [↑](#footnote-ref-127)
128. *Compare* Turk. Const. art. 12 (1924), *translated in* Earle, *supra* note 27, at 90, *with* Ottoman Const. arts. 18 & 68 (1876), *available at* http://www.anayasa.gen.tr/1876constitution.htm. [↑](#footnote-ref-128)
129. *See* Turk. Const. arts. 31 & 32 (1924), *translated in* Earle, *supra* note 27, at 92. [↑](#footnote-ref-129)
130. *See id.* art. 70, at 96. [↑](#footnote-ref-130)
131. *See id.* art. 79, at 97. [↑](#footnote-ref-131)
132. *See id.* art. 88, at 98. [↑](#footnote-ref-132)
133. *See* Akşin, *supra* note 24, at 182, 184; Earle, *supra* note 27, at 81-84. [↑](#footnote-ref-133)
134. Treaty of Lausanne, art. 38, July 24, 1923, *available at* http://wwi.lib.byu.edu/index.php/Treaty\_of\_Lausanne. [↑](#footnote-ref-134)
135. *See id.* arts. 14, 38-45. [↑](#footnote-ref-135)
136. *See* Akşin, *supra* note 24, at 320; Dicle Kogacioglu, *Progress, Unity, and Democracy: Dissolving Political Parties in Turkey*, 38 Law & Soc'y Rev. 433, 444-45 (2004). [↑](#footnote-ref-136)
137. *See* Turk. Const. art. 2 (1924), *translated in* Earle, *supra* note 27, at 92. [↑](#footnote-ref-137)
138. *See* Dodd, *supra* note 68 and accompanying text; Bozkurt Güvenç, *Secular Trends and Turkish Identity*, 2 Perceptions J. Int'l Aff. Dec.1997-Feb.1998, tbl. 1 at 6, *available at* http://www.sam.gov.tr/perceptions/Volume2/December1997-February1998/guvenc.PDF. [↑](#footnote-ref-138)
139. Turkish Grand National Assembly Website, *supra* note 114. [↑](#footnote-ref-139)
140. *See* Ismet Giritli, *Some Aspects of the New Turkish Constitution*, 16 Mid. East J. 1, 5-6 (1962). [↑](#footnote-ref-140)
141. *See* Turk. Const. section three, arts. 40-49 (1961), *translated in* Balkan, Uysal & Karpat, *supra* note 91, at 218-19. [↑](#footnote-ref-141)
142. *See id.* art. 131, at 230. [↑](#footnote-ref-142)
143. *See id.* part two, section one, at 216. [↑](#footnote-ref-143)
144. *See id.* art. 10, at 216. [↑](#footnote-ref-144)
145. *See id.* art. 11, at 216. [↑](#footnote-ref-145)
146. *See id.* art. 12, at 216. [↑](#footnote-ref-146)
147. *See* Giritli, *supra* note 140, at 13 (citing Nuri Eren, *Turkey: Problems, Politics, Parties*, Foreign Affairs, Oct. 1961, at 95, 95-104). The counterargument recognized that the constitution limited Turkey's aspirational social and economic goals to what was within its means. *Id. See also* Turk. Const. art. 53 (1961), *translated in* Balkan, Uysal & Karpat, *supra* note 91, at 220. [↑](#footnote-ref-147)
148. *See* Turk. Const. arts. 145-150 (1961), *translated in* Balkan, Uysal & Karpat, *supra* note 91, 232-33. [↑](#footnote-ref-148)
149. *See id.* art. 56, at 220. [↑](#footnote-ref-149)
150. *See* Turk. Const. art. 24, 68-69, *available at* http://www.anayasa.gov.tr/images/loaded/pdf\_dosyalari/THE\_CONSTITUTION\_OF\_THE\_REPUBLIC\_OF\_TURKEY.pdf. The current version also mandates that "[political parties] shall not aim to protect or establish class or group dictatorship or dictatorship of any kind, nor shall they incite citizens to crime." *Id.* art. 68. [↑](#footnote-ref-150)
151. *See* Turk. Const. arts. 111 (1961), *translated in* Balkan, Uysal & Karpat, *supra* note 91, 227. *See also* Angrist, *supra* note 2, at 3-4. [↑](#footnote-ref-151)
152. *See supra* notes 92-94 and accompanying text. [↑](#footnote-ref-152)
153. *See* Library of Congress, *The Constitution, in* Turkey: A Country Study (Helen Chapin Metz, ed. 1995), *available at* http://countrystudies.us/turkey/71.htm . *See also* Turk. Const. provisional art. 16 (1982), *available at* http://www.anayasa.gov.tr/images/loaded/pdf\_dosyalari/THE\_CONSTITUTION\_OF\_THE\_REPUBLIC\_OF\_TURKEY.pdf. [↑](#footnote-ref-153)
154. *See id.* arts. 56 & 57. [↑](#footnote-ref-154)
155. *See id.* arts. 58 & 59. [↑](#footnote-ref-155)
156. *See* Library of Congress, *supra* note 153. [↑](#footnote-ref-156)
157. *See id.* [↑](#footnote-ref-157)
158. *See* Turk. Const. arts. 75, 95 (1982), *available at* http://www.anayasa.gov.tr/images/loaded/pdf\_dosyalari/THE\_CONSTITUTION\_OF\_THE\_REPUBLIC\_OF\_TURKEY.pdf. [↑](#footnote-ref-158)
159. *See id.* art. 80. [↑](#footnote-ref-159)
160. *See* Ottoman Const. art. 71 (1876), *available at* http://www.anayasa.gen.tr/1876constitution.htm. "Every member of the Chamber of deputies represents the whole body of Ottomans, and not exclusively the circumscription which has elected him." *Id.* [↑](#footnote-ref-160)
161. *See* Turk. Const. art. 101 (1982), *available at* http://www.anayasa.gov.tr/images/loaded/pdf\_dosyalari/THE\_CONSTITUTION\_OF\_THE\_REPUBLIC\_OF\_TURKEY.pdf. [↑](#footnote-ref-161)
162. *See id.* art. 68. [↑](#footnote-ref-162)
163. *See id.* art. 67. [↑](#footnote-ref-163)
164. *See id.* provisional arts. 1-3, 15 [↑](#footnote-ref-164)
165. *See id.* art. 120. [↑](#footnote-ref-165)
166. *See id.* art. 148. [↑](#footnote-ref-166)
167. Library of Congress, *supra* note 153. *See* Turk. Const. provisional arts. 1 & 2 (1982), *available at* http://www.anayasa.gov.tr/images/loaded/pdf\_dosyalari/THE\_CONSTITUTION\_OF\_THE\_REPUBLIC\_OF\_TURKEY.pdf. [↑](#footnote-ref-167)
168. *See* Library of Congress, *supra* note 153. [↑](#footnote-ref-168)
169. *See supra* notes 97-98 and accompanying text. [↑](#footnote-ref-169)
170. Turk. Const. art. 118 (amended 2001), *available at* http://www.anayasa.gov.tr/images/loaded/pdf\_dosyalari/THE\_CONSTITUTION\_OF\_THE\_REPUBLIC\_OF\_TURKEY.pdf. [↑](#footnote-ref-170)
171. *See Marching Along; Reforms in Turkey*, The Economist, July 4, 2009. [↑](#footnote-ref-171)
172. *See* Genckaya, *supra* note 19, at 43 & n.14-15. [↑](#footnote-ref-172)
173. *See id.* at 43, 45-46. "The state shall provide the political parties with adequate financial means in an equitable manner." Turk. Const. art. 68 (amended 1995), *available at* http://www.anayasa.gov.tr/images/loaded/pdf\_dosyalari/THE\_CONSTITUTION\_OF\_THE\_REPUBLIC\_OF\_TURKEY.pdf. [↑](#footnote-ref-173)
174. *See* Turk. Const. art. 69, *available at* http://www.anayasa.gov.tr/images/loaded/pdf\_dosyalari/THE\_CONSTITUTION\_OF\_THE\_REPUBLIC\_OF\_TURKEY.pdf. [↑](#footnote-ref-174)
175. *See* Genckaya, *supra* note 19, at 41-42. [↑](#footnote-ref-175)
176. *See id.* at 43 & n.15. *See also* Turk. Const. art. 69 (amended 2001), *available at* http://www.anayasa.gov.tr/images/loaded/pdf\_dosyalari/THE\_CONSTITUTION\_OF\_THE\_REPUBLIC\_OF\_TURKEY.pdf. [↑](#footnote-ref-176)
177. *See* Genckaya, *supra* note 19, at 41. Laicism and secularism are often used interchangeably, but perceptible differences exist. *See* Güvenç, *supra* note 138, at 2. Laicism is a French concept that politically "stands for the supremacy of the State power over the religious establishments." *Id.* Although it is also supposed to stand for freedom of beliefs and political participation, laicism is most often used in Turkey to suppress Islamic political parties. *See id.*; Kogacioglu, *supra* note 136, at 439-40. [↑](#footnote-ref-177)
178. *See* Genckaya, *supra* note 19, at 42; *A Narrow Scrape for Democracy; Turkey*, The Economist, Aug. 2, 2008. [↑](#footnote-ref-178)
179. *See A Narrow Scrape for Democracy; Turkey supra* note 178. [↑](#footnote-ref-179)
180. *See* Kogacioglu, *supra* note 136, at 435. [↑](#footnote-ref-180)
181. Turk. Const. art. 69, *available at* http://www.anayasa.gov.tr/images/loaded/pdf\_dosyalari/THE\_CONSTITUTION\_OF\_THE\_REPUBLIC\_OF\_TURKEY.pdf. "A party which has been dissolved permanently cannot be founded under another name. The members, including the founders … whose acts or statements have caused the party to be dissolved permanently cannot be founders, members, directors or supervisors in any other party for a period of five years …." *Id.* [↑](#footnote-ref-181)
182. *See* Genckaya, *supra* note 19, at 43. [↑](#footnote-ref-182)
183. *See* Kogacioglu, *supra* note 136, at 440. [↑](#footnote-ref-183)
184. *See* Genckaya, *supra* note 19, at 49. [↑](#footnote-ref-184)
185. Rustow, *supra* note 16, at 17. [↑](#footnote-ref-185)
186. *See A Narrow Scrape for Democracy; Turkey supra* note 178; *Marching Along; Reforms in Turkey supra* note 171. [↑](#footnote-ref-186)
187. *See* Akşin, *supra* note 24, at 320; *A Narrow Scrape for Democracy; Turkey supra* note 178; *Progress at Last*, The Economist, July 29, 1995, at 37. [↑](#footnote-ref-187)
188. *See The Enduring Popularity of Recep Tayyip Erdogan*, The Economist, Mar. 7, 2009; *Turkey's Long Haul*, The Economist, Jan. 15, 2000. [↑](#footnote-ref-188)
189. *See* Bauer & Taylor, *supra* note 16, at 4; Robert Ross, A Concise History of South Africa 9 (1999). [↑](#footnote-ref-189)
190. Bauer & Taylor, *supra* note 16, at 4. [↑](#footnote-ref-190)
191. *See* Ross, *supra* note 189, at 9. [↑](#footnote-ref-191)
192. *See id.* at 9-10. [↑](#footnote-ref-192)
193. *Id.* at 10. [↑](#footnote-ref-193)
194. *Id.* at 12-14. "Women were thought to be dangerous to cattle, and were excluded from pastoral activities, and thus implicitly from political power." *Id.* at 12. [↑](#footnote-ref-194)
195. *See id.* at 21. [↑](#footnote-ref-195)
196. *Id.* [↑](#footnote-ref-196)
197. *See id.* at 22. [↑](#footnote-ref-197)
198. *See id.* [↑](#footnote-ref-198)
199. *Id.* [↑](#footnote-ref-199)
200. *See id.* at 22-23. [↑](#footnote-ref-200)
201. *See id.* at 23. [↑](#footnote-ref-201)
202. *See id.* at 25. [↑](#footnote-ref-202)
203. *See id.* at 25-26. [↑](#footnote-ref-203)
204. *See id.* at 26. [↑](#footnote-ref-204)
205. *See id.* at 26-31. [↑](#footnote-ref-205)
206. *See id.* [↑](#footnote-ref-206)
207. *See id.* [↑](#footnote-ref-207)
208. *See id.* at 35-36. [↑](#footnote-ref-208)
209. *Id.* at 35. [↑](#footnote-ref-209)
210. *See id.* at 36. [↑](#footnote-ref-210)
211. *See id.* [↑](#footnote-ref-211)
212. *See id.* at 36-38. [↑](#footnote-ref-212)
213. *See id.* at 38-43. [↑](#footnote-ref-213)
214. *See id.* at 38. [↑](#footnote-ref-214)
215. *Id.* at 39. [↑](#footnote-ref-215)
216. *See id.* at 39-43. [↑](#footnote-ref-216)
217. *See id.* at 48-49. [↑](#footnote-ref-217)
218. *See id.* at 48. [↑](#footnote-ref-218)
219. *See id.* [↑](#footnote-ref-219)
220. *Id.* [↑](#footnote-ref-220)
221. *See id.* at 50-53. [↑](#footnote-ref-221)
222. *See id.* [↑](#footnote-ref-222)
223. *See id.* at 50-51. [↑](#footnote-ref-223)
224. *See id.* at 52-53. [↑](#footnote-ref-224)
225. *See id.* at 53. [↑](#footnote-ref-225)
226. *See id.* at 54. [↑](#footnote-ref-226)
227. *See id.* at 56. [↑](#footnote-ref-227)
228. *See id.* [↑](#footnote-ref-228)
229. *See id.* at 58. [↑](#footnote-ref-229)
230. *Id.* caption at 58-59. [↑](#footnote-ref-230)
231. *See id.* at 64-67. [↑](#footnote-ref-231)
232. *See id.* [↑](#footnote-ref-232)
233. *See* Bauer & Taylor, *supra* note 16, at 242. [↑](#footnote-ref-233)
234. *See id.* at 241. [↑](#footnote-ref-234)
235. *See id.* at 241-42. [↑](#footnote-ref-235)
236. *See id.* at 242. [↑](#footnote-ref-236)
237. *See id.* [↑](#footnote-ref-237)
238. *See id.* [↑](#footnote-ref-238)
239. *See id.* tbl. 9.1 at 243. [↑](#footnote-ref-239)
240. *See id.* at 5. [↑](#footnote-ref-240)
241. *See id.* [↑](#footnote-ref-241)
242. *See id.* [↑](#footnote-ref-242)
243. *See id.* at 5, 17. [↑](#footnote-ref-243)
244. *See id.* at 244. [↑](#footnote-ref-244)
245. Tom Lodge, *The Future of South Africa's Party System*, J. Democracy, July 2006, at 152, 153. [↑](#footnote-ref-245)
246. *Id.* [↑](#footnote-ref-246)
247. *See* Bauer & Taylor, *supra* note 16, at 237. [↑](#footnote-ref-247)
248. *See id.* at 4 (footnote omitted). [↑](#footnote-ref-248)
249. *See* Lindberg, *supra* note 1, app.4 at 191. [↑](#footnote-ref-249)
250. *See id.* [↑](#footnote-ref-250)
251. *See id.* [↑](#footnote-ref-251)
252. Lodge, *supra* note 245, at 152. [↑](#footnote-ref-252)
253. *See id.* [↑](#footnote-ref-253)
254. Bauer & Taylor, *supra* note 16, at 240 (citing Tom Lodge, Consolidating Democracy: South Africa's Second Popular Election (1999) and Robert Mattes, *South Africa: Democracy Without the People?*, 13 J. Democracy 22, 22-36 (2002)). [↑](#footnote-ref-254)
255. Renske Doorenspleet, *Political Parties, Party Systems and Democracy in Sub-Saharan Africa*, *in* African Political Parties 169, 176, 184 (M.A. Mohamed Salih ed., 2003). [↑](#footnote-ref-255)
256. *See id.* at 181. [↑](#footnote-ref-256)
257. *See id.* at 182-83. [↑](#footnote-ref-257)
258. *See id.* [↑](#footnote-ref-258)
259. *See* Lodge, *supra* note 245, at 153, 166 & n.1 (citing Stefaans Brümmer and Sam Sole, *Oil-for-food Probe Ducks Politics*, Mail and Guardian, Feb. 17 2006). [↑](#footnote-ref-259)
260. *See* Andrew Feinstein, After the Party: Corruption, the ANC and South Africa's Uncertain Future 213 (2009). [↑](#footnote-ref-260)
261. *See* Andrew Feinstein, *supra* note 260. [↑](#footnote-ref-261)
262. *See* Lodge, *supra* note 245, at 162. [↑](#footnote-ref-262)
263. *See id.* at 155. [↑](#footnote-ref-263)
264. *See id.* at 155-56. [↑](#footnote-ref-264)
265. *See id.* [↑](#footnote-ref-265)
266. *See id.* at 158-59. [↑](#footnote-ref-266)
267. *See id.* at 158. [↑](#footnote-ref-267)
268. *See id.* at 158, 160 (citing Inkatha Freedom Party, *National Council Resolutions*, National Council Meeting, July 31, 2005). [↑](#footnote-ref-268)
269. *See id.* at 158-59. [↑](#footnote-ref-269)
270. *See* Bauer & Taylor, *supra* note 16, at 260-61, 272. [↑](#footnote-ref-270)
271. *See id.* at 272;Lodge, *supra* note 245, at 153-54. [↑](#footnote-ref-271)
272. *See* Bauer & Taylor, *supra* note 16, at 239; Jessica Piombo & Lia Nijzink, *Preface* to Electoral Politics in South Africa, at vii (Jessica Piombo & Lia Nijzink eds., 2005). [↑](#footnote-ref-272)
273. *See* Steven Friedman, *A Voice for Some: South Africa's Ten Years of Democracy*, *in* Electoral Politics in South Africa, *supra* note 272, at 3, 4. [↑](#footnote-ref-273)
274. *See* Bauer & Taylor, *supra* note 16, at 239. [↑](#footnote-ref-274)
275. *See id.* at 4. [↑](#footnote-ref-275)
276. *See id.* at 239. [↑](#footnote-ref-276)
277. *See* Lodge, *supra* note 245, at 160-61. [↑](#footnote-ref-277)
278. *See id.* [↑](#footnote-ref-278)
279. *See id.* [↑](#footnote-ref-279)
280. *See id.* at 162. [↑](#footnote-ref-280)
281. *See id.* at 164. "Paradoxically, dominant-party politics may provide a protected space to nurture a more competitive system." *Id.* [↑](#footnote-ref-281)
282. *See id.* at 165. [↑](#footnote-ref-282)
283. *See id.* [↑](#footnote-ref-283)
284. *See id.* at 154-55. [↑](#footnote-ref-284)
285. *See id.* [↑](#footnote-ref-285)
286. *See id.* at 165. [↑](#footnote-ref-286)
287. *See id.* at 159. [↑](#footnote-ref-287)
288. *See id.* at 161-62. [↑](#footnote-ref-288)
289. *See id.* at 160-61. [↑](#footnote-ref-289)
290. *See id.* [↑](#footnote-ref-290)
291. *See id.* at 155. [↑](#footnote-ref-291)
292. *See id.* [↑](#footnote-ref-292)
293. *See id.* [↑](#footnote-ref-293)
294. *See id.* at 165. [↑](#footnote-ref-294)
295. *See id.* at 154-55, 160. [↑](#footnote-ref-295)
296. *See id.* at 162-63. [↑](#footnote-ref-296)
297. *See* S. Afr. Const. 1996, ch. 2, § 19(1), *available at* http://www.info.gov.za/documents/constitution/1996/96cons2.htm#19; S. Afr. (Interim) Const. 1993, ch. 3, § 21(1), *available at* http://www.info.gov.za/documents/constitution/93cons.htm#SECTION21; Bauer & Taylor, *supra* note 16, at 249. [↑](#footnote-ref-297)
298. *See* Bauer & Taylor, *supra* note 16, at 250 (citing Mattes, *supra* note 254, at 24). [↑](#footnote-ref-298)
299. Mattes, *supra* note 254, at 23. [↑](#footnote-ref-299)
300. *See* Bauer & Taylor, *supra* note 16, at 250. [↑](#footnote-ref-300)
301. *See id.* [↑](#footnote-ref-301)
302. *See id.* *See also* S. Afr. Const. 1996, ch. 6 & § 146, *available at* http://www.info.gov.za/documents/constitution/1996/96cons6; S. Afr. (Interim) Const. 1993, ch. 9, *available at* http://www.info.gov.za/documents/constitution/93cons.htm#CHAP9. [↑](#footnote-ref-302)
303. *See* Bauer & Taylor, *supra* note 16, at 251, 260-61. [↑](#footnote-ref-303)
304. *See id.* at 251, 260. *See also* S. Afr. Const. 1996, ch. 4, § 47(3)(c). [↑](#footnote-ref-304)
305. *See* Constitution Fifteenth Amendment Act of 2008, 523 Gov. Gazette 31792, 2-4, *available at* http://www.info.gov.za/view/DownloadFileAction?id=94452. Section 47 currently states, "A person loses membership of the National Assembly if that person … ceases to be a member of the party that nominated that person as a member of the Assembly." S. Afr. Const. 1996, ch. 4, § 47(3)(c) (amended 2009), *available at* http://www.info.gov.za/documents/constitution/1996/96cons4.htm#47. [↑](#footnote-ref-305)
306. *See* Mattes, *supra* note 254, at 24. [↑](#footnote-ref-306)
307. *See id.* [↑](#footnote-ref-307)
308. *See id.* [↑](#footnote-ref-308)
309. *See* S. Afr. Const. 1996, ch. 14, § 236, *available at* http://www.info.gov.za/documents/constitution/1996/96cons14.htm#236. [↑](#footnote-ref-309)
310. *See* Glenda Fick, *South Africa: Public Funding of Represented Political Parties Act*, EISA, Oct., 1998, http://www.eisa.org.za/WEP/soulaws6.htm. [↑](#footnote-ref-310)
311. *See id.* *See also* Public Funding of Represented Political Parties Act, Act No. 103, 390 Gov. Gazette 18517 (1997). [↑](#footnote-ref-311)
312. Public Funding of Represented Political Parties Act, Act No. 103, 390 Gov. Gazette 18517 (1997). [↑](#footnote-ref-312)
313. *See supra* notes 257-61 and accompanying text. [↑](#footnote-ref-313)
314. *See* Turk. Const. arts. 2 & 4 (1982), *available at* http://www.anayasa.gov.tr/images/loaded/pdf\_dosyalari/THE\_CONSTITUTION\_OF\_THE\_REPUBLIC\_OF\_TURKEY.pdf. [↑](#footnote-ref-314)