

**DYNAMICS OF CONSTITUTIONALISM BETWEEN DEMOCRACY AND
AUTHORITARIANISM AS A COMPLEX ADAPTIVE SYSTEM**

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ABSTRACT

International democratization of authoritarian states has created a complex political dynamic pitting the goal of democratic diffusion against the objective of maintaining dictatorial power. By enacting legal reforms while episodically upholding rights or freedoms, amid repression, semi-authoritarian regimes generate diverse political grievances for obtaining constitutional rights and observations of those rights. Semi-authoritarian regimes have developed new tactics of manipulation of information exchange to address these grievances. This dissertation argues that to model semi-authoritarian constitutionalism, scholars must tackle complex multi-level interactions of aggrieved sub-national and state actors under influences of democratization. This dissertation develops a theory, and testable hypotheses, of semi-authoritarian resilience modeled as a complex adaptive system of systems (CASoS). This approach emphasizes concepts such as initial conditions, system structure, information exchange, and emergent phenomena.

Using the logic of abduction, through iteration between theory and empirical evidence, a parsimonious explanation is inferred with policy implications for reexamining how democracy is fostered across borders on multiple levels. A multi-level, multi-dimensional representation of interactions across the systems demonstrates a non-monotonic relationship between mobilization, grievance, and repression over time in which a convergence of preferences for more immediate, partial democratic reforms lowers mobilization under semi-authoritarianism, but incentivizes some groups to mobilize outside the existing constitutional system. This dissertation's pragmatic, multi-method research design explores implications of the developed model over time

in the Ottoman Empire and Republic of Turkey, from 1876 to present, and also spatially in contemporary Turkey, Iraq, and Syria.

Using Qualitative Comparative Analysis, a theory of a constitutional semi-authoritarian dynamic of cycles through phases of repression, reform, and rights over time is developed as an emergent phenomenon of the CASoS. Citizens' discourse over constitutional reform in public communication processes in Turkey is analyzed using Structural Topic Modeling to understand stealth authoritarian resilience through information exchange and control. Finally, the evolution of Kurdish groups making constitutional claims for self-determination and their cooperation across borders in Turkey, Syria, and Iraq, under various influences of democratization, is analyzed as an inter-organizational network, demonstrating the adaptive mechanisms that can deepen sub-national grievances, prolonging conflict, but enhancing the resilience of constitutional semi-authoritarianism.

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PREFACE

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ABBREVIATIONS

AKP or JDP (*Adalet ve Kalkınma Partisi* or Justice and Development Party of Turkey)

ANAP or MP (*Anavatan Partisi*, or Motherland Party of Turkey)

AUK or CRC (*Anayasa Uzlaşma Komisyonu* or Constitutional Reconciliation Commission of Turkey)

BDP (*Barış ve Demokrasi Partisi* or Peace and Democracy Party)

CCP (Comparative Constitutions Project)

CHP or RPP (*Cumhuriyet Halk Partisi*, or Republican People's Party of Turkey)

DHKP/C or Dev Sol (*Devrimci Halk Kurtuluş Partisi-Cephesi* or the Revolutionary People's Liberation Party-Front, also known as the Revolutionary Left or *Devrimci Sol* of Turkey)

DP (*Demokrasi Partisi*, or Democrat Party of Turkey)

EQMCC (Enhanced Quine-McCluskey algorithm)

EU (European Union)

fsQCA (Fuzzy-Set Qualitative Comparative Analysis)

HDP (*Halkların Demokratik Partisi* or People's Democratic Party)

HHK or KRG (*Hikumeti Heremi Kurdistan* or Kurdistan Regional Government – Iraq)

IAD (Institutional Analysis and Development Framework)

IDP (International Democracy Promotion)

IS (Islamic State)

ISIS (Islamic State of Iraq and Syria)

ISIL (Islamic State of Iraq and the Levant)

ITC or CUP (*İttihat ve Terakki Cemiyeti* or Committee for Union and Progress of Turkey)

KCK (*Koma Civaken Kurdistan* or Groups of Communities in Kurdistan)

KDP or KDP-QM or PDK (*Partiya Demokrata Kurdistanê* or Kurdistan Democratic Party of Iraq)

PKK (*Partiya Karkerên Kurdistanê* or Kurdistan Workers Party of Turkey)

PUK/ YNK (*Yekîtiy Nîştîmanîy Kurdistan* or Patriotic Union of Kurdistan of Iraq)

PYD or DUP (*Partiya Yekîtiya Demokrat*, or Democratic Union Party of Syria)

MBK or CNU (*Millî Birlik Komitesi* or Committee for National Unity of Turkey)

MHP or NAP (*Milliyetçi Hareket Partisi* or Nationalist Action Party)

NATO (North Atlantic Treaty Organization)

MGK or NSC (*Millî Güvenlik Kurulu* or National Security Council of Turkey)

MKP (Maoist Communist Party of Turkey)

OCA (Overt constitutional authoritarianism)

QCA (Qualitative Comparative Analysis)

SCA (Stealth constitutional authoritarianism)

UN (United Nations)

US (United States (US))

YPG or PPU (*Yekîneyên Parastina Gel* or People's Protection Units of Syria)

YPJ or WPU (*Yekîneyên Parastina Jine* or Women's Protection Units of Syria)

1.0 INTRODUCTION

Turkey's Justice and Development Party (*Adalet ve Kalkınma Partisi*, or AKP) began intensively engaging Turkish citizens, civil society organizations, and government representatives, in a public constitutional reform process in 2007. The intensity of the reform process has ebbed and flowed; its conclusion is unknown in 2015. The AKP's constitutional reform process notably included a "deliberative democratic," participation phase intended to gather public opinion from civil society actors. Based on this body of public opinion, a representative commission of members of Turkey's Parliament would then debate over and draft articles, and finally decide upon a new Constitution unanimously. Ultimately, the goal was to redesign the current 1982 Constitution of Turkey to a civilian, democratic constitution. Yet at the same time, from 2007 onwards in Turkey, the AKP heightened repression against an upsurge of domestic dissent. In what are now collectively known as the Gezi Park protests, in the summer of 2013, the AKP's increased use of authoritarian repression injured over 8,000 citizens and resulted in eleven fatalities in its crackdown on citizens' freedom of assembly (Türk Tabipleri Birliği 2013).ⁱ In 2015, the repression is reconvening around all opposition, but organized Kurdish political opposition in particular.

In addition to egregious violations of freedom of assembly, the AKP government had one of the worst records of violations of freedom of speech in the world. Media was, and is, restricted by concentration of ownership and state censorship boards; journalists are also subject to

individual intimidation, harassment, imprisonment, or exile or expatriation (F. Phillips 2013). Turkey had the most journalists in jail of any country in the world for 2013 and 2014 (Committee to Protect Journalists 2014). The government has also banned Twitter and engaged in cyber-retaliation against journalists during recent protests, elections, and regarding the Kurdish issue (Hürriyet Daily News 2013; Reuters 2013; Scott 2014). Beyond widespread censorship and repression of protests, there were more indications of democratic recession in Turkey in this period, despite its ongoing legal *de jure* reforms under the democratization program per the European Union's accession criteria for Turkey to join the supranational economic and political organization of states.

The AKP won large majorities in the country's local and Parliamentary elections consecutively for over a decade, from 2002 onwards, until a surprising loss in 2015, the consequences of which remain to be seen. Failed coalition government negotiations led to "snap" or rerun elections to be held during the end of 2015 (Dettmer 2015). Legislation changing the local and provincial structure of governance through redistricting, electoral, and administrative reforms gave the AKP electoral advantage in the Parliamentary elections of 2007 and 2011 and in the local elections of 2009.ⁱⁱ Under the leadership of Recep Tayyip Erdoğan, the AKP effectively held charge of the executive and legislative branches, and increasingly retained power over the judiciary. The AKP promulgated the legislation that created the popularly elected Presidential office, with Erdoğan winning the first popular Presidential election ever held in Turkey in August 2014.ⁱⁱⁱ International and domestic observers deemed conditions under which it was held unfair, yet criticisms have gone without redress (OSCE/ODIHR 2014).^{iv} From 2013 onwards, Erdoğan combined the powers of the Prime Ministry and Presidential offices in his

“Primesidency” (S. A. Cook 2015). One example of this was Erdoğan’s decision as President to preside over Cabinet meetings, a position legally held for the Prime Minister (Kiliç 2014).

Existing barriers to representation in the electoral system in Turkey, including the 10 percent threshold for a political party’s entrance into Parliament, combined with the AKP’s aforementioned reforms, made electoral gains for political opposition parties highly unlikely (OSCE/ODIHR 2011).^v The gains made by opposition parties, including the secular Republican *Cumhuriyet Halk Partisi* (Republican People’s Party, or CHP), the Turkish nationalist *Milliyetçi Hareket Partisi* (Nationalist Action Party, or MHP), and most importantly, the Kurdish *Halk Demokrasi Partisi* (HDP) or People’s Democracy Party, in June 2015 were a surprise for nearly all observers. The local elections of 2014 were the first to be denounced with widespread allegations of violence and voting fraud, making the AKP’s Parliamentary seat losses particularly stunning (Al Jazeera English 2014; Hürriyet Daily News 2014).

While international observers applauded the AKP’s initial effort to create a civilian constitution, over time the regime’s use of repression was condemned. The major connection between the domestic constitutional reform and the international recognition of growing authoritarianism in Turkey was Erdoğan’s concerted attempt to gain *de jure* recognition of his *de facto* consolidation of executive powers through constitutional reform. United domestic opposition to a stronger Presidency brought the Constitutional Reconciliation Commission’s negotiations to a standstill (Varol 2015).

Meanwhile, citizens protested and dissented, devising creative non-violent methods to lower the risk of brutal repression. The “Standing Man,” one Turkish citizen who showed his dissent by simply standing silently in Istanbul’s Taksim Square, went viral, and was accompanied by other tactics of quiet protest catching the attention of the international human

rights and democracy promotion community (Carvin 2013). Despite the Turkish police's reckless and egregious use of water cannons, tear gas, and pepper spray, throughout 2013 and 2014, protestors regularly took to the streets. Voters took their dissatisfaction to polling stations in June 2015, voting the AKP out of its majority position in Parliament. While "snap" elections will be held in the fall of 2015, Turkey has entered into armed conflict with non-state actors in Southeastern Turkey, in Syria and in Iraq.

This dissertation, through investigating constitutional change between democracy and authoritarianism as a complex adaptive system of systems (CASoS), develops a new explanation for semi-authoritarian regime dynamics that accounts for these seemingly contradictory, complex phenomena. Authoritarianism of any kind is the antithesis of liberal democratic constitutionalism as it was originally intended. This juxtaposition is what makes semi-authoritarian constitutionalism, or increasing *de jure* democratic constitutional commitments while simultaneously using increasingly repressive or unconstitutional tactics, puzzling.^{vi} A classical constitutional historian wrote "constitutionalism has one essential quality: it is a legal limitation on government; it is the antithesis of arbitrary rule; its opposite is despotic government, the government of will instead of law" (McIlwain 2005, 20–1).

Scholars who study constitutionalism normatively dichotomize constitutional systems and authoritarian systems as points on opposite ends of a democracy-authoritarianism continuum, yet in between, new kinds of resilient constitutional rule are developing, according to comparative constitutionalists (Tushnet 2013). For those who understand constitutions to be tools of self-government, or of legal restraints to hold rulers to account, authoritarian constitutionalism can seem almost farcical. Leaders in overt authoritarian regimes, for example, in the Soviet Union, brazenly contradicted the constitution; it was commonly joked that while there was

freedom of speech in the Soviet Union, there was no freedom after speech (Ginsburg and Simpser 2013). The first Constitution of the Ottoman Empire was anathema to liberal, democratic constitutionalism.¹ Constitutional documents have not always promoted liberal constitutional norms, and authoritarian regimes have used them to increase their power for centuries. However, regimes' nuanced use of the reforms of such documents under the systemic influence of democracy promotion to increase their resilience through adaptation, I argue, is a new phenomenon developed through learning.

Moreover, semi-authoritarian governments' increased resilience, or their ability to adapt and maintain power despite challenges, is an important policy problem in the 21st century, as more than half of all polities in the world are not free. Freedom House designates 55 of the world's 195 polities, home to just over 1.7 billion people, or 24 percent, of the world's total, as "partly free;" and 51 of world polities as "not free," representing 26 percent of the world's total population, or 2.6 billion people (Puddington 2015). To develop an explanation of the contemporary politics of constitutional semi-authoritarianism, this dissertation grounds its research design in the principles of pragmatism, applies the framework of complex systems, and uses a research strategy guided by an abductive logic of inquiry, or "inference to the best explanation."

Abduction, argued to be cornerstone of scientific methodology, is the logic of everyday and scientific reasoning, and normally thought of as being one of three major types of inference, the other two being deduction and induction. The major objection is abductive explanations are

¹ Among the 1876 Constitution's articles were those proclaiming the Sultan's executive and religious authority, as well as his immunity: "His Majesty the Sultan, under the title of 'Supreme Caliph,' is protector of the Muslim religion ... He is the sovereign and padişah (emperor) of all of the Ottomans ... His Majesty the Sultan is irresponsible; his person is sacred" (Boğaziçi University 1876).

“underdetermined,” as alternate hypotheses have not been ruled out. In developing new hypotheses, the rule of thumb for an abductive explanation holding up is “enough” rather than “exact” (Douven 2011). Explained further in Chapters II and III, abduction develops new hypotheses by drawing evidence from a thick description of events. This dissertation develops an explanation of how semi-authoritarian regimes have become resilient by legally accommodating some liberal constitutional norms via international democracy promotion, addressing a challenge from above, while simultaneously domestically violating democratic constitutional norms, to address challenges from within and from below. Namely, this is a theory of stealth constitutional authoritarianism.

This dissertation is unconventional. It applies the relatively new paradigm of complexity science to these social, political, and legal phenomena. Instead of testing alternative hypotheses to isolate a causal effect, this research attempts “conceptual breakthrough” (Eidlin 2010). To do so, the dissertation touches upon different subfields of international relations, political science, public policy, and comparative public law. In completing this task, the dissertation brings together many different literatures, including those on democratization, semi-authoritarianism, democracy promotion, comparative constitutionalism, policy learning, political communication, and political theory, to generate theories and hypotheses for a future research program for semi-authoritarian resilience.

1.1 THE ARGUMENT

By examining the complex interactions between systemic international influences, states, and subnational actors, this dissertation argues that semi-authoritarian regimes have become more

resilient, or have an increased capacity to sustain themselves, not despite, but in concert with, the multi-level challenges to their rule. Those challenges may come from above as the pull or push, positive or negative influence, or as “carrots” or “sticks” of international democracy promotion, conceptualizing international democracy promotion as an aggregate force rather than “unitary actor.” Semi-authoritarian “regimes” or “governments” are conceptualized in the model as systems whose boundaries are defined regime elites and their aligned and un-aligned organizations as political organizational networks, which create challenges from within. Finally, challenges may also come from below, from subnational groups that can mobilize to act collectively to oppose the semi-authoritarian regime, causing the regime to use tactics that violate liberal democratic constitutional norms to maintain power, but in combination with democratic practices as well.

The theory of constitutional change under semi-authoritarianism developed in this dissertation hinges on the gap between the regimes’ levels of *de jure* constitutional rights, their *de facto* implementation of those rights, citizens’ perceptions of that gap, and the risk generated for semi-authoritarian regimes in sparking organized opposition. Throughout this research I refer to the difference of policy in practice, or “*de facto*,” and on paper, or “*de jure*” in line with research like Versteeg’s and Law’s which differentiates between law as “parchment” and law as it is practiced (Law and Versteeg 2013). As shown in Table 1 below, in a system of semi-authoritarian regimes enacting constitutional change, regimes with an overt authoritarian dynamic consistently have a low observation of human rights, but they may have a high or low commitment to rights and freedoms in their constitutions, creating sham or weak constitutions, respectively.

The “sham” and “weak” categories come from comparative *de jure* and *de facto* matrix designating four types: sham, weak, modest, and strong constitutions (Law and Versteeg 2013). Sham and weak constitutions generate different levels of grievance, defined as “the distance between the ideal policies of the state and its citizens” (Shadmehr 2014, 623). In this model, there are three components to grievance: the distance between the ideal policy of citizens and the regime’s policy, both their *de jure* policy commitments and their *de facto* policy observations, and finally, the perception or sentiment of citizens regarding the grievance.

Table 1. Overt and Stealth Constitutional Authoritarian Dynamics

	Overt Authoritarianism: Weak Constitution	Overt Authoritarianism: Sham Constitution	Stealth Authoritarianism	Conceptualization/ Operationalization
Constitutional Commitments	Low	High	Variance over time and between issue areas	<i>De jure</i> constitutional change/ Constitutional clauses
Observation of Rights and Freedoms	Low	Low	Variance over time and between issue areas	<i>De facto</i> observation of constitutionalism/ Human rights and upholding of freedoms
Perception/ Sentiment	Citizens’ perception of grievance measured as gap between state <i>de jure</i> policy, state <i>de facto</i> policy, and citizen’s ideals			Language struggle/ Text-as-data for cooperation/ conflict

Outside of *overt authoritarian regimes with weak and sham constitutions*, a new category semi-authoritarian constitutionalism, in which rights are specified, but limited, in ways such that democratic rights and freedoms may be upheld or legally violated at leaders’ discretion, has arisen. The 1982 Constitution of the Republic of Turkey and its evolution over the last 30 years is exemplary of the third, or stealth, category (Isiksel 2013). Regimes under the *stealth constitutional authoritarian* dynamic have more variance in their observation of, and commitment to, constitutional rights and freedoms. Policy change over time and across issue

areas within constitutions allows them to create more resilient semi-authoritarian regimes using techniques like information exchange and control to meet challenges that may arise from above, from within, or from below.

These dynamics have different impacts on the evolution of political opposition in semi-authoritarian regimes depending on the influence of democratization. A stealth dynamic of authoritarianism makes citizens more likely to accept partial democratic reforms by working within the existing system, provided citizens can periodically protest to have their rights recognized, to hold the regime to account for its *de jure* constitutional commitments, creating a “wet blanket” effect on mobilization. Under the stealth dynamic, the cost of facing repression may be higher than the driving motivation of grievance, as little recourse available for opposition domestically or internationally when a regime can claim it is legally democratic while practicing repression, leading to inaction and semi-authoritarian resilience through maintenance of the status quo.

As modeled in Chapter III, depending on grievance, citizens have a non-monotonic or u-shaped incentive to respond to claim their rights (Shadmehr 2014; Lorentzen 2013). Which phase the semi-authoritarian constitutional regime is in determines its constitutional dynamic – the overt regimes with weak or sham constitutions, or the stealth regime – and impacts regimes’ constitutional choices on paper and in practice. By cycling through these different dynamics, the interrelationships between grievances, repression, and their effects on mobilization present a powerful means to enhance semi-authoritarian resilience. As regimes cycle through these dynamics, they challenge the opposition’s avenues to collective action and counter the influence of democratization in different ways. Semi-authoritarian regimes’ longevity occurs through the development of a robust façade of commitment to democratic constitutionalism through reform,

side-by-side with simultaneous observable instances of protecting constitutional democratic rights and liberties, and instances of dictatorial-like repression.

1.2 CONTRIBUTIONS OF A COMPLEX SYSTEMS APPROACH

International relations scholars have proposed five types of mechanisms linking international system with domestic politics, including direct system effects, indirect system effects, moderation effects, interaction effects, and a composite model which combines all four effects (Chaudoin, Milner, and Pang 2015).² A complex adaptive system or complex adaptive system of systems model most closely approximates the composite model; however, that model fails to account for concepts already identified in the complex systems literature as universal, such as *emergence, initial conditions, system flows or exchange, and system structure* (Miller and Page 2007; Glass et al. 2011; Katz 2011).

Furthermore, scholars are increasingly using the framework of complex adaptive systems to understand law and politics. To model these dynamics as a complex adaptive system emphasizing these concepts, this dissertation employs a multi-method design. Systems or processes of complexity are difficult to explain, predict, evolve, or engineer, but more closely approximate the most pervasive policy problems of the 21st century, like disasters, climate change, and humanitarian crises (Gell-Mann 1994, Mitchell 2009, Page 2011). This dissertation develops the argument that stealth constitutional authoritarianism and opposition to it emerges from the interaction between regime, opposition, and self-determination movements over time in

² See Chaudoin, et al. 2015 for an excellent review.

the nation-state system under the influences of systemic international democratization. The chapters provide empirical data to document how, why, and with what ramifications this resilient dynamic of semi-authoritarianism has come into being, and proposes that approaches to democratization need to be reframed in order to effectively challenge it.

External actors promoting democracy impact regimes and political opposition in semi-authoritarian states, creating a system in which actors converge toward a moderate commitment to normative constitutionalism rather than a radical overthrow of the state. Actors' adaptive preferences for this status quo drive these phase transitions. As a result, observers see a growing capacity by semi-authoritarian regimes to act procedurally according to the rule-of-law and upholding of rights, while actually governing through rule-by-law, or the use of legal institutions to consolidate authoritarian rule, with repression (Ginsburg and Moustafa 2008; Moustafa 2007; Moustafa 2013). The influences of democracy promotion incentivize political leaders to meet the *de jure* constitutional standards of a liberal constitutional democracy. Meeting these thresholds allows some states to maintain the financial, institutional, and normative benefits of the international democracy programs, and to avoid the costs of transgression, such as political or economic sanctions, or military intervention. International democracy promotion has been shown to have a positive effect on democratization in most cases, yet there remain anomalies in certain subsectors, such as human rights, in certain cases at specific times (Finkel, Perez-Linan, and Seligson 2007). Partially democratic regimes with high levels of factionalism have been shown to be the most unstable of all varieties of regimes (Goldstone et al. 2010). This research examines one of the mechanisms behind those anomalies, pertaining particularly to the evolution of regimes and opposition in provinces of the former Ottoman Empire (Pace 2009).

The research is grounded in the region's constitutional history since the Ottoman Empire. The dissolution of the Ottoman Empire leading to the formation of Turkey, Syria, and Iraq are the initial conditions of the complex adaptive system of systems. The emergent phenomena of the CASoS of constitutionalism under authoritarianism are dynamic non-equilibrium states that shift between phases, driven by the regimes' use of repression, and the level of grievance, or the gap between state commitments and observations of constitutional rights, and citizens' sentiment toward that gap.

Across the globe, these system dynamics are demonstrated in the incomplete commitment of governments or regimes to liberal, constitutional democracy. In semi-authoritarian regimes, they converge to increase the resilience of the regime to actions against it. Yet the system dynamics also account for the creation of islands of dissent, from protests to self-determination movements seeking varying degrees of autonomy from the regime. Over time, actors develop preferences for moderate democratic reforms, enabling leaders to fine-tune mechanisms of power consolidation that are procedurally legal and, at face value, seemingly democratic, while their actions, in aggregate, undermine constitutional democracy in spirit. Opposition must overcome the dampening effect on mobilization and cooperate to act collectively and establish governance external to the existing constitutional system.

While semi-authoritarian or nominally-democratic processes may take place in any polity, including so-called consolidated democracies, they do not affect the regime or government's *resilience* similarly because there are alternate avenues to act collectively for dissenters and opposition. This dissertation employs relevant findings within multiple fields, together, with original empirical work, to generate an explanation of constitutional semi-authoritarianism that shows the utility of the complex adaptive systems approach. Empirically, it

contributes to a body of literature that identifies legal and political systems as complex adaptive systems of systems.

1.3 ORGANIZATION OF THE DISSERTATION

1.3.1 Democratization and Authoritarianism Review

To begin disaggregating these constitutional authoritarian environments, in Chapter 2, I review literature on nominally democratic institutions, as they relate to a complex adaptive systems approach. Authoritarian regimes are diverse, and semi-authoritarian regimes, even more so. At the line between democracy and authoritarianism lay a variety policies, processes, and institutional configurations that authoritarian regimes may incorporate into their political systems, including constitutions and constitutional reform processes. The literature on nominally democratic institutions focuses heavily on institutions like courts, legislatures, political parties, and elections. By examining in detail the role of constitutional reform processes, the study contributes to scholarship on the role of nominally democratic processes and institutions in semi-authoritarian contexts, adding an in-depth look at constitutions and constitutional change processes to that literature.

1.3.2 Research Design and Methods

In Chapter 3, I explain the ontological approach of the dissertation according to concepts from complex systems theory and principles of pragmatism. I then summarize how the use of multiple

methods – Qualitative Comparative Analysis, Structural Topic Modeling, and inter-organizational network analysis – are used to infer and gather evidence for a model of semi-authoritarian resilience. As an empirical work of theory development through abduction, the research does not challenge any major schools of thought, nor take on great debates, such as the civilizationism of Lewis and Huntington, in its analysis, but rather attempts conceptual breakthrough (Lewis 2001; Lewis 1994; Huntington 1993a; Huntington 1993b).

1.3.3 Complex Adaptive System of Systems Model

In Chapter 4, I develop the theoretical framework for semi-authoritarian constitutionalism using the syntax of Ostrom’s Institutional Analysis and Development grammar of institutional change. This chapter develops two variants, overt authoritarianism and stealth authoritarianism, depending on whether or not the target regime’s actions result from a “carrots” or “sticks” influence from international democratization influence in the larger action arena. Subsequently, the overt or stealth authoritarian variants enact different action situations for regimes, opposition, and the formation of self-determination movements with constitutional claims for democratic autonomy. I use the implications of the theoretical framework developed to implicitly model a complex adaptive systems of systems model for the resilience of constitutional semi-authoritarianism. The CASoS model incorporates disaggregated actors on three levels with adaptive preferences that interact across space and over time in a cyclic dynamic.

1.3.4 System Structure and System Dynamics

In Chapters 5 and 6, the research examines how regimes develop the capacity to maintain both “authoritarian” and “constitutional” features by comparing constitution-making processes over time from the Ottoman Empire and throughout the Republic of Turkey (1876 to 1981). Utilizing Qualitative Comparative Analysis (QCA), Chapter 5 generates heuristics to identify the building blocks of “Overt” and “Stealth” authoritarian constitutional conditions. To understand how the capacity was built for constitutional authoritarianism, regimes are operationalized as networks to understand communication mechanisms of domination or persuasion as strategic drivers behind varieties of constitutionalism under authoritarianism. I use the major episodes of constitution-making and constitutional reform processes of the Ottoman Empire and the Turkish Republic to identify the learning that takes place under semi-authoritarian constitutionalism.

Chapter 5 examines *system structure* by characterizing semi-authoritarian regimes in part based on latent dimensions that are orthogonal to democracy, and operationalizing them as political organizational network structures with elites under repression. The Turkish cases of constitutional reform span authoritarian regime types from dynastic constitutional monarchy (1876, 1909, and 1921), single parties with varying levels of personalism (1924 and 1945), and military-led regimes (1961 and 1980).

Chapter 6 uses the heuristics generated in Chapter 5, complementary to a dataset of observed levels of international democracy promotion and constitutional rights and freedoms in Turkey from 1982-2011, to confirm hypotheses regarding constitutional authoritarian dynamics. It finds that the Overt-Weak constitutional dynamic precedes the Overt-Sham constitutional dynamic. With more intense democratization influence, the Stealth constitutional dynamic follows, unless increased repression leads back to the Overt-Weak constitutional dynamic,

consolidation of power leads back to the Overt-Sham constitutional dynamic, or competition leads to a fragile state of democracy.

1.3.5 Information Exchange and Control

Chapter 7 of the dissertation examines a new mechanism of Stealth constitutional authoritarianism, or the use of controlled public communication processes to enhance resilience while simultaneously being under the positive influence of democracy promotion, or “carrots” for democratization. Chapter 7 examines the use of quasi-democratic deliberative processes as a new practice of stealth authoritarianism under the current Justice and Development Party, or *Adalet ve Kalkınma Partisi* (AKP), ruling party in Turkey, from 2007 to 2013. As the party gained power and strength from 2002 to 2015, culminating in an increasingly authoritarian regime under Erdoğan’s AKP government from 2007 to the present, it developed unique capacities to both maintain procedural rule-of-law while simultaneously consolidating its power and using repression, effectively disadvantaging the position of the political opposition and silencing dissent.

Data available from the post-2010 reform process provide a methodological opportunity to extend and test the tools of natural language processing (NLP) for quantitative content analysis to Turkish. Due to its agglutinative nature and rich morphology, text analysis in Turkish provides some unique challenges and opportunities for extending and testing these new analysis toolkits. The conclusions of this chapter suggest that stealth authoritarian political leaders use varying levels of citizen conflict as indicators of issue areas in which to control the exchange of information regarding policy change at the constitutional level to increase the appearance of

democracy while preventing the opposition from acting collectively or mobilizing against the regime.

1.3.6 Initial Conditions and Emergent Phenomena

Chapter 8 synthesizes the entire theoretical framework by presenting research that examines opposition response in Turkey, Syria, and Iraq, or the mobilization of Kurdish minority groups into self-determination movements. The initial conditions of these political systems, after the collapse of the Ottoman Empire, yielded an independent state in Turkey and colonial states in Iraq and in Syria with different relationships to external powers, but similar strategies for managing minority groups. By comparing the Kurds' self-determination movements in Turkey, Iraq, and Syria, under varying semi-authoritarian constitutional dynamics, this chapter explores the Kurds' constitutional claims for democratic autonomy and transnational cooperation between their movements for self-organized governance.

Chapter 8 summarizes evidence from constitutional clause and human rights datasets to ascertain measurements of the official constitutional environments of the Turkish, Iraqi, and Syrian states, dividing *de jure* commitments to democratic rights and freedoms from *de facto* observations of democratic rights and freedoms over time. After presenting and analyzing the data of the states' constitutional dynamics, the Kurds' self-determination movements are analyzed under these different dynamics. Utilizing an original dataset, I trace the multi-level interactions of conflict and cooperation in the complex adaptive system of systems (CASoS) under the influences of democracy promotion and between the dynamic phases of semi-authoritarian constitutionalism in Turkey, Iraq, and Syria.

This original dataset is presented as an inter-organizational network within the multi-level dynamic system from 1982 to 2012. Each group of Kurds has, to varying degrees, sought self-determination through constitution-making and maintained varying levels of commitment to democratic constitutionalism. This analysis concludes that the interactions in the CASoS affect Kurds' constitutional claims, or commitments to liberal constitutional democracy, the degree of autonomy sought, and the groups' ability to mobilize through cooperation across each of the countries examined.

Chapter 8 examines, through the constitutional commitments of the Kurds – the largest stateless ethnic group in the world – how self-organization of cooperation between groups making constitutional claims develops under dynamics of semi-authoritarianism. This chapter offers insight into how Turkish, Iraqi, and Syrian governments have impacted Kurds' strategies for collective action, resulting in the emergence of self-determination movements with outcomes ranging from broadened electoral agendas to quasi-states of self-organized constitutionalism within semi-authoritarian constitutional states. In an era when “constitutionalism” is increasingly usurped for authoritarian purposes, this final empirical chapter explores how Kurds' choices of constitutional modes of governance return the study of constitutionalism back to its origins, to the development of democratic self-governance.

1.3.7 Conclusions and Policy Recommendations

Finally, I make policy recommendations regarding these semi-authoritarian polities to address the potential effects of current democracy promotion and suggest programmatic changes in a new era of resilient stealth authoritarianism. Chapter 9 proposes conclusions, policy recommendations, and further research regarding constitutionalism and semi-authoritarian rule.

It recommends further research in political networks on the mechanisms underlying factionalism in network structures through the communication strategies of dominance or persuasion in hierarchical and opinion-leader network structures. In political communication, further research on levels of citizen conflict and sequencing of information control and exchange is warranted. Increased attention to the nuanced censorship, propaganda, and information manipulation campaigns of semi-authoritarian regimes is recommended for policy-makers in semi-authoritarian countries, as well as detailed knowledge of citizens' degree of conflict or unified support for issue areas in reform to predict political instability. The dissertation recommends that policy-makers exercise caution when exerting pressure on authoritarian regimes to make partial, *de jure* policy changes for democratization without monitoring *de facto* observation of those reforms.

2.0 DEMOCRATIZATION OF AUTHORITARIANISM

Over half of all countries in the world are authoritarian or semi-authoritarian, but what makes them resilient? The variety of regimes that exist between democracy and authoritarianism have many names: competitive authoritarianism, semi-authoritarianism, electoral authoritarianism, and stealth authoritarianism (Gandhi and Lust-Okar 2009; Levitsky and Way 2002; Levitsky and Way 2010; Ottaway 2013; Varol 2014). This chapter reviews existing theories in these polities of the development of nominally democratic institutions under democratization to increase semi-authoritarian longevity, or, as it is conceptualized here, resilience.

The theories of complex adaptive systems (CAS), or system of systems (CASoS), have long been applied to the dynamic nature of law-making, the interactions between law, politics, and society, and the complexity of legal systems over time (Katz, Gubler, et al. 2011; Katz, Bommarito, et al. 2011; Holz 2007; Jones 2008; Kades 1996; Katz, Stafford, and Provins 2008; John B. Ruhl 1996; J. B. Ruhl 2012; J. B. Ruhl 2013; Spulber and Yoo 2004). Problems in law, politics, and society dealing with ethics, dispute resolution, and allocation of scarce resources in diverse communal, societal, national, international, and supra-national systems fit well with the CASoS framework (Katz 2011). Analysis of this complexity is aided by recent advances in computational methods to create and test empirical models.

In international relations and comparative politics, scholars also link empirically complex interactions between international systems and domestic politics. Composite models of direct

system effects, indirect system effects, moderation effects, and interaction effects on multiple levels most closely approximate a complex system of systems model (See Chaudoin, Milner, and Pang 2015 for a recent review). However, these models fail to account for concepts already identified in the complex systems literature as essential for understanding, modeling, or engineering accurate outcomes, including the concepts of emergence, initial conditions, system flows or exchange, and system structure.

This dissertation applies the CASoS framework temporally to constitutional change in the Ottoman Empire and Republic of Turkey, and spatially in former provinces of the Ottoman Empire, in Turkey, Iraq, and Syria. By examining interactions within a multi-level system of systems under the influences of democratization, the dissertation proposes a theory of semi-authoritarian resilience in which regimes adapt to increase their resilience by addressing challenges to their rule, *from above*, or international democracy promotion influences, challenges *from within*, or incumbent challengers or political opposition, and *from below*, or opposition, dissent, or groups making constitutional claims for self-determination outside the state.

Challenges from above consist of the positive and negative influences of international democracy promotion on nation-states in the international system. While international democracy promotion is, for certain, a diverse group of actors with different incentives, actions, goals, and intentions, this dissertation groups them as composite positive influence or negative influence. Positive influences, or “carrots,” are incentives to democratize, and include aid, loans, and membership in international organizations that provide legitimacy and other benefits. Negative influences, punishments, or “sticks,” are the withdrawal of benefits or membership, the enactment of sanctions, or military interventions into a state.

Challenges from within come from those seeking to replace the regime incumbents or from political opposition challenging the government. Though the term, “regime” implies a less democratic state, while the term, “government” implies a more democratic state, semi-authoritarian regimes by definition shift between categories. In lieu of the longer phrase, “governments with different conceptions of authority over time and space,” regime and government are used interchangeably in this research. Due to their use of nominally-democratic institutions to consolidate power, the conflation in terms adequately reflects the superfluous nature of setting a hard boundary between what is democratic and what is authoritarian in semi-authoritarian polities.

Within the nation-state, the government or regime is conceptualized as a political organizational system, with aligned individuals and organizations and opposed individuals and organizations. Regimes are also disaggregated into organizational systems with more hierarchical or more opinion-leader structures, using theories of political networks complementary to the complex systems approach. The boundary around the state system is set according to those who follow the currently existing constitutional order. Incumbents may seek to reform the order, opposition may seek to reform the order, or either set of actors may entirely replace the existing order; however, they do not make constitutional claims to self-determination as a group outside of it.

Challenges from below come from political opposition that has overcome the barriers to collective action in order to mobilize against the semi-authoritarian regime or government. In this research, the mobilization is conceptualized as groups making constitutional claims for self-determination outside of the currently existing political organizational system that composes the semi-authoritarian regime or government. Moreover, the groups making constitutional claims for

self-determination, hereafter self-determination movements, may act transnationally across regimes in order to mobilize their challenge. Therefore, theories of collective action complementary to the complex adaptive systems approach address how the interactions in the system both create and react to challenges from below. Below, I review the existing theories of nominally-democratic institutions and where they are complementary to, or fall short of, the application of the complex adaptive systems of systems approach to the phenomenon of constitutional semi-authoritarianism.

2.1 EXISTING RESEARCH: STRATEGIC INSTITUTIONAL ISOMORPHISM

Institutional isomorphism is a term used more broadly by organizational theorists as a type of policy transfer that involves the insemination of externally-identified solutions into national political systems (Radaelli 2000). Extant theories for authoritarian longevity include effective formal political institutions and the degree of intensity of external pressures for democratization, two factors that when combined, produce strategic institutional isomorphism (Hess 2013).³ The interaction between the two – democratization and formal political institutional change – are modeled in this dissertation as reform by semi-authoritarian regimes under the influence of democratization. Worldwide, this influence of democratization has resulted in the global transfer or diffusion of democratic institutions, yielding the phenomenon of “nominally-democratic institutions” in semi-authoritarian regimes.

³ Other factors include effective international security, control over economic resources, and high-level economic performance (Huntington 1993b; Przeworski and Limongi 1997; Geddes 1999; Beblawi and Luciani 1987; Vandewalle and Vandewalle 1998; L. Way 2008; Skocpol 1979; Bellin 2004; Levitsky and Way 2010).

2.1.1 Rise of Nominally-Democratic Institutions and Practices

The majority of existing research on nominally-democratic institutions focuses on strategic use of representative institutions; for example, in electoral processes, political parties, legislatures, as well as in non-representative institutions such as elite decision-making bodies, courts and judiciaries (Ginsburg and Moustafa 2008; Moustafa 2007; Moustafa 2014; Gandhi and Lust-Okar 2009; Gandhi and Przeworski 2007; Blaydes 2010; Boix and Svobik 2013). Representative institutions, like elections and legislatures, by design, give political majorities incentives to manipulate rules for self-gain. Constitutional reform provides the opportunity for “institutional self-dealing,” increasing the power of the actors’ institution (Ginsburg, Elkins, and Blount 2009, 211). Representative institutions also provide a structure for distributive politics, or “competitive clientelism,” which incumbent political leaders use to draw larger support bases from both assembly members and the electorate (Gandhi and Lust-Okar 2009; Gandhi and Przeworski 2007). Resources are offered through these structures to spread the spoils of political office, to persuade the public to support, and other leaders to adopt, the regime’s policy positions (Blaydes 2010).

Much constitutional reform in semi-authoritarian countries focuses on electoral processes. Elections as nominally democratic institutions “institute the principle of popular consent, even as they subvert it in practice” in non-democracies (Gandhi and Lust-Okar 2009). Elections also help incumbent political leaders in semi-authoritarian political systems to reduce risk of violent regime change or coups by offering periodic public engagement. Partially free or fair elections in particular are used for informational purposes in order to identify support bases, opposition strongholds, and voters’ policy preferences in order to form and appropriately target ideological inducements (Magaloni 2006), while elections that are not free and unfair are used to

silence or repress opposition (Schedler 2002; Levitsky and Way 2002). In their most repressive function, elections may serve to mobilize voters coercively to show their support. Incumbents under semi-authoritarianism use internationally-observed elections to bolster their own legitimacy and to disadvantage the opposition (Beaulieu and Hyde 2009).

Non-representative institutions, such as courts, are coopted through court-packing, and then help coordinate governance, or assimilate political opponents through silencing them (Ginsburg and Moustafa 2008; Moustafa 2007). Courts can implement ideologically controversial policies to allow political distance from core elements of the regime (Ginsburg and Simpsen 2013), or to bolster a regime's claim to 'legal' legitimacy and may build legitimacy for regimes by facilitating trade and investment through the enforcement of property rights (Ginsburg and Moustafa 2008; Moustafa 2007).

There are three mechanisms behind these strategic institutional changes. Nominally-democratic institutions are used strategically to coopt opposition, coordinate governance, or dominate, coerce, or control potential contenders or opposition to prolong semi-authoritarian longevity. First, coordination refers to the ability to cooperate to act collectively to achieve an outcome. A key factor in coordination is whether commitments are credible (North and Weingast 1989; Weingast 1997). Coordination increases internal efficiency and insulates the regime from external threats. Nominally democratic institutions function to ease the coordination of governance under semi-authoritarianism by increasing transparency among factions within the regime, and by strengthening compliance with the regime's policies, both through ideology and administration (Magaloni 2008; Boix and Svobik 2013).

Second, cooptation is a strategy that achieves actors' aims through the assimilation of smaller, opposing groups, or their views, into the larger group or ideology itself. Opposing

viewpoints can either be induced to adopt the regimes' views, or silenced, a more coercive form of cooptation. Ideologically, cooptation is a mechanism of persuasion of other leaders and the public to accept the incumbents' rule in response to their partial adoption of ideological commitments or beliefs underlying policy preferences of the opposition or the public, according to frameworks of policy change driven by advocacy coalitions (Sabatier 1988; Leifeld 2013; Weible et al. 2011), accounting for apparent ideological switching by an incumbent regime (Leifeld 2014). Finally, nominally-democratic institutions can function as instruments for social control, domination, or coercion. High-level decision-making councils (e.g. politburos) may be embedded within legislatures or political parties to eliminate the problem of secrecy among authoritarian regimes by solving commitment and monitoring problems between members of the ruling coalition (Svolik 2012). However, coercion itself is the most difficult to mask as democratic.

2.1.2 Constitutional Change as Nominal Democratic Practice

Constitutional change, in addition to offering political leaders an opportunity to change the design of institutions and political processes in their self-interest, offers an additional opportunity for political leaders to engage with opposition and the public in the processes of change. The effects are interactive and occur on multiple levels, in systems within systems. Adding the influences of democratization makes the system adaptive and complex. Yet as reviewed in the previous section, existing explanations of nominally-democratic institutions are largely strategic or functional, and constitutions and constitutional reform processes are no exception to this trend.

Scholars, in large part, have evaluated the participatory value of constitutional adoption or adaptation processes in their role as veneers covering regimes' strategic reforms of the institutional system of government in their own self-interest. These reforms are also known as "window-dressing," or "cheap talk" masking self-dealing reforms (Ginsburg and Simpser 2013; Ginsburg, Elkins, and Blount 2009). However, recent research has gone beyond to analyze how the use of seemingly democratic constitutional reform processes makes regimes impenetrable to domestic and international democracy and rule-of-law advocates. This area of research requires that research address the normative nature of constitutionalism and democracy in part, by assessing the authenticity of inclusion, participation, and self-governance.

Abusive constitutional reform processes allow authoritarian actors to "remove members of the political opposition, and to replace them with officials loyal to the incumbents; to weaken, disable, or pack courts as well as other mechanisms of accountability; and to establish government control over the media and other key institutions" (Landau 2013, 194). One scholar laments that this "undermining of democracy through the use of the tools of constitutional change is likely to be increasingly common in the future," and that there are "few adequate responses in comparative and international law" (Landau 2013, 259). Currently scholars have observed it across the globe, from polities as diverse as Honduras (Landau and Sheppard 2015) to Hungary (Halmai 2013).

In strategic accounts, governments practice abusive or stealth authoritarian actions at all levels of the legal hierarchy and in both authoritarian and democratic systems (Varol 2014). These practices accomplish a variety of strategic goals for the government, including distraction from authoritarian practices, distortion or censoring of information, and the ability, selectively, to apply the rules to dominate the political sphere (2014). A key to this argument is the ability of

the regime to tout the existence of rule of law on paper, but to use its own discretion when enacting or upholding it (2014).⁴ Opposition policymakers are prosecuted for libel, or audited for corruption, while supporters and their networks are handed lucrative public contracts and citizens are given economic or ideological inducements through adjustments in social policies, among other benefits. This theory modifies the static strategic actor assumption to be adaptive, dynamic, and multi-level, and unpacks actors' normative commitments accordingly in the framework of CASoS.

Strategic analyses of semi-authoritarian constitutionalism expose a paradox: regimes depend on the assumption of credible commitment, yet intrinsic to the definition of all authoritarianism is the opposite, or the leader's ability to act on a "whim" (Tushnet 2013). This whim is made credible through the mechanism of legal discretion, which can be used to promote certain values and menace others (Hart 2013). In democracies, legal discretion is used to promote values like efficient governance. On the other hand, in semi-authoritarian systems, legal discretion is used to give incumbents political advantage and to disadvantage or punish political opposition, moving the system towards authoritarianism. Therefore, this dissertation conceptualizes these changing strategies over time more accurately as actors' adaptive preferences in a complex adaptive system of systems (CASoS).

Constitution-making processes are underexamined as nominally-democratic institutions under semi-authoritarianism, with some exceptions (Barros 2002; N. J. Brown 2001; Ginsburg and Simpser 2013; Isiksel 2013; Law and Versteeg 2013). Most analyses focus on the strategic or functional, rather than the systematic or normative, nature of the reforms. Through the

⁴ Varol aptly quotes Peruvian president Oscar Benevides as saying, "For my friends, everything. For my enemies, the law," (Varol 2014).

creation and selective application of formal rules, or “reform,” in constitution-making processes, semi-authoritarian regime leaders use laws and legal reform as nominally-democratic processes for non-democratic ends (Varol 2014; Ginsburg and Simpser 2013; Landau 2013; Scheppele 2013). The use of changing, formal legal rules as nominally-democratic institutions is also overshadowed by research on informal rules or extra-legal actions, as democracy and rule of law are assumed to oppose authoritarianism and illegality (H. E. Hale 2011; Levitsky and Way 2010).

In strategic models, the multi-level interactions that produce the uncertainty inherent in a complex adaptive system of systems, and therefore the likelihood of surprising outcomes, known as *emergence* in the framework of CASoS, is overlooked. Constitutions create the rules by which rules are made or changed; therefore the existing constitution contains the initial conditions for adaptation within the system itself. Constitutions are systems of institutions or rules that interact to create the constitutional environment as a whole, making the CASoS framework the most appropriate (Bednar 2012; Vermeule 2011). In the model developed under the CASoS framework, the actors in the reform process are a set of political leaders, interest groups, and the public, nested both within the constitutional system, and the international system of democratization influences. The model is based in the syntax of the Institutional Analysis and Development (IAD) framework, as shown in Chapter III.

2.2 AN ALTERNATIVE: SEMI-AUTHORITARIAN RESILIENCE

Semi-authoritarian regimes have adapted to become more resilient by addressing challenges from above, from within, and from below. In the theory developed in this dissertation, a system

component within a CASoS is more appropriately conceptualized as resilient, rather than as having longevity. Democratization and formal institutional change have created the institutional isomorphism of structures, agencies, and processes identified by democracy promoters as “democratic” into democratizing authoritarian regimes. The consequences of this isomorphism for the political incumbents and political opposition is not always direct or anticipated in target countries in terms of how the institutions function and impact actors and their preferences. The CASoS approach helps to shed light on these unanticipated effects. Resilience is assessed as regimes’ adaptability to challenges from above, from within, and from below.

2.2.1 Addressing Challenges from Above

Regimes have adapted to address the positive and negative influences of democracy promotion in the international system by either creating a façade of moderate democratic commitment or by cooperating with each other to opt out of the existing democracy promotion system. External actors exert a democratizing influence on regimes through coercion, conditionality, or diffusion (Huntington 1993b; Starr and Lindborg 2003; Brinks and Coppedge 2006; Gleditsch and Ward 2006). This dissertation characterizes them as rewards or punishments for adherence to rules, or “carrots” and “sticks.” Powerful democracies, such as the United States (US), international and regional organizations, such as the European Union (EU) and North Atlantic Treaty Organization (NATO), and nongovernment organizations can play a role in empowering the popular challengers of autocratic regimes (Hess 2013). The establishment of democracy in one country also has a powerful demonstration effect on its neighbors; opposition movements that have effectively toppled authoritarian regimes in their own countries have introduced strategies in

neighboring autocracies (Huntington 1993b; Bunce and Wolchik 2006). Constitutional development has been shown to diffuse regionally through empirical research as well (Elkins, et al.). These effects are the indirect outcome of the positive influence of democracy promotion.

In challenges from above, regimes must also address the positive influence of democracy promotion by adapting to become moderately democratic. One prominent constitutional scholar argues: “authoritarian constitutionalism may best be defined by attributing moderately strong normative commitments to constitutionalism – not strategic calculations – to those controlling these nations” (Tushnet 2013, 9). The semi-authoritarian leader’s commitment to constitutionalism is shown through procedural requirements of the rule-of-law, yet employs excessive selective enforcement of the law, making the regime impenetrable to criticism and dissent and protest by external actors. Yet importantly, semi-authoritarian regime actors’ normative commitment to constitutionalism still must exist. Under this political dynamic, incumbent leaders have learned how to use legal procedures to increase their resilience. This dissertation demonstrates how the capacity to enact this dynamic, *stealth authoritarian constitutionalism*, was gained by semi-authoritarian leaders, and how it has developed, but it also points out potential vulnerabilities in semi-authoritarian constitutional regimes.

Regimes address the negative influence of democracy promotion by cooperating with each other or by simply opting out of the system of international democracy promotion to the extent possible. There are also indirect system effects of negative influences of democracy promotion, or those countries subject to sanctions or military intervention for violating democracy promotion thresholds. Other states or organizations may also work to help authoritarian regimes resist democratization by serving a direct stabilizing role in authoritarian regimes. Countries such as Russia and China have worked to help vulnerable autocrats resist the

threat of democratic contagion (Gat 2007; Carothers 2006; Ambrosio 2009; L. A. Way 2005). Autocrats pool resources and expertise or take direct actions to mitigate the threat of democratic contagion by offering diplomatic support and reducing the international pressure to abide by democratic or international human rights norms (Hess 2013). In areas where international democracy assistance has contributed to regime change, regimes condemn them as unacceptable foreign interference in another country's affairs (Carothers 2006; Gat 2007; Ambrosio 2009; Burnell 2006).

Previous research has also shown the paradoxical effects that some types of democracy promotion can have on politics in semi-authoritarian regimes. For example, the behavior of political opposition tends toward boycott in internationally-monitored elections (Beaulieu and Hyde 2009). Citizens' gain increasingly antagonistic views toward democracy promoters themselves (Jamal 2012). Political participation has empirically been shown to have unintended consequences in semi-authoritarian regimes with democracy promotion (Jamal 2007). Those with weaker links to the regime who oppose or resist incumbents' policies, are more likely to be marginalized and grow increasingly distrustful as their networks become impoverished and disconnected. Rewards, or inducements, that go to those loyal to the regime, and punishments, restrictions, or isolation of those who oppose the regime, promote trust and engagement among those loyal to the regime as they become more central civic actors (Jamal 2007; Sarkissian and Ozler 2009).

2.2.2 Addressing Challenges From Within and Below

Governments in semi-authoritarian polities have also adapted in order to be resilient to challenges from within their political organizational systems. Through information manipulation, control, and exchange, incumbents use constitutional change processes to engage the public, gain information, and quell collective action from below. Over the last decade, adaptive semi-authoritarian regimes mimicked “popular constitution-making” within an insulated, impartial, “constitutional convention,” but simultaneously shifted it into parliamentary politics (Arato 1995; Elster 1993; Partlett 2011). In post-Communist Eastern Europe, constitutional change became synonymous with political change, losing its fundamental difference in character (Arato 1995). From Latin America to the Middle East to Africa, “irregular popular mechanisms like referendums and constitutional conventions ... [have] helped charismatic presidents unilaterally impose authoritarian constitutions on society” instead of “limiting concentration of power and promoting individual liberty” (Arato 1995; Partlett 2011).

Instead of being conceptualized as ordinary politics, constitutional change is more adequately conceptualized as policy change for semi-authoritarian resilience. Identifying political leaders’ credibility despite excessive use of legal discretion and selective enforcement at all levels of law, uncovers a mechanism of authoritarian learning in which constitution-making has simply become policymaking, defined as a mechanism to achieve a single intended course of action (Parsons 1995). Losing its insulated position as higher politics over sacrosanct values, and at times losing its political possession by multiple stakeholders in Parliament, constitutional change becomes an intended course of action to reach a goal for a single political force – the regime. Yet the participatory nature and information exchange and control with the public remain essential components of the strategy, and make outcomes uncertain.

Incumbents still benefit from constitutional reform through institutional self-dealing and the generation of legitimacy. Their innovation is the manipulation of opposition or public participation in the policymaking process to effectively quell or utilize collective action against the regime as it diverts public attention from the violation of the norms of democratic constitutionalism. In essence, the authoritarian regime has learned how to manipulate the vocalization of opposition itself to weave a complex web of policies at the constitutional level that increase its durability. Yet in complexity, outcomes emerge that are unexpected by the actors involved.

This complexity, as the regime has moved the process of constitutional reform from high politics to ordinary politics to policymaking, illustrates significant authoritarian learning in two respects. First, it shows that regimes have learned the importance of using communication and information to keep citizens controlled through participation. Second, it shows how semi-authoritarian regimes have learned to mask a single course of action, a drive to concentrate power through policy, by packaging it inside both Parliamentary negotiations over reform of “the rules by which rules are made,” and inside a public participation process that is designed to appear inclusive. These public communication processes may have deliberate democratic effects; however, what occurs between citizens is likely used to only allow collective action that works in the regime’s favor, and the deliberative output has little to no authentic uptake into the policymaking process.

2.2.2.1 From Within: Information Exchange

The literature on how authoritarian regimes use public communication, or information transfer, to serve authoritarian ends, focuses on its complex impact on collective action outcomes by citizens in the polity (Chen and Xu 2014; King, Pan, and Roberts 2013). This scholarship on

nominally democratic communication processes assesses use of new tactics information manipulation, control, and exchange, such as the controlled public communication analyzed in Chapter VII, to generate legitimacy. Analysis of this normative component requires an informed use of discourse analysis methods to understand how controlled public communication both encourages and discourages collective action by citizens, creating semi-authoritarian resilience by allowing the stealth autocrat to maintain a manageable level of legitimacy under the influence of international democracy promotion, despite utilizing authoritarian methods of repression.

To prevent political opposition from mobilizing, regimes may manipulate political participation. One new tactic of manipulation is controlled public communication or citizen deliberation processes. The term “deliberation” here in the same sense as public communication, to signify discussion among citizens that occurs in a public arena, not in exactly the same sense as the concept of “democratic deliberation,” which, in the context of constitutional change processes, can mean one of several things: first, that citizens submit their opinions to the central constitution-making body, which responds to them individually or *en masse*; second, that citizens submit their opinions via an intermediary, such as a Non-Governmental Organization (NGO) or union to which they belong; third, that citizens have face-to-face discussions with the constitution-making body or their representatives; or fourth, that citizens converse among themselves about constitutional change.⁵ Some of the deliberative processes that authoritarian governments use in this sense act as valves to release pressure and frustration for citizens through public protest or participation, for instance, “regularizing rioting” when grievances are neither too high nor too low (Lorentzen 2013).

⁵ Thanks to Professor Ozan Varol for these specific comments.

The incumbent authoritarian government benefits from controlled participation in several ways. First, it improves its appearance as democratic rather than authoritarian, for example, by allowing for countries in democracy promotion programs to “check off” quantifiable components of democracy (Scheppele 2013). Participatory processes also reduce incumbents’ risk of losing office to opposition by reducing the opposition’s drive for an overthrow as some policy concessions are made and discontent is aired in the political arena (Lorentzen 2013; Gandhi 2010). Finally, it allows for regimes to control the organization of collective action by “discontents” around the regime (King, Pan, and Roberts 2013).

Politically, opposition is allowed to vocalize dissent without engaging in an authentic democratic process as defined by standards of inclusive democracy (Young 2002). In recent game-theoretic scholarship on the use of deliberation in authoritarian regimes, the process is modeled as one in which the government gains information about citizens, and in which citizens gain information about each other (Chen and Xu 2014). Chen and Xu write:

“Specifically when the government knows that citizens are very likely to share opposite policy preferences, public deliberation makes it better off. This is because public deliberation serves as a commitment device, ensuring that the government fully responds to problems that spur popular anger, which in turn benefits the government. Under public communication, because citizens’ preferences are publicly revealed, they are discouraged from joining a protest when they are themselves split over the policies,” (Chen and Xu 2014).

Citizens have a strategic choice in the public expression of their policy preferences in which they learn horizontally about each other’s preferences. The regime chooses policy adjustments based on this expression, as information travels vertically from citizens to policymakers. Then, citizens choose whether or not to act collectively for their preferred policy after the regime’s policy adjustments. Horizontal information flows give the regime and citizens information about citizens’ preferences and conflicts within the citizenry that both coordinate and discourage collective action. As the regime tracks the process, or the vertical information flow, leaders

choose how to respond to citizens in order to prevent collective action against them through adjusting policies. However, the regime's strategic response to vertical information mitigates the cost of horizontal learning, making participation of net value to the regime (Chen and Xu 2014).

2.2.2.2 From Below: Evolution of Opposition

The evolution of actors making self-determination claims under semi-authoritarian dynamics brings the entire model of semi-authoritarian constitutional dynamics into a theoretical synthesis. I define constitutional authoritarian dynamics and their observable implications by distinguishing between Overt and Stealth constitutional semi-authoritarianism, with the potential for dissent or opposition to evolve into self-determination movements in these contexts. *Overt constitutional authoritarianism (OCA)* is a variant of constitutional authoritarianism similar to mere rule-of-law constitutionalism, or one in which the “decision-maker conforms with general procedural requirements and implements decisions through, among other things, independent courts, but is not constrained by any substantive rules regarding, for example, civil liberties” (Tushnet 2013, 8). *Stealth constitutional authoritarianism (SCA)* is a variant of constitutional authoritarianism in which a normative commitment to constitutionalism is apparent. Similar to Tushnet's authoritarian constitutionalism, a façade of nominally-democratic institutions is created as “liberal freedoms are protected at an intermediate level and elections are reasonably free and fair” (Tushnet 2013, 8).

Cycles of Overt and Stealth constitutional authoritarianism can give rise to self-determination movements, groups that have overcome barriers to collective action and struggle for self-determination against the constitutional regime. Self-determination movements strive for self-organized governance within semi-authoritarian regimes, with varying degrees of autonomy as their goal. These groups' utilization of legal tools for self-organization of governance is

dependent on the regime structure, constitutional environment, and repression employed within the larger system. Whether or not support for democracy is authentic, regimes' toleration of dissent must increase, so more emerges. Opposition policymakers may grow weaker in their allegiance to the regime as more dissent emerges, and greater numbers are reached, causing collective action barriers to be overcome for the opposition. If the opposition cannot mobilize within the system, it will develop a movement for self-determination outside of it.

Previous research models the relationships between authoritarian regimes, political opposition, and external actors promoting democracy as single- or multi-level transition or democratization games (Przeworski 1992; Yilmaz 2002; Thiel 2010). Most games or action situations of democratization involve two players, the regime and the opposition, on a single level. Scholars have modeled these interconnections as "iterative cycles of conflict" fluctuating between levels, in repeated interactions on the international level between the regime and external actors, and on the domestic level between the authoritarian regime and political opposition (Thiel 2010).

In this model, groups organizing for self-determination interact with government or regime actors, as well as opposition actors, who are subject to the influence of international democracy promotion, making the system composed of multiple levels. Embedding the local self-determination movements' system within the domestic system and subjecting both to the influence of international democracy promotion changes actors' optimal strategies (Thiel 2010). The scenario is most appropriately modeled as a dynamic system of systems, which allows for actors' preferences to adapt over time. A multi-level model nests the interactions between self-determination movements, political opposition, and the regime within the influential system of

democracy promotion, showing how the interactions within and between levels of the system produces emergent outcomes from the entire system of systems.

3.0 RESEARCH DESIGN

The goal of this dissertation is to draw policy implications for the wider universe of semi-authoritarian cases in the confounding intersection where ostensibly democratic processes of constitutional change are used for non-democratic ends under the pressures of democratization. Interrogating contestations over political and constitutional change with an abductive research strategy – by identifying the phenomena of interest, examining it in depth, and then drawing generalizable conclusions where possible – allows novel insights to be drawn for further research (Friedrichs and Kratochwil 2009). In designing research for explanation by conceptual breakthrough, the research “...serves not to confirm or disconfirm a causal hypothesis ... but rather to clarify a hypothesis. More specifically, the case study serves to elucidate causal mechanisms” (Gerring 2007; George and Bennett 2005; Eckstein 1975).

The CASoS model conceptualizes the complex adaptive system of systems as undergirded by institutions, or rules, norms, and shared strategies. Because constitutions form the structure of the state and therefore the division of power, but also are normative documents that formulate national identity and the legitimacy of those who claim to lead the nation, constitutional change cannot be explained without addressing two factors. First, it must address the understanding of the interests that drive that change. Second, according to the historical conditions of possibility, research must address the constitution of the meaning of interest as it changes according to leaders’ and citizens’ understandings of and commitments to the tenets of

constitutional democracy. This meaning is particular to the context, but the mechanisms behind its change are generalizable.

3.1 ONTOLOGICAL APPROACH

This dissertation's unique ontological approach combines concepts from complexity science, or complex adaptive systems, with principles of pragmatism, creating a theoretical framework that is delineated through the syntax of Ostrom's Institutional Analysis and Development (IAD) framework and then inferred, through abduction, using multiple methods. The methods include Qualitative Comparative Analysis (QCA), Structural Topic Modeling (STM), and structured, focused comparison. In the final empirical chapter, the entire CASoS model is also analyzed using an inter-organizational network visualization. These methods are discussed in the last section of the chapter.

3.1.1 Concepts from Complexity Science

Studies generally model actors as strategic and political and legal processes as stochastic, therefore constitutional change events are random, non-deterministic, and can be understood in terms of probabilities. On the other hand, complex adaptive systems (CAS) or systems of systems (CASoS) theory studies how agents interact and produce an aggregate of their interactions, suggesting that the two processes are inseparable and the system is irreducible (J. B. Ruhl 2012, 889). CAS or CASoS theory is most appropriate for models with a moderate number

of actors, between the very small, like two actor games, or the very large, as in an infinite number of actors, used in most social science models (Miller and Page 2007).

The paradigm of complex systems allows us to understand legal systems as evolutionary (J. B. Ruhl 2012). While a complex system can seem ill-defined, nearly all scholarship points to the importance of concepts of initial conditions, system structure, information exchange, and emergence, or “why dynamical forces will inevitably lead to unpredictable, unanticipated behavior” (J. B. Ruhl 2012, 1410; Katz and Stafford 2010, 465). These outcomes are similar to games with more than two actors and circular outcomes, like the Cordocet paradox, in which individual voting preferences yield an entirely different systemic voting outcome (Holz 2007). Ruhl summarizes the application of complexity theory to law, society, and politics (J. B. Ruhl 2013). This summary is not intended for novices or experts of complexity theory, but rather to unpack some familiar concepts from the paradigm and apply them to a new area of social, legal, and political phenomena.

In a CASoS, dynamic, adaptive, heterogeneous actors abide by deterministic rules, creating nonlinear relationships. These relationships have network connectivity; therefore, flows of information or energy are important and have both direct effects and system-wide indirect effects. Feedback (mutual influence), path dependence (historical influence), self-organizing structures (evolution), and critical states (thresholds) are important mechanisms of change within complex adaptive systems. These components and mechanisms create system-level outcomes like power law event distributions, adaptive capacity, resistance, resilience, and phase transitions. Emergence, as noted before, is the appearance of “unforeseen qualities from the self-organizing interaction of large numbers of objects, which cannot be understood by studying any one of the objects” (John B. Ruhl 1996, 1439).

3.1.2 Principles of Pragmatism

Studies using the paradigm of complex systems seek to simplify the interactions within a system for explanation that more closely approximates reality. Ontologically, this dissertation draws on the ideals of pragmatism to assess constitutional change between democracy and authoritarianism as a complex adaptive system. Pragmatism grounds the research in empirics and constrains the model by iterating between theory and evidence. Pragmatism developed principally by Charles Peirce, William James, and John Dewey, who “believed that ‘ideas do not develop according to some inner logic of their own, but are entirely dependent ... on human carriers and the environment’ ... the pragmatist ‘turns away . . . from bad *a priori* reasons, from fixed principles, closed systems, and pretended absolutes and origins.’ Pragmatism was not intended, however, to reject the pursuit of truth or even complex belief systems ... Pragmatic truth evolves for a thinker as his or her beliefs are either reinforced or discouraged through interaction with their environment” (Holz 2007, 326).

Pragmatism allows for the use of theories and methods with different epistemologies, given the research design produces reliable and valid results; the methodologies are used accurately, and the conclusions drawn are based on the presented evidence (James 1995; Morgan 2007; Rescher 1977; Rorty 1982). The dissertation escapes epistemological deadlock by embracing pragmatism and utilizing a strategy of abduction, or reasoning at an intermediate level between deduction and induction (Friedrichs and Kratochwil 2009). Embracing a consensus theory of knowledge allows social scientists to cross ontological boundaries by using epistemological instrumentalism (Friedrichs and Kratochwil 2009, 709). This allows research to simultaneously utilize both positivist and social constructivist logics of inquiry.

3.1.3 Theory Development: Explicit IAD Syntax, Implicit CASoS

As briefly summarized here, the Institutional Analysis and Development Framework (IAD) is a systems approach, and provides an overarching theoretical framework for institutional change, including the study of constitutional change in semi-authoritarian regimes under the influence of democracy promotion. Theories of institutional change in which constitutional rules, or the rules by which rules are made, require a systems approach to the underlying structures within them. The IAD framework can be decomposed into five different structures, as shown in Figure 2 below (Ligtvoet, Ghorbani, and Chappin 2011). This design emphasizes the collective, operational, and constitutional structures.

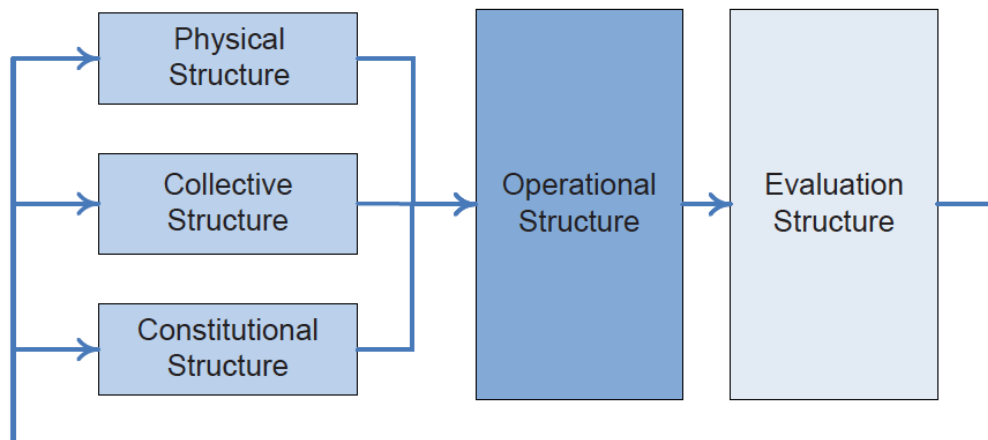


Figure 1. System Structures in IAD Framework

As a systemic approach containing these five structures, the IAD framework is a meta-theoretical conceptual map. That conceptual map identifies an action arena, patterns of interactions and outcomes, and an evaluation of these outcomes for a particular action situation at the constitutional or collective levels (Ostrom 2011). Action arenas or action situations are the social spaces where individuals interact, exchange goods and services, solve problems, dominate one

another, or fight, among other things (Ostrom 2011, 11). More importantly, the IAD models mutually dependent interactions, as it “not only demonstrates how varied institutional structures affect agent decisionmaking, but also how agent decisions affect (change) the institutional structures themselves” by combining the “use of rational choice theory and game theory explanations for social behavior with the ideas that agent choice is bounded by both the decision-making capacities of individual agents and a surrounding structure of political, economic, and cultural rules (institutions)” (Collier 2002, 170–1).

Action situations are framed according to ontological and epistemological assumptions about how actors view and value the world, acquire and use knowledge, and make decisions within the game. This research uses “game,” in the same sense as action situation, and not to indicate formal theory. Action situations take place within an action arena, which models multi-level or nested games. More specifically, these are defined as the *resources* actors bring to a situation; the *valuations* actors assign to states of the world and to actions; the ways in which actors acquire, process, retain, and use knowledge contingencies and *information*; and the *processes actors use for selection* of particular courses of action (Ostrom 2011, 11).

The framework assumes that individuals have bounded-rationality, the ability to learn, and initial norms depending on their circumstances. Just as actors may be reciprocally-motivated if cooperation results in higher payoffs, they may also be opportunistic under conditions of controlled or limited information (Ostrom 2011, 15). In the action situation of constitutional politics in authoritarian regimes, as in research on social dilemmas, where initial norms of fairness can limit overuse of common resources, initial norms of revenge or distrust may lead to opportunism. In semi-authoritarian constitutional systems, political leaders opportunistically employ excessive use of legal discretion for selective enforcement of the law, even at the

constitutional level. While the IAD framework is most widely known as a way to study problems of “governing the commons,” or polycentric governance systems, collective action problems, and social dilemmas, the framework can also be used to diagnose problems to identify sources of dysfunctional performance, like the use of international democracy standards and constitutional change to promote semi-authoritarian resilience (McGinnis 2011, 170).

Because the IAD assumes that actors “pursue goals but do so under constraints of limited cognitive and information-processing capability, incomplete information, and the subtle influences of cultural predispositions and beliefs,” the framework allows us to focus on the *adaptive learning* capacity of individuals: “fallible individuals are capable of learning from their mistakes but these processes of learning do not operate perfectly” (McGinnis 2015, 5). The theory developed in this dissertation emphasizes two variables in the IAD framework that impact the development of institutions such as those created in constitution-making processes: information and control. A visualization can be seen in the Figure below, which is a general heuristic for the IAD’s action situations (McGinnis 2011). First, the research explores the distortion of communication and restriction of *information*, and second, it explores the degree of autonomy or equal participation in policy-making processes, or the degree of *control* or domination of the policy-making process. Conversely, control and domination are the counterparts of repression of or resistance by other actors in the action arena according to social constructivist theories of language, which is used both in law and in discourse over legal reform.

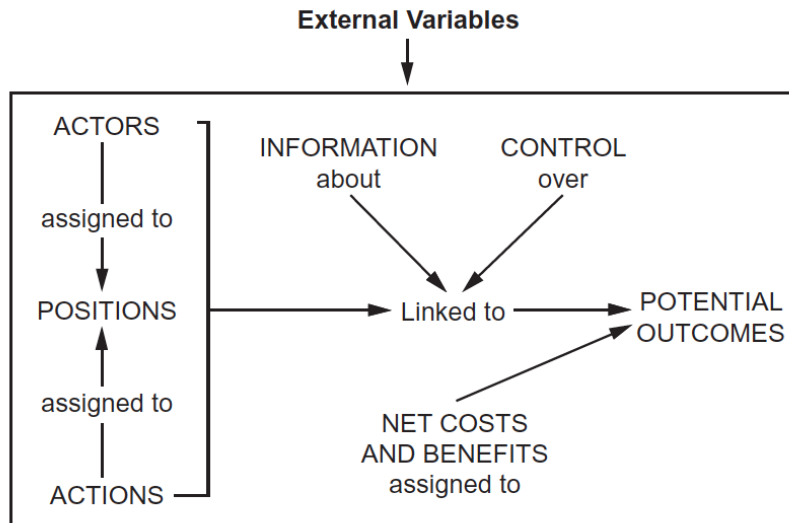


Figure 2. Components of IAD Action Arena

Action arenas and situations within the IAD framework, shown in Figure 3 above, have the following components: the set of actors, specific positions to be filled by actors, the set of allowable actions and their linkage to outcomes, potential outcomes that are linked to individual sequences of actions, the level of control each participant has over choice, information available to participants about the structure of the action situation, and costs and benefits—which serve as incentives and deterrents—assigned to actions and outcomes (Ostrom 2011). Actors are roles or positions with a choice of actions, which are linked to specific outcomes through the level of information available to them, the level of control over choice, and the costs and benefits of each choice (Ostrom 2011).

Action arenas and situations within the IAD framework have a syntax for rules or institutions called ADICO, or Attributes (positions, roles), Deontic (obligation, prohibition, permission), aIm (action, outcome), Condition, and Or else (explicit, unique consequence). Different ADICO statements can be written for Rules, Norms, or Shared Strategies. Rules have

all five ADICO variables defined. Norms have no consequence for not taking action, and therefore are defined by ADIC. Finally, Shared Strategies, also called situated norms, social norms/ conventions, or collective intentions, are defined by Attributes, Aims, and Conditions (Ghorbani, Dignum, and Dijkema 2012). In this framework, I define institutions as Rules or Norms, or Shared Strategies. Figure 4 below shows the components for operationalization of the model at the constitutional level: Roles, Institutions, Groups, and Dependencies (the link between the action situations and the overall action arena). I use the implications of the theoretical framework developed to implicitly model a complex adaptive systems of systems model for the resilience of constitutional semi-authoritarianism. The CASoS model incorporates disaggregated actors on three levels with adaptive preferences that interact across space and over time. Over time, the system evolves into phase shifts that develop is a cyclic dynamic

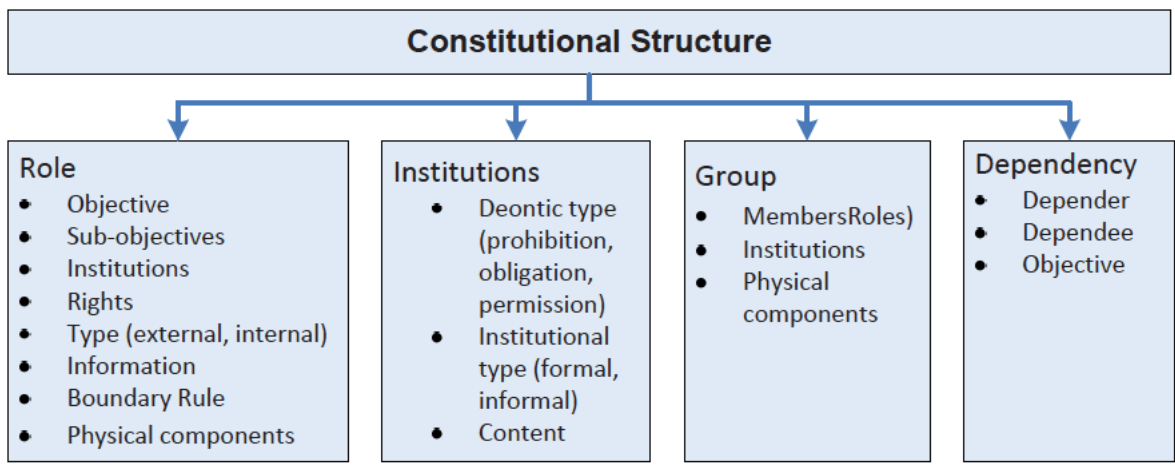


Figure 3. Constitutional Structure in the IAD Framework

I use the IAD system structure and ADICO syntax to delineate the theory of constitutional semi-authoritarianism resilience under the influence of international democracy promotion (IDP).

While IDP is conceptualized in the model as a unitary actor with an aggregate, or composite, positive or negative influence that challenges semi-authoritarian resilience from above, in delineating this theory, IDP is a set of institutions that create the action arena, initiating the different actions situations of semi-authoritarian constitutionalism.

3.2 EMPIRICAL FOCUS AND MULTI-METHOD DESIGN

Semi-authoritarian resilience, addressing challenges from above, from within, and from below, is explored in this dissertation in the former Ottoman Empire, the Republic of Turkey, Syria, and Iraq. First, the semi-authoritarian political systems of Turkey, Iraq, and Syria are historically rooted in the dissolution of the Ottoman Empire, and therefore have similar historical antecedents with identifiable differences in initial conditions. The Republic of Turkey today lies in between a democratic and an authoritarian political system. Throughout its history, it has meandered back and forth between categories, at times defying typical categories altogether.

The Republic of Turkey is a fiercely anti-imperialist, parliamentary republic with strong nominally-democratic institutions. Atatürk was a “benevolent dictator” in transforming the Caliphate and the Sultanate of the Ottoman Empire into the Parliamentary, secular Turkish Republic in 1924 (Rustow 1968). The Turkish military performed a “democratic coup d’etat” in 1960 to prevent democracy from being sidelined by the rise of a dominant civilian party, the Democrat Party (Varol 2012). The AKP regime has “liberalized” politics and society – at least bringing freedom of religious expression to majority Sunni Muslims – through its propagation of conservative values (Heper 2005). The organization of the political system has taken many different configurations in Turkey, whose conceptualization is contested.

Turkish nationalism held a uniform mono-nationalist ideology until the early 2000s, when the AKP began the “Kurdish opening” (*Kürt açılımı*). In Turkey, international democracy promoters have taken little to no action in support of the Kurds’ self-determination struggle, but rather have given moderate amounts of aid to the Turkish government to promote democratic governance and reform. No “sticks” such as sanctions have been used against the Turkish state, which has had a moderate level of international aid for democratic governance and rule-of-law reform and high military support to fight the PKK. In Turkey, the political movement of the Kurds is highly organized and effective, and receives moderate support from civil society. The armed Kurdish movement, the PKK, was exiled to Iraq when its leader Abdullah Öcalan was imprisoned.

Iraq is a post-colonial, highly decentralized, federal parliamentary republic with a recent past of international intervention. Iraqi nationalism held a uniform mono-nationalist ideology until 1992. In Iraq, the first military intervention occurred in 1990-1, and was followed by economic sanctions against Saddam Hussein’s regime in the 1990s. International democracy promoters performed a second extensive intervention from 2003 to 2011, and had a highly influential role in the promulgation of Iraq’s 2005 constitution, which reaffirmed the Kurdistan Regional Government’s autonomy. A high level of international aid was given to Iraq for democratic governance and rule of law reform, after extensive military interventions in 1990-1 and from 2003 to 2011. In Iraq, the Kurdistan Regional Government established political autonomy in 1992, which was re-affirmed in 2005. Armed groups in Iraq include the PKK, Peshmerga, PUK, and PYD.

Syria is a post-colonial, anti-imperialist, parliamentary single-party republic with ongoing civil conflict. Syrian nationalism held a uniform mono-nationalist ideology until 2011, when it

became a fragile state. In Syria, international democracy promoters are currently becoming more heavily involved in a humanitarian intervention, but are not involved in the negotiations over governance structure at all. Syria has had low aid for democratic governance and rule of law reform; it has been targeted with economic sanctions; and the political opposition in Syria is now funded and armed by external actors. In Syria, the political movement of Kurds has established the Autonomous Cantons of Rojava, but Kurdish political parties are banned by the Syrian state. They exist covertly, but are not highly organized. The armed groups include the YPG/J, and the PKK.

The autonomy struggles of Kurds in Iraq, Syria, and Turkey provide an opportunity to compare the evolution of political opposition, self-determination movements, and commitment to constitutional democracy in self-determination struggles under the dynamics of Overt and Stealth constitutional authoritarianism. The Kurds are a group that was divided into states with similar historical antecedents but which evolved into very different nation-states. These initial conditions range from Turkey's secular republican semi-authoritarianism, to Syria's brutal dictatorship and civil war, to Iraq's ruthless autocracy turned democratic federal republic created as a result of an international military intervention. Since the end of World War I, Kurds have been seeking self-determination. Within the states of Turkey, Iraq, and Syria, the Kurdish self-determination movements have variance in their normative commitments to the higher laws of their political organizations. Each self-determination movement has declared constitutional preferences regarding their national identity, governing principles, and governance structure.

Turkey was chosen as the empirical focus for Chapters 5, 6, and 7 for several reasons; first, scholars have found that authoritarian regimes with more linkages to the West, and where the West has more leverage, are more likely to fail, making Turkey a less likely case for the

survival of authoritarianism (Levitsky and Way 2002; Krastev 2011, 11). Due to its geographical placement close to Europe and its historical relationship with the United States, the Ottoman Empire and Republic of Turkey have long been subject to Western influence. While it has democratized to an extent, Turkey maintains some elements of its semi-authoritarian foundation.

Second, the Turkish regimes constituting the semi-authoritarian political system, over time, range over the “typologies” of authoritarianism characterized in the literature. Scholars initially problematized authoritarianism through type, for example, in the monarchy, the military ruler, the party machine, and the charismatic authority (Geddes 2003). Regimes are conceptualized as evolving systems of ties between political leaders, political support organizations, and interest groups in communication networks. Each is characterized by a “distinctive power base and structure for resolving internal conflict, controlling regime outsiders, and coordinating action” that also incorporates aligned and opposing interest groups in semi-authoritarian regimes (Geddes 1999; Hadenius and Teorell 2007; Law and Versteeg 2013; Levitsky and Way 2002; Ginsburg and Simpser 2013).

A further defining characteristic of the regimes in the Ottoman Empire and Turkey, that makes them worthy of in-depth investigation, is the degree of grievance, or how the formal, written constitutional system differs from observations of constitutional commitments (Law and Versteeg 2013; Tushnet 2013). From development of the Ottoman Empire into the foundation of the Turkish Republic, the continuum of sham to weak constitutions is exemplified over time in the Republic of Turkey, and across regimes, in Turkey, Syria, and Iraq. Figure 1 below shows the percent change in levels of *de jure* constitutional clause indices coded from all constitutional documents from 1876 to present. Details about data sources and coding for this Figure are reported in Chapter 5 and 6.

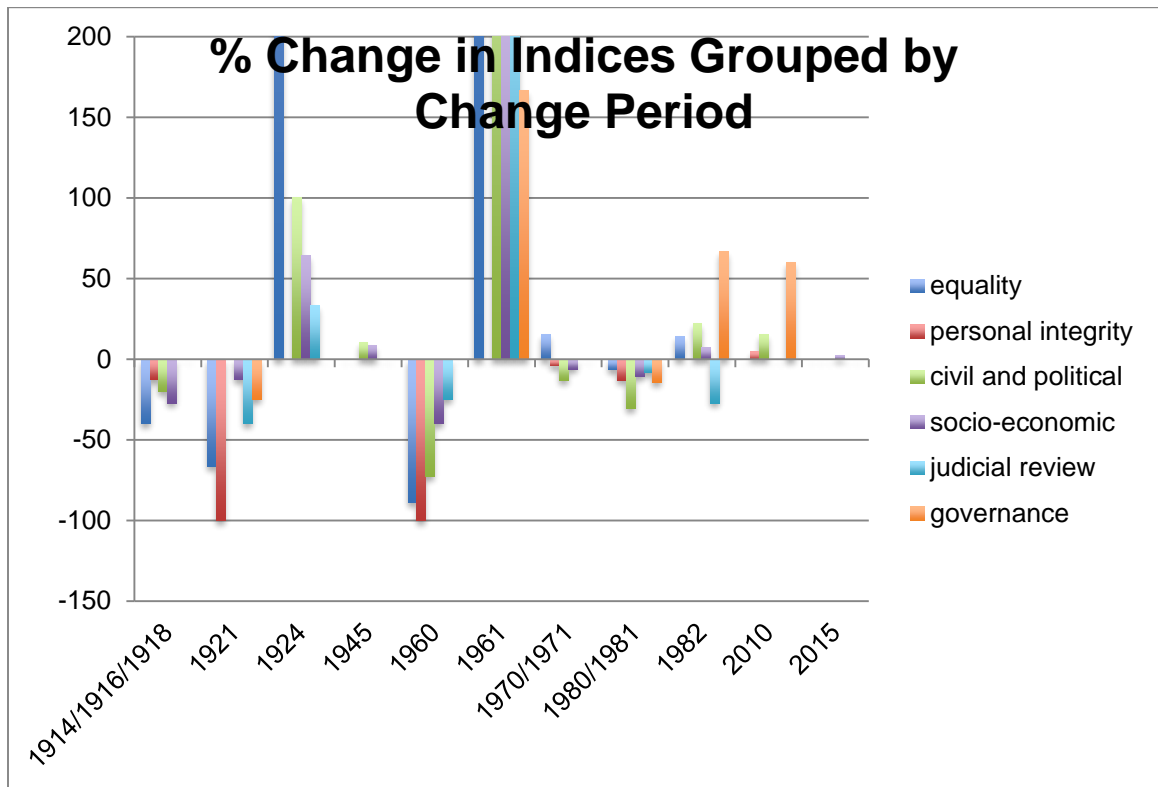


Figure 4. Change in De Jure Constitutional Clauses, 1876-Present

As Turkey has shifted between dimensions of strength in its semi-authoritarian regimes at the time of constitution-making, each regime has modified the parchment constitution substantially, most notably in the Young Turk/Early Republican period that produced a weak constitution, the first military coup d’etat in 1960 that produced a sham constitution, and the military coup d’etat of 1980, which produced a sham constitution with a high level of rights that were severely limited. This dissertation builds a theory, based on complexity, of constitutionalism under semi-authoritarianism utilizing the evolution of regimes in Turkey from 1876 to present.

3.2.1 Heuristics and Hypotheses from QCA

Chapters 5 and 6 model incumbent and opposition political leaders as *de jure* reformers that initiate, bargain, and conclude reforms of the parchment constitution. In Chapter IV, these leaders are embedded within Hierarchical and Opinion-Leader communication network structures. With Qualitative Comparative Analysis (QCA), several analyses may be performed for several outcomes, using multiple steps, or a nested analysis. Chapter IV utilizes the QCA method on the conditions identified through the literature review for heuristic generation regarding constitution-writing processes under varieties of semi-authoritarian regime structures. The analyses are performed with the R package QCA (Dusa and Thiem 2014). Chapter V uses QCA to confirm the hypotheses generated using heuristics from Chapter IV, with data from 1981-2011.

Using QCA, each case in the analysis is represented as a combination of causal conditions and an outcome. The methodology is especially appropriate for cases in which different combinations of causal conditions may lead to the same outcome. Through set-theoretic evaluation algorithms, the combinations are then logically simplified. QCA was created for the purposes of set-theoretic analysis of medium-n cases to simplify causal pathways among complex linkages between dimensions not suitable for operationalization as variables in probabilistic analyses using stochastic methods. QCA utilizes Boolean minimization for “reduction’ of a long, complex expression into a shorter, more parsimonious expression” to identify causal pathways between variables among cases. In QCA methodology, the terminology for this process is identification of the “prime implicant,” while cases that cannot be minimized into the simpler solution are known as the “logical remainder” (Rihoux and De Meur 2009). QCA is well-suited for this research as the original aims for QCA were “to summarize data; to

check the coherence of the data with claims of subset relations; to overview quickly the basic assumptions of the analysis; and to develop new theoretical arguments” (Schneider and Wagemann 2010, 3–4).

The QCA method has both strengths and limitations. QCA addresses many problems associated with complex, “thick” cases. QCA addresses issues like *asymmetric causality*, where the presence of a designated outcome does not imply that the absence of the conditions leads to the absence of the same designated outcome (Wagemann and Schneider 2010); *multicollinearity*, or issues that arise from interaction effects between variables (Skaaning 2011); and *equifinality*, or when different causal processes can lead to similar outcomes of a given dependent variable (Grofman and Schneider 2009). However, QCA lacks consideration of probabilistic processes within cases and is more appropriately used within a multi-method analysis as a hypothesis-generating tool rather than as one to empirically test hypotheses derived from the literature (Schneider and Wagemann 2010). Chapters IV and V generate heuristics and hypotheses as that are assessed qualitatively and using different methods in subsequent chapters.

Qualitative methodologists of this comparative method now differentiate between three strands of QCA: crisp-set QCA, fuzzy-set QCA, and multi-value QCA. In crisp-set or csQCA, conditions – similar to independent variables – were binomial: the case either “belonged” fully or it did not, similar to the on-off switch logic the method originated from (Rihoux and De Meur 2009). QCA then evolved into analyzing fuzzy-sets, or fsQCA, where each dimension of each case could be calibrated according to a degree of belonging or not, evaluations made according to theoretically-driven choices made by the analyst (Schneider and Wagemann 2010). Multi-valent or multi-value QCA (mvQCA) was created to use the same procedure where each

dimension can have multiple values (Berg-Schlosser and Cronqvist 2009; Thiem 2014). This research utilizes fsQCA.

Chapter 5 includes data on major constitutional change episodes from 1876 to the present. The major conditions in the first fsQCA are: 1) regime consolidation, 2) network structures, 3) levels of repression, 4) *de jure* constitutionalism, and 5) processes of constitutional change. The data for regime types and processes of constitutional change were collected from historical and historiographical secondary sources on the regimes in power before, at the time of, and after major constitutional change episodes in the Ottoman Empire and Turkey. Regimes, network structure heuristics, and processes were coded according to variables identified in the literature in the next chapter and in Chapter IV (Svolik 2012; Young 2002; Siegel 2009; Siegel 2011; Wright, Honaker, and Geddes 2014). The data on *de jure* constitutionalism was obtained in large part from the Comparative Constitutions Project and supplemented where necessary (Elkins, Ginsburg, and Melton 2011). It was coded according to nearly 250 codes of *de jure* constitutionalism according to Versteeg's codebook of constitutional rights and freedoms, policies, and provisions (Law and Versteeg 2013).

The conditions for Chapter 6 are: 1) regime consolidation, 2) international democracy promotion (from aiddata.org), 3) repression, and 4) the gap between observed *de facto* levels of constitutional rights (from CIRI dataset) and *de jure* constitutional rights. The enactment of the Overt and Stealth dynamics depends on international democracy promotion, assessed in the second fsQCA and coded as targeted assistance for international democracy promotion aid for democratic governance reform. The qualitative case descriptions assess the enactment of either overt constitutionalism or stealth constitutionalism through the exercise of civil liberties; exercise of free but not fair elections; and exercise of excessive selective enforcement of the law.

Repression of dissent and the use of extrajudicial tactics are coded as repression and also as *de facto* observation of constitutional clauses in the model. The nature of the reform process, in utilizing legal but non-democratic constitutional reforms in secretive and exclusive processes, or legal but non-democratic constitutional reforms in transparent, semi-inclusive processes with some public communication, is addressed in the condition for reform process and negotiations.

3.2.2 Topic Modeling of Public Communication

Chapter 7 I also analyzes in depth the contemporary constitutional change process in Turkey under the AKP to understand how the semi-authoritarian leaders control public communication over constitutional reform. Chapter VI analyzes interest groups and the public, in their relationship with political leaders in a regime-sanctioned process of public communication over constitutional change in a stealth authoritarian constitutional setting. In this chapter, a central group of integrated interest groups, in cooperation with the Constitutional Reconciliation Commission created by the AKP regime, engaged in a large effort to collect public opinions and control limited public communication about the constitutional reform. Through control of information in a network that is prone to persuasion and cooptation through intermediaries, this Chapter assesses how incumbents may repress dissent through targeting collective action, using control over the exchange of information between policymakers, citizens, and between citizens, *and other legal means*; and how public participation may be channeled through polarized networks and distorted and controlled information media to give civil society and the public voice with no uptake into the process.

Public communication can be summarized through topic modeling, but communicative acts can best be understood through the ontology of social constructivism and the interpretation

of performative word acts and their evidence of linguistic struggle for power in politics. I draw on analytic techniques including everyday language acts as struggles in the language field by Bourdieu to derive the meaning of the communication, within the chapter, Wittgensteinian ordinary language use analysis, and Foucauldian analysis of power and possibility is touched upon in the conclusion chapter (Wittgenstein 1958; Foucault 1994; Hanks 2005; J. Everett 2002).

From consolidated democracies to dictatorships, sources of political content are growing worldwide. The digitization of standard media sources such as newspapers, and the birth of new forms of digital political content such as blogs and tweets, contributes to this growing content. Countries that fall in between, in non-consolidated democracies or limited authoritarian countries, with some form of “democratization process,” have growing sources particular to their political state as well, due to their need to show progression toward democracy. In these countries, participatory political events generate content in the form of polls, surveys, minutes from focus groups, meetings and assemblies, and organizational statements or policy proposals. The digital outputs are generally available freely as part of the publicity component of the democratization campaigns.

The global explosion of new sources of political data has been met by the “rapid development of new statistical tools for meeting the challenges of analyzing ‘big data,’” and rigorous scholarly review of these new techniques for automated text analysis (M. E. Roberts, Stewart, and Tingley 2015; Grimmer and Stewart 2013). These bodies of text are so large, they presented challenges for pre-existing methods designed for textual analysis, such as analogue content analysis, thematic analysis, semiotics, or intertextualism – which can also be used in conjunction with these new techniques. Reviewers of the new methods call these “manual coding and scalability issues” (Chuang et al. 2015). The large size of the corpora makes simply reading

the documents impossible. Size also makes thematic analysis without machine assistance an inefficient methodological choice that creates challenges to validity, due to the heavy burden on one researcher, and reliability issues as well, due to the difficulty inherent in replication of analogue analyses (Chuang et al. 2015). Fortunately, interdisciplinary teams are rapidly developing new methodologies, while also addressing their limitations, to enable social scientists to gain knowledge in an appropriate timeframe from the outputs created by these processes (M. E. Roberts, Stewart, and Tingley 2015).

New text analysis methods based on machine learning and natural language processing, such as topic modeling, have an additional advantage in reducing researcher bias (Lucas et al. 2013). Scholars avoid the preliminary application of their own cognitive schema or predefined frameworks on these texts. Unsupervised techniques of machine learning allow the texts to first “speak for themselves” before analysts apply knowledge to the results. The possibility of replicating the coding and modeling enhances both validity and reliability, as researchers can rerun the coding and the modeling. Moreover, the interpretation of the analysis, since it is *post hoc*, is more transparent. However, researchers must exercise caution about the use of these tools without a real understanding of their limitations (Chuang et al. 2015). As Chuang, et al., argue, the

“... true strength of computer-assisted content analysis should be enabling users to explore multiple subjective interpretations about their source documents. In order to support real-world deployment of and engage users in human-in-the-loop machine learning, we must first establish users’ trust in the techniques.”

The limitations, as mentioned above, include the quality of computer-assisted coding, coding reliability to identify key factors that contribute to model variations, and understanding model sensitivity and model design, including intra-model sensitivity, pre-processing of text corpora, post-processing of topic models, auxiliary measures, and model designs (Chuang et al. 2015).

The dataset for this chapter was obtained from a group of interest organizations, both regime-affiliated and regime-opposed, that performed a large-scale, nation-wide public communication process in thirteen cities across Turkey in 2012. These data included a large survey with both closed- and open-ended responses, the latter in focus group format. The analysis is also supplemented with data from newspaper articles, think tank reports, and semi-structured interviews performed or collected across Turkey from 2011 to 2014.

3.2.3 Comparative Analysis of Evolution of Opposition

Chapter 8 uses the method of structured, focused, comparison within the complex adaptive systems of systems framework to examine the constitutionalism and the struggle for self-determination by Kurdish groups within semi-authoritarian environments in Turkey, Syria, and Iraq. This chapter addresses the interaction among external actors promoting democracy, regimes, and political opposition, using the case of Kurdish self-determination movements, or citizens or interest groups that have mobilized within the larger constitutional environment, to use constitutional tools of their evolution as political opposition. According to George and Bennett, structured focused comparison involves three research phases: the formulation of the objectives, design and structure of the research; the implementation of the case studies in accordance with their design, and assessing the findings of the case studies for their contribution in achieving the research objective (George and Bennett 2005). I assess the following nested actions situations of Kurdish self-determination movements in Iraq, Syria and Turkey by groups of Kurdish citizens according to the following conditions for comparison.

Turkey is a case of semi-authoritarian constitutionalism with no action by international democracy promoters in support of the autonomy of the Kurds. The armed struggle for autonomy

in Turkey has ebbed and flowed since the early 1900s, from brutal response by the Turkish government to the Rebellion of Sheikh Said in 1925, to the rise of the PKK in the 1970s-1990s and the growth of political support for the Kurds throughout the 2000s, though the civil conflict between the Turkish regime and the Kurds continues. Currently, the political organization of the Kurds in Turkey does not seek autonomy, and not only just recognition of their minority rights and adequate political representation, but a broadened democratic agenda for all Turkish citizens.

Iraq is a case of semi-authoritarian constitutionalism with international democracy promoters performing an extensive and ongoing intervention in the country that was responsible for the promulgation of Iraq's constitution. The Kurds in Iraq have had autonomy for decades, after an international intervention contained and then dissolved Saddam Hussein's regime. The Kurdistan Regional Government has been drafting and negotiating its own constitution since its recognition as an autonomous region under a federal structure. Due to ongoing violence in the region, the struggle has been, and is still, armed. The KRG seeks more autonomy in their constitution than is granted to them by the current constitution of the Iraqi state.

Syria is a case of constitutional semi-authoritarianism with international democracy promoters performing a limited humanitarian intervention and self-determination struggle with radical democracy in the Northern Region of Rojava, which includes not just Kurds, but other minority groups as well. The struggle for autonomy is armed, but constitutionally, the group does not seek separation from the Syrian state, but rather a recognition of their constitutional rights under the structure already granted to them in the existing Syrian Constitution.

Data for the chapter on Kurds' struggles for autonomy in Turkey and Syria were collected from semi-structured interviews with diplomatic officials for the Kurdish party in Turkey, the autonomous region of Syria, called Rojava, in Washington, DC. The data for the de

jure constitutional environments of the official Turkish, Iraqi, and Syrian governments was collected from the Comparative Constitutions Project and the Cingranelli-Richards Human Rights dataset (Elkins, Ginsburg, and Melton 2011; David L. Cingranelli, Richards, and Clay 2015). Finally, the data on cooperation for the network visualization between Kurdish groups comes from the Uppsala Conflict Dataset Project (UCDP) Armed Conflict Dyadic dataset (UCDP 2015); UCDP External Support to Armed Actors dataset (UCDP 2011); Minorities At Risk Org Behavior dataset (Minorities at Risk Project 2009); and the Self-Determination Movements Organizational Behavior dataset (Cunningham 2014).

4.0 A MODEL OF SEMI-AUTHORITARIAN RESILIENCE

Chapter 4 builds an explicit theoretical framework using the Institutional Analysis and Development (IAD) framework. Rules, norms and shared strategies delineate the actions taken to develop two action situations of authoritarianism under the influences of democratization. The Chapter then, assuming emergent adaptive preferences, develops an implicit CASoS model of semi-authoritarian resilience. The CASoS framework is used to model the interaction between semi-authoritarian regimes and their challenges from above, from within, and from below, over time, to generate semi-authoritarian resilience. Under the positive and negative influences of democratization, regimes, opposition, and external democracy promoters create an incentive for those with commitment to deeper democratic norms to form and cooperate transnationally in self-determination groups.

4.1 INSTITUTIONAL ANALYSIS AND DEVELOPMENT SYNTAX

The actors and roles in semi-authoritarian constitutionalism take place in an international system of democracy promotion (IDP). In this theory, political systems are composed of actors, including: political leaders who become incumbent or opposition leaders, and political organizations. Political organizations may include kinship networks, military hierarchies, and party apparatuses, and can also be integrated with interest groups, which may include civil

society organizations, political parties, other organized interests, and the public, or citizens. These groups, when they are polarized, and when they overcome barriers to collective action, may evolve into a group seeking autonomy from the existing constitutional environment, or a self-determination movement.

4.1.1 Actors, Roles, Actions, and Resources

Within the IDP action arena, semi-authoritarian constitutionalism is split into the two variants defined in Chapter II. These variants are modeled as action situations: Overt Constitutional Authoritarianism (OCA) and Stealth Constitutional Authoritarianism (SCA). The latter Stealth action situation includes a process in which political leaders achieve a minimum of democratic norms and rule-of-law standards within the IDP action arena, to prevent consequences, while the Overt authoritarian arena, the political leaders sufficiently violate these norms and standards. Both action situations also embed the process in which dissent evolves into mobilization in struggles for autonomy or self-determination (O-SDM and S-SDM). The actors, roles, actions and resources are described below. The next section defines the actors, roles, and actions in these action situations.

4.1.1.1 International Democracy Promotion Influences

International democracy promotion occurs through international organizations, international financial institutions, and foreign investors, or supranational organizations, such as the United Nations, and the European Union, with a commitment to democratic constitutionalism, but with limited information regarding the incumbents' behavior. International democracy promoters must have sufficient information regarding the leaders' actions of a semi-

authoritarian political system to take action. Political leaders' actions also have to pass a threshold of violating rule-of-law standards and democratic norms for the action situation to be initiated. The overall aim within the IDP action arena is the promotion and monitoring of constitutional democracy in participating polities. If IDP actors obtain enough information that political leaders are violating the standards of constitutional democracy, the overt constitutional authoritarianism (OCA) action situation is initiated, and the polity may face consequences: having its membership revoked, the imposition of economic or political sanctions, loss of financial aid, loans, or capital, or a humanitarian military intervention. If requirements for IDP are met to a high enough degree to avoid consequences, the stealth constitutional authoritarianism (SCA) action situation is initiated. The OCA action situation is initiated when there is violent repression of dissent to maintain order, or frequent use of extrajudicial tactics to hold on to power in the IDP action arena, which allows for the possibility that IDP actors may enforce consequences, but do not necessarily do so. The SCA action situation is initiated when standards are met and violations are not severe enough to draw consequences within the wider IDP action arena; therefore, IDP actors may not enforce consequences.

Within both action situations, the self-determination movement (SDM) action situations are initiated when opposition overcomes barriers to collective action in seeking autonomy, under the Overt (abbreviated as O-SDM) and the Stealth (abbreviated as S-SDM) action arenas. In the S-SDM and O-SDM embedded action situation, incumbents MAY take up arms against the groups starting civil conflict in the name of "fighting terrorism." Second, incumbents MAY be held to account for their existing de jure constitutional rules supporting civil liberties and political freedoms. Third, public dissent MUST increase and opposition MAY become more vocally less supportive of the regime. Finally, groups MAY take up arms against the regime but

under the S-SDM action situation they will do this WITHOUT external support from international democracy promoters, while under the O-SDM action situation, actors from IDP organizations may come to the aid of opposition, clearly showing the disadvantage that IDP gives to political opposition under the conditions of stealth authoritarian constitutionalism.

4.1.1.2 Political Leaders and Political Support Organizations

Political leaders' organizations can engage in "repression" or "support" of the opposition, "dissent" or "protest" (organized dissent), or "inaction." Political support organizations, being the agents for the principal – political leaders, in a principal-agent relationship – can facilitate the "control and exchange of information" up and down the levels in the network. The resources available to and within political leaders' organizations are: 1) motivation, which has two characteristics, the degree of uniformity, and level; 2) agency, or acting on behalf of political leaders (whether they are correct in identifying leaders' desires or not; 3) information control throughout the network, which is more prone to domination or persuasion strategies; and 4) arms, whether the organization is the incumbent-aligned and armed forces are aligned with it, or if the organization is opposition-aligned and has taken up arms.

Political leaders' overall aim, in the model, is to gain office, and in semi-authoritarian systems, to hold onto power. Political leaders run for office or are elected into office, or are the leaders or majority or minority political parties. If parties are not allowed, then they are the leaders of opposition groups. This research identifies both an "overt" and a "stealth" strategy for incumbent and opposition political leaders. Political leaders under Overt or Stealth constitutional authoritarianism may take the role of "incumbent" through winning a majority of votes in an election, though those elections may be free, they may not necessarily be fair. Incumbency provides elites and their affiliated organizations with the resources of public office, including

public contracts, public sector jobs and public funds. Incumbents, regardless of their organizational type – have, in general, the most dominant share of control over the use of force. Incumbents in authoritarian regimes also usually have a higher degree of control over the media and the flow and accuracy of information.

Incumbents have the intrinsic capability to apply excessive legal discretion, whether unilaterally, or through subordinates or agents. The concept of discretion used stems from the legal scholar H.L.A. Hart's conceptualization utilized by comparative constitutional scholars to identify stealth autocrats' strategies: it is a "just" tactic used for "unjust" purposes. Hart defines discretion as a "choice to be made...which is not determined by principles which may be formulated beforehand" (p. 652, 661). Shaw writes "Hart argued that discretion is a special mode of reasoned, constrained decision making that occupies a middle ground between arbitrary choice and determinate rule application... [which] soundly exercised, provides a principles way of coping with legal indeterminacy that is fully consistent with the rule of law" (p.666). However, selectively-enforced, it is consistent with the rule-of-law but not the principles of democracy or constitutionalism (Varol 2014). Discretion is found in all legal systems, including those in democracies, but has taken on a new function in contemporary "stealth" authoritarian regimes because of the values it maintains or prevents. "Opposition" leaders take their role when they do not win elections or are not allowed to run.

In the Overt and Stealth action situations, political leaders within political support organizations gain office, lose office, or seize power; coopt or tolerate opposition; encourage or discourage political participation; control or distort information; and repress or tolerate dissent, and reform *de jure* constitutions. Within both the Overt and Stealth action arenas, political leaders choose to enact constitutional change processes, including their negotiations and

concessions over policy changes, and their engagement of society in these processes through participation in deliberation, bargaining, and approval of formal constitutional changes, or their domination and control of the process through exclusivity and secrecy. Constitutional reform under stealth conditions allows incumbents to marginalize, weaken, or coopt the political opposition, solicit and maintain public support, claim legitimacy in the domestic and international spheres, and, ultimately employ social control, domination, or coercion within their societies to hold onto power, without the possibility of consequences from IDP actors. Incumbent political leaders can “initiate or conclude” *de jure* constitutional reform processes, in which the incumbents and opposition political leaders both enact policy change or receive policy concessions. Political leaders take these positions through negotiation and bargaining of policy proposals in the reform process, in which they may solicit cooperation from civil society and the public. Opposition political leaders may also boycott participation overall. The resources available for political leaders are: 1) public office and its resources; 2) public arms or the ability to direct the armed forces unless there is a military coup d’état; 3) organizational support; and 4) control of information and the media, through persuasion or domination.

4.1.1.3 Opposition Groups and Self-Determination Movements

For other interest groups and the public, interest groups are organizations that may be aligned with incumbent, or aligned with the opposition. Citizens engage in politics through existing organizational structures in civil society that may determine the development of democratic political participation depending on their relationship to the government. Research has shown that it is naïve to expect that organizations working as appendices to governments in authoritarian systems can effectively enact social change in the context of these altered state-society relations (Jamal 2007). Civil society under authoritarian conditions generally becomes

polarized and specific network mechanisms take place that marginalize the opposition and centralize the incumbents' support.

Interest groups may become more centralized, or more marginalized in the network, according to Jamal's theory and Özler and Sarkissian's evidence from Turkey (Jamal 2007; Sarkissian and Özler 2013; Sarkissian and Özler 2013). The organizations can engage in participation or deliberation processes, or they can seek autonomy. Depending on the presence of elites in the network structure, there may be rabble-rousers or wet blankets that create mobilization despite low motivation, or prevent mobilization despite high motivation.

The resources available to civil society organizations are: 1) level of motivation; 2) exposure to repression; 3) regime-alignment, 4) ideological congruence, and 5) arms. Interest groups or the public may take the positions of "political participant, dissenter/ protestor, inaction/ mobilization, or autonomy-seeker" largely in response to the level and technology of repression and their regime-alignment. Citizens take these positions through protest, through engaging in the surveys or public opinion gathering in the process, through approving a referendum, or voting a leader into office or out of office, or through inaction. The resources available to citizens are: 1) votes, and 2) motivation.

Self-determination movements are organizations that have overcome barriers to collective action to seek self-determination within an authoritarian regime. Their characteristics are an aim for self-organized constitutionalism, or political struggle for autonomy, or armed struggle for autonomy. They may take the roles and actions of peaceful resistance, political autonomy struggle, or armed autonomy struggle. The resources available to them are: 1) motivation; 2) collective action; 3) external support, or 4) arms.

4.1.2 Overt Constitutional Action Situation

Within the IDP action arena, with the embedded Overt Constitutional Authoritarianism (OCA) and Overt with Self-Determination Movement (O-SDM) action situations, there are the following rules and norms. The following actions are institutions with consequences or rules. First, incumbents **MUST** conform with legal procedure, or face increased dissent. Second, incumbent **MUST** employ extrajudicial tactics to hold on to power, or face increased dissent. Third, incumbents **MUST** reform constitutions according to “whim” but following legal procedure, or face increased dissent. I use “whim” as shorthand for excessive selective enforcement of the law that abides to legal procedural requirements. Finally, reform process negotiations **MUST** be secret and exclusive, or incumbents will face increased dissent. Within the action situation of Self-Determination Movement, groups **MUST** overcome barriers to collective action in the struggle for autonomy, or become dissenters.

The following are institutions without explicit consequences, or norms. Incumbents **MAY** violently repress dissent to maintain order. International democracy promoters **MAY** remove memberships, impose sanctions, withdraw investment, or have a humanitarian intervention. In the Self-Determination Movement action situation, groups **MAY** take up arms against the regime **WITH** external support of international democracy promoters. Incumbents **MAY** take up arms against the group starting civil conflict, and finally incumbents **MAY** be held to account for existing de jure constitutional rules. In order, the implications of the IDP action arena with embedded OCA and O-SDM action situations:

- **Implication OCA-1:** Incumbents **MUST** conform with procedural requirements and implement decisions through appropriate agencies (“rule-by-law” constitutionalism);
- **Implication OCA-2:** Dissent **MAY** BE violently repressed to “maintain order” (domination);

- **Implication OCA-3:** Extrajudicial tactics **MUST BE** used frequently to hold on to power (domination);
- **Implication OCA-3A (IDP):** International democracy promoters **MAY** remove the country from membership, impose sanctions, withdraw investment, or intervene militarily; and
- **Implication OCA-4 and 4A:** Constitutions may be amended or rewritten according to leaders' whims but following procedural requirements in processes that are secretive and exclusive (coercion).

Observable implications of O-SDM action situation is:

- **Implication OCA-1 through OCA-4A; and**
- **Implication O-SDM-1 and 2:** Groups **MUST** overcome barriers to collective action in struggle for autonomy, and may or may not take up arms against the regime *with* external support or international intervention;
- **Implication O-SDM-3:** Incumbents **MAY** take up arms against the group, starting civil conflict;
- **Implication O-SDM-4:** Incumbents **MAY** be held to account for their existing de jure constitutional rules supporting civil liberties and political freedoms.

4.1.3 Stealth Constitutional Action Situation

In the IDP action arena with the embedded action situations of Stealth Constitutional Authoritarianism (SCA) and Stealth with Self-Determination Movement (S-SDM), actors have the following rules and norms for action. The Stealth action situation is embedded within the IDP action arena and comes into play after incumbents conform to legal procedures with a moderate commitment to normative constitutionalism, and protect of civil liberties at an intermediate level with free, but not fair, elections. The following actions are institutions with consequences or rules. Incumbents **MUST** conform with legal procedure with a moderate commitment to normative democratic constitutionalism, or face increased political opposition. Incumbents **MUST** protect civil liberties generally and **MUST** hold elections that are free but not necessarily fair, or face increased political opposition, dissent, and/or protest. Incumbents or their agents

MUST exercise “whim” to consolidate power, sideline opposition, and maintain legitimacy, or incumbents will face increased political opposition, dissent, and/or protest. Incumbents MUST reform constitutions according to “whim” but following legal procedural requirements, and reform processes MUST be semi-transparent, semi-inclusive, or have controlled deliberation, or incumbents will face increased political opposition, dissent, and/or protest. In the Self-Determination action situation, groups MUST overcome barriers to collective action in their struggle for autonomy (mobilization), or become dissenters.

The following are institutions without explicit consequences, or norms. Incumbents MAY repress dissent through targeting collective action in which they MUST use legal means, or face increased dissent or protest. Third, public participation MAY be channeled through polarized networks and using distorted/ controlled information media WITHOUT uptake into the policymaking process, or incumbents will face increased political opposition, dissent, and/or protest. The S-SDM action situation is initiated when groups overcome barriers to collective action, and there is repression of dissent and controlled political participation, or the inaction of international democracy promoters due to an intermediate level of civil liberties being upheld and free but not fair elections being held.

In the *international democracy promotion* action arena with embedded *stealth authoritarian constitutionalism* and *self-determination movement* action situations, are more easily maintained by political leaders through following the strategies of persuasion and cooptation:

- **Implication SCA-1:** Incumbents MUST conform with procedural requirements and implement decisions through appropriate agencies with a *moderate commitment to normative constitutionalism*, to meet opposition, public dissatisfaction, and international democracy requirements (cooptation);

- **Implication SCA-1A:** Incumbents MAY repress dissent through targeting collective action, using control over the exchange of information between policymakers, citizens, and between citizens, *and other legal means* (persuasion or cooptation);
- **Implication SCA-1B:** Public participation MAY BE channeled through polarized networks and distorted and controlled information media to give civil society and the public voice with no uptake into the process (persuasion or cooptation);
- **Implication SCA-2:** Civil liberties MUST BE protected at least periodically, and elections are generally free but not necessarily fair (cooptation);
- **Implication SCA-2A (IDP):** International democracy promoters MAY NOT remove the country from membership, impose sanctions, withdraw investment, or intervene militarily; *as enough constitutional democratic requirements are met*;
- **Implication SCA-3:** Incumbents or their agents MUST exercise excessive selective enforcement of the law by relying on legal discretion and use it to consolidate power, sideline opposition, and to maintain legitimacy (persuasion or cooptation); and
- **Implication SCA-3A and 3B:** Constitutions MUST BE according to leaders' whims but following procedural requirements in processes that are somewhat transparent, semi-inclusive and have controlled deliberation (persuasion or cooptation).

Observable implications of stealth authoritarian constitutionalism with self-determination movements are:

- **Implications SCA-1 through SCA-3B; and**
- **Implication S-SDM-1:** Public dissent MUST increase and opposition policymakers MAY become less supportive of regime;
- **Implication S-SDM-2 and 3:** Groups MUST overcome barriers to collective action in struggle for autonomy; and MAY take up arms against the regime WITHOUT external support or international intervention;
- **Implication S-SDM-4:** Incumbents MAY take up arms against the group starting civil conflict in the name of "fighting terror"
- **Implication S-SDM-5:** Incumbents MAY be held to account for their existing de jure constitutional rules supporting civil liberties and political freedoms.

4.2 INFERRING A MODEL OF SEMI-AUTHORITARIAN RESILIENCE

Based on the above institutional syntax, the theory of semi-authoritarian constitutionalism delineated above, operationalized as a multi-level system, across iterations over time, produces

the following complex adaptive system of systems model of semi-authoritarian resilience under the influence of international democracy promotion. Scott and Page write: “Complexity arises when the dependencies among the elements become important ... removing one such element destroys system behavior to an extent that goes well beyond what is embodied by the particular element that is removed,” (2007, 9). Each actor in the system is mutually influential on the others, who can learn or change. Removal of any of them may change the properties of the entire system in an essential way. The CASoS actors’ adaptive preferences over time create transitions between different system dynamics. These dynamics, when applied to semi-authoritarian resilience under international democratization influences, evolve into cyclical transitions from overt constitutional authoritarianism with a weak constitution, to overt constitutional authoritarianism with a sham constitution, to stealth constitutional authoritarianism.

This model shows the emergent outcomes of a complex system of systems of international democracy promotion, national constitutional change, and self-determination movements. Under overt constitutional authoritarianism, initially, influence by external actors strengthens the position of political opposition. Democratization theorists anticipated this strengthening of political opposition and the impact it had on semi-authoritarian regime strategies. First, a more powerful opposition makes the costs of suppression exceed the costs toleration of opposition for the authoritarian regime (Dahl 1971). Authoritarian regimes are also more threatened by the successful collective action of opposition than they are by their own loss of legitimacy (Przeworski 1992). Finally, the benefits the opposition receives from external actors makes enduring repression worthwhile, and repression becomes more costly than tolerance for the authoritarian regime, making power-sharing arrangements more attractive to the authoritarian regime (Yilmaz 2002).

Yet despite strengthening political opposition relative to the regime over time, repeated interactions yield political opposition, which prefers moderate democratic reforms to revolution and full constitutional democracy. Overt autocratic rule also makes the regime prefer moderate reforms, because of the regime's risk of complete revolution and overthrow. This accounts for the increasing attractiveness of power-sharing and/or tolerance of political opposition by the authoritarian regime (Thiel 2010). The more frequent interactions are, the more the regime will prefer a more immediate resolution that values power-sharing with the opposition over repression, and the sooner the regime will reform. International actors also value more highly a stable but protracted transition, than an "uncertain, radical outcome which could plummet the country into chaos or into an extended period of instability" (2010). In the "democracy promotion dilemma," the political opposition and the external actors promoting democracy avoid radical demands and are satisfied with a lesser degree of reform, setting the stage for SCA. External actors transitively value the preservation of the state over the implementation of institutions or processes that express the inherent values of constitutional democracy. The domestic and international actors begin to value more highly immediate partial reforms toward democratization.

Some democratization theories make the assumption that external actors have full information regarding the regimes' aggregate activities. If regime activities are disaggregated into *de jure* legal reforms and maneuvers, and *de facto* observations of rights and freedoms, external actors receive partial information about regimes' activities that allows them to abide by rule-of-law and democracy standards while simultaneously using repression when necessary to destabilize politics and weaken the political opposition. At times, regimes must also increase these observations of those *de jure* reforms. SCA regimes abide by the rule-of-law and

democracy but act against the spirit of democracy by demonstrating a moderate commitment to the norms of constitutional democracy that may be violated at their whim or discretion (Tushnet 2013). Overcoming the barriers to collective action then becomes more difficult for political opposition as the costs of dissent and opposition rise while democracy promoters support regimes rather than opposition despite semi-authoritarian behavior. Consequently, an alternate dynamic, Stealth Constitutional Authoritarianism (SCA), emerges with different incentives for establishing self-determination movements.

Modeling this situation as a complex adaptive system of systems explains the emergence of stealth constitutional authoritarianism and of self-determination movements despite constraints to mobilization. Under the stealth dynamic, external actors' pressure for democratization has confounding effects on political opposition, as the semi-authoritarian regime maintains a legal and normative position that allows it to avoid sanctions and still reap the benefits provided by the international democracy promotion program. Political opposition is disadvantaged, increasing their incentive to establish a movement for self-determination. SCA emerges from iterations of the OCA variants, in which interactions on multiple levels over time create a more robust semi-authoritarianism that can shift phases.

Over time, in repeated iterations of overt authoritarianism with weak or sham constitutions, democracy promoters challenge the authoritarian regime with sanctions and punishments, while strengthening the political opposition through channeling support and rewards to them, thereby increasing the costs of repression for the authoritarian regime. Conversely, under SCA, the regime maintains IDP "carrots," which disadvantages the opposition, increasing the incentive to establish a cross-border self-determination movement

with groups in countries that exist under overt authoritarianism, because those SDMs benefit from the governments in those countries being subject to IDP's "sticks."

In essence, the CASoS is a non-equilibrium state of phase-shifts between OCA and SCA in which the dominant preference is a moderate commitment to constitutional democracy, rather than an overthrow of the state with a full commitment to the norms of constitutional democracy. Due to the repeated reforms it makes as concessions to external actors and opposition, semi-authoritarian regimes become more resilient, or able to adapt to perturbations in the system. On one hand, adaptive preferences for more immediate limited reform toward democratization, rather than an uncertain, but full, democratization at some time in the unknown future, emerge as the status quo outcome. To overcome the "wet blanket" effect that the relationship between grievance and repression has on mobilization under stealth semi-authoritarian regimes, there is a greater incentive to seek self-determination through cross-border alliances with groups in other authoritarian regimes. By understanding these dynamics as a complex adaptive system of systems, the model generates an explanation for the mobilization of self-determination movements "against all odds" that overcome what should be insurmountable barriers to collective action.

4.2.1 CASoS of Semi-Authoritarian Resilience

The complex adaptive system of systems model of self-determination movements under constitutional semi-authoritarian dynamics has three major components. The components are, first, the influence of international democracy promotion that can enact either positive influence "carrots" or negative influence "sticks". Second, the government or semi-authoritarian regime, is subject to the influence of IDP, and can make reforms, observe rights, or repress public

expression, while the political opposition can dissent, mobilize, or create a self-determination movement (SDM). The SDM is the third major component. The model has Overt and Stealth constitutional semi-authoritarian dynamics within a complex adaptive system of constitutional authoritarianism influenced by international democracy promotion.

The impact of the external actors under OCA or SCA gives different incentives to the political opposition to form a self-determination movement for self-governance or democratic constitutionalism, while simultaneously accepting the partial reforms toward democracy in a power-sharing agreement with the regime, extending the longevity of the semi-authoritarian nation-state, while simultaneously increasing incentives for cross-border self-determination movements. Self-determination movements can be peacefully resistant, engage in political struggle for autonomy, or engage in armed struggle for autonomy. Under the Overt dynamic, groups must overcome barriers to collective action in their movement for self-determination, and may or may not take up arms against the regime with external support or international intervention. Incumbents may take up arms against the group, starting civil conflict. Incumbents may be held to account for their existing de jure constitutional rules supporting civil liberties and political freedoms. Under the SCA dynamic, public dissent increases and opposition policymakers may become less supportive of regime. Groups must overcome barriers to collective action in their movement for self-determination, and may take up arms against the regime without external support or international intervention, and the regime may receive aid to fight the group. Incumbents may take up arms against the group starting civil conflict in the name of “fighting terror.” Finally, incumbents may be held to account for their existing de jure constitutional rules supporting civil liberties and political freedoms. Figure 5 below shows the actors and components in the CASoS model.

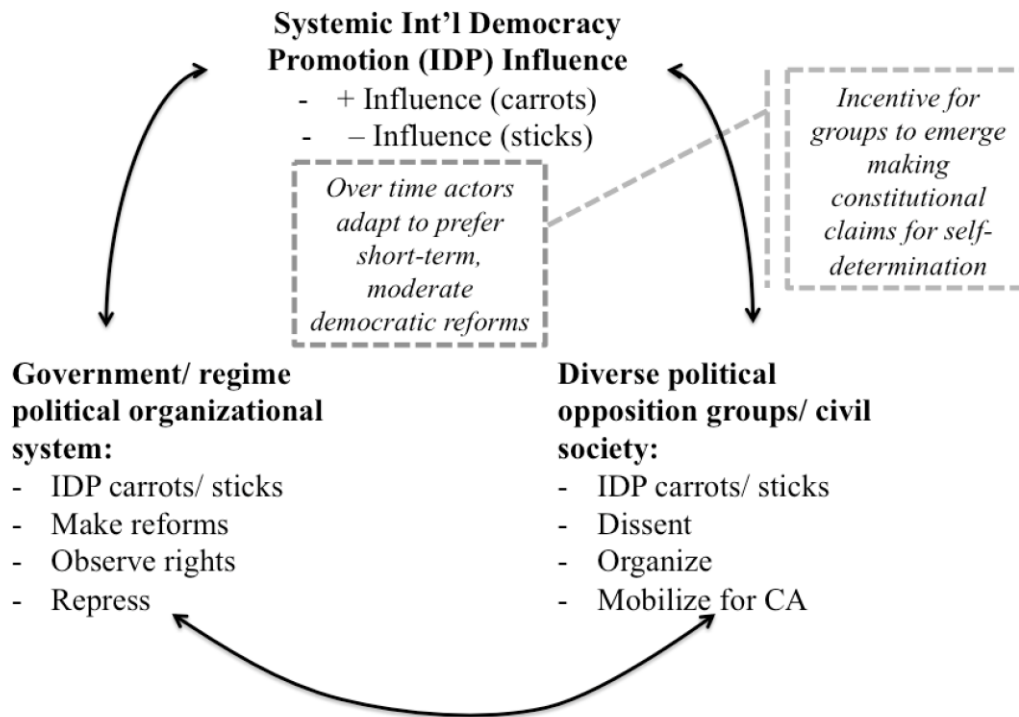


Figure 5. Actors and Components in the CASoS Model

4.2.2 Overt and Stealth Authoritarian System Dynamics

In Overt constitutional authoritarianism, leaders generally abide by the principle of “rule by law” rather than “rule of law” (Ginsburg and Moustafa 2008). Leaders may face increased public dissatisfaction, but, because they cannot obtain assurances that they would not suffer losses if they lost power, they utilize strategies to consolidate their power in order to hold onto it. Overt authoritarianism stems from leaders taking these actions without commitment to the international standards of democracy, despite the criticism or dissent of domestic political leaders, citizens, or international organizations or foreign countries, affirming their commitment to constitutional

norms, if one exists, is a “sham;” otherwise, they hold “weak” commitments. Overt authoritarian leaders differ from stealth authoritarian leaders in that their tactics are blatant, yet masked under a democratic façade. Often their tactics are justified by referring to opposition as terrorism or by claiming the right to sovereign action within their borders. Yet many of these regimes – including those as authoritarian as Saudi Arabia – have constitutions that claim a differing degree of rights.

Under the first dynamic, OCA, if groups overcome barriers to collective action to work toward self-determination, they may take up armed struggle against the existing regime and be supported by international democracy advocates, human rights defenders, or supranational, regional, or coalition-based military forces in a possible humanitarian intervention. In this case, the regime may organize an armed response to the opposition and/or to the intervention, further increasing the costs of repression of the opposition rather than tolerance. While international democracy promoters’ (IDP) overall aim is to promote constitutional democracy through persuasion, they also have “sticks,” or sanction-type actions to use against non-abiding regimes. These sanctions are activated in OCA regimes that blatantly violate standards of constitutional democracy, and include removing the country from membership in international organizations or economic institutions, the imposition of economic or political sanctions, the withdrawal of foreign investment, or military intervention.

In Stealth constitutional authoritarianism, the regime’s potential for longevity is increased, in legal, seemingly democratically legitimate ways. In this outcome, authoritarian policymakers utilize existing legal strategies, or create new ones, to consolidate their power. The leaders utilize constitutional reforms as policy compromises to the opposition, and the public. SCA political leaders use reform processes to consolidate power through coordination of

governance organizations, cooptation of opposition, and control or distortion of information among civil society and the public.¹ Coordination and cooptation sidelines opposition, solicits popular support, and strengthens operating procedures for efficient governance. Dissent is not simply discouraged; it may be manipulated in order to increase the impenetrability of the regime. Dissent may be violently repressed to “maintain order” but not to an extent high enough to draw international condemnation.

Under the second dynamic, SCA, the major difference is groups acting for self-determination will not receive any kind of support from external actors promoting democracy. Rather, the regime receives support due to its rhetoric and *de jure* legal and constitutional reforms supporting human rights and political freedoms. If opposition takes up arms against the SCA regime, the regime may respond militarily in the name of domestic stability, public order, or fighting internal terror. However, the payoffs to the opposition make internal conflict with the group and the regime a more costly alternative than accepting partial reforms, unless the group seeking self-determination has a commitment to constitutional democracy that makes it act despite a cost/benefit calculus. In SCA, external actors promoting democracy generally use only “carrots” for seeking compliance with international democracy promotion standards, including loans, aid, and legitimacy, for the existing regime.

4.2.3 Emergence of a Cyclic Dynamic

In the complex adaptive system of constitutional authoritarianism, mechanisms move the system from one phase to another. Overt authoritarian regimes with weak constitutions make reforms under demands from IDP, shifting to an Overt-sham environment.

OCA-weak (dictators) → *de jure* reforms → OCA-sham (dictators with laws)

Under continued influence of IDP and strengthened political opposition, the OCA-sham constitution begins observing some constitutional commitments, shifting to SCA.

OCA-sham → some *de facto* observations of *de jure* reforms → SCA (stealth)

From a Stealth environment, the regime can be overtaken by a coup with repression, leading back to an OCA-weak environment; the regime can consolidate its power and increase repression, shifting back to an OCA-sham environment, or can increase political competition, shifting toward a fragile Democracy (DEM).

SCA (stealth) → coup → OCA-weak (dictators)

SCA (stealth) → consolidation of power → OCA-sham (dictators with laws)

SCA (stealth) → political competition → DEM (democracy)

Overall, the entire system is an out-of-equilibrium, complex adaptive system that contains multiple actors with preferences that change over time and in which the outcomes are dependent on interactive effects. Shifts in phases are summarized below.

OCA-weak → increase in *de jure* → OCA-sham → increase in *de facto* → SCA

SCA → increase in *use of force* → OCA-weak

SCA → decrease in *de jure* → OCA-sham

SCA → increase in *de facto* → DEM

Next, I elaborate the emergent effect this cyclic dynamic has on political opposition and SDMs within the complex adaptive system of constitutional authoritarianism under the influences of the international democracy promotion program.

Formal modeling has shown that the relationship between mobilization, grievance, and repression in semi-authoritarian constitutional environments can have unintended consequences, or the surprise or emergent outcomes characteristic of complex adaptive systems (J. B. Ruhl 1996; J. B. Ruhl 2012). The gap between constitutional commitments and constitutional observations, and citizens' perceptions of that gap, are conceptualized as political grievance. Different variants of constitutional authoritarianism generate different levels of grievance, measured as the distance between the ideal policies of the state and its citizens and citizens' sentiment toward that grievance (Shadmehr 2014, 623).

Beginning on the left-hand side of the graph, the blue mobilization curve first represents an overt-weak dynamic, or regimes' adoption of low or very limited levels of rights. Under this dynamic, more pressure from external actors promoting democracy benefits political opposition and increases the costs of repression. In OCA-weak constitutional environments, grievance is the distance between citizens' ideals and a low level of commitment to constitutional rights in legal reforms. External actors' pressure is more effective in this dynamic, because regimes prefer moderate reforms to revolution. On the right-hand side is the overt-sham environment. Under the OCA-sham dynamic, grievance and repression can give opposition focal points for coordination of dissent and possible overthrow, if the regime does not observe in practice the commitments to human rights written in their constitutions (Law and Versteeg 2013). Within the OCA-sham dynamic, citizens must work endogenously within the existing system to see the regime actually observe constitutional commitments, which is costly for regime and opposition when trying to maintain an authoritarian regime. In OCA-sham constitutional environments, grievance is the distance between citizens' ideals and the regime's observation of already existing legal rights that are being violated.

In the middle of the curve is the stealth constitutional authoritarian dynamic. This is the “status quo” outcome due to repeated iterations of the OCA dynamics under the influences of international democracy promotion that create resilient SCA regimes with partial democracy, moderate repression, and a weakened political opposition with a “wet blanket” on its motivation to mobilize. In SCA environments, legal rights exist, and are sometimes observed in practice and sometimes violated. The influence of international democracy promotion benefits the regime. If graphed as a relationship between repression and potential of mobilization, citizens have a u-shaped incentive to respond to claim their rights, so mobilization drops to nearly zero for the political opposition, except for the self-determination movement. As shown in the Figure below, a cyclic dynamic (red line) develops between $t=1$, $t=2$, $t=3$, and $t=4$ (SDM) for a self-determination movement (Shadmehr 2014).⁶ Outside of OCA environments with sham or weak constitutions, a “stealth” category, with a “wet blanket effect,” explains a lack of national political mobilization, as all parties prefer moderate democratic reforms to other alternatives (Siegel 2011; Thiel 2010; Shadmehr 2014; Beaulieu and Hyde 2009). Political opposition’s incentive to cooperate with other groups in overt authoritarian regimes, to overcome barriers to collective action, and mobilize for self-determination, increases, as the green curve represents in the Figure 6 below.

⁶ This figure is a graph of the relationship that emerges in Shadmehr’s model of mobilization, repression, and inequality (which substitutes for grievance). This model shows how, repression occurs in response to some mobilization against the state given the level of grievance, he argues that, anticipating repression, opposition may not mobilize at moderate levels of grievance, but only when the grievances outweighs the cost of repression, or a non-monotone relationship (Shadmehr 2014, 631).

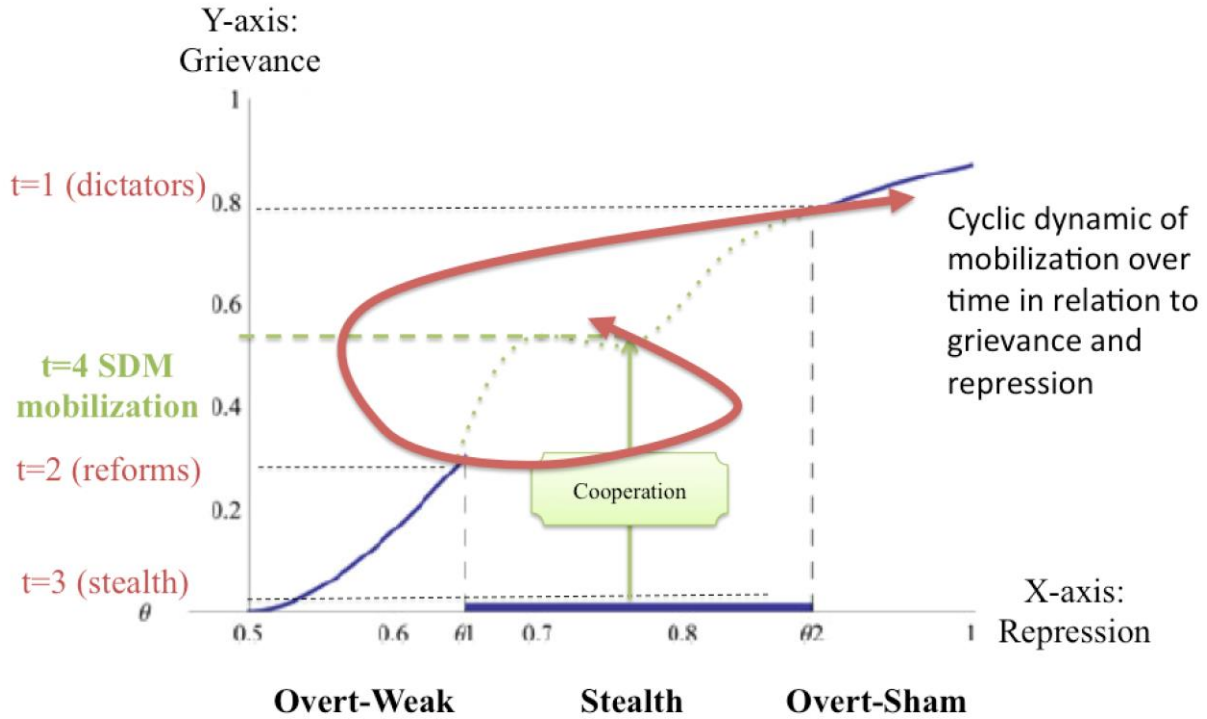


Figure 6. 3-Dimensional Representation of Grievance, Repression, and Mobilization

Under stealth constitutional authoritarianism, there is a wet blanket effect (Siegel 2011). The costs of facing repression are higher than the driving motivation of grievance for political opposition; the costs of future uncertainty of being replaced or overthrown are greater than the costs of making short-term moderate democratic reforms as concessions for the government or regime; and finally, the costs of political instability are greater than the benefits of democratic revolution for international actors. Most importantly, under stealth semi-authoritarianism, there is a low likelihood of an available remedy for political opposition to the government or regime within the existing system, on domestic or international levels, so in order to overcome the “wet blanket” effect, they must cooperate to seek recourse outside the nation-state system.

International democracy promoters receive only partial information about regime activities that allow these regimes to still remain on the “carrots” side of the international democracy promotion program. When a regime can claim democracy while still practicing legal repression, political opposition is inactive, and semi-authoritarian regime longevity increases. In essence, under SCA, political opposition will not overcome barriers to collective action unless they cooperate with other groups seeking self-determination who do not face regimes under the stealth dynamic. Cooperation allows SDMs in stealth regimes to endure the costs of continuing repression without receiving benefits from external actors. Under semi-authoritarianism, political opposition will seek radical democratic reforms in two situations only: when external actors support them, such as in Iraq, or when the SDM can cooperate with other SDMs to mobilize.

Using the above, inferred CASoS model as a framework, this dissertation utilizes multiple methods for the empirical chapters. These multiple methods – including Qualitative Comparative Analysis, Structural Topic Modeling, and Structured, Focused, Comparison – are combined in nested analyses within this overarching theoretical framework modeled using a systems theory approach. Overall, the dissertation undertakes the task of theory development for semi-authoritarian constitutionalism to generate hypotheses and elucidate evidence for them. Grounded in pragmatism, the research conceptualizes the complex adaptive system of semi-authoritarian constitutionalism under democracy promotion. Following Chapters 5, 6, 7, and 8, the evidence from each of the chapters is then synthesized to draw policy recommendations for constitutional change experts, international democracy promoters, and human rights defenders.

5.0 SYSTEM STRUCTURE: OTTOMAN AND TURKISH CONSTITUTIONALISM

How does regimes' system structure impact the dynamics of constitutionalism under authoritarianism? Authoritarian regime structures are comprised of rivalries and relationships within the ruling entity: the officer corps of the military regime, the single-party regime and its cadre, and the clique surrounding the personalist ruler, family, kin, or cliques also surround dynastic or non-dynastic monarchies (Geddes 1999; Weeks 2008). Recent scholarly work has further disaggregated these regimes, and examine how they strategically use institutions in their states to persevere despite generally lacking popular consent (Boix and Svoblik 2013; Fjelde 2010; Gandhi and Przeworski 2007; Gandhi 2010; Smith 2005; Svoblik 2012). In line with this literature unpacking authoritarian regimes where they coexist with nominally democratic institutions, this dissertation conceptualizes semi-authoritarian regimes as communication network structures with elites under repression.

By conceptualizing semi-authoritarian regimes as communication networks with elites, transfer between nodes – of ideology, or of information, and more – becomes possible through attributing ties in the network, creating an opportunity to pragmatically unite different strands of research and methodologies.^{vii} It also allows us to treat the characteristics of different authoritarian regimes as having non-overlapping, distinct characteristics, rather than characteristics identified as important in democracies. An empirical analysis of the latent structures within regime types since 1945 identified three dimensions of authoritarianism,

military strength, party strength, and personalism, which can all occur in varying degrees (Wright, Honaker, and Geddes 2014). Below I review the literature on these specific regime types or dimensions while paying specific attention to where that literature defines communication network structure characteristics, in order to understand how and why strategies in different network structures could lead to different policy outcomes in constitutional change processes. Ultimately, I relate these to two ideal-types of communication networks: those utilizing persuasion or cooptation, and those utilizing dominance or control, which are discussed are implications for further research in the conclusive chapter.

5.1 REGIMES AS POLITICAL ORGANIZATIONAL SYSTEMS

How do regimes, as political organizational network systems with elites and repression, impact collective action within the network? Siegel's work concludes that the factors affecting actors' strategies and network performance for collective action include, *inter alia*, the network structure of the semi-authoritarian political system and of the public, leaders' uniformity of preferences, citizens' internal and external motivation, and repression technology (Siegel 2009; Siegel 2011). Broadly, there are four types of political networks in which network structure can reliably be drawn from qualitative data that have major implications for institutional change. These are the Small World, the Village, the Hierarchy, and the Opinion Leader networks. Two network structures, Village and Small World networks, do not incorporate elites. The latter two network structure typologies incorporate elites and therefore are useful for categorizing regime structure. Siegel writes:

Small World networks stand in for suburban/urban societies, in which information flows quickly and connections are made widely. Village/Clique networks mirror rural/less well-developed societies or tightly insulated cliques, in which most people respond to their immediate (largely non-overlapping) social circles. Opinion Leader networks possess social leaders—those with great social influence—who drive behavior directly via their numerous connections to followers. Hierarchical networks transmit leaders’ influence downward through deputies to the followers at the bottom (Siegel 2011).

The conceptualization of regimes as networks for collective action with elites under repression in this research take the dual forms of the *opinion leader* network, and the *hierarchy* network (Siegel 2009; Siegel 2011).⁷

When repression also is incorporated into the model, the uniformity of leaders’ preferences and motivation becomes more significant. Mobilization occurs according to variation in the dimensions of leader influence (the number and stated importance of leaders); leader motivation or unity; repressive technology (targeted removal of leaders versus random violence), and then repressive strength (weak or strong); motivation (public opinion or dissatisfaction, or propensity to participate), and in the hierarchical network, follower influence (level of socializing of subordinates). Leader motivation or uniformity of preferences greatly decreases the efficacy of repression or violence, meaning factionalized networks with repression are prone to instability, while the importance of leaders and public dissatisfaction also decreases the efficacy of repression to a lesser extent. The socialization of subordinates at the same level greatly increases the efficacy of repression (Siegel 2011). Siegel finds that a “society whose leaders are unified in their desire for mass participation will be highly resistant even to repression targeted directly at these leaders,” but when leaders are factionalized or their preferences not uniform, “the same repressive technology can swiftly crush participation in

⁷ The measures for operationalization of these types of networks with quantitative network data are given in the endnotes to the conclusive chapter in suggestions for further research.

Opinion Leader and Hierarchical networks that lack unified leaders” (Siegel 2011). Figure 7 below shows the general difference between Opinion-Leader and Hierarchy network topologies.

In the Hierarchy, the power of elites lies in their advantaged placement at its top of a series of levels. Within each level, individuals are likely to be spatially closer to each other (Sandell and Stern 1998) but do not necessarily have a high likelihood of influence on each other. However, motivation may or may not be correlated with position, and is at least as influential in predicting strategic outcomes as position. In the hierarchy network, the number of elites and conformity of motivation are important for participation and mobilization, with one unexpected finding: ties between people in the same level can alter outcomes when elite motivations are uniform, for some widths of the hierarchy.

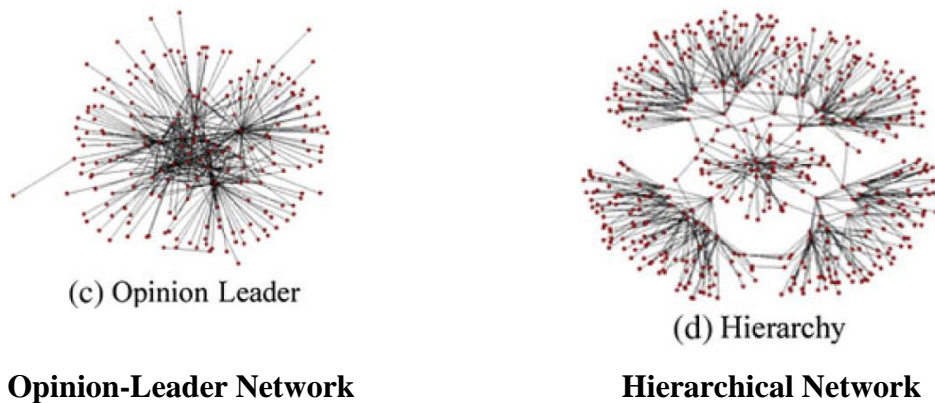


Figure 7. Visualization of Hierarchical and Opinion-Leader Network Structures

When elite motivations are uniformly low, highly interconnected followers can still produce high levels of activity that produce the “*proletariat*” revolt. When uniformly high, highly interconnected followers can reduce the level of expected participation to very low values, or

have the “*wet blanket*” effect, similar to the u-shaped finding of popular inaction based on moderate levels of repression and grievance (Siegel 2009; Shadmehr 2014).

Due to the levels of authority in a hierarchical network, there is less flexibility in the short-run, but this inflexibility is overcome by long-run sustainability with a tendency to reach an agreement with compromise (Lilja 2012). The key variables then are the cohesiveness of elite preferences and the length of the negotiating period to understand policy outcomes. The identification heuristics for a Hierarchy are: 1) a rigid chain of influence, with 2) few superiors and many subordinates, and a 3) defined organizational structure.

Opinion leader networks are also called core-periphery, or star, networks. In opinion leader networks, very few people have many connections, while the “opinion leaders” at the core have many. The power of leaders lies in the highly centralized nature of their position and betweenness of their ties. Previously in the literature, these networks have been called star or wheel networks (Gould 1993). Research has also found that star networks occur when one high-value person exists (or others are taken out); they are made over time rather than being “born” (Goeree, Riedl, and Ule 2009). Therefore, they are sensitive to repressive tactics that remove leaders.

Unlike the hierarchy, more highly motivated elites motivate followers, while uniformly low motivated elites decrease participation. In Opinion Leader networks, the number of elites and the conformity of elite preferences are more important in determining the activity of the network than are the strength of ties, the size of the network, or even the motivation of the participants (Siegel 2009). However, the activation of the network is dependent upon the motivation level, and the uniformity of motivation, of the elites. Furthermore, up to a point, increasing the number of elites tends to increase participation. Behavior spreads outward from

motivated elites to followers. When elites have uniformly low motivations, there is little participation; when their motivations are uniformly high, participation is near total (Siegel 2009).

Opinion leader networks, relative to Small World, Village, or Hierarchical networks, contain dyadic and non-reciprocal ties that make participation more unlikely (Siegel 2009), and make flexibility in policy negotiations difficult and a conclusion or compromise more unlikely (Lilja 2012). The identification heuristics for an Opinion-Leader Network are: 1) a few leaders drive opinion, 2) information that comes from common sources, and 3) a skewed distribution of connections (Siegel 2009).

5.1.1 Operationalizing Political System Networks

Political leaders, incumbent or opposition, are actors embedded in an organizational network. Political leaders' organizations are the organizational systems from which political leaders come, whether kinship network, military organizations, or party apparatus. These organizations may integrate traditional interest groups such as political parties and regime-funded organizations. These communications networks with elites are likely to take different structures given their characteristics. In this model, they can take on the roles of "Hierarchy" or "Opinion-Leader" network structures. The next section of this chapter reviews regime types – monarchy, military, civilian party, and personalistic – and summarizes the literature on network structure, factionalism/ motivation, repression, and *de jure* and *de facto* constitutional change for operationalization in the following analyses.

5.1.1.1 Military Regimes, Network Structure, and Following Orders

According to political science and organizational studies literature, military regimes have a *high number of elites on multiple levels with uniform preferences* about the survival and efficacy of the military, including “maintenance of hierarchy, discipline, and cohesiveness within the military; autonomy from civilian intervention; and budgets sufficient to attract high-quality recruits and buy state-of-the-art weapons” (Bienen 1978; Geddes 1999; Janowitz 1977; Morris 1960; Van Doorn 1975). More recent research has added professionalism and adaptability to these norms (Finnerty 2013; Serena 2011). Officers agree to join coups if they believe the military itself as an institution is threatened, but do not want to risk civil war; therefore, they will only join if many officers do. In this sense, there are generally strong intra-level ties within the intermediate levels of the military hierarchy.

In transitioning from the military regime, all but the highest level of elites may agree that a transition to civilian rule is better than a highly polarized military, which could lead to a civil war and destroy the military itself. The military’s position in the regime is coded through its degree of involvement in politics, as democracies require a strict separation between the civilian government and the military. Therefore, following Svobik, in the Regime variable (REG), I code one component of the regime’s integration as military involvement in politics, which can take one of four forms: none, indirect, personal, or corporate involvement. Military regimes or military-run political parties should take the shape of Hierarchical communication networks because they have defined organizational structures, a rigid chain of influence, and few superiors and an expanding number of subordinates over multiple levels (Siegel 2009).

5.1.1.2 Party Regimes, Network Structure, and Cooptation

Political parties have stronger incentives to cooperate with one another than military or monarchical regimes. Factions form in single-party regimes around policy differences and competition for leadership positions; however, all are better off if all factions remain united and in office. Therefore, cooptation, rather than exclusion, is the rule in established single-party regimes (Geddes 1999). Depending on the structure of the party, there may be a high number of elites, which decreases as personalization of politics grows. While elite preferences may not be uniform, they will appear to be because all in the party are better off if all factions remain united and in office. Therefore, there are moderately strong ties within levels of the organizational structure, as external and internal preferences may conflict.

Single parties generally adopt a cooptation rather than exclusion strategy for opposition to maintain unity. Single parties are resilient in politics, but sensitive to external events like economic crises. Following Svobik, in the Regime variable (REG) I code party strength or integration as (a lack of) restrictions on political parties, on one of three levels: parties can be banned, one party is allowed, or multiple parties are allowed. Political parties should take the shape of Opinion-Leader networks due to having a few leaders that drive opinion with information coming from common sources, unless the party was founded by and is run by the military. If the party has been in power long enough to assume a non-dynastic personalistic or monarchical position around a single leader, it should then take the shape of a Hierarchy with or without Factionalism.

5.1.1.3 Monarchies, Network Structure, and Control

Monarchies, given their limitation to family members, or the choice of one ruling family member, have a lower number of elites. Preferences are uniform within a dynastic monarchy to

keep the family in a prestigious and authoritative position, as family members will keep their privileged positions regardless of whether a single family member remains in power. In dynastic monarchical regimes the family forms a ruling institution (Weeks 2008). Members of the family share an interest in maintaining the continued health of the dynasty, and cooperate to keep the leader in check.

Non-dynastic monarchies' preferences more closely resemble personalist regimes. Therefore, a crucial determinant in the network structure of monarchies is whether the monarch rules alone, or with the assistance of the extended ruling family. The existence of a powerful ruling family creates a more diffuse power structure, while centering power on one ruling family member creates a network structure with less reciprocal ties. Leaders of dynasties face an accountability that leaders of non-dynastic monarchies do not, due to the existence of a ruling family. Monarchies should take the shape of Hierarchical Networks with a high degree of Factionalism if the monarch rules with competition from within the ruling family rather than assistance, as occurred in the Ottoman Empire, from the extended ruling family. This is due to maintaining a defined organizational structure, a rigid chain of influence, and having a few superiors and an expanding number of subordinates over multiple levels, yet having competing factions within the organizational structure.

5.1.1.4 Personalism, Network Structure, and Persuasion

Personalist regimes rely extensively on control of communication and information exchange, as leaders' fear of potential rivals leads them to undermine decision-making that might serve as power bases for challenges. As personalization of politics grows, the number of elites shrinks, and the preferences become uniform to mimic the leader's preferences. However, this occurs through a skewed distribution of ties throughout the network, as the regime limits

information exchange to maintain the appearance of control of potential successors and opposition. As the leader consolidates power, the network becomes more like a “star” network. As in single party regimes, factions form around potential rivals to the leader, but even during normal times they have “strong reasons to continue supporting the regime and leader” (Geddes 1999). Membership in the network with elites is fluid, informal, and unstable, as members are rotated frequently to prevent them from developing autonomy.

Personalism allows one individual to dominate the state apparatus, and therefore access to office and the fruits of office depend more on personal discretion. However, the base that the leader needs to keep supporting is relatively narrow compared to single-party regimes, and the group of beneficiaries is more likely to be dominated by a single familial clan, or ethnic or regional group. With both rewards for loyalty and penalties for unsuccessful defection very high, internal splits become more unlikely. However, the connections in the personalist ruler’s network, as compared to the military or monarchical leaders’ networks are less dense, and more reciprocal. The personalist ruler severs relationship ties between supporters so that they cannot cooperate to challenge him, whereas the military or monarchical rulers control their supporters so that they do not want to challenge them, as summarized above. For this reason, personalism is coded in the analysis as factionalism, if personalism is occurring in an already existing Hierarchical network such as the military, due to maintaining a defined organizational structure, a rigid chain of influence, and having a few superiors and an expanding number of subordinates over multiple levels. Otherwise, elements of personalism should take the shape of an Opinion-Leader network, if the personalistic leader is the founder of the political organization system in power, due to having a few leaders that drive opinion with information coming from common sources.

5.2 HEURISTIC-GENERATING ANALYSIS, 1876-1981

For the *de jure* constitutional clauses across history, constitutional documents were gathered on constitutional changes from the *Tanzimat* through 2014, and each document was coded that occurred during a major constitutional change episode from 1876, the first Ottoman constitution, to 1981.⁸ Each constitution and its major amendments were coded using Versteeg's extensive coding scheme for constitutional rights and policies, which includes 224 different codes for each constitutional change.⁹ I aggregated these codes into six indices of constitutional change: personal integrity, equality rights, civil and political rights, socio-economic and property rights, judicial review, and government structure.¹⁰ Figures 8 and 9 below show the aggregate data on

⁸ The documents were gathered from a variety of sources, in both Turkish and in English. The major source of data was the Comparative Constitutions Project (Elkins, Ginsburg, and Melton 2011). I also gathered background documents on discussions, deliberations, and negotiations on constitutional change in each period, and supplemented the CCP's database with documents from the Turkish Grand National Assembly's databases when a major change was referred to in a text but not included in the CCP's database. The Comparative Constitutions Project, hosted at the University of Illinois' Cline Center for Democracy, granted me access to their constitutions from 1876 to the present, for which I owe much gratitude for allowing me access to their portal, is a major cross-national time-series endeavor to capture comparative constitutional change over the last two centuries across the globe, and therefore minor changes in just one country/region may have not met their criteria.

⁹ I am grateful to Mila Versteeg for sharing her constitutional coding scheme. For rights, Versteeg's coding scheme includes general rights, including equality rights, women's rights, the right to life, torture, negative liberty rights, fair trial rights, privacy rights, civil and political rights; rights for particular groups, including children, family, minorities, disabled, etc.; socio-economic rights and policies, including the style of socio-economic rights, work, freedom of enterprise, social security, health, and education; property rights; natural resources, and environmental rights. For policies, Versteeg's coding scheme includes good governance, or the quality of government provisions; structure provisions; judicial review provisions; and human rights commission/ ombudsman provisions.

¹⁰ The "personal integrity" index includes 37 codes pertaining to the right to life, torture, negative liberty rights, fair trial rights, and privacy rights. The "equality rights" index includes also includes 37 codes on general rights, including equality rights, women's rights, and rights for particular groups, including children, family, minorities, disabled, etc. One negative right is included. The "civil and political rights" index includes 34 codes pertaining to civil and political rights. Three negative rights are included. The "socio-economic rights" index includes 60 codes

the *de jure* constitutional indices over time, and then grouped by major change period for the indices from 1876 to 2015. Large jumps in the equality index that are literally “off-the-chart” are preceded by large dips in almost all of the indices, most notably the personal integrity rights index. Figures 8 and 9 show the indices plotted over time, between 0 (less support for democracy) to 1 (more support for democracy), and grouped by change period. With this data visualization, it is easier to grasp how the constitutions of Turkey cover the range of the continuum of “weak” to “sham” constitutions, as the number of rights grows, while judicial review and governance indices stay relatively low. Figure 9 shows the percent change in the indices, which normalizes for the phenomenon of “rights creep,” in which constitutions tend to gather rights over time due to constitutional stickiness (Varol 2015). The regime leaders in Figure 8 from left to right are Sultan Abdülhamid (monarchy), Mustafa Kemal Atatürk (military/single party), Adnan Menderes (political party), General Cemal Gürsel (military), General Kenan Evren (military), and Recep Tayyip Erdoğan (political party). However, constitutional reform under the AKP is not included in this analysis but is used with observational data in the next empirical chapter.

pertaining to socio-economic rights, work, freedom of enterprise, social security, health, and education; and property rights. Fifteen negative rights are included. The judicial review index includes 20 codes on judicial review provisions. Three negative provisions are included. The “government structure” index includes 38 codes on good governance, or the quality of government provisions; structure provisions; and human rights commission/ ombudsman provisions; natural resources, and environmental rights. Three negative rights are included.

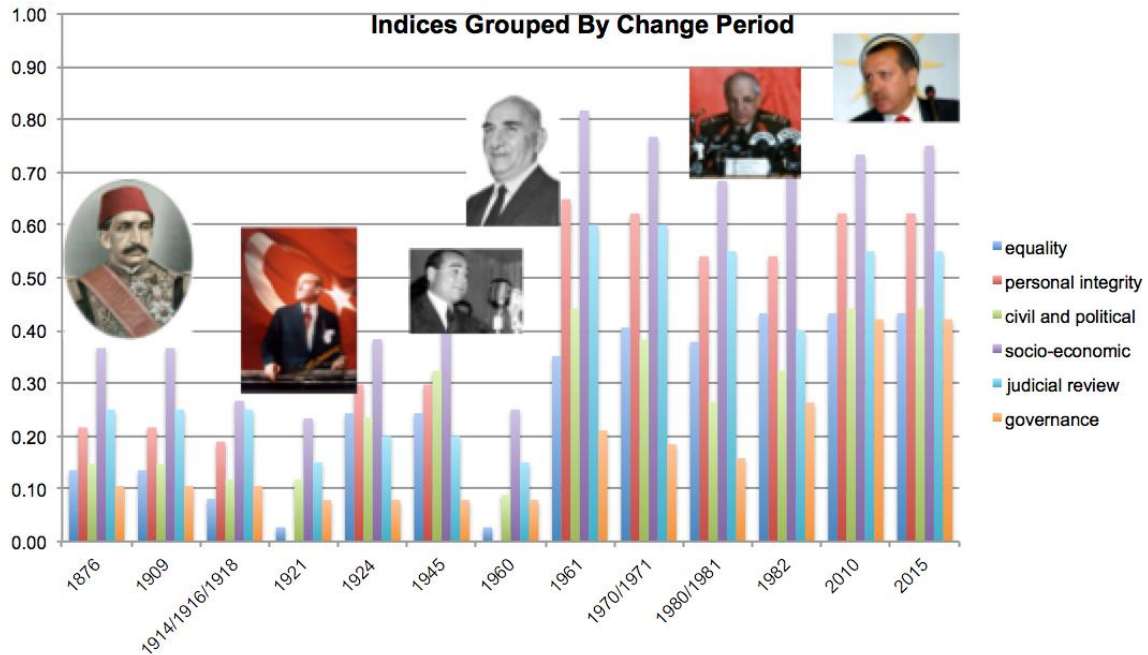


Figure 8. Indices of *De Jure* Constitutional Commitments, 1876 to 2015

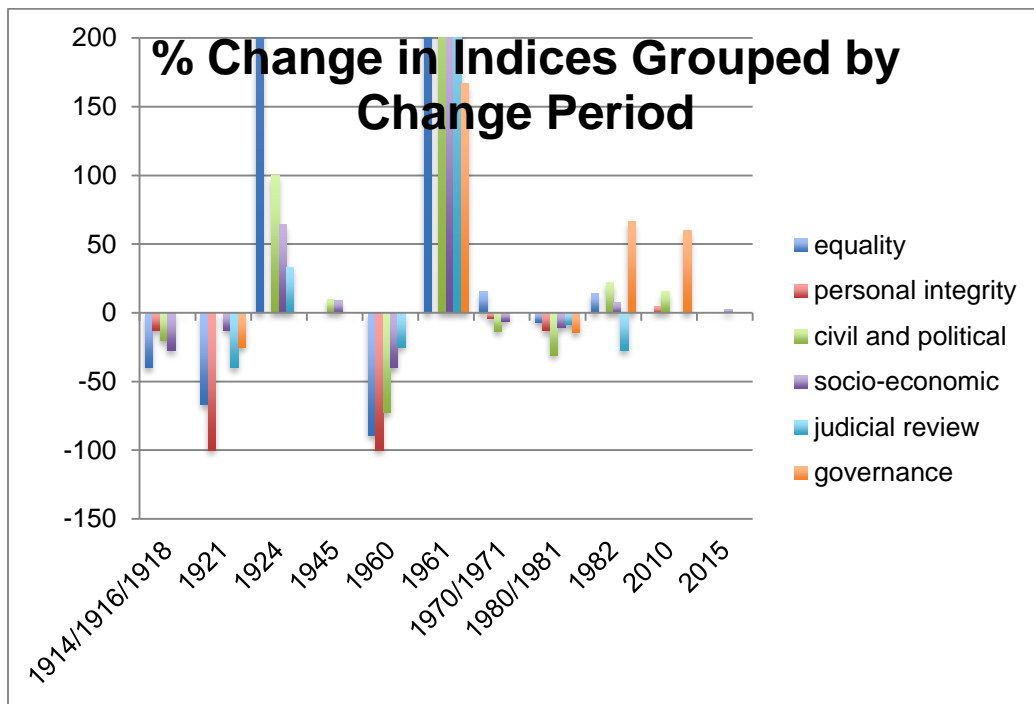


Figure 9. Change in *De Jure* Constitutional Coding, 1876 to 2015

The conditions assessed in the analysis include the level of *de jure* constitutional commitment (sham, weak, or in between) regime types (civilian/personalist, monarchy, military), communication network structures (hierarchy, opinion-leader) and factionalism (low, high), and the use of repression (low, moderate, high). I divide the periods into Ottoman Constitutionalism (1876 to 1918), the first constitutional period (1909 to 1960), and the second constitutional period (post-1960 to 1981), as shown in Table 2 below. The unit of analysis is an episode of constitutional change. In the conclusion, I highlight the dynamics that give insight into how the network structure and consolidation of the regime, the uniformity of the regimes' elites' preferences, and repression technologies interact.

Table 2. Regime Structures and Repression During Major Constitutional Episodes

Time Period	Ottoman Era: 1876 Ottoman Constitution and 1878 Suspension; 1908 reinstatement and 1909, 1914, 1916, and 1918 amendments	First Period, 1909-1960: 1921 Constitution, 1923 amendment, 1924 Constitution and 1927, 1928, 1931, 1934, 1937, 1945, 1952, and 1960 amendments	Second Period, 1960-1981: 1961 Constitution and 1969, 1970, 1971, 1973, 1974, 1980, and 1981 amendments
Regime Type (REG)	Monarchy and Revolutionary (from low to highly motivated)	Revolutionary; Single-party backed by the military; civilian party	Military regimes; return to civilian politics (late 1980s)
Constitutional Process (PRO)	Short and inflexible	Short and inflexible	Short and inflexible
Network Structure (NET)	Ottomans (hierarchical, factionalized); Young Ottomans, Young Turks, CUP (opinion-leader, factionalized)	Revolutionary (opinion-leader, factionalized); Single-party (hierarchical, cohesive, then factionalized) Multi-party (opinion-leader, factionalized)	1960 (hierarchy, factionalized) 1970 (hierarchy, factionalized) 1980 (hierarchical, cohesive)
Repression (REP)	Moderate to high	Moderate to high	1960: moderate 1970: moderate 1980: high

The heuristics of conditions found within the time periods are presented with their narrative case histories, which follow. To draw general heuristics of constitutional authoritarian environments, the solutions are aggregated following the case histories. In the presentation of Boolean solutions, capital letters imply presence (or closeness to “1”) while small letters indicate absence (or proximity to “0”), and the * symbol implies an intersection of the conditions. The conditions are as follows, and the data were coded and calibrated using the following set-theoretic conditions, which can also be found in Appendix A, the coding for the analyses in Chapter IV.

For the Regime variable, absence (reg) indicates centralized power over military, legislative, executive, and party consolidated, while presence (REG) indicates that power between military legislative, executive, and party is diffuse. For the Process variable, absence (pro) indicates a reform process held in secret, with no public involvement, and no representative body, while presence (PRO) indicates a transparent, public negotiation over an extended period with a representative body. For the Network/ Factionalism variable, absence (net) indicates cohesion in a hierarchical network, while presence (NET) indicates the highest level of factionalism in an opinion-leader network. For the Repression variable, absence (rep) indicates a high level of repression with high technology, while presence (REP) indicates a low level of repression with low technology. For the Equality Rights variable, absence (eqa) indicates no equality rights, while presence (EQA) indicates equality rights in constitution. For the Personal Integrity Rights variable, absence (pin) indicates no personal integrity rights, while presence (PIN) indicates a higher level of personal integrity rights in constitution. Finally, for Political and Civil Rights, absence (civ) indicates no political and civil rights, while presence (CIV) indicates a higher level of political and civil rights in constitution.

5.2.1 Ottoman Constitutionalism, 1876-1908

Solution: reg*pro*NET*rep*eqa*pin*civ

The late Ottoman Period, as evidenced by renewed vigor of historians recently taking on the subject, remains a fascinating period for students of state-building, nationalism, and revolution (Zürcher 2010; M. Sükrü Hanioglu 2011; Doumanis 2012; Matossian 2014; M. Sukru Hanioglu 2001). Broad themes can be derived for the purposes of understanding the structure of the elite groups, their impact on negotiation processes, repression, and constitutional outcomes in the period of the decline of the Empire, and the rise of the Young Turks.

The period from 1839 to 1876 is known as the *Tanzimat* in Turkish historiography, though historians' opinions on the timeline of the *Tanzimat* and factors behind the initiation of the reforms differ (İnalçık 1976; Faroqhi et al. 1997). The term *Tanzimat-i Hayriye*, or beneficial reforms, had been used as early as 1834 when the imperial order establishing the Supreme Council for Judicial Regulations was issued (*Meclis-i Vala-ı Ahkam-ı Adliye*) (Zürcher 2004, 42, 50). The driving forces behind these reforms were both internal and external, though underlying both were the transfer of European ideas of rationality and bureaucracy, international concern over minority rights, and domestic management of minority communities within the Empire.

Domestically, within the Empire, factionalization occurred when “exposure of members of the Ottoman ruling class to European ideas ... [resulted] notably in the tendency of the younger bureaucrats to look for rationally motivated solutions instead of traditional ones, and hence to new legislation,” (Zürcher 2004, 26). Externally, “pressure was an important incentive for the internal administrative and legal reforms ... especially ...for... reforms to do with the position of the Christian minorities of the empire. The European powers pressed for improvements in the position of these communities, which in the classical Ottoman structure had

been that of second-class subjects,” (2004, 56). To simplify, elites within the Empire had factionalized into those preferring the *status quo* and concessions to international pressure, and groups preferring radical reforms and what was to become nationalist revolution.

In 1876, the constitutional revolution was carried out by “a group of leading Ottoman politicians ... [who had] carried out a coup d’état, deposing Sultan Abdülaziz on 30 May 1876. In his place, Crown Prince Murat, who was close to the Young Ottomans... came to the throne as Sultan Murat V,” (Zürcher 2004, 73). The Young Ottomans had been in touch with Ottoman politicians Mithat Pasha through Namık Kemal and Ziya Pasha, who would be influential in the Committee for Union and Progress; at this point, Namık Kemal and Ziya Pasha became palace secretaries. The leaders of the coup d’état included the provincial reformer Mithat Pasha, the Minister of War, Hüseyin Avni Pasha, the director of the military academy, Süleyman Pasha, and the Şeyhülislam Hayrullah Efendi. To their dismay, however, at the advice of Rüştü Pasha, who cautioned Murat V against a full constitution, the Sultan gave only a “vague statement of reforms”, which were included in the *Hatt-ı Humayun*, or imperial decrees, after his accession to the throne. Soon after, a series of dramatic events, in which the former Sultan Abdülaziz committed suicide, and then an aggrieved army captain murdered Minister of Foreign Affairs Reşit Pasha and Minister of War Hüseyin Avni Pasha, leading Sultan Murat V to have a nervous breakdown, the deposition of Murat V became inevitable, and he was replaced by Abdülhamid II on 1 September 1876 (2004, 73).

The remaining Ministers had an eventful first meeting with the new Sultan and delegates in Istanbul on 23 December 1876. A new constitution had been drafted and promulgated based on the Belgian constitution of 1831 and the Prussian constitution of 1850, and, “number of its articles (or omissions) gave it a more authoritarian character and left the sultan important

prerogatives, which [the Sultan] was later to use to the detriment of the constitutional government” (2004, 74) The constitution, from the Ottoman standpoint, made all discussions of reforms in the Christian areas of the empire “superfluous,” since all subjects were now granted constitutional rights, and elections were to be held. Notably, the “Provisional Electoral Regulations,” would remain *en force* throughout the next five decades, including the early years of the Republic. These Regulations prescribed a nominated senate (*Hayat-i Ayan*), an elected chamber of deputies (*Hayat-i Mebusan*), and also detailed the exclusive qualification requirements of delegates (Kayali 1995). Every Ottoman male above the age of thirty with ability in Turkish and enjoying civil rights could be elected deputy, unless he had accepted citizen-ship or employment in the service of a foreign government, was bankrupt or a domestic servant, or was stigmatized by “notoriety for ill deeds” (Kayali 1995).

Although some scholars may connect this turn toward constitutionalism with a turn toward democracy or liberalism, others historians note that the amorphous political organizations known as the Young Ottomans, the Young Turks, the Committee for Union and Progress, the Ottoman Freedom Society, the Defense of Rights Group, and finally, the People’s or Republican People’s Party, were more concerned with gaining power to implement their ideas than with democratic constitutionalism.

After five hundred years of dynastic monarchy, in 1876, a small group of elites, who, similar to the Sultan and his dynasty, utilized violence and repression when they saw fit, who were by no means united or cohesive, drafted and promulgated the first “constitutional” document, turning the Empire into a semi-constitutional monarchy. The Young Ottomans were “never tightly organized and the ideas of the individual members of the group differed widely,” (2004, 70). Hanioglu notes the authoritarian nature of both the process and its outcome:

“As a rule, historians have penned Young Turk activities as a ‘constitutional movement.’ The reason for this is that the Young Turk revolution proclaimed the restoration of the Ottoman Constitution of 1876. *However, the notion of a constitution, based on the constitutional history of the European and North American governments, had little affinity with the direction that Ottoman bureaucrats took while drafting their 1876 constitution or with the thinking of the Young Turk intellectuals of the succeeding generation*” (M. Sukru Hanioglu 1995, 28 emphasis mine).

Even though the 1876 Constitution was by no means liberal or democratic, it did give rise to vocal opposition in the elected Parliament, and for this reason, Sultan Abdülhamid II suspended the Constitution after just two years in 1878.

While it was *en force*, however, the 1876 Constitution established the first bicameral General Assembly of the Ottoman Empire, in which the Senate replaced the Sublime Porte and the Grand Vizier became the speaker of the Senate. The writers of the 1876 Constitution sought to replace the Ottoman millet system, or political organization by religious identity of Muslim or non-Muslim, with a system based on Ottoman citizenship, which would be the precursor of the Turkish national identity that evolved into the characteristics of citizenship for the new nationalist Republic of Turkey.

Throughout the next thirty years, the Empire struggled to redefine itself in the international order as the notorious “sick man” of Europe subject to international legal treaties such as the Capitulations. In the Capitulations, “privileges and concessions originally granted by the voluntary action of the Turks to foreigners and non-Moslem subjects alike became transformed through successive wars, interventions and diplomatic intrigues into irksome exactions that formed the basis of a kind of international suzerainty over Turkey” (P. M. Brown 1924, 291). The Empire stood geographically and geopolitically at the crossroads of World War One, and the Entente and the Central powers could spare no dignity for their “sick” counterpart. The members of the Young Ottomans, the Young Turks, and their many political organizations,

including the Committee for Union and Progress (CUP), splintered into factions under changing leadership and in different groups in the multiple apparatuses of the palace, the Parliament, and the military. Contrary to the hierarchical structure of the dynastic monarchy in which motivations were low, but uniform, in this opinion-leader network structure, motivation was high, but so was factionalism.

One offshoot of the CUP, the Ottoman Freedom Society, spread rapidly in Macedonia. This occurred with the involvement of officers from the Third (Macedonian) and Second (Edirne) armies, in which Major Enver of the staff of the Third Army played a leading role. In 1907, the Salonica group decided to merge their group with the reformers' group in Paris, once they established contact with them. Ahmet Rıza and Prens Sabahattin were reformers in Paris. After several name changes, the newly confederated organization reverted to the traditional name Committee for Union and Progress (*İttihat ve Terakki Cemiyeti*) (Zürcher 2004, 76). In 1908, in a coordinated campaign, these officers of the newly organized and confederated Committee for Union and Progress (CUP) in Macedonia, including Enver Pasha, staged a coup d'état and demanded the constitutional order be restored. The Sultan unsuccessfully tried to quell this revolt by sending his officers, and then troops, to Macedonia, but the officers were murdered, and the troops abandoned the cause, due to influence from the CUP. The sultan capitulated, and announced that the Constitution would be reinstated and applied in full, reconvening the Ottoman Parliament after an interval of thirty years on the night of 23 July 1908 (2004, 90).

Sultan Abdülhamid II was forced to restore the constitutional monarchy after the Young Turk Revolution. Still, scholars disagree regarding the real incentives behind the CUP leaders' interest in participating in Parliamentary governance. Lybyer writes that there "lay hidden some precedent, much preparation, and a strong desire, for a parliamentary government," indicating

the desire for constitutional separation of powers (Lybyer 1910, 66). On the other hand, Zürcher writes that politics were left in the hands of the existing Cabinet, and the CUP became a “secret society exerting pressure and holding political power without any formal responsibility” and a “watchdog with a mission to guard the newfound constitutional freedom, interfering in politics whenever it saw fit” secret society,” which greatly destabilized politics (Zürcher 2004, 99). The Ottoman cabinet was under the influence Grand Vizier Sait Pasha.

5.2.1.1 Reform Processes: 1876 and 1909

The Ottoman and CUP’s negotiation processes were short and inflexible. Eight statesmen and intellectuals drafted the 1876 Ottoman Constitution, and according to one historian, none of them were educated in constitutional theory or law (M. Sukru Hanioglu 1995). The entire constitution was a product of mimicry of the Belgian and Prussian Constitutions, and therefore in no way represented the subjects of previous Ottoman rule. The 1876 Constitution did not give the right to establish political parties or peacefully assemble, even though political organizations at this time were well versed in establishing themselves underground and abroad. Although it did establish a Parliament, the Ministers and the Cabinet still bore no formal responsibility to the Parliament, therefore undermining any foundation of a real parliamentary system of government.

While the 1876 Constitution was drafted and promulgated by elites in the Ottoman ruling class rather than the Ottoman Parliament, the 1909 Reinstatement took place after the Sultan capitulated to the Young Turk insurrection. The subsequent constitutional government existed on paper, but in practice, the CUP was no more a democratic constitutional system than the Empire.

5.2.2 First Constitutional Period

1921 Solution: reg*pro*NET*rep*eqa*pin*civ

1924, 1927, 1937, 1945 Solution: reg*pro*net*REP*eqa*pin*CIV

The factionalized, opinion leader network structured group most widely known as the CUP continued its evolution over the next constitutional period, until the introduction of multiple party politics and the rise of the *Demokrat Partisi*, or Democrat Party, in the 1950s, morphing from a factionalized star network into a cohesive hierarchy in the RPP, which then factionalized again under the newly-introduced electoral competition.

In this period of constitutionalism, the Ottoman constitution of 1876, amended in 1909, the National Pact, written in 1920, and the Fundamental Law of Organization, acted as constitutional documents through the Turkish War of Independence. The National Pact was a “fundamental statement of the nationalist programme” advocating sovereignty for all Muslim Ottomans, and not just Turkish national sovereignty, therefore significantly including Turks, Kurds, and smaller groups like the Laz and Circassians (Çerkez) (Zürcher 2004, 139). The National Pact stated that the territory inhabited by this Ottoman Muslim majority formed an indivisible whole, and that the Arab majority territories, the Armenian provinces, and western Thrace should be determined by plebiscite (2004, 139). International forces should secure the capital and the Straits for shipping, and the rights of minorities would be established in conformity with the treaties concluded between the Entente and European states;” furthermore, a return of the Capitulations would be unacceptable (2004, 139).

The January 1921 Fundamental Law of Organization (*Teşkilât-ı Esasîye Kanunu*) was the *de facto* constitution of the resistance movement, which had allowed it to function as a republic within the legal framework of the Ottoman Empire. As constitutional texts, these documents

opposed the internationally negotiated Treaty of Sèvres, signed on 10 August 1920, which gave France, Britain, Italy, and Greece substantial parts of formerly Ottoman territory, made the Armenian provinces of Eastern Anatolia independent, and internationalized the Dardanelles Straits, leaving what would be Turkey with "...only a rump state in northern Asia Minor with Istanbul as its capital ... Kurdistan to the north of the province of Mosul was left with the Ottoman Empire, but was to receive autonomy and the right to appeal for independence" (Zürcher 2004, 147).

The nationalist forces, called the Unionists for the CUP, at this time had Mustafa Kemal generally leading their armed forces, and were victorious in their war against the Greek occupation of Western Thrace, which had moved toward Ankara. Subsequently, the Greeks, French, and Italians withdrew their forces, and the Entente decided that the Treaty of Sèvres, which had left Turkey disgraced, would need to be revised. Negotiations began for the Treaty of Lausanne, in which the nationalists were tougher in their bargaining and Turkey regained most of the territory it had lost, sans the Arab majority territories.

From the Treaty of Sèvres, in 1920, to the Treaty of Lausanne, in 1923, Turkey had fundamentally changed its position in the international order (P. M. Brown 1924). Among the clauses were those creating a Commission chaired by a Turk that would oversee the internationalized Straits, and the abolition of the Capitulations, making all citizens of Turkey subject to Turkish courts, including foreigners (Zürcher 2004, 162; P. M. Brown 1923). Foreigners would be allowed to decide only matters of personal status according to their own courts and customs.

Turkey "bound itself to protect its citizens, regardless of creed, nationality or language;" however, there was to be no international supervision of Turkey's handling of its minorities

(2004, 162). Domestically, policy towards minorities had been changed drastically, by removing all references to “Armenia” or “Kurdistan,” reflecting the past genocide against Armenians and the suppression of the Kurds. Turkey proceeded with a population exchange program that removed larger Greek and Armenian Christian communities, making Anatolia an approximately 98 percent Muslim territory that largely spoke Ottoman Turkish and Kurdish, with the remaining smaller groups (Greek, Armenian and Syriac-speaking Christians, Spanish-speaking Jews, and Circassian, Laz and Arabic-speaking Muslims) as well as immigrants from the Balkans, making up the final two percent (2004, 164).

In March and April of 1922, Mustafa Kemal consolidated his power in several steps. First, the “*Gazi*,” or victorious soldier, turned his Defense of Rights Group into the Republican People’s Party; then called simply the People’s Party (*Halk Fırkası*). In his next move, Mustafa Kemal made campaigning for the Sultanate or Caliphate illegal through an amendment to the High Treason Law. He then dissolved the existing assembly, tightly controlled the following elections for the new assembly, and controlled the People’s Party through his existing hierarchical organizational structures, which were increasingly kept cohesive through repressive tactics (2004, 158, 166).

Still, the constitutional order was unclear, as the “Assembly” elected according to the Ottoman election laws still ruled the country, and also directly elected the President and every other Minister. While the Sultanate had been abolished, the Caliphate had not. Many continued to see the Caliph as head of state, and in theory, as head of the whole Muslim world, leaving the relationship between the Assembly and the Caliph unclear (2004, 166).

Next, Mustafa Kemal made a proposal to “proclaim a republic, with an elected president, a prime minister appointed by the president and a conventional cabinet system ... the majority in

the assembly accepted the proposals and, on 29 October 1923, the Turkish Republic was proclaimed, with Mustafa Kemal as its first president and İsmet İnönü as its first prime minister (2004, 167). Following, immediately after the opening of the new parliamentary year, the Caliphate was abolished and the Ottoman dynasty exiled. After extensive discussions, a new republican constitution was adopted in April 1924.

Zürcher notably draws a parallel between the constitutional movements of the Young Turks and the constitutional period establishing the Republic. Both began as campaigns for the restoration of the constitution, or a movement for national sovereignty, gained that power, shared that power for a certain period with others in a pluralistic and relatively free environment for a short period, and finally established their own power monopoly or authoritarian regime, and used it to push through a radical program of reforms. While the Unionists brutally repressed the Armenians to do so, the Republicans repressed the Kurds. He notes:

“...when the choice was between a democratic system with a slower pace of reform and an authoritarian one with more opportunities for radical measures, the second alternative won out because what counted for the Young Turks in the end was the strengthening and survival of the state, *democracy (or ‘constitutionalism’ or ‘national sovereignty’) being a means to that end, not an end in itself.*” (2004, 173, emphasis mine)

Indeed, Mustafa Kemal’s first acts in the Republic were those of an authoritarian leader, and included banning any organization or publication the regime considered to cause a disturbance to law and order for two years, by having the assembly pass the Law on the Maintenance of Order (*Takrir-i Sükun Kanunu*) or martial law (2004, 171).

This consolidation of power decisively influenced political life in Turkey in an authoritarian sense until Turkey was forced to address its single party state as a precondition to benefit from the Truman Doctrine and the Marshall Plan after World War Two (2004, 209). The single-party regime, from 1924 until 1945, changed nearly every visible facet of the former Empire through reforms of its alphabet, language, dress codes, legal codes, and the relationship

between state and religion, in a far-reaching social and cultural reform program intended to remake the society and culture of Turkey. In many ways, this reform was intended to take place through rewriting the history of the Turks and their culture and language through his historical speech “*Nutuk*” and advancement of theories such as the Sun Language Theory (Zürcher 2004; M. Sükrü Hanioglu 2013; Atabaki and Zurcher 2004). Mustafa Kemal then became “Atatürk,” or “father of the Türks,” through one of the reforms prescribing surnames for Turkish citizens.

The Turkish regime of the latter half of the single-party period, in the 1930s and 1940s, resembled other authoritarian regimes in southern Europe in this era, most directly emulating Mussolini’s Italy. Zürcher writes that it differed from them; however, in that it uniformly did not want public participation, but rather, cultural reform: “...it was not culturally and religiously conservative, but on the contrary attempted a far-reaching cultural revolution in a conservatively religious society” (2004, 185). Kemalists also never attempted any large-scale or permanent mobilization of the population for its goals, and, while undoubtedly authoritarian and totalitarian, the existence of an all-powerful, personalist leader was not made into a guiding political principle with its own legitimacy. Moreover, the Turks were cautious, defensive, and realist in their military endeavors, rather than expansionist or irredentist, though they did not hesitate to use violence within the elite network to preserve its hierarchical, cohesive order (2004, 186). Most importantly, Zürcher writes, “...*the semblance of a democratic system with a parliament and elections was carefully left in place*” (2004, 186, emphasis mine).

5.2.2.1 Reform Processes: 1921 and 1924

The processes of constitution-writing were missed opportunities for democratic inclusion in the early Republic; processes were moderately short and mostly inflexible (Özbudun 2011).

The Grand National Assembly of Turkey was elected both as a Constitutional Convention and as an acting Parliament on April 23, 1920. The Assembly began debates for a new Constitution in November 1920, and ratified the Constitution in January 1921. Significantly, the 1921 Constitution was the first to consecrate national sovereignty, rather than deriving sovereignty from the Ottoman Sultan, and it was amended once in 1923 to declare the Turkish Republic. In 1924, the Constitution was replaced with one that included a Presidency. Negotiations were short, but did take place, and were deliberative, at least amongst those who were chosen to participate:

“The Grand National Assembly devoted one day in each week from March 9 to April 20, 1924 to discussing the Commission’s draft. On March 11 it adopted a special rule of procedure which required, for the approval of an article or of the Constitution as a whole, a two thirds vote of the absolute majority of members elected to the Assembly, the absolute majority being the opening quorum for discussions” (Earle 1925, 83).

Unlike its predecessor, which had only 23 articles, the 1924 Constitution had 105 articles and served as the basis for Atatürk’s “revolution from above” to transform Turkey into a modern, secular, and democratic Republic. As Mead Earle wrote, the West looked quite favorably, if not hesitantly, upon the promulgation of the 1924 Constitution, with which Turkey established the foundations for a democracy (Earle 1925):

“Turkey has provided herself with the machinery of a democratic republic. The operation of the machinery will require skill, patience and determination. She cannot be expected to achieve immediate perfection in the difficult task she has undertaken. Like other infant republics, she will make mistakes. If errors of intent and errors of judgment, however, are looked upon chiefly as occasions for self-improvement, the new Turkish Republic will win well merited respect.”

The 1924 constitution was amended in 1928, 1931, 1934 (to include women in Parliament), 1937 (to further define secularism), 1945 and 1952 (to allow for multi-party politics), and in 1960, before being replaced in 1961. Most notably, in 1945, the constitution was amended to allow for multi-party elections, drastically changing the terrain of Turkish politics by allowing the rise of

opposition parties to the Republican's People's Party to participate and succeed in politics, which led to the next constitutional period in Turkish history.

5.2.3 Second Constitutional Period

1960 Solution: reg*pro*NET*rep*eqa*pin*civ

1961, 1971 Solution: reg*pro*NET*rep*EQA*PIN*CIV

1972, 1974 Solution: REG*PRO*NET*rep*eqa*pin*CIV

1981 Solution: reg*pro*NET*rep*EQA*PIN*CIV

1982 Solution: reg*pro*net*rep*eqa*pin*civ

The rise and decline of military influence or tutelage over the political system is the major theme of the second constitutional period of the Turkish Republic. Though the discourse generally attributes the military's actions to the safeguarding the legacy the Kemalist revolution, there were also other incentives. During the period in which the first civilian political party ruled, the Democrat Party (DP), or *Demokrasi Partisi*, the military and bureaucracy that were the major benefitters of Atatürk's reforms saw their privilege disappear. However, the means to achieve power used by the DP did include religious or ideological inducements to voters that were still by and large, conservative, religious, Muslims, and, in general, they were quite displeased with the ruling of the RPP throughout the 1940s.

While guarding the Republican and secular legacy of Kemalism was indeed a driving factor for some, so too were regaining the economic benefits and political privileges that came with being associated with the RPP during the single-party period. Electoral competition greatly decreased the strength of the RPP, allowing discontent within the organization and the agencies it controlled to turn the party into factions, and even separate parties, before it regrouped into a

powerful informal influence over politics in what is sometimes referred to as the “deep state” through the military coup d’états of 1960, 1971, and 1980.

The DP gained a controlling share of Parliamentary seats in the 1950 elections in the first multi-party elections allowed in Turkey. However, despite the democratization that had taken place at the behest of President İnönü through the initiation of multi-party Parliamentary politics in 1945, the democratically elected civilian regime that was overthrown by military forces on May 27, 1960, was no longer democratic and used repression as a tactic to stay in power.

The ruling DP had won fair elections in 1950 and 1954, but it had resorted to non-democratic tactics such as vote rigging, gerrymandering, limiting media access for the opposition, harassing the opposition, and outlawing assemblies by 1957. After allegations of election fraud, preparations were made for a recount, but the building that the ballot boxes were moved and burnt down before the recount could be started, and all seats in the contested area were awarded to the ruling party, lending further credence to the claims of fraud (Geddes, Wright, and Frantz 2014).

In 1960, a coup d’état planned by mid-level officers ousted the civilian government, ordered capital punishment for the regime’s highest executives, dissolved the Turkish Grand National Assembly, and established a military group to rule. The group was called the Committee for National Unity (CNU), and it consisted of a 38 officers (Haddad 1965). The 1961 Constitution they promulgated is widely known as Turkey’s most democratic constitution, and created a classic parliamentary structure (Gönenç 2008), although it by no means rested on democratic, or participatory, foundations (Ozbudun and Genckaya 2009). It did, however, offer opportunities for much more political diversity and participation in Turkey, which led to growth

of political parties, trade unions, and right-wing organizations that engaged in increasing amounts of political violence through the 1970s and 1980s.

The 1961 Constitution also established a National Security Council (*Milli Güvenlik Kurulu*, or NSC) that formalized the military's prominent political role (W. M. Hale 1994). Although the regime turned the state back over to civilian rule in 1961, over the next twenty years, the Council "gradually extended its influence over government policy and became a powerful watchdog, sometimes replacing the cabinet as the center of real power and decision-making" (Svolik 2012). This influence can be seen in the growing, constitutionally-mandated positions and appointment and nomination procedures the military obtained for the executive and the judiciary within the governance structure of the Turkish Republic in the constitutional revisions of the 1970s through 1982.

On the 12th of March in 1971, the military high command handed the Prime Minister a memorandum in Turkey that "demanded that a strong and credible government be formed that would be able to end the 'anarchy' and carry out reforms 'in a Kemalist spirit'. If the demands were not met, the army would 'exercise its constitutional duty' and take over power itself," culminating in a "coup by memorandum" (Zürcher 2004, 258). Throughout the 1970s, the military, through the NSC, became a major political player in an unstable decade of coalition governments and, as mentioned earlier, an environment of extreme societal left-right political violence. In this position of influence, the military enacted a third coup d'état on the 12th of September in 1980, due to "increasing law and order problems, Kurdish separatism, a political system that seemed completely deadlocked and an economy in tatters ... and the threat of Islamic fundamentalism" (2004, 268).

On September 12th, 1980, the military, led by General Kenan Evren and the rest of the military high command, issued a communiqué that it had taken over political power because state organs had stopped functioning. Therefore it dissolved Parliament, deposed the Cabinet, lifted the immunity of members of the Assembly, dissolved all political parties and trade unions, arrested political party leaders, dismissed mayors and municipal councils, closed newspapers, radios, and television stations, prohibited political discussion, and declared a state of emergency allowing no one to leave the country (2004, 278). Within weeks after the coup d'état, repression was at the highest level since the Young Turk revolution: "11,500 people were arrested; by the end of 1980 the number had grown to 30,000 and after one year 122,600 arrests had been made. By September 1982, two years after the coup, 80,000 were still in prison, 30,000 of them awaiting trial" (2004, 279). The generals saw their work as undoing the work of the National Unity Committee of 1960, and saving democracy from the politicians by concentrating all power in the hands of the military. The formation of the National Security Council was changed to include only members of the military.

The 1982 Constitution in Turkey, as opposed to that of 1961, is Turkey's most draconian constitution, one in which the state is protected from the people, rather than the people protected from the state. The 1982 Constitution strengthened the National Security Council, which became composed of the commander of the gendarmerie and the armed services chiefs. The 1980 regime formally passed power back to civilian opposition in 1983, when the Parliamentary elections were won by the Motherland Party (*Anavatan Partisi*, or ANAP), a party not allied with the military, but its informal influence extended into the early 2000s (Ahmad 1985).

5.2.3.1 Reform Processes: 1961, 1970

On May 27th, 1960, the day of the coup d'état, “five law professors from the University of Istanbul ... were summoned to Ankara and given the task of drawing up a new constitution,” on the 28th, they issued a “modern-day fetva” or *fatwa*, justifying military intervention on the grounds that the DP government had acted unconstitutionally (2004, 242). In June, the NUC issued a provisional constitution to give a legal basis to the coup and to itself as a legitimate governing body, guided by an executive cabinet of technocrats, and legally assisted by a team of professors. However, all important policy decisions were made by the NUC itself (2004, 242). The process was short and inflexible; the commission of professors charged with drawing up a new constitution exceeded its one-month deadline, because of differences of opinion among the experts, submitting a draft to the NUC in mid-October. Three of its members, led by the chairman, Onar, had little faith in the politicians and were in favour of a detailed document that would bind them hand and foot, while two others (Tarık Zafer Tunaya and İsmet Giritli) favored a constitution that would leave maximum scope to the political parties to develop the system. Early in September, Onar had Tunaya and Giritli removed from the commission.

A separate group of professors from Ankara University had also drawn up a draft constitution. Professor Yavuz Abadan headed this group. This group insisted on semi-public involvement in the constitutional reform process, resulting in the convening of a Constituent Assembly in January of 1961, which had an upper house consisting of the NUC and a lower house consisting of the 272 remaining representatives of the political parties, professional groups, and of the provinces. The Constitutional Committee then grew from the original five to twenty, chaired by Professors Enver Ziya Karal and Turhan Feyzioğlu, whose “main aim [as] the authors of the new constitution was to prevent a power monopoly such as the DP (and the RPP

before it) had held, by counterbalancing the national assembly with other institutions” (Zürcher 2004).

The 1961 Constitution was remarkably different from the 1924 Constitution, among the major points worth noting here are the following (2004, 247): full bill of civil liberties; the introduction of proportional representation; the creation of a second chamber, the Senate, partially appointed and partially elected, which could overrule the lower, elected, chamber’s two-thirds majority with a veto; the creation of an independent Constitutional Court which had jurisdiction to find legislation unconstitutional; a fully autonomous judiciary and university system, and freedom of the press; a constitutionally guaranteed position of influence for the military through the creation of the NSC, chaired by the President or in his absence, the Prime Minister, with the Chief of General Staff and ministers as *ex officio* members, which advised the government on internal and external security; and the prohibition of the political use of religion, which had been incorporated into the High Treason Law in 1925 and into the penal code in 1949; were all incorporated in 1961 into the new constitution.

The 1961 Constitution was amended in 1969, 1970, 1971, 1973, 1974, 1980, and 1981, until a new military regime, led by General Evren, passed a new constitution in 1982. These amendments, between the NUC’s 1960 coup d’état, and the NSC’s 1980 military coup d’état, made Turkey a hybrid parliamentary system with a strong executive, which, along with the judiciary, were heavily influenced by the military. Amendments to articles 61, 64, 110, 111, 114, 120, 124, 134, 137, 138, 139, 140, 141, 143, 144, 145, 147, 149, 151, 152, and temporary articles 13, 14, 15, 17, 18, 19, and 20 restructured the governance system to move from Parliamentary and inclusive, to military tutelage and draconian. The military also found its insulated place of influence within the government through separating its finances (article 127) the establishment of

State Security Courts (article 136), and allowing those previously convicted of a crime to be elected (article 148 and removal of temporary article 11). The amendments made to the 1961 Constitution in the 1970s also limited the basic rights of Turkish citizens to a degree where the rights could be limited in almost any case that those in power deemed necessary, while due process and personal security rights were restricted. This occurred through amendments to articles 30 and 32. Freedoms established for association and assembly and freedom of speech and the press were severely limited. This occurred through amendments to articles 11, 15, 19, 22, 26, 29, 46, 57, 119, 121, and temporary articles 16 and 22. These limitations were slowly lifted over the next two decades.

5.3 GENERATING HEURISTICS

In this section I aggregate the heuristics generated in the analysis to create the two dynamics of overt constitutional authoritarianism with sham and weak constitutions, and stealth constitutional authoritarianism. First, the overt constitutional authoritarian dynamic is characterized by consolidated regimes, weak or sham constitutions, and repression. The other dynamic, stealth constitutional authoritarianism, is characterized by an increase or decrease in civil and political rights, and a decrease in repression. The heuristics characterize constitutions, authoritarianisms, and system structures, including elite cohesion and repression.

To characterize constitutions, the following heuristics were generated. The summarization of the case solutions show that the equality, personal integrity, and civil and political constitutional rights can indicate a *sham constitution*, while the absence of them indicates a *weak constitution*;

EQA*PIN*CIV=sham constitution
eqa*pin*civ=weak constitution

An intermediate category also exists, in which sham and weak constitutions may or may not occur with civil and political rights, indicating that civil and political rights may be an important policy concession for persuasion or tool for authoritarian dominance or control:

eqa*pin*CIV = weak with policy concessions
EQA*PIN*civ = sham with tool for control of political participation

To characterize varieties of authoritarianism, the following heuristics were generated. Authoritarian consolidation or integration of political institutions with repression and no public involvement or transparency indicates *overt authoritarianism* (reg*pro*rep), while decreasing authoritarian consolidation or integration of political institutions with inclusive processes, transparency, or participation in an environment of repression indicates *stealth authoritarianism*. The latter without repression indicates a “democratic interlude” or stealth authoritarianism without repression:

reg*pro*rep = overt authoritarianism
REG*PRO*rep = stealth authoritarianism
REG*PRO*REP = democratic interlude/ stealth with no repression

To characterize system structures, elite cohesion, and repression, the following heuristics were generated. Combined with strength of repressive tactics, the following equations represent strong or weak repressive or non-repressive states according to their degree of cohesion or factionalism among hierarchical or opinion-leader networks.

net*rep = cohesive with repression (strong repressive state)
net or NET*REP = cohesive or factionalized without repression (strong/ weak state)
NET*rep = factionalized with repression (weak repressive state)

In all cases of constitutional change examined here, from the fall of the Ottoman Empire to the present day constitutional reform under the AKP, the negotiations of constitutional reform processes were missed opportunities for advancing authentic constitutional democracy through democratic deliberation or political participation. As the examination of cases of constitutional change show, the legal development of Turkish constitutionalism was, over time, used more and more explicitly to serve the purposes of different regimes' intentions to look democratic or utilize democracy as a means to other ends, for the purposes consolidating power or increasing the longevity of their regime.

The tactics used by the regimes became more nuanced and evolved over time, resulting in a democratic façade that was to serve as the “model of democracy in the Muslim world. This learning by different regimes to use constitution-making as policy change for authoritarian longevity, I argue, shows the evolution of political leaders' ability to manipulate legal tools to transform “overt” authoritarianism into “stealth” authoritarianism, depending on the increasing ability to adapt to and even utilize the requirements of international democracy promotion to their own advantage. As Turkey established more linkages to, and more democratization aid programs from, Western interests – the Marshall Plan, NATO, the European Communities, and the European Union – over time, regimes learned to use policy reforms to meet external demands and internal goals.

The cases of constitutional change examined here across centuries of rule in the Ottoman Empire and the Republic of Turkey also potentially show how the dynamics of factionalization within different network structures with elites under repression lead to authoritarian instability or longevity as they destabilize the network, as well as how regime leaders use the tools of constitutions and constitutional change to effect that longevity, or not. First, the low-motivated,

highly cohesive hierarchical network structure of the Ottoman dynastic monarchy broke down into factions and developed into a high-motivated, but highly factionalized, opinion-leader network that was the Young Turk and CUP movement.

This movement then further evolved, through military experience, and the organizational prowess of Atatürk (Rustow 1968) into the highly-motivated, and forcibly cohesive hierarchical structure of the Republican People's Party, which remained in power with moderate repression, until the advent of multiple party politics and the rise of the DP in the 1950s. Atatürk's regime is said to emulate fascist Italy under Mussolini with the exceptions of discouraging "leader worship" and popular mobilization; however, electoral competition greatly reduced its organizational power and allowed pre-existing conflicts to birth into factions, and eventually, into multiple political parties, in the 1950s.

The political parties in Turkish politics from that point forward took the shape of highly-factionalized opinion-leader network structures, until the military regrouped through its many formal, and sometimes armed, interventions in politics in the 1960s, 1970s, 1980s, and through informal interventions in politics through the early 2000s. The military may or may not have created a "deep state" – conspiracy theories are not provable – but political leaders from the armed forces did consolidate power through taking executive and judicial agencies and powers under their control. Further, the agents of "military tutelage" did not hesitate to use violence and repression when they saw fit, which decimated political participation in Turkey through the 1980s, and repressed the Kurdish minority extensively in the 1990s, in order to "save democracy from politics" and to save the idea of "Turkishness."

This chapter operationalized semi-authoritarian regimes as political organizational system networks, with varying degrees of institutional or regime consolidation, through integration by

the monarchy, military, or party organizations over what should be separated branches of government, including the executive's leadership functions, the assembly's function for popular representation, and the judiciary's role in preserving legal impartiality or neutrality (Wright, Honaker, and Geddes 2014; Svobik 2012; Boix and Svobik 2013). Comparative constitutional scholars have argued that authoritarian regimes utilize constitutional changes to supplement regimes' needs for legitimacy at domestic and international levels. Therefore, incorporating varieties of regimes into the analysis is vital to understanding why regimes make the constitutional choices that they do. Further abstracting the mechanisms underlying communication in these regimes according to their topological network structure adds a new dimension to the literature on semi-authoritarian regimes (Law and Versteeg 2013). These heuristics are used to generate hypotheses in the next chapter.

6.0 SYSTEM DYNAMICS: REPUBLIC OF TURKEY, 1982 TO 2011

Political leaders in semi-authoritarian regimes have developed the capacity to use legal processes, such as constitutional change, to make their political systems more impenetrable to criticism and dissent. These regimes are increasingly difficult to oppose due to their enactment of rights clauses in constitutions and observance of rule-of-law polices that are selectively applied – according to incumbent political leaders’ discretion – but still exist for the purposes of claiming democratic standards, allowing the regimes to escape condemnation. How did regimes develop this capacity? Through a comparison of evolving regimes in Turkey, since the end of the Ottoman Empire, the last chapter showed how semi-authoritarian regimes have built this capacity by generating heuristics about system structure and system dynamics over the history of constitutional change in the Ottoman Empire and the Turkish Republic. This chapter assesses the cases with a greater degree of detail, for the period 1982 to 2011.

This chapter, using the logic of abduction, applies the heuristics generated in the last chapter, on constitutional change under semi-authoritarian regimes that have existed behind democratic façade in Turkey from 1876 to present, to elucidate hypotheses with an analysis that includes a dataset of observations of international democracy promotion and human rights standards from 1982 to 2011. Abduction infers hypotheses from observations that “should economize explanation for plausibility in terms of the feasible and natural,” to find the simplest, most likely, best explanation (Peirce 1935).

As noted in Chapter III, several characteristics make Turkey a “pathway case” for this comparison. Gerring defines a pathway case as “an intensive analysis of an individual case is to elucidate causal mechanisms (i.e., to clarify a theory) rather than to confirm or disconfirm a general theory” (Gerring 2007, 233). Joining together the literature on communication networks, semi-authoritarian regimes, and constitutional change, this research uses nested analyses of set-theoretic cases utilizing the Qualitative Comparative Analysis (QCA) method to generate hypothetical system dynamics of constitutional change under semi-authoritarianism. QCA assesses cases as “configurations of causally-relevant conditions” and therefore analyzes how different combinations of international democracy promotion, repression, and constitutional dynamics co-occur. Second, I use the conditions of institutional or regime consolidation, and repression to determine how to specify the constitutional semi-authoritarian dynamic, by measuring the difference between *de jure* constitutionalism and *de facto* observation of constitutional rights.

6.1 THE 1982 TURKISH CONSTITUTIONAL REPUBLIC

In drafting and promulgating the 1982 Constitution, methods and procedures were again designed to be inclusive but occurred in an environment of absolute repression. Following the model of the NUC, the NSC established a consultative assembly (*danışma meclisi*) of 160 members of which the NSC directly appointed 40 members, and indirectly appointed 120 after their nomination by NSC-appointed governors. The Consultative Assembly elected a 15 member constitutional committee, headed by Professor Orhan Aldıkaçtı, which produced the first constitutional draft in July of 1982.

While the methods and bodies were similar to those used in 1960 and 1961, the outcomes were nearly polar opposites, or a “reversal of the constitutional developments of 1960” (Zürcher 2004, 281). Among the notable outcomes of the 1982 “tutelage” constitution were a further concentration of power in the Executive, through increased powers for the President and the NSC. Second, while something similar to a bill of rights was included, there were such severe limitations on the rights and freedoms of the individual that they could be annulled, suspended or limited for nearly any reason based on the grounds of the national interest, public order, national security, danger to the republican order and public health. These limitations affected, in particular, freedom of assembly, association, speech, and the press. Furthermore, some rights were banned, including the freedom to form trade unions, through the banning of political strikes, solidarity strikes and national strikes (2004, 281). The high number of rights with high limitations created something in between a “sham” constitution and a “weak” constitution because while rights were present, they were also legally limited for almost any reason. The Constitution was promulgated through a public referendum in which the public was forced to vote, and the vote was coupled to a provision that also made the leader of the coup, General Kenan Evren, the President for a seven-year term.

Over the next decade, over the gradual return to civilian politics and political liberalization, the 1982 Constitution was amended to reflect liberalization. Turkey also began to harmonize its legislation with the *acquis communautaire* of the European Union on its road to accession, resulting in several harmonization packages in the late 1990s and early 2000s. The resulting amendments took place in 1987, 1988, 1993, 1995, 1999, 2001, 2002, 2004, 2005, 2006, 2007, 2008, 2010, and 2011.

After winning elections in large majorities in 2002, 2007, and 2011, from its entry into politics in 2002, and forming a cohesive opinion-leader network structure for governance, the ruling Justice and Development Party (*Adalet ve Kalkınma Partisi*, or AKP) began a process in earnest to create a new Turkish constitution in 2007. In 2007, the party commissioned a panel of experts, led by Professor Ergün Özbudun, to write a draft that was condemned in many circles as being pro-AKP and not participatory. The process then slowed, until it again resurged with a government commissioned *Anayasa Uzlaşma Komisyonu*, or Constitutional Reconciliation Commission (AUK or CRC), in 2010. Civil society actors were encouraged to participate. However, the Commission's work from 2011 to the present has not resulted in successful negotiations due to an inability to reach unanimity among the four political parties represented on the Commission. The process has not yet come to a definitive end though the results of the June 2015 elections suggest the AKP will not be able to unilaterally reform the constitution (Baburoglu and Göker 2014).

Under the AKP, the Constitution has been amended in 2004, 2005, 2006, 2007, 2008, 2010, and 2011. In 2007, there was a controversy over the overturning of the ban on wearing the headscarf for females in public institutions, which was annulled by the Constitutional Court. The position of the President was also made into a directly-elected position after the political controversy generated when a non-military aligned politician, Abdullah Gül, a founder of the Justice and Development Party that currently holds power, was nominated to the Presidential position. As President, Recep Tayyip Erdoğan, another founder of the AKP, succeeded Gül in 2015, as Turkey's first directly elected President. In 2010, a constitutional referendum was also held that reduced the military's influence over the judiciary, among other rights-enhancing amendments such as a human rights commission and an ombudsman.

6.1.1 Summary of Constitutional Changes of 1982 Constitution

The 1982 Constitution of Turkey has been amended 17 times with changes affecting 113 articles so far (Ansary and Wallace 2011; Atikcan and Öge 2012; COŞKUN 2013; Gönenç 2004; Ozbudun and Genckaya 2009; Roznai and Yolcu 2012; Yüksel 2007). The changes are summarized on the following timeline in Table 3:

Table 3. Constitutional Reforms of the 1982 Constitution of Turkey

Year	Constitutional Reform
1987	Lowered the voting age, changed the constitutional amendment procedure, increased the number of the members of the Turkish Grand National Assembly (TBMM) and via referendum eliminated the provision than banned former politicians from practicing politics
1988	Attempted to change the constitution to have early local elections, but was defeated in referendum
1993	Abolished the state monopoly on radio and television broadcasting
1995	Product of intense negotiation, resulted in significant changes that eliminated the rationale for the 1980 coup from the preamble; eliminated the bans on political activities of trade unions, associations, foundations, cooperatives and public professional organizations; allowed for cooperation between these organizations and political parties; increased the number of members of the TBMM; lowered the voting age further to 18; provided for right to vote to Turkish citizens living abroad; provided for the right to unionize for civil servants; lowered the age to become a member of the political party; allowed the instructors and students of higher education institutions to become members of political parties; allowed political parties to establish women and youth branches, foundations and organizations outside of Turkey; changed the conditions where one loses membership to TBMM and changed the consequences to members of an outlawed political party
1999	Reorganized the functions and composition of State Security Courts and eliminated military judges from these courts. Another amendment in 1999 allowed for the privatization of public enterprises and made concession contracts subject to arbitration

Table 3 continued

2001	This was the most comprehensive reform package; 33 articles and the preamble were modified. The bulk of these amendments were on fundamental rights and freedoms: eliminated the general restrictions on rights and freedoms; improved political and civil rights; enlarged the scope of social and economic rights; shortened the pre-trial detention; eliminated the phrase of "language prohibited by law;" restricted the death penalty to time of war and for crimes of terrorism; increased the quorum for political party prohibition cases, clarified the conditions of anti-constitutional activities and provided for gradual punishment system for political parties; altered the composition of the National Security Council to give numerical majority to civilians and highlighted the institution's advisory nature and eliminated the ban on Constitutional Court's power to review the laws passed under the military regime
2002	Changed the clause that prevented Recep Tayyip Erdoğan's election to the parliament and provided for an interim election. This amendment deviated from others as it catered to one individual and did not have democratization, liberalization or EU- conditionality motivation
2004	Comprehensive constitutional change where the EU process primary driver: amendments eliminated all references to death penalty in the constitution; permitted affirmative action for women; abolished state security court; allowed for extradition of Turkish citizens in cases of offense under the International Criminal Court jurisdiction; eliminated the Chief of Military Staff's right to appoint a member of the Board of Higher Education; allowed for Court of Account's auditing of the Armed Forces; and most significantly established that international agreements take precedence in case of conflicts between international agreements and domestic law concerning fundamental rights and liberties
2005	Reorganized the Supreme Board of Radio and Television (RTÜK)
2006	Lowered the minimum age of holding public office
2007-8	Crisis over the election of a new president; reactions to immediate constitutional crises. Taken to public referendum because of partisan deadlock. Approved by a popular referendum the 2007 constitutional amendment allowed for direct presidential election, shortened the legislative period to four years and established the quorum needed for parliamentary decisions as one-third of elected members. The early general elections, the Constitutional Court's review of the amendments, the parliamentary election of the new president and the concurrent referendum for the 2007 amendments led to a discrepancy, which was resolved by another constitutional amendment in October 2007. While the AKP-initiated debate on fully revamping the constitution was ongoing, AKP and MHP agreed on another constitutional change on two articles regarding the principle of equality (Article 10) and the right to education (Article 42)

Table 3 continued

2008-10	Taken to public referendum because of partisan deadlock; restructuring of judiciary embedded in reforms bolstering rights/ liberties/ rule-of-law. Intended to abolish the headscarf ban for female university students, annulled by the Constitutional Court on the grounds that it violated the unamendable principle of secularism. The AKP-supported constitutional amendment package. While the most important provisions of the amendment were related to composition and appointment structure of the Constitutional Court (AYM) and the High Council of Judges and Prosecutors (HSYK), these were embedded in a 26-article package that seemingly bolstered rights and liberties and rule of law. These included the introduction of the office of Ombudsman and the individual complaint mechanism; strengthening rights of children and other disadvantaged groups; establishing a separate secretariat and budget for HSYK; increasing the quorum of Constitutional Court in party prohibition and review of constitutionality of constitutional amendment cases; strengthening the right of collective bargaining for civil servants; introduced new rights such as personal data protection and right to become members of different labor unions at the same time, allowing judicial monitoring of the Supreme Military Council's decisions and ending the judicial immunity of the 1980 coup-makers
2011	Disciplinary process of sport federations was the final change to the 1982 Constitution

6.2 QCA ANALYSIS

I generate hypotheses in this chapter by connecting comparative constitutionalists' insights about authoritarian political systems and constitutions with empirical implications drawn from the previous chapter. The hypotheses generated are that dynamics of constitutionalism under semi-authoritarianism result from the structure of the interrelationships between external actors promoting democracy, regime actors within the political organizational structure, the uniformity of their preferences and motivation, or factionalism, the resulting process of negotiations at the constitutional level under semi-authoritarianism, and the repression utilized by the regime as a

response to their potential of losing power. The results of the hypothesis-generating analysis, using different observational data for further detail, are presented below.

Data were gathered for each case from historical, historiographical, and contemporary sources on regimes, constitutional negotiation processes, network structures and factionalism, repression, international democracy promotion,¹¹ and on the processes of constitutional change, in Turkey.¹² The detailed coding schemes are in the previous chapter, below, and in Appendix A. In order to calculate the degree of belonging for each condition in the analysis, I calculated

¹¹ To code international democracy promotion in the 1982-2011 period, I gathered data from regarding aid for these efforts specifically intended for democracy and governance within Turkey. From AidData.org, I calculated levels of aid to Turkey for Governmental and civil society (general) (Code: 151), Conflict prevention and resolution, peace and security (Code: 152), Support to Non-Governmental Organizations (NGOs) and Government Organizations (Code: 920), Government and Civil Society (Code: 150). The data showed nearly 6 Billion dollars in international funding from 1980 to 2011 through 1,101 projects and 14 funding organizations including Australia, Austria, the World Bank, Belgium, Canada, European Communities, Denmark, Global Environment Facility, Finland, France, Germany, Greece, Ireland, Italy, Japan, United Kingdom, Korea, United Nations, Netherlands, Norway, Portugal, Spain, United States, Sweden, Switzerland. The top funders were the European communities, from 1997 to 1999, and from 2001 to 2012, with peaks in 2004 and 2006, and also the World Bank from 2004 to 2008. The World Bank and United States, also gave small amounts in 1995, with Sweden and Germany also contributing substantial amounts in small amount in 1996, and since 1999.

¹² Regime types were coded according to the dimensions used by Svobik in his coding of semi-authoritarian political systems (Svobik 2012). Process conditions were coded according to characteristics found to be important under different network structures for negotiations (Lilja 2012). Network conditions types were coded according to the characteristics found to be empirically important by Siegel in his research on network structures and collective action, and on collective action under repression under different network structures (Siegel 2009; Siegel 2011). According to Siegel's empirical results, Hierarchical communication network structures have the observable implications of 1) a rigid chain of influence, with 2) few superiors and many subordinates, and a 3) defined organizational structure, in which communication flows downward through the network; Opinion-Leader communication network structures have the observable implications of 1) a few leaders drive opinion, 2) information that comes from common sources, and 3) a skewed distribution of connections (Siegel 2009; Siegel 2011). Repression was coded as low, moderate, or high, according to data gathered from historical and contemporary sources of actions taken by regimes during major periods of constitutional change, as noted in the historical narratives previously presented.

the threshold using a hierarchical clustering technique based on the squared Euclidean distances between cluster means (Murtagh 1985). However, thresholds derived for fsQCA are not to be confused with ordinal rankings of variables, unless the theoretical basis for the case assignment for that condition is a lower to a higher degree of belonging. In this analysis, the condition values assigned to each case were constructed in indices such that absence or “0” is pure or overt authoritarianism and presence, or “1,” is inclusive, constitutional democracy, with the exception of the network structure and factionalization variable, which extends from a cohesive hierarchical structure (“0”), to the highest degree of factionalization, or civil war.

Table 4. Defining fsQCA Conditions and Outcomes

Code	Description	What Presence and Absence Means
REG	regime, or authoritarian institutional configuration	REG = maximum separation of powers reg = integrated control over political institutions
PRO	process, or negotiations	PRO=more inclusive, transparent, public process, incl. referendums pro=more exclusive, secretive, elite process
NET	network, or network structure and uniformity of preferences	NET=more factionalized opinion leader or hierarchical structure net=more cohesive opinion leader or hierarchical structure
REP	level of repression	REP=lower strength/technology of repression rep=higher strength/technology of repression
EQA	equality	EQA=constitutional equality rights eqa=no equality rights
PIN	personal integrity	PIN=constitutional personal integrity rights pin=no personal integrity rights
CIV	civil and political rights	CIV=constitutional civil/ political rights, including minority rights civ=no
OUT	Outcome	1=authoritarian stability 0=authoritarian instability

Given the descriptive statistical analysis performed on the percent change indices in constitutional change, and the decreasing returns of including more conditions in the Boolean-

based fsQCA analysis, I decided to perform the fsQCA with only the equality, personal integrity rights, and civil and political rights indices along with regime, network, process, and repression, yielding a total of seven conditions for this analysis. The fsQCA was performed using the enhanced Quine-McCluskey classic algorithm (eqmcc in the R package), an enhancement of the classical Quine-McCluskey minimization algorithm used to create QCA by Ragin (Thiem 2014). EQMCC can derive “complex, parsimonious and intermediate solutions from a truth table object or a suitable dataset” (Thiem and Duşa 2013, 92). The conditions are summarized in Table 4 above.

First, regime type (REG) is calibrated on a scale from consolidated authoritarian to more democratic according to its institutional makeup (Svolik 2012). Second, negotiation processes (PRO) are calibrated on a scale from exclusive and secretive, to inclusive, deliberative, and transparent (Young 2002). Third, regimes’ network structures (NET) and the uniformity of elite preferences are calibrated on a scale from cohesive hierarchical (0)/ opinion leader networks (0.25) to factionalized hierarchical (0.5)/ opinion leader (0.75) networks, which are subject to and also enact various levels of repression (REP) with different strength and technologies on citizens (Siegel 2009; Siegel 2011). Finally, “sham” or “weak” *de jure* constitutionalism (EQA, CIV, PIN) is calibrated on three index scales from low levels of *de jure* rights/provisions to high levels of *de jure* rights/provisions for constitutional democracy (Law and Versteeg 2013; Varol 2014).

As in Chapter IV, each constitution and its major amendments were coded using Versteeg’s extensive coding scheme for constitutional rights and policies, aggregated into six indices of constitutional change: personal integrity, equality rights, civil and political rights, socio-economic and property rights, judicial review, and government structure. For the *de facto*

observation of democratic constitutionalism, I used the data available from 1982 to 2011 from the Cingranelli-Richards Human Rights dataset (David L. Cingranelli, Richards, and Clay 2015). The third and final period of constitutional change in Turkey, starting from the 1982 Constitution and its amendments before and under the Justice and Development Party, or AKP, is analyzed below.

6.3 QCA HYPOTHESIS-GENERATION, 1982-2011

For the 1982 to 2011 analysis, I created an index of *de facto* observation of rights and *de jure constitutional* guarantee of those rights, to factor those conditions that led to the degree of “Sham” or “Weak” constitutional environment. The factors included were Regime (REG), Process (PRO), Network type (NET) and Factionalism or motivation (FACT). Although they were combined in Chapter IV, the latter two are separated in this analysis. Regimes’ network structures (NET) are coded as 1 or hierarchical (military, monarchy) or 0 or opinion-leader (party, personalistic); uniformity of elite preferences are calibrated on a scale from cohesive (0) to factionalized (1); and levels of repression (REP) with different strength and technologies on citizens are calibrated on a scale from 0 to 1. International influence is captured by the degree of international democracy promotion’s aid to Turkey. Figure 10 below shows the trend in *aid specifically only for democracy and governance* in Turkey from all donors, both North American, European, and bilateral, since much of Turkey’s aid has come from Europe in the last decade.

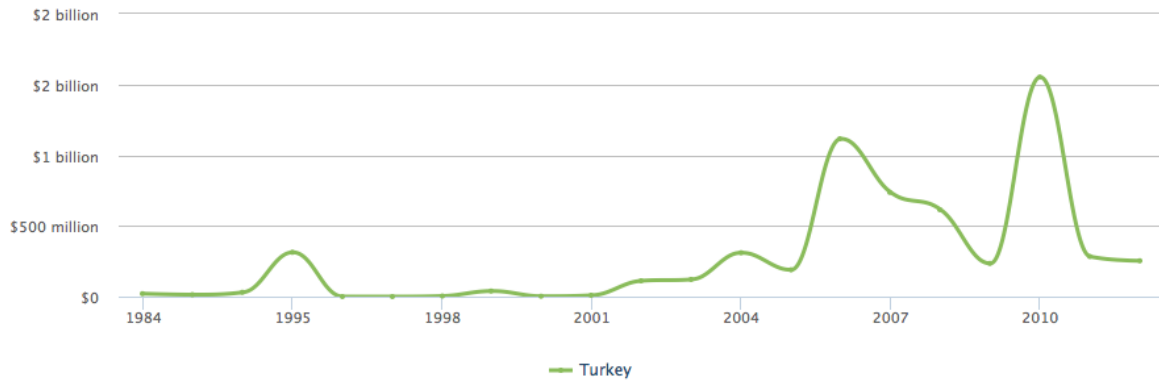


Figure 10. Democracy Promotion Levels, Turkey, 1982 to 2011

The gap between constitutional commitments and regimes’ practice of constitutional rights is represented on a continuum from sham (1) to weak (0) constitutions. For this outcome, I calculated the difference between the *de jure* level of commitment and *de facto* observation of equality rights, civil and political rights, personal integrity rights, and independence of the judiciary, as shown in Table 5. The outcome is constructed using Cingranelli-Richards Human Rights dataset (CIRI) and the constitutional coding described below (David L. Cingranelli, Richards, and Clay 2015). Torture, imprisonment, disappearances, and extrajudicial killings are *de facto* observations of *de jure* constitutional commitments on the rights to life, the prohibition of torture, and fair trial rights, for example. Violations of freedoms to assemble, of free speech, and of free movement, are contrasted with the constitutional commitments for equality, women’s rights, minority rights, and the right to self-determination and representation.

Table 5. Coding Grievance: *De Jure* Rights vs. *De Facto* Observation

	Personal Integrity	Equality and Civil and Political Rights	Independence of the Judiciary
De Jure Level of Rights	37 codes pertaining to the right to life, torture, negative liberty rights, fair trial rights, and privacy rights (Scale 0-37)	37 codes on general rights, including equality rights, women's rights, and rights for particular groups, including children, family, minorities, disabled; and 34 codes pertaining to civil and political rights (Scale 0-81)	20 codes on judicial review provisions (Scale 0-20)
De Facto Observation of Rights	Personal integrity rights index (torture, extrajudicial killing, political imprisonment, disappearance (Scale 0-8)	Empowerment rights index (Electoral Self-Determination, Freedom of Assembly and Association, Freedom of Speech, Freedom of Religion, Foreign and Domestic Freedom of Movement (Scale 0-14)	Independence of the judiciary of control from other branches of the government or the military (Not independent, partially independent, or generally independent (Scale 0-2)
Index	$((De\ Jure - De\ Facto) + 1)/2 = \text{score between 0 and 1 to be dichotomized as fuzzy-set QCA outcome, with 1 being the greatest difference and 0 being the smallest difference}$		

The next section goes into further detail based on the overt and stealth authoritarianism heuristics generated in the previous analysis to generate hypotheses about external influence, network structure, factionalism, and repression, as they relate to sham and weak constitutional environments.

6.3.1 *De Jure* Constitutional Commitments, 1982 to 2011

In this period, the *de jure* constitutional level of personal integrity rights, civil and political rights, judicial independence, and governance, gradually increased over time, while equality and socio-economic rights stayed constant, as shown in Figure 11.

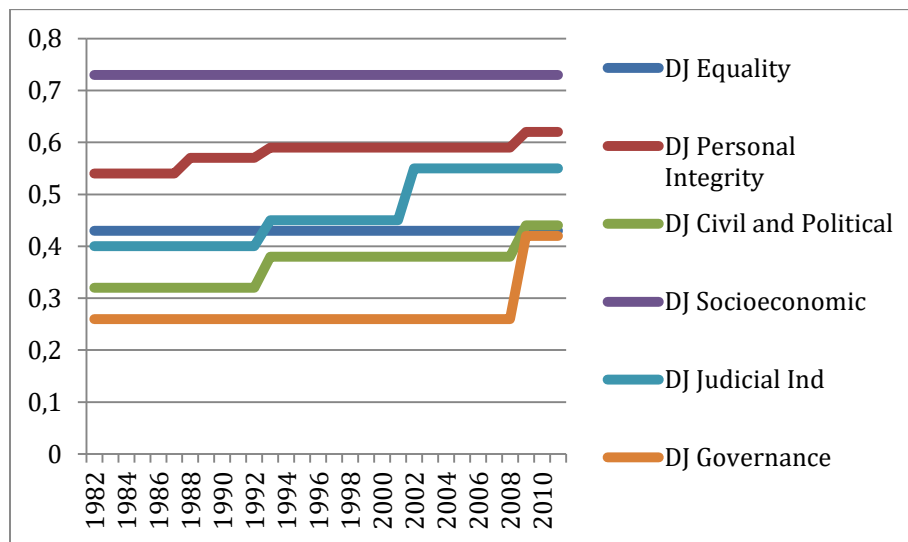


Figure 11. Turkish Constitutional Commitments 1982-2011

6.3.2 *De Facto* Observations, 1982 to 2011

On the other hand, *de facto* observation of personal integrity rights, equality, civil, and political rights, and independence of the judiciary is more complicated, as shown in Figure 12, in which a higher value of the index indicates a higher level of observed human rights and democracy.

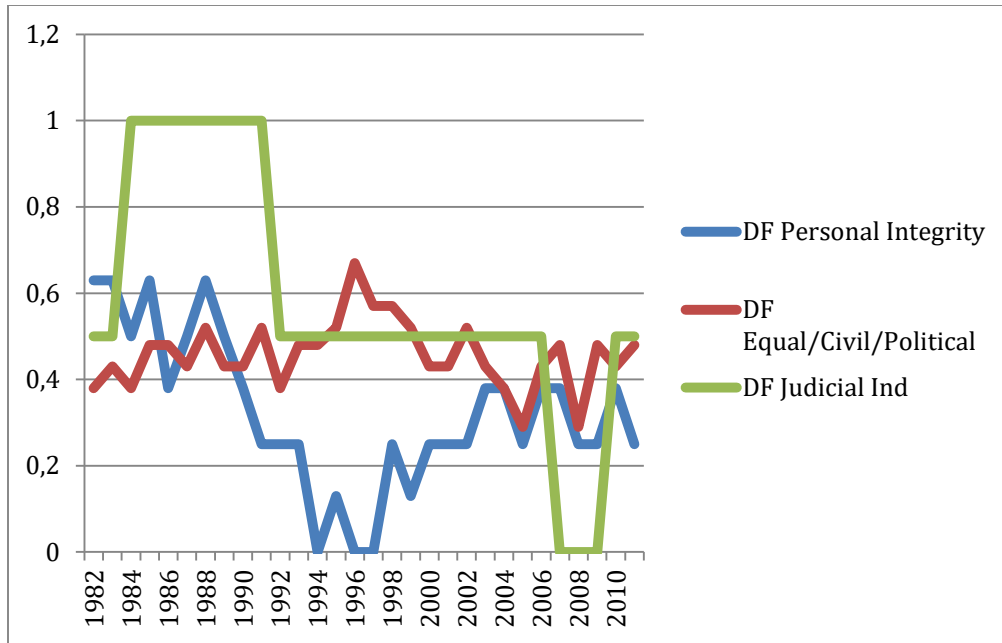


Figure 12. Observation of Constitutional Rights 1982-2011

Finally, Figure 13 shows the differences between the written commitments to *de jure* constitutional rights and the observed level of *de facto* constitutional indices for personal integrity rights, empowerment (equality, civil, and political rights), and independence of the judiciary. In Figure 13, a difference above zero suggests that the observed level of rights is greater than the written constitutional commitment to rights, or, more of a *sham constitutional environment*; while a positive difference shows constitutional commitments have been made that are not being upheld, or in other words, a *weaker constitutional environment*.

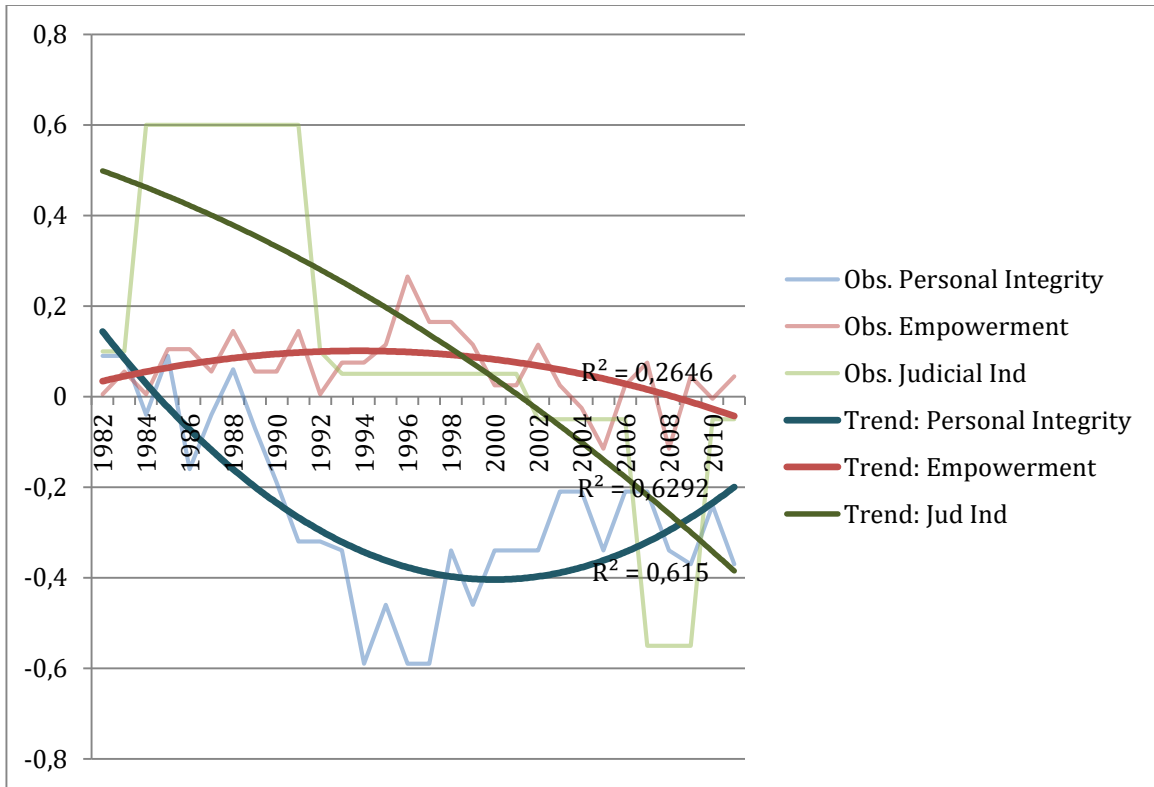


Figure 13. Grievance: *De Jure De Facto* Constitutional Gap

Regression lines to fit the data are a good visualization for these trends; however, the low R-squared value for empowerment, which combines equality and civil and political rights, indicates that further evaluation is warranted. The data suggest that regimes are using more than just a semi-authoritarian strategy of “sham” or “weak” constitutionalism. Indeed, incumbent political leaders’ behavior regarding the observation of constitutional rights differs greatly from their constitutional commitment to those rights, and not always in the same direction of either exceeding or ignoring those constitutional commitments.

In Turkey, an overall downward trend in judicial integrity, and complementary u-shaped curves “up” for personal integrity and “down” for empowerment, interact to create Stealth authoritarian constitutionalism. The variance within different *areas* of constitutional rights, and

across time, creates the Stealth dynamic. The data suggest that a moderate commitment by semi-authoritarian leaders to these constitutional rights does exist but is exercised based on their discretion, and must be accounted for in a theory of authoritarian strategy for survival in a changing environment of international democracy promotion. Variance suggests that incumbents may use both *de jure* constitutional changes as policy concessions to international and domestic critics, while simultaneously using excessive selective enforcement of laws based on legal discretion that abides by rule-of-law in the *de facto* observation of those rights to achieve consolidation of power or other regime goals.

6.3.3 Hypothesizing Semi-Authoritarian Constitutional Types, 1982-2011

The outcome in this analysis is an index that represents the difference between the *de jure* level of commitment to constitutional rights, and *de facto* observation of these rights, in the areas of equality rights, civil and political rights (empowerment), personal integrity rights, and independence of the judiciary. Conditions predicting this outcome generate three scenarios: Overt constitutional authoritarian with weak or sham constitutions, and Stealth constitutional authoritarianism. Within Overt Constitutional Authoritarianism, different types of communication networks use different strategies that create sham or weak constitutional environments. Table 6 shows the Truth Table generated by the thirty cases, or years between 1982 and 2011, and the three hypothetical solutions when the minimization solution was applied.

Table 6. Results In Truth Table for Hypothesis Generating QCA

	Int'l Aid	Network	Repression	Regime Consol.	Const'l Outcome
1982-1986	Low	Hierarchy	High/ Moderate	More	<i>Weak (S1)</i>
1987-2005; 2009; 2011	Low	Opinion-Leader	Low/ Moderate	Less	<i>Sham (S2)</i>
2006, 2007, 2008, 2010	High	Opinion-Leader	Moderate/ High	More	<i>Stealth (S3)</i>
<p>Overt with Weak Constitution: S1: ii*NET*rep*reg => low diff. between de jure/ de facto (5 cases, with 1.0 inclusion score)</p>					
<p>Overt with Sham Constitution: S2: ii*net*REP*reg => high diff. between de jure/ de facto (21 cases, with .810 inclusion score)</p>					
<p>Stealth Constitution: S3: II*net*REP*REG => low diff. between de jure/ de facto (4 cases, with .5 inclusion score)</p>					

The Stealth scenario is most closely associated with a high level of aid from international democracy promoters for democracy and governance reform programs in civil society. The conditions included in this analysis, for which the sources and data are described above, were international democracy promotion, the structure of the communication network, the level of repression, and the degree of consolidation of the regime over the exercise of power in each dimension of the political organizational support system, including military, executive, and party apparatuses.

6.3.4 Overt Authoritarianism with Weak and Sham Constitutions

Under the Overt constitutional authoritarian dynamic with a weak constitution, exemplified by the Turkish regime from 1982 to 1986, there is a low level of commitment to *de jure* constitutional rights (or a high level of commitment that is severely limited in text), and also a

low level of *de facto* observation of these constitutional rights by the regime. Under the Overt constitutional authoritarian dynamic with a sham constitution, exemplified by the regime in Turkey from 1987 to 2005, and 2009 and 2011, there is an obvious gap, and a greater quantitative difference, between *de jure* constitutional commitments and the *de facto* observation of human rights. These regimes do not have consolidation of institutional power over separate branches of government, and therefore must periodically engage in tactics of stealth authoritarian constitutionalism in an environment that has a moderate level of commitment to the norms of constitutional democracy to maintain their position of power, as is seen in the years 2006-2008, and 2010 of Turkish constitutional reform under AKP rule.

In 2007, the AKP began consolidating power over these institutions utilizing constitutional reform resulting in a higher *de jure* commitment to constitutional rights, and a lower difference between the level of commitment and the level of observation than in a sham constitutional environment. However, their enactment of rights and commitments to rights are characterized by a puzzling lack of consistency. This lack of consistency indicates a strategy of stealth authoritarian constitutionalism starting in 2006 and continuing intermittently until the present day.

6.3.5 Stealth Authoritarian Constitutionalism

Under the stealth authoritarian constitutional dynamic, exemplified by the Turkish regime in 2006, 2007, 2008, and 2010, there is no obvious gap between the stated *de jure* level of constitutional rights, and the observed level of *de facto* constitutional rights by the regime. This analysis supports the hypothesis that in stealth authoritarian constitutionalism, regimes uphold a moderate level of civil liberties, the exercise of mostly free but not necessarily fair elections, and

exercise excessive selective enforcement of the law based on legal discretion that sidelines opposition but maintains a façade of democracy. International democracy promotion is a “pull” factor for semi-authoritarian regimes to make *de jure* constitutional changes that seem democratic. Stealth authoritarian constitutional leaders may violate equality, civil, and political rights, but are less inclined to violate personal integrity through torture, disappearances, political imprisonment, and extrajudicial killings. Political leaders in this scenario conduct legal, but non-democratic, constitutional reforms in transparent, semi-inclusive processes with some public communication that is controlled. This process is explored in-depth in the next chapter.

Using the results from these Chapters IV and V, hypotheses are generated from empirical data to develop the complex adaptive systems model in Chapter III. The results are in Table 7 below.

Table 7. Cyclic Dynamic and Phase Transitions, 1876 to 2011

Time Period in Ottoman Empire or Republic of Turkey	Semi-Authoritarian Constitutional Environment	Mechanism of Change for System Dynamics
1876-1924 1924-1945 1945-1960	Overt/weak Overt/sham Democratic/stealth	Nominally-democratic reforms Increased competition Consolidation, coup
1960 1961-1970 1971-1981	Overt/weak Overt/sham Stealth	Nominally-democratic reforms Coup, observations of some rights Coup, observations of some rights
1982-6 1987-2005 2006-2008	Overt/weak Overt/sham Stealth	Nominally-democratic reforms Observations of some rights Consolidation of power and increased repression
2009 2010 2011	Overt/sham Stealth Overt/sham	Nominally-democratic reforms Consolidation of power and increased repression

Overt authoritarian regimes with weak constitutions make reforms under demands from external actors, shifting to an Overt/sham environment. Under continued pressure from IDP and

strengthened political opposition, the Overt authoritarian regime with a sham constitution begins observing some of their constitutional commitments, shifting to a Stealth environment. From a Stealth environment, the regime can be overtaken by a coup with repression, leading back to an Overt/weak environment; the regime can consolidate its power and increase repression, shifting back to an Overt/sham environment, or can increase political competition, shifting toward Democracy.

Overt/weak → (reforms) → Overt/sham
Overt/sham → (some observations of reforms) → Stealth
Stealth → (coup) → Overt/weak
Stealth → (consolidation) → Overt/sham
Stealth → (competition) → Democracy

The next chapter explores the use of information exchange and control within the period 2007 to 2013 as a mechanism for switching between these dynamics and prolonging authoritarian longevity. By utilizing public communication, regimes gain information necessary to appease political opposition and external democracy promoters while serving their own interests through constitutional change.

7.0 PUBLIC COMMUNICATION IN THE AKP'S REFORM PROCESS

As discussed in the previous chapter, the democratically-elected ruling Justice and Development Party (*Adalet ve Kalkınma Partisi*, or AKP), and its most widely known figure, Prime Minister-turned-President Recep Tayyip Erdoğan, used the rhetoric of constitutional democracy to claim to have enhanced civil and political rights in Turkey over the last decade. Rights including freedom of expression, freedom of association, and freedom of the press, among others, have been touted in Turkey's democratization process. The government publication entitled *Silent Revolution: Turkey's Democratic Change and Transformation Inventory, 2002 – 2012*, details the government's claims on the authenticity of its democratically-oriented regulation. While the AKP has made significant formal constitutional reforms enhancing some elements of constitutional democracy, its record of observation of those rights shows a different regime altogether. Many observers claimed democracy was in decline.

Constitutional reform made up a large portion of the formal, *de jure* reforms the AKP regime passed in its democratization campaign. Moreover, historically, since the mid-20th century, constitutional change has been driven by an attempt to harmonize law with the *acquis communautaire* and meet the Copenhagen criteria to accede to the European Union (EU). Given the large gap between *de jure* reforms and *de facto* practice in Turkey, this research focuses on one component of the larger “democratization” campaign – public communication in the AKP's constitutional reform process – to understand how, under the guise of democratization, a new

tactic of stealth constitutional authoritarianism, or the control of information exchange and public communication processes, works. This chapter therefore addresses the question, how do authoritarian regimes use public communication vis-à-vis participation in seemingly democratic processes, in this case, over constitutional reform, to control and exchange information to increase the longevity of constitutional authoritarianism?

7.1 TOPIC MODELING OF PUBLIC COMMUNICATION

Recent scholarship has shown how authoritarian governments control public communication or deliberation between citizens and states to work in favor of increasing the resilience of their regime (Chen and Xu 2014; King, Pan, and Roberts 2013). Some of this work focuses on the development of power-sharing between political leaders, through targeted policy adjustments or concessions to opposition parties or citizens (Gandhi 2010; Svobik 2012). Moreover, recent work in comparative public law has also shown how state actors also use overtly democratic, and legal, processes as well to consolidate power and increase their durability (Varol 2014; Landau 2013). The analysis of public communication regarding constitutional reform processes provides an opportunity to bring together these two lines of research to investigate how regimes have learned to use public communication or deliberation among citizens, yet controlled communication between citizens and state actors, to enact legal reforms at the constitutional level under a democratic façade that abides by rule-of-law but violates the norms of constitutional democracy.

As noted earlier in Chapter II, I use the term “deliberation” here in the same sense as public communication, to signify discussion among citizens that occurs in a public arena, similar

to Chen and Xu's use of the term (2014). I do not use it in the same sense as the concept of "democratic deliberation," which, in the context of constitutional change processes, can mean: 1) citizens submit their opinions to the central constitution-making body, which responds to them individually or *en masse*; 2) citizens submit their opinions via an intermediary, such as a Non-Governmental Organization (NGO) or union to which they belong; 3) citizens have face-to-face discussions with the constitution-making body or their representatives; 4) citizens converse among themselves about constitutional change. However, all of these processes took place under controlled conditions in the recent constitutional reform process in Turkey. Notably, however, the AKP government did not respond except to accept the submissions of the proposals and to sanction the drafting and collection of such proposals, and the implementation of surveys of citizen preferences and citizen focus groups.

To analyze these public communication processes, and as more extensively reviewed in the methodologies section of Chapter III, this paper employs a new methodology from natural language processing and machine learning called topic modeling, specifically the Structural Topic Model (STM). This method is most useful here because it allows the model to analyze large amounts of textual data from extensive focus group answers according to the answers given by the same respondents to dichotomous survey question answers before they engaged in deliberation with fellow citizens. These texts, due to their sheer size, would otherwise be impossible for one researcher to find such patterns of interaction within.

A single case research design allows for the process tracing of observable implications of the theory generated in the previous chapters about what mechanisms may lay behind a semi-authoritarian regime's choice to employ public communication in their constitution-making processes, whether successful or not in creating new constitutions, and how they promote

authoritarian longevity by utilizing democratic discourse to make the regime impenetrable to dissent, opposition, and criticism.

This paper uses survey and focus group data gathered from across thirteen cities in Turkey in 2012, amidst growing repression, to understand how public communication processes provide authoritarian policymakers with information about the potential for collective action among the opposition and the public. Because the Stealth authoritarian tactic of control and exchange of information in public communication processes is “scalable,” and can take place at all levels including the constitutional level, it is a way for authoritarian regimes to appear democratic, quell collective action against the regime, and sustain their power. As we observe the proliferation of stealth authoritarianism across the international system, in Hungary, Turkey, and Russia, for example, it is evident that the phenomenon is the new tactic for authoritarianism and the subject is an important one to study. It also presents an opportunity to identify issues that are potential weaknesses for the regime, as shown by the recent political change in Turkey stemming from proposed changes to executive authority. Therefore, by “stealth,” this research does not insinuate conspiratorial actions by regimes; rather, an attempt to create an *impenetrability* for regimes by those external to it, whether domestic opposition or international critics.

7.2 AKP’S CONSTITUTIONAL REFORM, 2007 TO PRESENT

This section describes in more detail the context of constitutional reform in Turkey since the current regime, the Justice and Development Party (AKP), came to power. The context provides important information for the analysis of the dynamics of participation in the constitutional

reform process in the period after the AKP began in earnest the process to write an entirely new constitution for Turkey.

In Turkey, a military junta headed the 1980 coup in Turkey, beginning its current constitutional era, the 1982 Constitutional era. The junta dominated the drafting and writing process that created the 1982 Turkish constitution, headed by General Kenan Evren, then the Chief of General Staff and also included the commanders of the army, navy, air force and gendarmerie. The new Constitution strengthened the military's influential position in Turkish politics through a strong Presidency, an influential National Security Council, and informal control over the judiciary (Ozbudun and Genckaya 2009). The illegitimacy of the 1982 Constitution stems from several factors:

“... those who prepared it were appointed, not elected; the constitution-making process was closed to public debate; and there was a [sic] unilateral propaganda at the time. Moreover, the public was not presented with an alternative to the continuation of the military regime and the approval of the constitution. Finally, transparent envelopes damaged the secret ballot principle and the constitution was approved,” (Özpek 2012).

Consequently, the 1982 Constitution has been condemned almost relentlessly since its inception (Times 1982). As Turkey's most draconian constitution, promulgation of the 1982 Constitution took place alongside the decimation of Turkish civil society in the 1980s, when all political parties, unions, and other associations were banned (Ozbudun and Genckaya 2009). Many citizens and activists politically active at the time were imprisoned and tortured, or executed, for which the coup's leaders were just recently given life imprisonment sentences, which have now been suspended (Albayrak and Peker 2014). Civil society in Turkey has made a slow, and polarized, recovery (Özler and Sarkissian 2011; Sarkissian and Özler 2013).

The 1982 Constitution has been amended multiple times, in 1995, 2001, 2004, 2007, and 2010. The democratically-elected ruling AKP, in power since 2002, pledged during the election campaign of 2007 that it would “produce a new civilian constitution based on a social contract of

broad consensus” (Gunter 2012). In 2007, the AKP began a constitutional reform process to write an entirely new constitution. In 2015, a minister from the AKP said that the party’s goal in the July 2015 elections is simply to gain enough seats to unilaterally rewrite the constitution or to otherwise put the issue to public referendum (*Denizli Haberleri* 2014). The party lost its Parliamentary majority, and is currently still trying to form a new government. However, from 2002 until 2013, the regime and its supporters employed discourse that framed their attempt to replace the 1982 Constitution as an intention to create a civilian, democratic constitution.

The AKP’s initiative for a wholly new constitution involved several major phases, beginning with a draft commissioned by the government in private in early 2007. This occurred after a period of considerable conflict that took place when an AKP-aligned politician, Abdullah Gül, became President of the Republic in August of 2007, removing one of the informal conventions in which the military held its influence in politics. In response to these events, and as mentioned earlier, the constitution was amended in an October 2007 public referendum to allow for a popularly-elected President, which also lowered the term limit from seven to five years, and allowed for re-election to a second term. In 2012, the AKP further specified the rules for election to this office in President Election Law, Law Number 6271 Official Gazette entry number 28185.

Earlier in 2007, a government-selected team of experts was selected without public or opposition input to create the inaugural draft (Gunter 2012). Then Prime Minister Erdoğan established a “small group of constitutional law professors headed by Professor Ergun Özbudun early in June 2007 to prepare a draft, which was presented to the AKP leadership at Sapanca following the party’s victory in July” (Gunter 2012). Commentary written about the draft by Özbudun attributes his draft’s negative reception to the conflict due to the secular-religious

divide in Turkey (Ozbudun 2007). Constitutional experts saw the constitution merely as a continuation of the 1982 Constitution with some rights – namely freedom of expression for religion – being enhanced. However, beyond the content of the draft itself, the lack of public participation in the process and the ruling party’s domination over selection of the group’s members was the AKP’s Achilles heel. In this stage the party first brought constitutional politics into the ordinary politics domain of Parliament.

Political opposition to the AKP criticized the content of the draft for undermining secularism and Kemalist principles, most notably for removing the ban on women wearing headscarves in public buildings and universities, for weakening judicial independence, politicizing the judiciary, and creating unchecked majority rule which would pave the way for the gradual introduction of an Islamic government. In the draft, some presidential powers were eliminated making the system closer to a classic parliamentary model. The draft also proposed empowering the Constitutional Court by removing restrictions on judicial review, and giving it the power to annul laws that conflict with international human rights treaties of which Turkey is a party, and allowed Parliament to elect some members of the Constitutional Court. The draft made prohibition of political parties more difficult, and removed the five-year ban of individual members of banned parties from participating in politics. Finally, it also included affirmative action for women and other disadvantaged groups, rights for children, and put “protection of human dignity” in the Preamble text, and made religious education optional, not compulsory. The AKP seemed to add to this fear when it attempted a constitutional amendment to lift the ban on the wearing of headscarves in universities in 2007, which ended in a case in front of the Constitutional Court in 2008, where the Court annulled the legislation that would have lifted the

ban. This controversy also led to an attempt before the same Court to disband the party for unconstitutional activities, in this case, anti-secular activities, in the same year.

Özbudun and his team's draft drew out conflict over what a new constitution should contain, as well as concern for the process by which a new constitution should be decided. In September of 2007, the "Constitution Platform" (CP, *Anayasa Platformu*) was formed by citizens and civil society organizations, demanding a transparent constitution-making process and a "roadmap" from the government (Baburoglu and Göker 2014). In the meantime, the AKP initiated a popular referendum for specific constitutional reforms – that packaged judicial reform with other amendments creating a Human Rights Commission and an ombudsman, for example – that was approved in a popular vote in September 2010.

The successful constitutional referendum of 2010 that restructured the judiciary, removed yet another informal mechanism by which the military junta of 1980 retained authority in politics. After again winning a majority in the elections of July 2011, but falling short of the super-majority it would need to unilaterally pass a new Constitution and put it to a referendum, the AKP continued its drive for a new constitution in 2011. In late 2011, the regime convened the Constitutional Reconciliation Commission (CRC, *Anayasa Uzlaşma Komisyonu*). With eleven principles of operation that included unanimity among the members of Commission, the CRC was organized around the major parties represented in Parliament: the AKP, the historical opposition Republican People's Party (*Cumhuriyet Halk Partisi*, or CHP), the nationalist conservative Nationalist Action Party (*Milliyet Hareket Partisi*, or MHP), and the then independent and Kurdish umbrella Peace and Democracy Party (*Barış ve Demokrasi Partisi*, or BDP), which is now the People's Democratic Party (*Halk Demokrasi Partisi*, or HDP).

The principles of the CRC stated that the reform process should have four stages (Uçum 2012).¹³ The principles for the CRC state this in Article 11. First, proposals from the public would be collected until April 2012. Next, a text of principles for the Constitution would be written based on these proposals. Third, the text of the principles would be presented to the public. Finally, the draft of the new constitution would be written. Instead, as the CRC began its work, it divided the process into several phases, in which public involvement ceased after the CRC stopped soliciting public input for the constitution. Only Parliament and representatives from the four parties were involved in drafting the articles, and negotiating and debating over the articles, a process which came to a standstill after several months (Batum Bedii 2014).¹⁴ As one participant described the interaction between the regime and the public throughout the process:

... after collecting the ideas of the public, [the CRC] should have prepared the text of principles based on these proposals. However, [the CRC] started to write the constitution article by article. This is either an attempt to exclude the will of public on purpose or an illustration of ignorance. If [the CRC] continue[s] writing like this, they will not have taken public's opinion into consideration in the end. They also didn't make any report on the proposals came from public, NGOs or political parties. Or even if they prepared it, we have no information about it. None of the political parties in the Commission did what they promised. They promised to take public's views' into account but they didn't. Writing a constitution is not an issue where four political parties bargain.

Indeed, before the negotiations began, the CRC solicited proposals from interest organizations about major societal preferences and public expectations regarding a new constitution in Turkey. Think tanks in Turkey performed wide-scale surveys and focus groups across the country, collecting public opinion data regarding preferences for a new constitution, including the

¹³ Mehmet Uçum (Constitutional lawyer and founder of Anayasa Platformu/ Constitutional Platform Project), personal communication with author in Istanbul, Turkey, September 13, 2012.

¹⁴ Süheyl Batum Bedii (Parliamentary member of the Anayasa Uzlaşma Komisyonu/ Constitutional Reconciliation Commission) personal communication with author in Ankara, Turkey, September 30, 2014.

Anayasa Platformu or Constitutional Platform, as well as the “Polling Conference” analyzed in this chapter throughout 2012 (Baburoglu and Göker 2014).

While Turkish citizens were encouraged to participate in approved types of civic engagement, like voting, polling, and opinion-gathering, there was no character to the process that insulated it from the concerns of everyday politics or policymaking. Moreover, participation was constrained in such a way that while airing of viewpoints and submission of opinions to the CRC was encouraged, *deliberation*, as defined for inclusive democratic processes, was only encouraged on a limited basis or for particular issues between citizens, whose opinions were then delivered to the CRC *en masse*. According to the principles of inclusive democracy, uptake is a necessary condition (Young 2002). Deliberation did not take place on a large public scale similar to other commission-led or constituent-driven participatory processes, and therefore may better be described as public communication.

However, within contained participatory units, civil society organizations gathered input that they then delivered to the government in a controlled public communication process; yet in some cases, there was fear of retaliation for undesirable input (Anonymous 2012). In this way, and as is discussed in the next section, the regime was able to retain and utilize the information exchanged and the deliberation it sparked in public, but control how such information about constitutional preferences was being exchanged among citizens. In 2013, the CRC could only find consensus on 59 out of 172 proposed articles for the new constitution (Baburoglu and Göker 2014, 376). Deliberation and participation also dwindled as they took on new risk after the brutal repression of the public “Gezi” uprisings in Turkey in the summer of 2013.

The next section theorizes strategic actions by incumbent- and opposition-aligned interest groups in public communication processes about constitutional reform under authoritarianism. It

complements existing research by adding theoretical insight drawn from interpretive scholarship on the practice of language acts under authoritarian regimes to address the normative nature of constitutional democracy in the conclusions to the Chapter (Wedeen 1999; Wedeen 2009).

7.3 INTERPRETING RISK THROUGH LAW AND LANGUAGE

The theory of public communication under “stealth” constitutional authoritarianism contends that regime incumbents would open a participatory process only if it could control the information exchanged among citizens to their advantage. However, the manipulation of public communication processes takes place within an existing context of power relations. Bourdieu’s practice theory of language, which takes into account the structural relations within state and society, is a useful heuristic, as these performative language acts occur as controlled discursive islands under deliberative authoritarianism. According to Bourdieu’s theory, as language is socially evaluated, legitimacy is accorded to those who speak or write in a way recognized by dominant classes, mass audiences, and other producers of language (Hanks 2005). In essence, Bourdieu’s theory states that to be effective, any speech act must draw on the social field for authority to be legitimate for those upon whom it has an effect, and, in so doing, reinforces that authority.

The language generated in public, legal, political discourse also sets the standard and authorizes which speech is legitimate and which is not through the exercise of power relations, and, in this case, particularly through the enforcement, or, non-enforcement, of the law. This chapter theorizes that the variance in the cohesiveness of the “standard” of language acts, those that the regime is both competent in and also those that simultaneously challenge the *standard*,

can be operationalized as the “congruence” of regime policy positions, which are assessed again as *de facto* or *de jure* policy positions in the analysis. In the rest of this chapter I use “standard” to refer to the dominant language practice in the field of politics in Turkey. The AKP has challenged and changed the standard over its tenure in Turkey, most significantly, by changing the relationship that religion, national identity, and minorities have with the state and with the public. Also significant is the challenge to Atatürk’s legacy and the “Kemalist status quo,” in political discourse, and in its symbols, and the resurgence of a nostalgia or positive connotation for the Ottoman Empire and its language and symbols.

There are several different points from which a regime can create risk of mobilization when it takes a policy position or makes a policy reform. First, from a strategic point of view, when there is less congruence between what the regime does in practice and what it proclaims its preferences are, it puts itself at more risk for being held to account, or for citizens to protest about the selective application of *de jure* legal mechanisms that exist to organize their government or protect their rights and freedoms (Law and Versteeg 2013). The regime can use public communication to prevent or encourage collective action; however, if the level of grievance is moderate, measured as the distance between citizens’ ideal policies and regime *de jure and de facto* policy positions, the regime should theoretically meet the opposition with repression, rather than information control or exchange tactics, based on the non-monotonic curve grievance, repression, and mobilization (Shadmehr 2014). However, the level of citizen conflict will determine whether and how the regime uses these strategies concurrently or sequentially, to utilize obtained information about citizen conflict to quell collective action (Chen and Xu 2014). For example, some policy adjustments for which the government knows there is a moderate to high level of citizen conflict are made to act as a “wet blanket” for

potential citizen collective action *concomitant* with policy adjustments to concentrate power for the regime. In a second example, for some policy changes where citizens have a high level of agreement, information is controlled or citizens are repressed to prevent collective action, while *simultaneously* some concessions are made, or a high- or medium-level conflict issue is deliberated over to prevent collective action by citizens on issues in which the barriers to collective action could be overcome.¹⁵

The level of risk is also affected through the level and composition of citizen conflict, a variable important to all analyses of collective action. Olson's logic of collective action showed a threshold of citizens must be incentivized to overcome obstacles to collective action (Olson 1965). Citizens may be more or less unified in their desire for a new policy or to prevent a policy change, or they may be divided over a policy change. An issue is low risk when only a minority group of citizens is opposed to a policy position, or if citizens are divided into too many different groups in support or opposition of the policy position. When citizens are unified in opposition to a policy position, it is high risk, or when the majority opposes the policy position, and the minority supports it. Identification of citizen conflict allows the regime to promote public communication in issue areas where discourse will reproduce or alter the standard of language to the regime's preference. According to Bourdieu, "individuals self-regulate their positions and yet reinforce the system of domination by the muting of critique and individual expression" (Hanks 2005). However, struggle within the standard language of the field still reinforces the legitimacy of the standard itself. Through tracking citizen conflict, discourse can be manipulated by the

¹⁵ Both of these dynamics have occurred between the issues of minority rights for the Kurds and consolidation of executive power under the AKP; however, the text data for public communication over the issue of consolidation of executive power were removed from the dataset analyzed in this chapter, removing the possibility for topic modeling of that question.

regime to stop mobilization from occurring. A regime can choose either to encourage information exchange among citizens, or to control information between citizens and the state.

These four factors – regime *de jure* policy position, regime *de facto* policy position, level and composition of citizen conflict, and the chosen tactic of information control or information exchange chosen for the public communication process, in combination, create different scenarios across and within issue areas for public communication under stealth authoritarianism. Table 8 below shows the proposed combinations that could occur according to the regime’s policy proposals (sham, weak, stealth policy positions), citizen conflict, and the regime’s decision to engage in information exchange or control.

Table 8. Composition of Risk Per Issue Area

Regime De Jure/ Regime De Facto Policy Position Gap	Composition and Level of Citizen Conflict	Information Manipulation
Incongruent or Sham: High level of constitutional commitment; low level of observation of rights and freedoms	Divided (High) or Unified (low)	Control
		Exchange
	Majority/ Minority (split)	Control
		Exchange
Distorted or Stealth: Variance across time and issue area in levels of constitutional commitment and observation of rights and freedoms	Divided (High) or Unified (low)	Exchange
		Control
	Majority/ Minority (split)	Control
		Exchange
Congruent or Weak: Level of observation follows level of commitment; sometimes “overt violation” of rights and freedoms	Divided (High) or Unified (low)	Exchange
		Control
	Majority/ Minority (split)	Control
		Exchange

The regime’s degree of control or the level of information exchange regarding citizens’ preferences about policies has taken on a new importance in the contemporary digital era of real-time information and communication technologies like social media. In the public communication of constitutional reform under authoritarianism, the regime uses the deliberative process to gauge the level of conflict between citizens on all issues pertaining to the reform,

encouraging language acts that are self-censored, euphemistic, or misrecognized. As Hanks writes: “The speaker censored or obliged to euphemize in order to earn credit, show loyalty, or maintain confidence is the object of symbolic violence because his or her speech is curtailed, whether by self or other. Obviously, to be classified, evaluated, stereotyped, or portrayed as such and such is to be the object of symbolic violence. Misrecognition is the social effect whereby practice underwrites power divisions and the imposed rules of the game,” (Hanks 2005). Language acts become symbolically violent, in which the standard “dominates by *defining as legitimate limitations that derive from and reinforce differences of power* [emphasis added]”. In addition, the regime can also use other tools of repression, including harassment, intimidation, and physical violence – but the tactic of public communication does not violate international standards of rule-of-law or democracy promotion – and can still have a de-mobilizing effect on collective action.

As a consequence, attempts to act collectively, or actual acts of collective action, work to reinforce the standard in the field as defined and manipulated by the stealth authoritarian constitutional regime. This theory of information exchange via controlled public communication is scalable because it can occur wherever groups may have the potential for conflict within or between them and also the potential to be contributors to collection action. Therefore the theory holds for conflict within an issue area, sub-nationally, or across issue areas at the national level. This chapter shows how conflict over an issue area can also be localized geographically to understand how different group preferences work for the regime within a single-issue area. The next section of this paper explains the methodology, using topic modeling for large survey data, and the dataset itself.

7.4 TOPIC MODELING AND THE STM

Probabilistic topic models, such as the Latent Dirichlet Allocation (LDA), are increasingly being seen as a valuable tool by social scientists to measure “latent linguistic, political, and psychological variables” (M. E. Roberts et al. 2013). Topic modeling, a statistical methodology developed to analyze textual corpora, is based on several assumptions; first, that documents have *latent semantic structures, or topics*; second, that it is possible to infer topics from word-document co-occurrences; and third, that words are related to topics and topics to documents. As Blei, writes: “the goal of topic modeling is to automatically discover the topics from a collection of documents. The documents themselves are observed, while the topic structure—the topics, per-document topic distributions, and the per-document per-word topic assignments—is hidden structure. The central computational problem for topic modeling is to use the observed documents to infer the hidden topic structure. This can be thought of as “reversing” the generative process— what is the hidden structure that likely generated the observed collection?” (Blei 2012). In answering this question about hidden structures within texts, and in order to draw knowledge from the large amounts of texts now generated through the use of information and communication technology, machine learning researchers developed probabilistic topic modeling, a “suite of algorithms that aim to discover and annotate large archives of documents with thematic information” (Blei 2012).

Within the general framework within the larger field of probabilistic topic models, with document-level covariate information, probabilistic topic models have been improved for social scientists dealing with survey or social media data.. Probabilistic topic modeling algorithms are statistical methods that analyze the words of the original texts to discover the themes that run through them, how those themes are connected to each other, and how they change over time

(Blei 2012). In mathematical terms, a generated discovery of the hidden structure of topics occurs by treating the data differently, as: "... arising from a generative process that includes hidden variables [and] defines a joint probability distribution over both the observed and hidden random variables ... data analysis [is performed] by using that joint distribution to compute the conditional distribution of the hidden variables given the observed variables ... " (M. E. Roberts, Stewart, and Tingley 2015). Document-level covariates alter the structure of a text corpus and therefore require different algorithms to model the topics in order to most reliably draw inferences from the data.

The Structural Topic Model (STM), and other frameworks like it, input document-level information, such as geography, author, ideology, or time, as the model is run, and allow them to predict different measures of topical prevalence or topical content as specified to answer research questions of theoretical interest to the social scientist, to "directly estimate the quantities of interest in applied problems" (M. E. Roberts et al. 2013). The idea behind the STM is to provide a "better alternative to post-hoc comparisons" by building the "additional information about the structure of the corpus into the model itself by altering the prior distributions to partially pool information amongst similar documents" (M. E. Roberts et al. 2013). The STM achieves this by "specify[ing] the priors as generalized linear models through which we can condition on arbitrary observed data," thereby "making inference about observed covariates rather than predicting covariate values in unseen text" (M. E. Roberts et al. 2013). The covariates derived from the documents' attributes can "improve inference and qualitative interpretability and are allowed to affect topical prevalence, topical content or both" (M. E. Roberts et al. 2014; M. Roberts, Stewart, and Tingley 2014). These new frameworks build document-level covariates into the generative process itself, focusing on observed covariates rather than latent ones.

This method allows the model to use survey data collected on citizens' constitutional preferences to be used within the topic model as predictors of the topics modeled from the open-ended focus group answers. The model can show, depending on the level of conflict or regime policy position and congruence, how citizens' public communication about a particular issue area by generating a model of topics within the content of the record of that public communication. This analysis uses the degree of conflict among citizens over a particular issue area or policy change to model deliberative content about that issue area.

7.5 PUBLIC COMMUNICATION PROCESS DATA

The original dataset analyzed in this paper was collected from Turkish citizens regarding their preferences on constitutional reform, through a large sample of survey data of both closed and open responses ranging geographically across Turkey. From January 2012 to April 2012, a prominent thinktank did a large opinion-gathering project in Ankara, Konya, Edirne, Diyarbakir, Izmir, Antalya, Bursa, Trabzon, Gaziantep, Erzurum, and Istanbul. In Samsun and in Ankara, the survey focused on questions for Turkey's youth and for women, respectively. The organization held large summits where participants answered survey questions and participated in focus groups sessions lasting up to eight hours (Baburoglu and Göker 2014). Respondents self-reported to sites based on text messages sent at random through cellphones to citizens in each city (Baburoglu and Göker 2014).

In the next section, using this dataset, the closed-ended question survey data is first statistically analyzed to identify the degree of conflict among citizens pertaining to each issue of constitutional reform. First, frequencies are used to obtain a variable of citizen conflict that

identifies the level of conflict among the population for each issue. The conflict variable, created to be a covariate in the topic model, is categorized into low (near unification), moderate (majority/minority split) and high (polarization) levels of conflict for each issue area and within the issue area, local group preferences.

The regime position on a policy area, both *de facto and de jure*, was collected from qualitative sources including the party's publications, state-run, opposition-oriented, and independent media, and legislative changes made under the regime's tenure. The issue areas were also categorized into "sham," "weak," and "stealth" issue areas for collective action for the regime for being held accountable for a policy it has supported on paper but not in practice (Law and Versteeg 2013). When the regime engages in "cheap talk," the issue area is a "sham" policy position; on the other hand, when the regime's *de facto and de jure* records match on an issue area, it is a "weak" policy position, unless it is trending toward more democratization. However, some issue areas fall into both categories – or are *incongruent* – and reflect changing or competing meanings in the standard language in the field. These are stealth policy position.

After choosing an issue area where information control and exchange is clearly taking place, and that has a range of levels of citizen conflict both nationally and sub-nationally, citizen conflict is utilized as a covariate to predict topical prevalence and topical content. These measurements quantify which words are used, and how prevalently they are used within the topics generated by the STM. Second, I also perform a structural topic model on organizational proposals to using official, civil society, and committee-meeting minutes as document covariates. Utilizing elements of strategic action combined with elements of language practice (Hanks 2005), the results of both analyses are interpreted to identify combinations of words providing

insight into the “things that were done with words” (Austin 1975) and what those performative actions mean for democracy and authoritarianism in present day Turkey.

7.5.1 Level and Composition of Citizen Conflict

The dataset was cleaned and assessed for systematically missing data and outliers. The conflict variable was created based on both dichotomous and categorical closed-ended answer survey questions, and highlighted those where two criteria of data sufficiency were met. The first criterion was a sufficient percentage of answers to the closed-answer survey questions despite information being missing due to respondents not answering, a question being skipped in a particular city, or the information being systematically removed. As the data given to me was the data also presented to the Constitutional Reconciliation Commission, or CRC, by a think-tank that is partially beholden to state funds, it was likely manipulated to fit the regime’s preferences; however, a close look at the data reveals where manipulation likely occurred. The second criterion was an adequate percentage of answers to the open-answer survey questions, or minutes from the focus group discussions. Again, information was missing due to respondents not answering, a question being skipped in a particular city, but in general, in the text documents, information seemed not to be systematically removed. However, given the thousands of pages of text documents from the open-answer survey question and focus group minutes, most systematically removed data could be reconstructed through a very close look at the data.

Each issue area with sufficient data was rated according to frequency distributions for a measure of low, medium (majority/minority split), or high level of citizen conflict. The results are summarized in Table 9 below. The thresholds were below an 80/20 split or disagreement for a low level of conflict, between an 80/20 and 60/40 split for a medium or majority/minority level

of conflict, and above a 60/40 split for a high level of conflict. Citizen conflict was analyzed for patterns on the issues regarding constitutional change. Issues with low conflict, where the population was 80 percent or more in agreement about a certain issue, reflect a consensus.

Table 9. Citizen Conflict Across Issue Area

Variable	Level of Conflict	%Missing	%No	%Yes
V34 (Impartiality1-publicattire)	High	25.7	46.1	53.9
V37 (SocialState)	High	26.7	59.3	40.7
V42 (LivingTogether)	High	28.9	38.1	61.9
V65 (ReligiousServices1)	High	33.1	38.8	61.2
V73 (ConstlText)	High	35.5	57.3 (short)	42.7 (long)
V27 (Referendum)	Majority/ Minority	27.6	31.7	68.3
V28 (Recall)	Majority/ Minority	29.0	28.7	71.3
V29 (Public Entrepreneurship)	Majority/ Minority	28.1	21.2	78.8
V30 (PublicVeto)	Majority/ Minority	29.1	22.3	77.7
V33 (EqualPay)	Majority/ Minority	24.4	28.9	71.1
V38 (PositiveDiscrimination)	Majority/ Minority	25.9	21.6	78.4
V41 (BanDiscrimination)	Majority/ Minority	24.2	34.0	66.0
V48 (Decentralization1)	Majority/ Minority	32.0	26.5	73.5
V49 (Decentralization2)	Majority/ Minority	33.5	27.3	72.7
V13 (Individual Expression)	Low	16.4	10.8	89.2
V17 (JudicialIndependence)	Low	22.8	9.9	90.1
V21 (Accountability2)	Low	27.9	2.5	97.5
V22 (RuleofLaw1)	Low	20.1	5.6	94.4
V23 (RuleofLaw2)	Low	22.7	5.9	94.1
V24 (CivilSociety1)	Low	24.5	7.0	93.0
V25 (Media)	Low	25.9	6.9	93.1
V26 (Sensitivity)	Low	27.9	88.4	11.5
V55 (PartyDemocracy)	Low	32.8	4.5	95.5

Enhancing rule of law, changing the structure of the political system, and concern over representation, freedom of expression, civil society, and the media were the issues with the least conflict among the Turkish citizenry in 2012. Citizens showed an overall concern about the neutrality and impartiality of the judiciary and the ability of judges and prosecutors to remain politically neutral and impartial. Citizens also agreed that rule of law and accountability

mechanisms should be enhanced for those in government positions. Citizens widely agreed on the question of increase of executive power. Citizens were in agreement that the powers of the Presidential office should not be concentrated any further than they already are. Most agreed that the status quo should remain, with division between a Prime Minister and a President, but many also thought that the Prime Minister's office should have reduced powers, or that the President should be the only executive. Citizens expressed an almost uniform interest in creating a channel for communication between themselves and those they elect to represent them, and also for more representation between party members and Parliamentary representatives, rather than party management. Citizens agreed that constitutional arrangements should be made to enhance civil society and maintain or enhance the independence of media and prevent it from being monopolized. Citizens also agreed that both individuals and political parties should have protection of freedom of expression with the exception of hate speech.

Issues with a majority/minority split of conflict included the adoption of new mechanisms for legislative, political, or policy change. These issues included support for reforms to or creation of new public referenda, a "recall" mechanism for members of Parliament, a "public veto," and petitions from citizens and civil society to create new legislation.

Minority rights and representation issues also reflected a majority/ minority divide among the population. A new constitutional provision to more effectively apply the policy of positive discrimination was also contentious, as were any reforms related to the principle of decentralization or enhancing local or regional government, in other words, for minority rights or representation. Issues where the population was split between 60/40 or nearly in half were often related to issues of conflicting identities in religion, ethnicity, or nationality. The public was also split about the principle of neutrality and how the appearance of those who wished to wear attire

that reflected their religious preferences in public institutions should be provided for constitutionally. These nationalism issues included a constitutional assurance that those of different orientations, ethnicities, or preferences be facilitated in the process of “living together” (*birlikte yaşama*) in harmony. Another highly divisive issue was the state provision of religious services and religious education, and whether the state should promote or support one religion. The constitutional arrangement of religion split the population nearly in half. The regulation of the state’s finances to provide for state and societal “economic duties” was also highly divisive, with the majority opting for no state role in the constitution to designate religious services, religious education, or to regulate the economy. A high level of conflict was also found over some policy changes in the issue areas of representation, minority rights, and changing the political system, specifically regarding what changes should take place to the current standing 10 percent electoral threshold for parties to enter Parliament. Most said the threshold should be abolished or lowered, but many said it should remain as is. Finally, citizens’ preferences were also nearly split in half about a bicameral option for the legislature that would make one body responsible to the entire country, and the other responsible to local districts.

7.5.2 Regime Policy Positions

The regime’s legislative actions and media coverage of these issues in state-run and independent media were analyzed to operationalize regime policy position and congruence. Regime policy preference is measured by both regime *de jure* positions as well as regime *de facto* support for an issue area or policy change as manifested in practice. Using the TBMM’s legislative databases (TBMM 2015), the AKP’s party manifestos (Volkens et al. 2012), and state-run media sources, I summarized regime *de jure* positions. Using the aforementioned

sources, and opposition-oriented or independent media sources about current events in Turkey, I also measured the AKP's *de facto* positions.¹⁶ This designation is important because I hypothesize that when there is distortion, agenda manipulation or information control and exchange strategies are likely taking place. In a stealth authoritarian constitutional environment, we observe first, "sham" constitutional commitments, in which a regime's observation falls far below those commitments, and the grievance is for observation of an already existing legal right. Second, we observe "weak" constitutional commitments in which the grievance is both for legal commitments to and observations of rights and freedoms. Third, we observe "weak" and "sham" policy positions simultaneously in the "stealth" dynamic, manifesting variance across time and issue area. As a result, the regime's policy record appears ambiguous, manipulated, distorted, or contradictory.

Based on the descriptive statistics of the survey data, I aggregated the issue areas into the broader groups of I) *political system structure*, II) *minority rights and representation*, III) *freedom of expression*, IV) *religious expression*, and V) *the role of the state*.¹⁷ Table 10 below shows the issue areas with regime policy positions and citizen conflict, for categorization as

¹⁶ Data on *de facto* policy positions came from both regime-aligned media sources: *Star*, *Bugün*, *Yeni Şafak*, *Vakit*, *Kanal 24*, *Kral TV*, *Kanal 7*, *STV*, *Sabah*, *Takvim*, *Günaydın*, *inter alia*; as well as regime-opposed media sources: *Sozcü*, *Cumhuriyet*, *Bianet*, *Radikal*, *Hürriyet Daily News*, *Today's Zaman*, *Birgün*, *Sözcü*, *Aydınlık*, *Ortadoğu*, *Zaman*, *Bugün*, *Aktif Haber*, *Evensel*, *Özgür Gündem*, *Sol*, *Taraf*, and international sources, *inter alia*.

¹⁷ Political system structure includes "Changing structure of political system," "Increase of executive power," "New mechanisms for legislative/ political/ policy change," and "Rule of law/ Accountability mechanisms." Minority rights and representation includes "Electoral threshold," "Citizen uptake channels," "Positive discrimination," "Decentralization," and "Living Together." Freedom of expression includes: "Freedom of expression," "Civil society," and "Media." Religious expression includes "Religious attire," "Religious services/ religious education." Role of the state in religion and in the economy includes "State religion," and "State-run economy."

sham, weak, or stealth, policy changes due to the level of grievance, and level and composition of citizen conflict about policy change in the issue area (Law and Versteeg 2013).

The only policies that solely fall into the “sham” category for the regime for collective action are grouped into freedom of expression. Those issues in the high risk category include the following issue areas: freedom of expression, civil society, media.

Table 10. Constitutional Reform Issue Areas and Risk for Collective Action

Aggregate Issue Area	Policy Position	Regime <i>de facto/ de jure</i> position	Citizen Conflict	Risk Level
I: Political system structure (“weak”)	Changing structure of political system	Support/ Support	Low conflict – status quo	Low
	Increase of executive power	Support/ Support	Low conflict – status quo	Low
	New mechanisms for legislative/ political/ policy change	Support/ Support	Medium – majority support	Moderate
II: Minority rights and representation (“stealth”)	Electoral threshold	Oppose/ Oppose	High – majority split	Moderate
	Citizen uptake channels/ Rule of law/ Accountability mechanisms	<i>Oppose/ Support</i>	Low – enhance	High
	Positive discrimination	<i>Support/ Oppose</i>	Medium – majority support	High
	Decentralization	<i>Support/ Oppose</i>	Medium – majority support	High
	“Living together”	<i>Support/ Oppose</i>	Medium – majority support	High
III: Freedom of expression (“sham”)	Freedom of expression	<i>Oppose/ Support</i>	Low – enhance	High
	Civil society	<i>Oppose/ Support</i>	Low – enhance	High
	Media	<i>Oppose/ Support</i>	Low – enhance	High
IV: Religious expression	Religious attire	Support/ Support	High – majority split	Low
	Religious services/ religious education	Support/ Support	High – majority split	Low
V: Role of state in religion and economy	State religion	Support/ Support	High – majority split	Low
	State-run economy	Oppose/ Oppose	High – majority split	Low

The policies that fall into the low-risk for collective action category, due to regime consistency on paper and in practice are political system structure, and the role of the state in religion and the economy. Those issues in the low risk category include the following issue areas: changing structure of political system, increase of executive power, and the state-run economy. Table 10 summarizes.

The issue areas of minority rights, representation, and the role of the state in religion/religious expression exists in both the high-risk and low-risk categories, reflecting ambiguity in the regime record and signaling that information exchange is being promoted in some places while information is being controlled in others. The issues that fall into both the high and low risk categories include the following issue areas: Decentralization, Citizen uptake channels, Positive discrimination, “Living together,” Rule of law/ accountability mechanisms, New mechanisms for legislative/ political/ policy change, and the Electoral threshold, Religious attire, Religious services/ religious education. Minority rights and representation was chosen as the issue areas for analysis of information exchange and control mechanisms.

Assuming that the theory holds locally as well as in aggregate at the national level also will provide opportunities for further research to model both multi-modal local optimization topic models as well as multi-level models of within issue-area sub-national dynamics and across issue-areas national dynamics. In this chapter, the issue of minority rights and representation, which is an issue of nationalism, is analyzed at a local level, based on the theory that the same scalable dynamic is at play within an issue area, sub-nationally. King, et al. define issues that relate to nationalism as having high potential for collective action: “nationalism is treated separately because of its frequently demonstrated high potential to generate collective action” (Reilly 2013; King, Pan, and Roberts 2013). Furthermore, textual analysis can help us analyze

how ideas of nationalism are deliberated over and contested by citizens, or are idealized in official sources, while also enabling us to think about what work these discourses actually do for the regime and for those who oppose it. In the next section, the results of the Structural Topic Model using the degree of conflict variable to model topics of words over policy changes in an issue area with various levels of citizen conflict distributed geographically across the population. All analyses were run using the STM R Package (M. Roberts, Stewart, and Tingley 2014).

7.6 ANALYSIS: THE STRUCTURAL TOPIC MODEL

Structural topic modeling was performed on open-ended focus group answers to the question of whether the constitution should guarantee living together in harmony despite ethnic, ideological, or religious or other differences. The structural topic model of three or four topics uses the covariate of degree of conflict, and then organizational type, to predict the topics and their content, or whether or not certain words exist within the topic. The STM was run to identify topics and to see how the degree of citizen conflict altered the topic words, the covariate words, and the topic-covariate interaction words. The words were then interpreted for their performative acts according to language practice theory.

7.6.1 Modeling Citizen Focus Group Answers

I plotted citizen conflict sub-nationally over the issue of “constitutionally-guaranteed national harmony” across Turkey in 2012 to operationalize the micro-level dynamics of conflict over minority rights and nationalism; Table 11 below shows the quantitative measurements. Within

the greater data collection endeavor, five of thirteen conventions were polarized about the issue, while one showed nearly universal support, and seven others were split with either majority or minority support.

Table 11. Local Citizen Conflict Over Minority Rights

	Degree of Conflict (No/Yes)
Antalya	High (46/54)
Erzurum	High (48/52)
Trabzon	High (42/58)
Konya	High (52/48)
Youth-Samsun	High (54/46)
Diyarbakir	Low (6/94)
Women-Ankara	Majority/ minority (61/39)
Ankara	Majority/ minority (60/40)
Istanbul	Majority/ minority (30/70)
Gaziantep	Majority/ minority (31/69)
Izmir	Majority/ minority (33/67)
Edirne	Majority/ minority (34/66)
Bursa	Majority/ minority (39/61)

The first leg of STMs were run with four topics without covariates to determine whether and how the conflict covariate would change the deliberation over nationalism and minority rights, and the results are translated below in Table 12 (the original Turkish is shown in Appendix B). The results show no indication of censorship, euphemism, misrecognition, or other tactical language acts to oppose the existing standard, but rather includes what we would call the Kemalist standard of the field in topic 4, which uses the words “society/ community, happy, Turkishness, Turkish language, conception, to want, past/ history, geography.” This topic is also captured in the utterance of the commonly-known phrase propagandized by Atatürk during his major reforms during the foundation of the Turkish Republic: “*Ne mutlu Türküm diyene,*” or

“How happy is the one who says he is a Turk,” which is still popularly shared by citizens on *bayramlar*, or Turkish national holidays, and written on walls and buildings across Turkey, as a singularizing euphemism for national identity in Turkey.

Table 12. Topic Model of Focus Groups’ Deliberation (STM 1.1)

Topic	Model 1: No Covariates Words (Top Words and FREX)
1	union, necessary, ‘should be given’, certainty, harm, argument/war, why/question, popularity, support, head
2	age, association/organization, school, free/without constraints, student, university, retired
3	elderly, statement, absence, application/ administration, perspective, financial, taken, positive
4	society/ community, happy, Turkishness, Turkish language, conception, to want, past/ history, geography

This consensus in the dominant standard of the field is also represented by a quote written by those who helped design the process in the Constitution Platform and their perception of their relationship with the Constitutional Reconciliation Commission, the official group to which the data gathered were to be presented to, showing a euphemistic account of the communication channels between the bodies. The organizers here recount the feeling of legitimacy created between the CRC and the CP through the large-scale “deliberation” project.

The Constitutional Reconciliation Committee enthusiastically accepted CP’s large-scale conferencing project. Committee members endorsed the project, agreed to show up to the meetings, and take their results seriously. They regarded the CP as a credible ally because of its nation-wide representation of civil society groups. Citizens also perceived the CP as a legitimate and neutral platform and agreed to utilize the conferences as a vehicle for providing input to constitution making. The establishment of such two-way legitimacy was absent in the ecology of other organizations and platforms involved in constitutional debates. The organizational capacity at different levels enabled a setting where citizens could come together with public institutions and elected lawmakers. The conferences acted as channels between citizens and decisionmakers in a country populated by close to 80 million people (Baburoglu and Göker 2014).]

Indeed, the definition of political legitimacy from a social constructivist point of view is subjective to the participants in the large-scale survey project. The utilization of “deliberation” processes to produce such legitimacy by the regime to claim democratic production of a civilian constitution is not subjective to the participants. While participants deliberated to an extent, the existing field of power relations within which that public communication took place, cannot be ignored in the analysis of its contribution to democratization. Instead, the public communication process shielded the regime to criticism regarding the consolidation of power over institutions in separate branches of government – the executive, the legislature, the judiciary, and the military – through institutional self-dealing in the constitutional reform process.

The second STM was run with four topics with a citizen conflict covariate to determine the topical content (which words are present or not) in the focus group answers, shown in Table 13. Comparing this model to the baseline STM without covariates and examining the interactions between topics and covariates enables us to interpret how deliberation over nationalism and minority rights changes among groups, and how, where conflict among citizens is low, medium, or high.

In this set of STMs, the topics and the covariates clearly start to indicate the opposition or struggle to the standard of the field: *Diyarbakır (the Kurdish capital), “we are Kurds,” Zaza, Black Sea region, “to be veiled/covered,” Roma, marginalized, exotic, and border* are some of the words that indicate minorities not present in the topic model without covariates. Second, words that indicate misrecognition and symbolic violence on the parts of minority groups in Turkey are also present: *slave, marginalized, cannot be, retained, held/ corrected, should not speak, forced, unseen, oppression, and prohibited*. Finally, words that indicate a potential for

collective action are also present, such as *act/ behave, necessity, the public or the people, can do, hope, motive/ reason, recognition, accommodation, and changing and amending.*

Table 13. Deliberation With Conflict Predicting Content (STM 1.2)

	Conflict Level	Group 1: Low	Group 2: Mod	Group 3: High
Topic #	Topic words/ Covariate Words	<i>Local/ branch, slave, politics, should not throw, unseen</i>	<i>Should not speak, forced, assist, not made easier, issue</i>	<i>Retained, held/ corrected, to be veiled/covered, can take, repeated</i>
Topic 1	<i>To live, Diyarbakır, border, name, morality</i>	Changing/ amending, the law, should not do, gain, oppression	Consult, Izmir, chemistry, textile, bank	Opposition, propaganda, cannot do, recognition, accommodation
Topic 2	<i>To talk, at the table, identified, declare/ notify, outlook</i>	Kurds, witnessed, Anatolian, gift, peaked/ tipped	Trade, operator, Roma, look, think	Fifth, elderly, birth origin, participate, tea
Topic 3	<i>Statement, to think, judge/ rule, utter/ quite, belonging/ ownership</i>	Defining, Zaza, marginalized, hope, motive/ reason	University, can do, organization, cannot be	Prohibited, interview, Turkish currency, the public, without
Topic 4	<i>Emphasis/ accent, act/ behave, system, origin, necessity</i>	Do not claim, heard, tribes, Kurdistan, reference	Publisher, alone, textile worker, clothing, meaning	Male/ female, external/ exotic, Black Sea region, oversee/audit, do not hold

Figure 14 plots those words by size/ distance according to their importance to a topic, and the phrases “We are Kurds” and “to emphasize” are the outlying terms.

Conflict-Content Perspectives

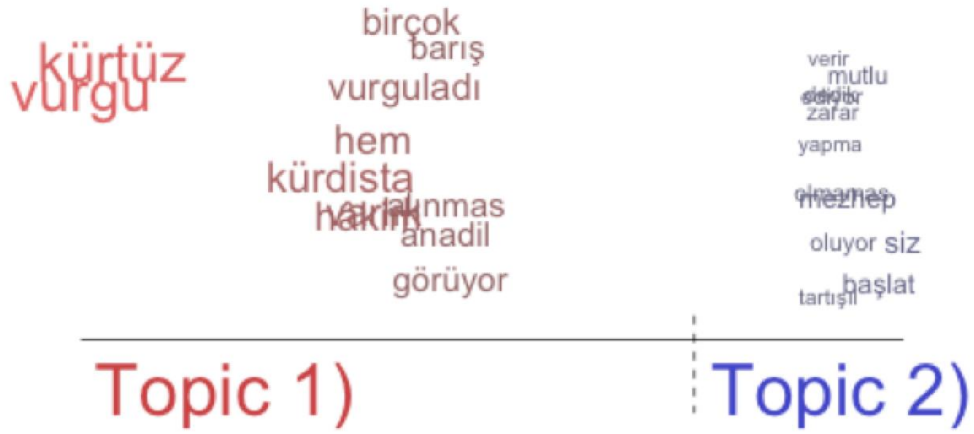


Figure 14. Plot of Topic-Covariate Words for STM1.2

Next, I ran a set of STMs on a dataset created from the texts that were submitted to the Constitutional Reconciliation Commission during its opinion-gathering and negotiations phases, by Civil Society Organizations (CSOs) by official bodies affiliated with the government, such as political parties in Parliament, and by the CRC itself. The models for this were first run on the texts to generate topics without covariates, and second, to generate topics using “official” versus civil society attributes to predict topical content. The results are in Table 14.

Table 14. Topic Model of Organizational Proposals (STM 2.1)

Topic	Words
1	child, profession, soldier, discrimination, province
2	crime, clause, reason, politics, contrary
3	society, report, professor, university, local
4	question, national, preamble, citizenship, sovereignty

The topics in the first STM with no covariates for organizational proposals are more diverse than the individual focus group answers, but similarly, still include a topic (2) for law, crime, and politics, and a topic (4) for the question of minority rights and nationalism. A third topic (3) indicates that universities may be the locale where changes are proposed about nationalism and minority rights, while the first topic (1) brings together minority rights issues (discrimination, province) with majority problems (child, career, soldier). In the follow-up model of this second set of STMs, covariates of document types – minutes of constitutional reconciliation meetings, civil society organization proposals, and official proposals – were used to predict the topical content within the topics generated from those documents.

Table 15. Organizational Proposals with Group Predicting Content (STM 2.2)

	Committee Minutes: to tell the truth, time, to discuss	Civil Society Organization Proposals: defense, negligence	Official proposals: fortunate, was arrested for, to exploit
Topic 1: wealth	Name of Committee Member	Government, referendum, abolition	star, desire
Topic 2: unless, all the while we fall, humiliating	to be able to open/ make public, to be able to fill, as long as it was unexplained	to be changed, legal decision, Court of Cassation)	Idea, to relax, generally able to open
Topic 3: adult, suspect, to arrest	Completion, to be able to say	Court of Accounts, constitution, change/ amend	To be delayed, property, moral laws

This model, in Table 15, should bring insight into how different groups in struggle against the dominant standard of language deliberate in comparison to those who are aligned with, or being forced to align with, the dominant standard of language use in the field.

The first topic focuses on things that are certain and/ or desirable across groups (wealth, star, government, desire, referendum, abolition). The second topic summarizes political system change and the ability or fashion in which things get done or how things have been changing, with official proposals being positive about the idea using words (idea, to relax/ good life), committee minutes having a sense of ambiguity (to be able to open/ make public, generally be able to open, to be able to fill, unless, all the while we fall), and the civil society organizations focusing on institutions and change (legal decision, Court of Cassation, to be changed). The third topic focuses on things of a criminal nature (adult, suspect, to arrest); the official proposals relate this to morality and property and delay (property, moral laws, to be delayed), the civil society organizations relate this to constitutional and judicial change (Court of Accounts, constitutional, to change/amend), and the committee minutes focus on the ability to speak and completion (completion, to be able to say, to change/ amend, to be delayed).

In summary, committee minutes focus on time (truth, time, completion), discussion, the ability and fashion in which things are done (to be able to fill, to be able to open/ make public, as long as it was unexplained). Civil society organization proposals focus on specific institutions and actions to take, generally in a legal or political nature (defense, negligence, Court of Accounts, constitutional, Court of Cassation, legal decision, government, referendum, abolition). Official proposals use popular positive words (fortunate, idea, relax/ good life, star, desire, property, moral laws), and past tense of negativity (convicted/ was arrested for, to exploit, to be delayed), and future sense of change (generally able to open).

According to Bourdieu's theory of language practice, it is opposing members of political parties in deliberation with each other that are subject to the most symbolic violence as they absorb the need to operate within the authorized standard of language to be legitimate,

reinforcing the dominant language system. Civil society organizations direct their speech more toward specific changes, still within the standard. Official proposals positively uphold the dominant standard and reflect a pressure to complete the process. Official CRC committee minutes focus on time (truth, time, completion), discussion, the ability to do and the fashion in which things are done (*-dikçe* tense). Officially represented political parties' official proposals to the CRC are euphemistic and use popular positive words (*keyfi*, moral laws, desire), and past tense of negativity (*tutanlandık*), and future sense of change (*-abil* tense). Finally, CSOs submissions to the CRC convey a false sense of action by focusing on specific institutions and actions to take, generally in a legal or political nature (*hükümet, değiş-*).

These preliminary analyses still have limitations that will be addressed in further research in assessing the optimality of the model and its fit using semantic coherence measures and exclusivity parameters (M. E. Roberts et al. 2014). However, by laying the groundwork and presenting preliminary empirical evidence in support of a theory of public communication processes under stealth authoritarianism, this paper proposes that regimes use public communication of participatory processes and authoritarian policymaking at the constitutional level to reinforce their positions of power through self-dealing institutional reforms but also through the practice of language. This analysis was performed by theorizing and operationalizing the “standard” of the language field through regime policy position and congruence, the opposition in the language field through the degree of citizen conflict, and acts of symbolic violence through information control or exchange.

The AKP government used the 2010 referendum package to set the stage for reform as a public mandate for the party itself, rather than for individual policy changes at the constitutional level. This, and other, constitutionally dubious moves brought constitutional reform from the

realm of “higher politics” through “ordinary politics,” or Parliamentary negotiations, into a singular course of action, or policymaking. The AKP then popularized the deliberative participatory process about constitutional reform through media and through various CSOs, both those aligned with the party and those aligned with the opposition, to increase the legitimacy of the process. Numerous opportunities were presented for public communication and the gathering of citizen preferences, but results of these processes were presented either in opposition or independent news media, or only partially presented in state-run media. Results presented to Parliament were both tailored to the type of findings the government wanted to hear and kept from the public except in the most general of media reports. This is shown through the information that was systematically removed from the dataset.

8.0 AGAINST ALL ODDS: KURDS' SELF-DETERMINATION MOVEMENTS

Kurds are a puzzling island of desire for democracy in a sea of conflict, grievance, repression, inequality, and discrimination. This chapter assesses Kurdish self-determination movement groups' evolution under the aforementioned complex dynamics of constitutionalism between democracy and authoritarianism from 1982 to 2012. The model developed theorizes that states' semi-authoritarian constitutional dynamics both impact, and are impacted by, the influence of external actors promoting democracy as well as local self-determination movements that interact across states and on multiple levels: local, national, and international. Each of these states – Turkey, Syria, and Iraq – is in a different phase transition between dynamics of constitutional semi-authoritarianism. In each state, Kurds are developing systems of self-governance with different constitutional strategies, guided by distinctive commitments to democratic constitutional norms. This chapter explores the effect systemic international democratization influence has in complex systems like Kurdistan. Specifically, how do the dynamics of the semi-authoritarian constitutional system, measured as regimes' *de jure* and *de facto* constitutional change across issue areas, affect groups making constitutional claims for self-determination?

The Kurds are well known as the largest stateless ethnic group in the world (Romano and Gurses 2014). Geographically, Kurds are located in the states of Turkey, Syria, Iraq, and Iran. Kurds also exist in some parts of the former Soviet Union, but their major geographic concentration is in the four aforementioned states. A less well-known characteristic of the Kurds

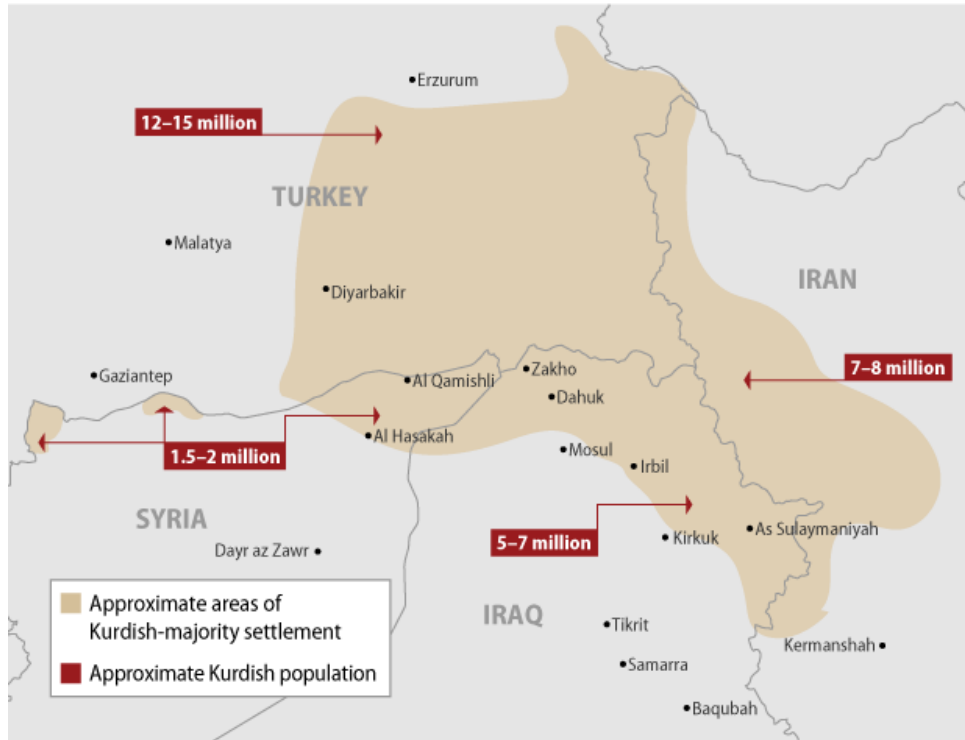
is that some groups seeking self-determination do not advocate for autonomous Kurdish statehood. Rather, they struggle for Kurdish local governance within existing state structures. Democratic autonomy is self-organized governance that can exist alongside the structures of the nation-state system. Much inspiration for the Kurds' self-determination movements' goals comes from imprisoned leader Abdullah Öcalan, whose writings on democratic confederalism state the ideological aims underlying much of the Kurdish movement in Syria and Iraq (Öcalan 2011). The Kurdish group the PKK, formed in Turkey, was exiled to Iraq after Öcalan was imprisoned in 1999. In contradiction, after Öcalan's imprisonment, the political ideology of the movement reformed to democratic autonomy rather than the development of a separate Kurdish state as the Kurds in Iraq were internationally-recognized as an independent political entity.

Self-governance within and across existing nation-states, or in the case of Syria, collapsed states, is a potential solution to the problem of protracted civil or inter-state conflict, should host states allow self-governance to exist. However, some groups of Kurds subscribe more radically to the philosophy than others; democratic confederalism is a goal for Kurds' struggles for self-determination in Turkey and in Syria, but not in Iraq, where political autonomy was established for Iraqi Kurds after two major international interventions. These interventions were Operation Desert Shield in 1990-1 and the Iraq War, part of the US and UK-led invasion of Iraq, lasting from 2003 to 2011. Groups with a political ideology advocating for Kurdish self-governance without statehood include the PKK (*Partiya Karkeren Kurdistan* or Kurdistan Workers Party of Turkey), the PUK (*Yekitiy Nîştîmanîy Kurdistan* or Patriotic Union of Kurdistan of Iraq), and the Kurdish movement in Rojava, or northern Syria, the PYD (*Partiya Yekitiya Demokrat*, or Democratic Union Party of Syria) (Akkaya and Jongerden 2012). The political program of stateless democratic autonomy contrasts with most observers' perceptions of

the aims of the Kurdish self-determination movement, as well as with the constitutional strategies of many other self-determination movements (Cunningham 2014). Nearly every media article in major news sources, as of July 2015, still identifies the Kurds as a movement seeking a separate state.

Historical influences such as the degree of decentralization of the state, which can be affected by complex influences like colonization, and states' policies toward ethnic groups within their border have been shown to have important effects on the actions of groups seeking autonomy. For example, French colonialism had highly centralizing tendencies, while British colonialism was more decentralized, creating more power-sharing or exclusion among groups . This chapter adds to this literature by addressing the interactions between levels with the international system and between the groups across states. Historically, in each of the four major states geographically dividing the Kurdish population, the governments pursued mono-nationalist ideologies or “official, constructed national identities ... based on Turkish, Persian, or Arab national ethnicity” (Romano and Gurses 2014, 3). Nation-states sought unified ethnic nationalities despite the existence of large Kurdish minorities, giving rise to state policies of repressing Kurdish identity. Emerging from the dissolved Ottoman Empire, three states, the Republic of Turkey, and the French and British colonies of Syria and Iraq, each pursued assimilationist policies toward minority ethnic groups after World War I, following the model of French civic nationalism while Iraq had an administrative structure decentralized per the British model (2014, 4).

TABLE 1
The Kurdish regions of Turkey, Iraq, Syria, and Iran



Note: Many of these areas are ethnically mixed, and reliable data are hard to obtain. The region has seen heavy migration and multiple government efforts at resettlement designed to alter the ethnic makeup. This map does not display areas of political or military control and should not be seen as a political statement.
 Source: Central Intelligence Agency, "The World Factbook," available at www.cia.gov/library/publications/the-world-factbook (last accessed July 2014).

Figure 15. Kurdish Region. Source: (Werz and Hoffman 2015)

In Turkey, Iraq, and Syria, Kurds were the only “significant ethnic minority to be assimilated” (2014, 4). The geographic area, centering on the border regions of these four countries, is shown in Figure 15 above.

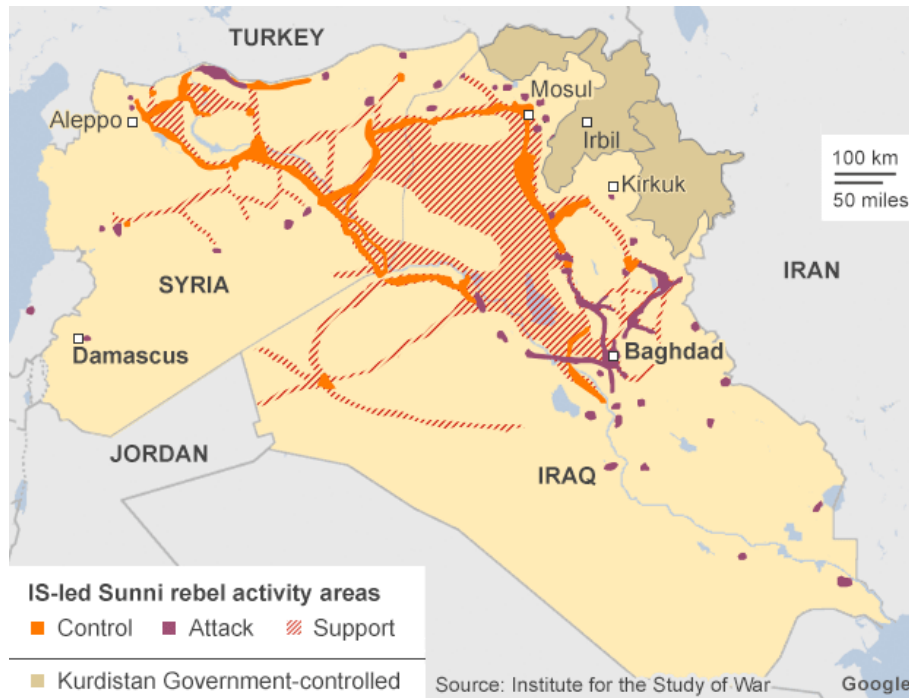


Figure 16. ISIL-Controlled Areas. Source: Institute for the Study of War

Figure 16 shows the area in 2014-5. Most of it is mired in conflict between international forces, the government forces of Turkey, Syria, and Iraq, opposition forces, the armed group seeking to re-establish the Caliphate, known as the Islamic State (IS), and Turkish, Iraqi, and Syrian organizations of Kurds. IS is also known as the Islamic State of Iraq and the Levant (ISIL), as the Islamic State of Iraq and Syria (ISIS), or as *Daesh* in Turkish.

As of 2015, Kurds’ official level of autonomy is the highest in Iraq, where the Kurdish Regional Government of Iraq (KRG) has internationally recognized regional autonomy from the federal republic of Iraq. In the vacuum of a functioning Syrian government, Kurds in Syria have established a *de facto* autonomous state, not internationally recognized or internationally supported, in a self-organized governance system called the Autonomous Cantons of Rojava;

Rojava means “west” in Kurdish. (Xulam 2015).¹⁸ In Turkey, Kurds have no autonomy, having fought Turkish military forces in a civil war that has ebbed and flowed for decades. At the time of writing, the conflict between the government of Turkey and the PKK in Turkey and in Iraq has renewed, clashes with the YPG in Syria have begun, and the ceasefire has ended.

In Turkey, the powerful Justice and Development Party (AKP), which had majority rule from 2002-2014, began a program for a Kurdish “opening” (*Kürt açılımı*) in 2009. Despite intermittent violent outbreaks, Kurds in Turkey worked intensively within the existing parliamentary system.^{viii} After an escalation in conflict in 2012, the PKK and Turkey agreed to a ceasefire with the Turkish state in 2013 (Tezcür 2014). On June 9th, 2015, for the first time in history, the Kurdish People’s Democratic Party, or *Halk Demokratik Partisi* (HDP) crossed the exceptionally high electoral barriers set in the Turkish constitution to openly gain party representation in the Grand National Assembly of Turkey, or *Türkiye Büyük Millet Meclisi* (Halkların Demokratik Partisi 2015).

Yet Turkey’s foreign policy toward Syrian Kurds, who are fighting Bashar al-Assad’s government forces and ISIS in Syria, has complicated Turkish Kurds’ political advances within the Turkish state. Recently, there is a growing perception that the Turkish government is supporting IS, along with other Syrian opposition groups, in its endeavor to bring down not only al-Assad’s regime but also the Democratic Union Party, or *Partiya Yektiya Demokrat* (PYD), the organization of Syrian Kurds as well. Media articles have alleged that weapons have been smuggled to ISIL forces to fight not just al-Assad’s regime but also the Syrian Kurds from the Turkish government (Arango and Schmitt 2015; Masi 2015). However, the perception is growing

¹⁸ Kani Xulam (Founder, American Kurdish Information Network) Personal communication with author by telephone, on June 10, 2015.

while evidence is still lacking (Stein 2015). Turkey's policy toward Syrian Kurds under the AKP from 2011 onward greatly contrasts with its policies toward Iraqi Kurds during the late 1980s and 1990s, under the governments of Turgut Özal and Süleyman Demirel, when Turkey began cross-border trade with Iraqi Kurds and allowed international forces to form within its territory to protect Iraqi Kurds against violence from Saddam Hussein's regime after the Persian Gulf War (Gunter 1993).¹⁹ Turkey's ceasefire ended in July 2015 with Turkey's entry into the conflict in Iraq, Syria, and southeastern Turkey. The section 7.1 provides an overview of the historical antecedents in each of these three countries, briefly summarizing state structure and relations with external actors in Turkey, Syria, and Iraq.

8.1 INITIAL CONDITIONS: TURKEY, IRAQ, AND SYRIA

The historical antecedents in Turkey, Syria, and Iraq are reviewed in brief as the initial conditions of the complex adaptive system of systems model of the struggle for self-determination movements under constitutional authoritarianism. With origins in the dissolution of the Ottoman Empire, Turkey, Syria, and Iraq have both similarities and differences. The Republic of Turkey was born was out of a successful struggle against imperial powers, those that for decades colonized Syria and Iraq. However, at its foundation, each country pursued an assimilationist policy toward minority populations. Within each country, Kurds seeking self-determination perceive each nation-state structure as the facilitator of oppression, despite its

¹⁹ Michael Gunter (Professor, Tennessee Technological University) Personal communication with author by telephone, June 11 2015.

origins. These conditions have created different dynamics within and across the countries Kurds are struggling for self-determination within in the 21st century.

As the seat of the former Ottoman Empire, the Republic of Turkey built a robust façade of nominally democratic institutions after the Empire dissolved. Turkey's administrative structure has always been highly centralized, following the French administrative model, but while not being directly beholden to the French. No power has ever been devolved to the Kurdish population. Simultaneous to its Republican foundation, Turkey has maintained some authoritarian traditions. Throughout the last century, Turkish governments have vacillated between non-consolidated democracy and semi-authoritarianism, depending on whether the current trend is toward or away from liberal constitutional democracy. The government and public in Turkey has maintained a strong, anti-imperialist sentiment, weary of foreign involvement, due to its revolutionary beginnings against Western imperial powers (Danforth 2015). Despite frequent interactions with North American and European powers in the international arena, Turkey sustains some of the highest levels of anti-American sentiment of any country in the world (Taspinar 2014).

Though modern Turkey remains averse to foreign involvement in domestic affairs, paradoxically, it maintains frequent interactions with the West. Turkey became a member of the United Nations in 1945, and a member of the North Atlantic Treaty Organization (NATO) in 1952. In 1963, Turkey became an associate member of the European Community, and officially began accession talks with the European Union (EU) in 2005, resulting in much political reform (Usul 2010). These actors have influenced the evolution of democracy in Turkey since the Ottoman era, when Western nation-states exerted influence on the Turkish government to adopt norms of constitutional democracy (Zürcher 2004). Through World War I, World War II, and the

Cold War, countries have demanded Turkey comply with democratization conditions to participate in programs of the international system (2004). For example, to qualify for participation in Western clubs or international economic institutions, external actors demanded the Sultan uphold standards of minority rights, particularly for Christians, within the Empire (Yıldız 2007). After World War I, the need for recognition of Turkey's sovereignty and territorial integrity coincided with the establishment of a parliamentary Republic (Ward and Rustow 1964). Turkey's establishment of multiparty politics came at a time when the country needed to qualify for funds from the Marshall Plan and reconstruction in the aftermath of World War II (Mutlu 2001). Turkey also needed to adhere to democratic standards for admission to NATO during the onset of the Cold War given its proximity to Russian nuclear arsenals (Zürcher 2004). The Copenhagen criteria for accession to the European Union have driven many democratic reforms as Turkey has dealt with opening trade on its Western borders and the European single market (Börzel 2011).

In contrast to Turkey's victorious struggle against colonial powers, the British highly impacted the state structure of colonial Iraq and its relationship with external powers. The British occupied Iraq during the course of World War I; in 1920, Iraq was declared a League of Nations mandate. Unlike the French, the British colonial model was more decentralized, and from 1959 to 1980 Kurds had an autonomous territory they governed in self-exclusion from the Iraqi state. Iraq was created from the combination of three outlying provinces of the former Ottoman Empire: Mosul, Baghdad, and Basra, until the country obtained its independence as a kingdom in 1932. From 1925 to 1958, Iraq was a constitutional monarchy. Although Iraq was declared a republic in 1958, from 1958 to 2003, *de facto* military governments dominated by the Baathist Party ruled Iraq, the last, Saddam Hussein. Hussein led a brutal dictatorship during which:

“... dissent was banned on pain of death. Tens of thousands of Iraqis perished at the hands of a regime whose readiness to kill was matched only by its resort to extreme cruelty as a method of intimidation, deterrence and control. The sole organized opposition that could exist arose, by necessity, in exile, and only after the defeat in the 1991 Gulf War gave Iraqis a sense that the regime, after all, was vulnerable...” (International Crisis Group 2003; Sassoon 2011; Human Rights Watch 1994).

In 1990, Iraq’s attempted annexation of neighboring Kuwait and a dispute over oil reserves sparked the Gulf War of 1990-1, or Operation Desert Shield, led by the US in a United Nations coalition. Following, the UN Security Council (UNSC) required Iraq to destroy its weapons of mass destruction and allow weapons inspections. Continued, perceived, noncompliance led to the 2003 US-led invasion of Iraq, which remained in Iraq under a UNSC mandate through 2009 and under a bilateral security agreement thereafter, to provide and strengthen Iraqi security forces. Nearly nine years after the start of the Second Gulf War in Iraq, US military operations there ended in mid-December 2011. An international coalition led by the US and the UK still occupied Iraq during its recreation as a decentralized, federal, constitutional republic beginning in 2004. In October 2005, Iraqis approved a new constitution in a national referendum, then elected a 275 member Council of Representatives (Arato 2009).

Finally, following World War I, France acquired a mandate over the northern portion of the former Ottoman Empire province of Syria, enacting a highly centralized administrative structure. Syria gained independence from France in 1946. From 1946 to 1961, Syria’s government was taken over in a series of military coups. During this time, the Kurds had a power-sharing agreement with the regime for a brief period, but they did not control autonomous territory. Syria briefly united with Egypt in 1958 to form the United Arab Republic. In 1961, the Syrian Arab Republic was reestablished. In 1970, Hafez al-Assad, a member of the socialist Baath Party and the minority Alawite Islamic sect, seized power in a non-violent coup and brought political

stability to the country (Hinnebusch 2002). Anti-government protests against Hafez's son Bashar al-Assad's regime began in 2011 and have since evolved into a civil war. To the present day, this civil war has created the largest humanitarian crisis in human history (Peralta 2014). As of 2015, the conflict has created 12.2 million people in need of humanitarian crisis, internally displacing 7.6 million, creating 3.9 million refugees, and affecting 5.5 million children (USAID 2015). International pressure on Bashar al-Assad's regime increased in 2011, with economic sanctions imposed by the Arab League, European Union, Turkey, and the United States. In 2012, most of the international community recognized the National Coalition of Syrian Revolution and Opposition Forces, commonly referred to as the Syrian National Coalition, as the legitimate representative of the Syrian people. Currently, international and regional organizations are involved in Syria providing humanitarian aid. As of July 2015, the United States and Turkey have agreed to escalate military intervention in Syria (Barnard and Gordon 2015).

8.2 CONSTITUTIONAL ENVIRONMENTS: TURKEY, IRAQ, AND SYRIA

This section of the chapter assesses and compares the official constitutional environments in Turkey, Iraq, and Syria from 1982 – 2012. First, I review historical constitutional developments in each of the countries. Second, I use data from the Comparative Constitutions Project on constitutional commitments, and the Cingranelli-Richards Human Rights dataset on observations of some of those commitments, to operationalize and measure the semi-authoritarian constitutional dynamic of each state throughout the period.

From 1876 until 1923, the Ottoman Empire was a constitutional monarchy (M. Sukru Hanioglu 1995; M. Sukru Hanioglu 2001). The Republic of Turkey was founded in 1923 as a

constitutional republic (Rustow 1968). For its first three decades, the Republic was a one-party system under Mustafa Kemal Atatürk's *Cumhuriyet Halk Partisi*, or the Republican People's Party (CHP). Under the leadership of Mustafa Kemal Atatürk, the country underwent wide-ranging reforms in nearly every aspect, including social, political, legal, and cultural transformations of Turkish life (Atabaki and Zürcher 2004; M. Sükrü Hanioglu 2011). The overarching national ideology driving these reforms was the merging of multiple imperial Ottoman identities into a single Turkish national identity defined by secularism and Turkish ethnicity (Bayir 2013). CHP leadership enacted constitutional reform to open the system to multiple political parties in 1945 (Zürcher 2004). In 1950, the first opposition party in Turkey, the *Demokrat Partisi* (DP), was elected in a peaceful transfer of power but was overthrown in a military coup d'état ten years later (Karpas 1959).

From 1950 until 1980, several military coups interrupted multi-party electoral political competition, the building of democratic institutions, and the development of democratic political culture in Turkey (W. M. Hale 1994). The last informal military intervention in politics resulted in the ouster of the Islamic-oriented *Refah Partisi* or Welfare Party (RP or WP) in 1997 (Yavuz 1997). From 2002 to 2014, the conservative *Adalet ve Kalkınma Partisi* or Justice and Development Party (AKP) ruled Turkish politics, removing the informal influence the military held over the executive and judicial branches (Michaud-Emin 2007). After 2007, under the leadership of then Prime Minister Recep Tayyip Erdoğan, the AKP began consolidating its rule and using repression in an increasingly authoritarian-style government. Erdoğan desires a stronger presidency in Turkey, and became Turkey's first popularly elected President in 2014. Constitutional reform process has been ongoing under the AKP since its first election into the

TBMM, but is stalled at opposition to Erdoğan's preference for a stronger executive (Varol 2015).

Second, the current Iraqi Constitution, promulgated in 2005, is an interim-turned-permanent constitution written while Iraq was still occupied (Arato 2009). The 2005 constitutional drafting and approval process is widely criticized because the majority of Sunni support came only due to “last-minute concessions to create a panel in Iraq’s next parliament with powers to revise the constitution at a later date,” which never fully materialized (Beehner 2005). Some scholars have argued the deferral of some constitutional matters proved successful in the short-term for creating the democratic Iraqi federation (Hamoudi 2013). Others claim the constitution is now a “source of fundamental and nearly irreconcilable division across Iraq’s large ethno-religious political groupings” (Arato 2009). The Constitution created a semi-presidential federalist system, using Islamic law a basic foundation that no other law can contradict. Ambiguously, the Iraqi Constitution has both a “supremacy” clause, saying that a regional constitution cannot contradict it, and also a “savings” clause that leaves anything not formally specified in it to the power of the regional governments (Elkins, Ginsburg, and Melton 2011). In 2009 and 2013, Iraq held elections for provincial councils in all governorates except for those in the Kurdistan Regional Government and in Kirkuk. Successive national legislative elections were held in 2010 and 2014, expanding the legislature to over 325 members. In 2014, after Prime Minister al-Maliki dropped his bid for a third term, and Haydar al-Abadi, a Shi’a from Baghdad, won approval from the legislature for his new cabinet in September 2014. Since early 2014, Iraqi state forces, and the Kurdish Regional Government of Iraq, have been engaged with aid from some international actors in armed conflict against ISIS to recapture territory lost in the western and northern portion of Iraq to ISIS and other Islamist militant groups.

Finally, the Syrian Constitution was created when Hafez al-Assad seized power. The Constitution was first amended in 1973 to give the Syrian Ba'athist Party a leadership role over state and society, in Article 8 of the Syrian Constitution. Following Hafez al-Assad's death, his son Bashar replaced him in his first and second terms as president, ostensibly approved by popular referendum, in 2000 and 2007. When Bashar al-Assad came to power in 2000, the constitution was first amended to lower the required age for President from 40 to 34 so he could take power (Hinnebusch 2002). Anti-government protests began in 2011 with demands for the "repeal of the restrictive Emergency Law allowing arrests without charge, the legalization of political parties, and the removal of corrupt local officials" (CIA World Factbook 2015).

Bashar al-Assad's government responded with a mixture of political concessions and violent repression. Once the Syrian uprising began against the Assad government, the Syrian Constitution was amended by a commission appointed by the President, then approved by a public referendum in 2012 (Fares 2014). Article 8, privileging the Baathist Party in politics and society, was removed in the concessions made to political opposition in 2012, along with other superficial changes. These changes effectively replaced the socialist Baathist Arab character of the previous constitution with an emphasis on sovereignty and democratic pluralism (Elkins, Ginsburg, and Melton 2011). The latest amended Syrian Constitution provides for a multi-party parliamentary system with direct election of the President in a race with multiple candidates (Elkins, Ginsburg, and Melton 2011). Yet where the Syrian state is in control, the Ba'ath party remains in control of every aspect of political and public life, including the military. Organized political opposition is non-existent in those areas, with those who tried to engage in politics against the regime previously risking imprisonment and exile from politics for offenses such as "weakening national sentiment" (Whitson 2015). Political opposition in Syria now has formed its

own governing coalition, the National Coalition of Syrian Revolution and Opposition Forces, commonly referred to as the Syrian National Coalition, and has control of portions of the Syrian state territory.

Figures 17 and 18 below show the *de jure* constitutional commitments of Turkey, Iraq, and Syria in 1982 and in 2012 and show the level of change undertaken by regimes in their constitutions throughout the period. Eleven indices were created based on a coding scheme developed by comparative constitutionalists of clauses of constitutional commitments: equality rights, gender rights, personal integrity rights, civil and political rights, minority rights, socio-economic rights, environmental rights, property rights, good governance, government structure, judicial integrity, and human rights institutions (Chilton and Versteeg 2014). The indices are created from codes of the constitutions of each country over the 30-year period.

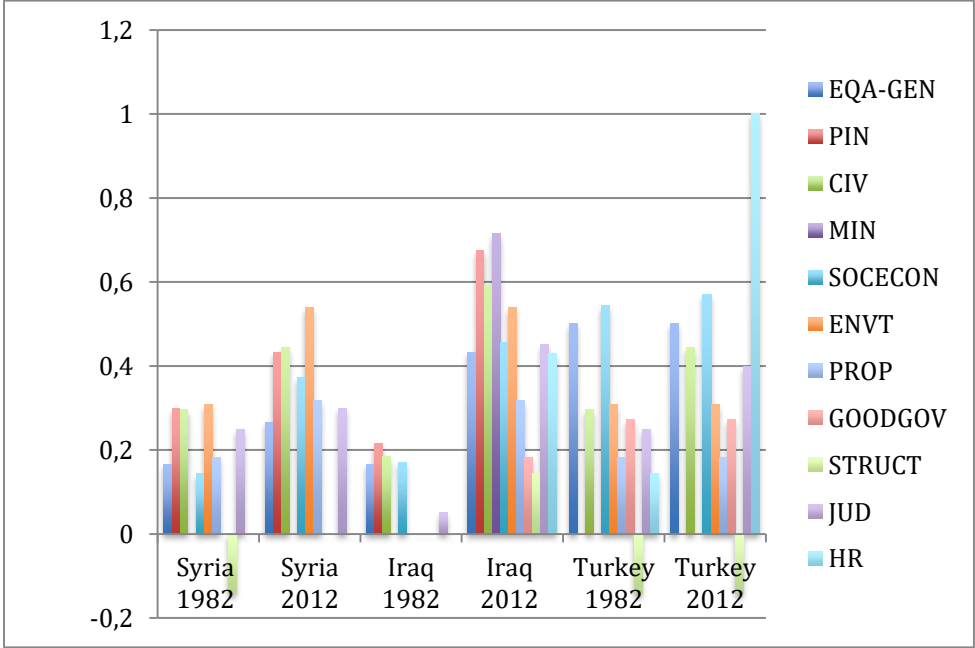


Figure 17. De Jure Constitution Commitments, Turkey, Syria, and Iraq

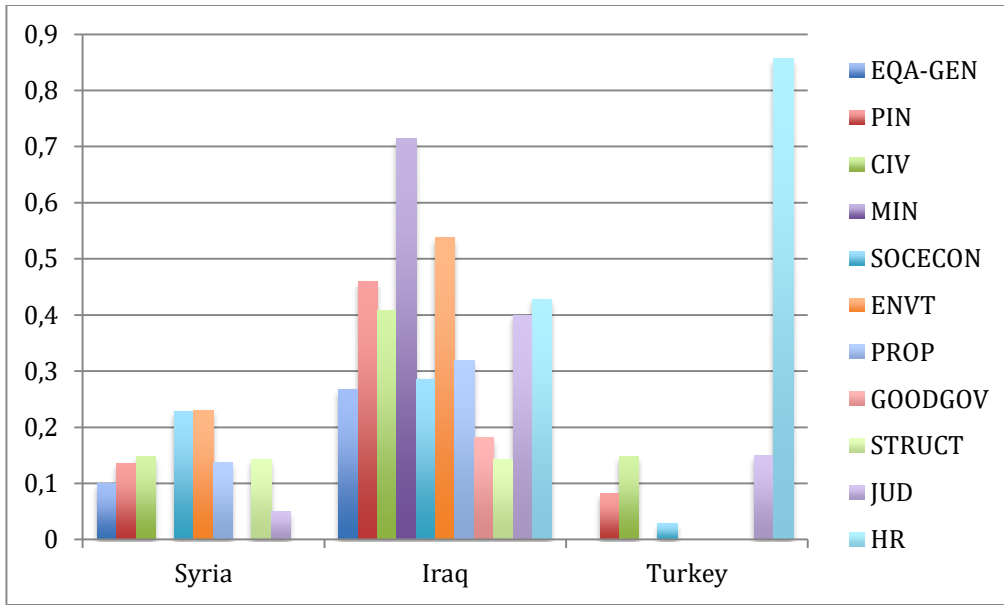


Figure 18. Change in *De Jure* Constitution Commitments, Turkey, Syria, and Iraq

In 1982, Turkey's 1982 constitution was in effect, amended many times between 1982 and 2012. In 2007, the AKP started an intensive process to replace the constitution in its entirety. Iraq's constitution in 1982 was in effect its 1970 Constitution, which was prepared as a draft interim constitution and never promulgated due to the onset of the first Gulf War. Nevertheless, it functioned as the law. Iraq rewrote its constitution in entirety in 2004 and 2005 under the influence of US-led occupying forces (Arato 2009). Syria's 1973 constitution was in effect in 1982, with a few, technical amendments, including lowering the presidential candidate's age of eligibility allowing Bashar al-Assad to contend for the position (Hinnebusch 2002). Syria had a constitutional referendum in 2012, which made numerous amendments to its constitution.

The countries show different patterns in different issue areas.²⁰ Syria showed a slight increase in all *de jure* constitutional commitments *except for human rights, minority rights and good governance*. In Iraq, there was a universal increase across all indices, indicating higher constitutional commitments in every issue area. In stark contrast, *de jure* constitutional commitments did not increase in Turkey, except for slight increases in personal integrity rights, civil and political rights, socio-economic rights, and judicial independence, and a large increase in commitments to human rights institutions.

Data on governments' observations of freedoms and rights allow for a comparison of *de jure* constitutional commitments to *de facto* constitutional rights and freedoms.²¹ Observations of *de facto* constitutional commitments show different trends in different areas in the three countries. When compared to change in *de jure* constitutional commitments, Turkey,^{ix} Syria,^x and Iraq^{xi} phase transitions can be measured. Turkey shifted from an overt-sham environment to a stealth environment. Iraq shifts from an overt-weak to an overt-sham to a stealth/ fragile democracy dynamic, but overall maintains the overt-weak to overt-sham transition dynamic

²⁰ In Syria, increases of between 5 and 10% occurred in equality/ gender and judicial independence. Increases of between 10 and 20% took place in personal integrity rights, civil and political rights, property rights, and government structure. Increases in socioeconomic rights and environmental rights were over 20%. In Iraq, judicial independence and government structure had an increase of 10-20%. Socioeconomic rights, property rights, civil and political rights, equality/gender rights, and judicial independence were between 20-40%. Human rights institutions, personal integrity rights, and environmental rights increased from between 40-60%. Minority rights had the highest increase of all at about 70%. In Turkey, there were no increases except for personal integrity rights and civil and political rights which increased slightly, from 2-7%. However, commitments to human rights institutions, including a Human Rights Commission and an ombudsman, increased over 80%.²⁰ the rest of the indices of equality/ gender rights, minority rights, socioeconomic rights, environmental rights, property rights, good governance, government structure, and judicial independence did not increase at all.

²¹ The Figures and Tables in the Appendix C visualize the contrast the *de jure* change with changes in observed rights and freedoms from 1981 to 2011 with the corresponding model dynamics.

environment. Syria shifted from overt-weak to overt-sham back to an overt-weak environment, but maintained an overt-weak dynamic overall. The summary of the comparisons yields the following results, summarized below in Table 16, for Turkey, Iraq, and Syria.

Table 16. Constitutional Semi-Authoritarian Dynamics, 1982 to 2012

Country	Turkey	Syria	Iraq
IDP	Moderate – regime benefits	Low – no benefit	High – opposition benefits
Dynamic	OCA-Sham to Stealth	OCA-Weak to OCA-Sham to OCA-Weak	OCA-Weak to OCA-Sham to Stealth/DEM
Military Aid	High to fight Kurds	None	High to fight groups other than Kurds
SDM	Must cooperate with SDM across borders	No aid, no benefit, no SDM without cooperation	External actor imposes reform of state structure

Under these dynamics, the influence of international democracy promotion has different effects on political opposition and self-determination movements. Figure 19 below shows the reported level of aid given to each country from all reporting donors for *targeted democratic governance reform* since 1980. Iraq has the highest level of aid, Turkey the second highest level of aid, while Syria has little aid up until 2012. These figures do not include humanitarian, military, or economic restructuring aid.

In Turkey, international democracy promoters have taken little to no action in support of the Kurds’ self-determination struggle, but rather have given moderate amounts of aid to the Turkish government to promote democratic governance and reform and a high level of military aid to Turkey to fight the PKK. No “sticks” such as sanctions have been used against the Turkish state. In Iraq, the first military intervention occurred in 1990-1, and was followed by economic

sanctions against Saddam Hussein’s regime in the 1990s. These military interventions specifically designated Iraqi Kurds as allies rather than targets; no military aid given to Iraq has been intentionally given with the goal of fighting Kurds, but rather has been designated to support them. The datasets reviewed below show no evidence that no external support was given to Iraq in order to fight these Kurdish groups in Iraq from 1984 onwards. International democracy promoters performed a second extensive intervention from 2003 to 2011, and had a highly influential role in the promulgation of Iraq’s 2005 constitution, which reaffirmed the KRG’s autonomy. In Syria, international democracy promotion is becoming heavier in the humanitarian intervention in the Northern Region of Rojava, which includes not just Kurds, but other minority groups as well. However, international actors are not involved in the negotiations over governance structure in Syria.

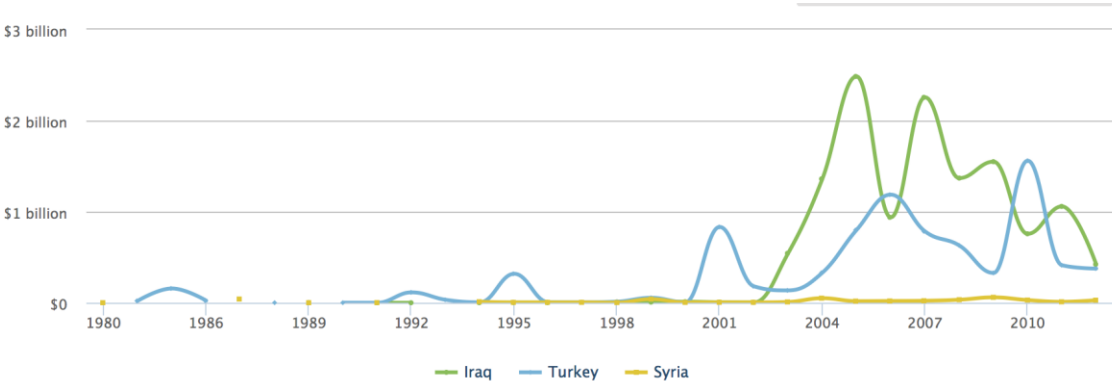


Figure 19. Levels of Democracy Promotion Since 1980: Turkey, Syria, and Iraq

The independence struggles of Kurds in Iraq, Syria, and Turkey provide an opportunity to assess the evolution of political opposition, self-determination movements, and the commitment to constitutional democracy under different conditions. Their evolution is assessed in evidence for

the model as a complex adaptive system of systems (CASoS). Under these phase transitions and the influence of international democracy promotion in each of these regimes, the analysis shows how the Kurdish self-determination movement cooperated across borders and evolved. The Kurds' constitutional movements combine elements of popular and post-sovereign models within the different semi-authoritarian constitutional environments of Turkey, Syria, and Iraq from 1982 to 2012. The Kurdish movement, like other movements for self-determination, is a constitutional movement that is both revolutionary, but also struggles within already existing dynamic constitutional environments. These constitutional environments are states that Kurds do not necessarily seek to displace. Therefore, constitutional movements for self-determination, like those of the Kurds, combine elements of the two traditional modes of constitution-making (Kalyvas 2005). The first mode is the original American or French popular sovereign model, in which constituent power and legitimacy are embodied in one revolutionary group that displaces the existing order (Arato and Tomuş 2013). The second mode is the post-sovereign model, in which constitutions are made with "plurality, inclusion, compromise, publicity, free elections, self-limitation, and enforceable legality" within an existing constitutional order (2013). Their histories are briefly reviewed here before the presentation of original data on their cooperation and evolution for assessment under different constitutional semi-authoritarian dynamics.

8.3 KURDISH GROUPS IN TURKEY, IRAQ, AND SYRIA

The Kurds are a group with similar historical antecedents that were divided into states with different dynamics, summarized in Table 17. These dynamics range from Turkey's secular republican semi-authoritarianism, to Syria's brutal dictatorship and civil war, to Iraq's ruthless

autocracy turned democratic federal republic created as a result of international intervention. Since the end of World War I and a promise for an independent Kurdish region in the Treaty of Sevres, to its revocation in the Treaty of Lausanne, Kurds have been seeking self-determination, and their struggle has been intermittently, and necessarily, violent (Sharifi 2013). Over a century later, Kurds' political organization may present a potential foundation for democracy in the Middle East. Some Kurdish groups vocally embrace the tenets of democratic constitutionalism, or, in their terms, democratic autonomy (Akkaya and Jongerden 2012; Casier, Jongerden, and Walker 2013). Within the states of Turkey, Iraq, and Syria, the Kurdish self-determination movements has declared constitutional preferences regarding their national identity, governing principles, and governance structure.

Table 17. Summary of Dynamics and SDMs in Turkey, Iraq, and Syria

State Official Dynamic	Democracy Promotion and Self-Determination
Turkey: OCA-Sham to Stealth	Moderate level of international aid for democratic governance and ROL reform Must cooperate with SDM across borders
Iraq: OCA-Weak to OCA-Sham to Stealth/DEM	High level of international aid for democratic governance and ROL reform; extensive military intervention in 1990-1 and from 2003 to 2011; External actor imposes reform of state structure
Syria: OCA-Weak to OCA-Sham to OCA-Weak	Low aid for democratic governance and ROL reform; Economic sanctions, political opposition funded and armed

8.3.1 Kurdish Groups in Turkey

Turkey, with an assimilationist Sunni Muslim Turk nationalist ideology, maintains an anti-imperialist, parliamentary republic with strong nominally-democratic institutions. From 1982 to 2012 it has functioned under the dynamic of movement from an overt autocracy with a sham constitution, which sometimes increases observations of those rights in different issue areas at different times, creating a stealth authoritarian regime. Turkey received a moderate amount of aid from international democracy promoters that was targeted to the regime for democratic governance reform, fueling *de jure* changes in constitutional commitments. Because Turkey kept its level of repression low, except for personal integrity rights in the 1990s, all parties preferred moderate democratic reform to regime change, including the Kurds. Kurds constitute one-fifth of Turkey's population, making them the largest ethnic minority in Turkey. Kurds differ from the Turkish majority in language, religion (following the *Hanafi* school of Sunni Islam rather than the *Shafi* school), social customs, and geographic location (Minorities at Risk Project 2009).

The majority of Kurds in Turkey reside in the Southeast, though there has been significant urban migration. Beyond serious economic and political discrimination, Turkey's policy toward the Kurds has included restrictions on linguistic and cultural expression, and on non-violent political organizing as well (2009 Turkey). Yet Kurds in Turkey, as opposed to those in Syria, can avoid discrimination almost entirely by assimilating into Turkish culture, leaving "all forms of social progress ... open" (2009 Turkey). Kurds have been suppressed in the name of constructing a robust Turkish national identity through the ideology of Kemalism since the foundation of the Republic, throughout which their very existence was denied until recently by referring to them as "Mountain Turks." The armed struggle for autonomy in Turkey has ebbed and flowed since the early 1900s, from brutal response by the Turkish government to the

Rebellion of Sheikh Said in 1925, to the rise of the PKK in the 1970s, and the growth of political organization by the Kurds throughout the 1990s and 2000s. Turkish Kurds, according to one scholar, rebelled 28 times and were suppressed violently by the Turkish state 28 times.^{xii}

Until recently, Turkey maintained an assimilationist policy toward Kurds. Under the AKP, a policy for *Kürt açılımı* or Kurdish “opening,” was instituted but came to a halt when Kurdish groups in Syria and Iraq were strengthened due to ISIS’ assault on those states’ official structures. Kurdish groups in Turkey face a legacy of being collectively identified as terrorists seeking an autonomous state, as well as being internationally designated as a terrorist organization by the US and the EU (Gunter 2015).²² In 1984, the Kurdistan Workers’ Party, or *Partiya Karkeren Kurdistane* (PKK) and the Turkish government fought in a civil conflict that has claimed between 10,000 and 45,000 lives (Xulam 2015).²³ After the PKK’s leader Abdullah Öcalan, was captured in 1999, the PKK moved its base of operations to Northern Iraq. Öcalan’s philosophy changed from a position of armed struggle for a separate state to peaceful, if possible, transition to democratic confederalism within existing state structures, during his incarceration at Imrali. Öcalan’s doctrine for democratic autonomy has three distinguishing components: gender equality, environmentalism or ecological awareness, and local, decentralized, bottom-up rule by elected councils (Gunter 2015).^{xiii} Turkish governments’ approach to the Kurdish issue over the last two decades has been inconsistent, resulting in a policy dynamic of variation in time and across issue area, a stealth dynamic. In 1991, the TBMM eased restrictions on the ban on using the Kurdish language, and in 2001 the TBMM repealed the constitutional ban on broadcasting

²² Michael Gunter (Professor, Tennessee Technological University) Personal communication with author by telephone, June 11, 2015.

²³ Kani Xulam (Founder, American Kurdish Information Network) Personal communication with author by telephone, on June 10, 2015.

and education in Kurdish. However, both were later rescinded and then reinstated (Cunningham 2014). Turkey currently has one television channel broadcast in Turkish (Xulam 2015). The stealth dynamic strengthened under the AKP, whose policy toward the Kurds has drastically varied across time. For example, while the AKP did move public investments in Kurdish region into education, health, and infrastructure, establishing universities in Batman, Siirt, Tunceli, Hakkari and Mardin, and implementing projects such as road-building, the AKP has simultaneously “given full support to cross-border military attacks on PKK bases after the 2007 election, even while state agents were secretly engaged in talks” with PKK representatives in Oslo and with Öcalan in his prison on the island of Imrali (Casier, Jongerden, and Walker 2013).

After Öcalan’s capture and reform of the goals of the movement toward radical democracy that does not seek its own nation-state, or the overthrow of the existing state, Kurds in Turkey have broadened their political agenda to one that has encompassed more dissatisfied Turkish citizens, mobilizing broader support for their program dedicated to constitutional democracy (Sardağ 2015). Kurdish political organizations in Turkey were able to use heightened dissatisfaction with the AKP government to gain broadened electoral support, becoming a highly organized political force inside the existing system that is now being challenged by the AKP government. One expert compares the Kurds’ moment in Turkey under the HDP in 2015 as similar to the 1964 Civil Rights Act in the United States, as the beginning of a battle for rights now legally recognized to also be observed by Turkish state and society in practice (Xulam 2015).

In 2013, the AKP government and the PKK agreed to a ceasefire and disarmament that continues but has become more complicated by the Kurds’ armed struggle in Syria over Turkey’s northern border, against ISIS. The Turkish government’s inaction in that conflict first caused

protests that were violently suppressed in Turkey, for which the leadership of the HDP is now under criminal investigation (BBC News 2014). Allegations that the Turkish government supports opposing forces of the Kurds in Iraq and in Syria are surfacing (Arango and Schmitt 2015; Masi 2015). Currently, the political organization of the Kurds in Turkey does not seek statehood or autonomy but recognition of their minority rights and adequate political representation (Halkların Demokratik Partisi 2015). Under the recent campaign of the HDP, led by Selahattin Demirtaş, the Kurds' political campaign has broadened from recognition of minority rights to recognition of the constitutional rights for all Turkish citizens in Demirtaş' presidential and the HDP's legislative campaign "Call to a New Life" (Demirtaş 2014). Since they became a notable electoral threat, the AKP's stealth authoritarian tactics challenges the HDP and its leadership.

8.3.2 Kurdish Groups in Iraq

Iraq is now a federal republic due to sustained international interventions, led first by the UN and then by the US. In Iraq, frequent, sustained interactions with external actors due to these interventions allowed Kurds to separate from the official state with a politically autonomous region starting in 1992. This political autonomy was codified in the 2005 constitution and continues today. Kurds in Iraq have the lowest barriers to collective action of all the three countries, yet their challenge has been intra-group conflict (Cunningham 2014; Gunter 1993; Gunter 2015). Conditions that have worked in favor of mobilization for Iraq Kurds are a high level of organization and resources by the PKK, Peshmerga, PUK, the PYD, and Kurdistan Regional Government, given the high value of natural oil resources in the region. Kurds in Iraq sustained very high levels of repression throughout the 1980s and 1990s, mobilizing their action

against the regime. However, in contrast to Turkey and Syria, the Iraqi regime was subject to the “sticks” of international democracy promotion, making the Iraqi Kurds the recipients of *de facto* IDP support.

The majority of Iraq’s population is composed of Shi’a Muslim Arabs. Kurds in Iraq differ in language, religion (Kurds are generally Sunni Muslim), ethnicity, culture, and geography. Kurds were subjected to brutal repression by Saddam Hussein’s regime, including chemical and biological weapons in a “series of attacks on Kurdish villages, killing thousands and displacing tens of thousands more,” in the late 1980s in the Anfal campaign (Human Rights Watch 1994; Sassoon 2011; International Crisis Group 2003).^{xiv} Kurds in Iraq obtained relative cultural and political autonomy in 1992, in conjunction with the Persian Gulf War, and they held their first elections in 1992 (Cunningham 2014). During the 1990s there was also a major civil conflict between the two major Iraqi Kurdish groups, the Kurdistan Democratic Party and the Patriotic Union of Kurdistan (Natali 2005). There were also lower level conflicts between these Iraqi Kurdish organizations and the PKK, the Turkish Kurdish militant group.

After Iraq became a federation in 2005, the Kurds retained international recognition of their autonomy and increased their demands for self-determination. They established a unity government of Kurdish groups within the KRG under one umbrella, held elections, and transitioned between elected executives, or ministers (Süleyman 2015).²⁴ Since the adoption of the Iraqi Constitution in 2005, the Kurdistan Regional Government has been drafting and promulgating its own constitution with its recognition as an autonomous region under a federal structure (Kelly 2009). Unlike Kurds in Syria and in Turkey, the KRG seeks more official

²⁴ Remziya Süleyman (Kurdistan Regional Government’s Representation in the United States, Director of Congressional Affairs) Personal communication with author by telephone, June 9, 2015.

statehood or autonomy in their constitution than is granted to them by the current constitution of the Iraqi state (Kelly 2009). Most recently, they are seeking a constitutional provision that will allow the KRG to seek international aid and loans as a separate entity from Iraq (Süleyman 2015).²⁵

Within the autonomy conceded to it by the Iraqi constitution, the Kurdish Regional Government of Iraqi Kurdistan held a commission and participatory process (Kurdistan Tribune Editors 2012) to draft their own regional constitution in 2009 (Kelly 2009). The KRG Parliament approved the draft but it has yet to be put to a referendum because it contradicts with the Iraqi constitution by laying claim to the region's territory, and oil and gas reserves. Unlike the proposals of Kurdish political parties in Turkey, or Syrian Kurds in Rojava, the KRG's constitution directly appeals to the Wilsonian ideal of sovereignty (Kelly 2009, 735).

The KRG constitution states that its constitution and laws of the Kurdistan Region are more sovereign and supreme than those passed by the Iraqi government, and includes a choice of law provision that requires Kurdish courts to follow Kurdish law in the event of a conflict with other laws (Kelly 2009). The approved draft also allows an opt-out of the Iraqi federation if the Iraqi government abandons the federal model or the constitutional principles of democracy and human rights, or if the central government fails to effectuate Article 140, which would determine whether the regions in surrounding Kirkuk would become part of Iraqi Kurdistan, which has so far not taken place. The KRG Constitution also places much less emphasis on Islamic identity than its federal counterpart, and more emphasis on pluralism (2009).

²⁵ Remziya Süleyman (Kurdistan Regional Government's Representation in the United States, Director of Congressional Affairs) Personal communication with author by telephone, June 9, 2015.

8.3.3 Kurdish Groups in Syria

Syria, as a formerly Socialist Arab Baathist single-party Republic with very high levels of repression for all political opposition, including the Kurds, enforced a policy of Arabization throughout the presidential tenures of Hafez and Bashar al-Assad from 1970 onwards. Kurds in Syria differ in language and culture from the rest of the Syrian population, but generally practice the same religion, Sunni Islam. Syrian Kurds make up about 10 percent of the population and are somewhat geographically concentrated (Minorities at Risk Project 2009). During the 1980s and 1990s, the Assad regime instituted a system of forced resettlement in competition for land. Kurds faced severe discrimination, including a lower form of citizenship or no citizenship at all, though some were granted citizenship as a concession in 2011 (CNN Wire Staff 2011). Kurds have not received equal access to education, healthcare, or employment, and have no legal protection or right to organize (Minorities at Risk Project 2009). Kurds in Syria have been subject to highly effective repression and forced Arabization (D. L. Phillips and Kouchner 2015). Historically, the Kurds in Syria have not been highly organized because political parties were banned, although Kurdish groups existed covertly (Minorities at Risk Project 2009 Syria). Before the onset of the Syrian civil war in 2011, violent repression of Kurdish protests occurred in 2004, 2005, and 2006 (2009 Syria).

As the international democracy promotion program enacted its “sticks” and targeted the al-Assad regime with economic sanctions, it has shifted its recognition from that regime to the opposition Syrian armed groups. These groups are being funded, trained, and armed, and alongside them, Syrian Kurdish groups have been able to overcome barriers to collective action in their self-determination movement within the vacuum of a functioning government. However, they do not seek independent statehood. Against all odds, every possible barrier to mobilization –

lack of organization, lack of resources, lack of legitimacy and recognition within the state – has been overcome by Kurds in Rojava for Kurds to establish the Social Contract of the Autonomous Cantons of Rojava. Despite being at high risk for rebellion, Kurds in Syria maintain a commitment to democratic autonomy. Relative to Turkey and Iraq, actors in Syria – whether the regime or the opposition – have consistently received little targeted democracy aid except for recent spikes in aid to lessen the impact of the humanitarian crisis, ongoing from 2011.

The Kurds in Syria, according to the Social Contract of the Cantons of Rojava, the constitution, “form an integral part of Syria ... a model for a future decentralized system of federal governance in Syria” (Civiroglu 2015). The Constitution was promulgated in November 2013, creating an elected Legislative Assembly that represents the entire northwestern region of Syria. The constitution states that the Autonomous Region of Rojava is composed of the three cantons of Afrin, Jazira and Kobane; Jazira is ethnically and religiously diverse, with co-existing Kurdish, Arab, Syriac, Chechen, Armenian, Muslim, Christian and Yazidi communities. The Social Contract of Rojava draws on the *de jure* text of the Syrian Constitution to hold it to account as a “free, sovereign and democratic state, governed by a parliamentary system based on principles of decentralization and pluralism” (Ginsburg and Simpser 2013). However, the Social Contract has not been recognized by any external states (Xulam 2015).²⁶

The rhetoric surrounding Rojava’s creation is democratic, based on Öcalan’s program of democratic confederalism. One author writes that the “autonomous region of Rojava, as it exists today, is one of few bright spots ... to emerge from the tragedy of the Syrian revolution ... despite the hostility of almost all of its neighbors, Rojava has not only maintained its

²⁶ Kani Xulam (Founder, American Kurdish Information Network) Personal communication with author by telephone, on June 10, 2015.

independence, but is a remarkable democratic experiment” (Graeber 2014). Rojava’s participatory processes take place through popular assemblies and “councils selected with careful ethnic balance (in each municipality, for instance, the top three officers have to include one Kurd, one Arab and one Assyrian or Armenian Christian, and at least one of the three has to be a woman)” (Graeber 2014).

8.4 CASOS MODEL OF CONSTITUTIONAL SEMI-AUTHORITARIANISM

The research design for this analysis includes a comparison of three dynamics: Turkey and the Kurdish political movement; Iraq, and the Kurdistan Regional Government in Iraq; Syria, and the promulgation of the Social Contract of the Cantons of Rojava by Kurds in Syria in 2013. Kurds’ democratic constitutionalism has formed despite most factors working against it. The cases are unpacked to understand them within the existing dynamic constitutional environments. In particular, self-determination movements with varying levels of commitment to constitutional democracy, and demands for overthrow or preservation of the authoritarian state as they exist within the CASoS are understood as emergent phenomena arising from the frequency and intensity of interactions between external actors promoting democracy, the authoritarian regime, the political opposition, and the movement for self-determination.

Turkey’s relative level of constitutional commitments compared to Syria and Iraq was moderate from 1982 to 2012, except for the large jump in human rights institutions and small increases in personal integrity and civil and political rights, and judicial independence, indicating a variance across time and issue area under the SCA dynamic creating a robust stealth authoritarian state in Turkey from 1982 onwards. Yet decreases in actual observations of

empowerment rights and judicial integrity, combined with the shifting of repression towards the Kurds in particular to the political opposition as a whole and back to the Kurds again, under the AKP, allowed Kurds to mobilize with a broadened democratic agenda for all Turkish citizens by relying on the rhetoric of moderate democracy, rather than appealing solely to Turkish citizens of Kurdish ancestry. This is evident in the “Call for A New Life” platform of Demirtaş and the HDP. Some see the leadership of the HDP as liberal and activist, having their roots in a community and diaspora of Kurds that have faced decades of human rights violations by the Turkish state (Xulam 2015). Others see the base of the HDP as socially-conservative Kurds who stopped voting for the ruling AKP in Turkey due to their increased authoritarian nature, corruption, and/or lack of support for the Kurds fighting ISIL in Syria (Meyersson 2015). This electoral success brought the Kurds back to civil war with the Turkish state. In Turkey, a democracy program was broadened for electoral appeal by politically-organized Kurds who are now being targeted by the regime in Turkey.

Relative to Syria and Turkey, Iraq has seen the highest degree of change with regard to its constitutional commitments. Iraq’s 2005 constitutional commitments increased obligations for personal integrity 70%, equality 25%, civil and political rights 40%, and minority rights 70%. Judicial independence also increased 40%. Despite having the highest degree of *de jure* change and *de facto* observation of rights and freedoms in Iraq did not universally follow its commitments. After 2005, personal integrity and empowerment rights both increased, but judicial integrity approached nearly 0. Of all three states, Iraq has had the highest degree of constitutional change, and while the trends from 2005 to 2011 showed increased observations of rights and freedoms, the Iraqi state lacks the capacity to institutionally enforce democratic practices like judicial independence, particularly with a high level of civil conflict since 2003.

Within the CASoS framework, Iraq moved from overt autocracy with a weak constitution to an overt autocracy with a sham constitution to a stealth or fragile democracy state with authoritarian tactics phase. However, Iraqi Kurds that control the KRG's demands do not include radical democracy or self-governance but rather democratic institutions of the nation-state model. Yet because Iraq is a now decentralized federal republic, it lacks the institutional capacity to maintain an overt authoritarian regime. In Iraq, independent governance within a fragile democratic nation-state and democracy brought much conflict to the Kurds of Iraq, whose factions are perpetuated in Syria across state borders. Kurds in Iraq are also targets of Turkey's entrance into the war against ISIS, as it targets PKK installations in southeastern Turkey, Northern Iraq, and Northern Syria.

According to the CAS phase transitions, Syria, on the other hand, has moved from an overt autocracy with a weak constitution, to an overt autocracy with a sham constitution, maintaining an overt authoritarian regime, notably leaving out minority rights, good governance, and human rights institutions of its recent constitutional reforms. While Syria increased its constitutional commitments to rights and freedoms in nearly every issue area to a moderate degree relative to Turkey and Iraq, the Syrian regime's observation of those rights and freedoms has plummeted, from low to lower levels. After 2000, personal integrity rights declined in Syria. Empowerment rights also declined, with the lowest point in the early 1990s. Judicial integrity peaked in the late 1990s but also reached nearly zero in 2011. Syria has maintained its overt autocracy but offered political concessions as the regime tried to engage opposition in a power-sharing agreement rather than an overthrow of the regime. These concessions failed to meet their goal as international democracy promoters first ignored, and then intermittently used "sticks" against the dictatorial regime. Infrequent interactions with external actors and a high, sustained

level of grievance and repression caused political opposition to develop into groups advocating the overthrow of the regime (the National Syrian opposition) and the Kurds, who advocate *democratic autonomy* for all in a future Syria. In Syria, Kurds have created an island of democracy against all odds, because of the interactions between neighboring states regimes and the Kurdish self-determination movements in those countries, and between the regimes and the international actors, yet remain in a state of high uncertainty about who are their allies, and who are their adversaries.

A schematic of the complex adaptive system of systems is shown below in Figure 20. The self-determination movement (SDM) system is nested within the nation-state systems of Turkey, Syria, and Iraq. These nation-states contain the government or regime, and the political opposition of those three countries, which are subject to the influence of the international democracy promotion program's "carrots" or "sticks." Below the schematic, an inter-organizational network analysis of ties of conflict and cooperation between the parties is presented, based on an original dataset created from several data sources on conflict, cooperation, and claims for self-determination.²⁷ The sub-national groups represented and the timeline of events of conflict and cooperation used to create the network visualization, which has ties that are weighted and colored according to degree of conflict and cooperation between groups, is shown in detail in the Tables in Appendix C.4 and C.5. The network visualization in Figure 21 was created using Gephi software.

²⁷ These sources include the UCDP Armed Conflict Dyadic dataset (UCDP 2015); the UCDP External Support to Armed Actors dataset (UCDP 2011); the Minorities At Risk Org Behavior dataset (Minorities at Risk Project 2009); the Self-Determination Movements Org Behavior dataset (Cunningham 2014); and qualitative sources.

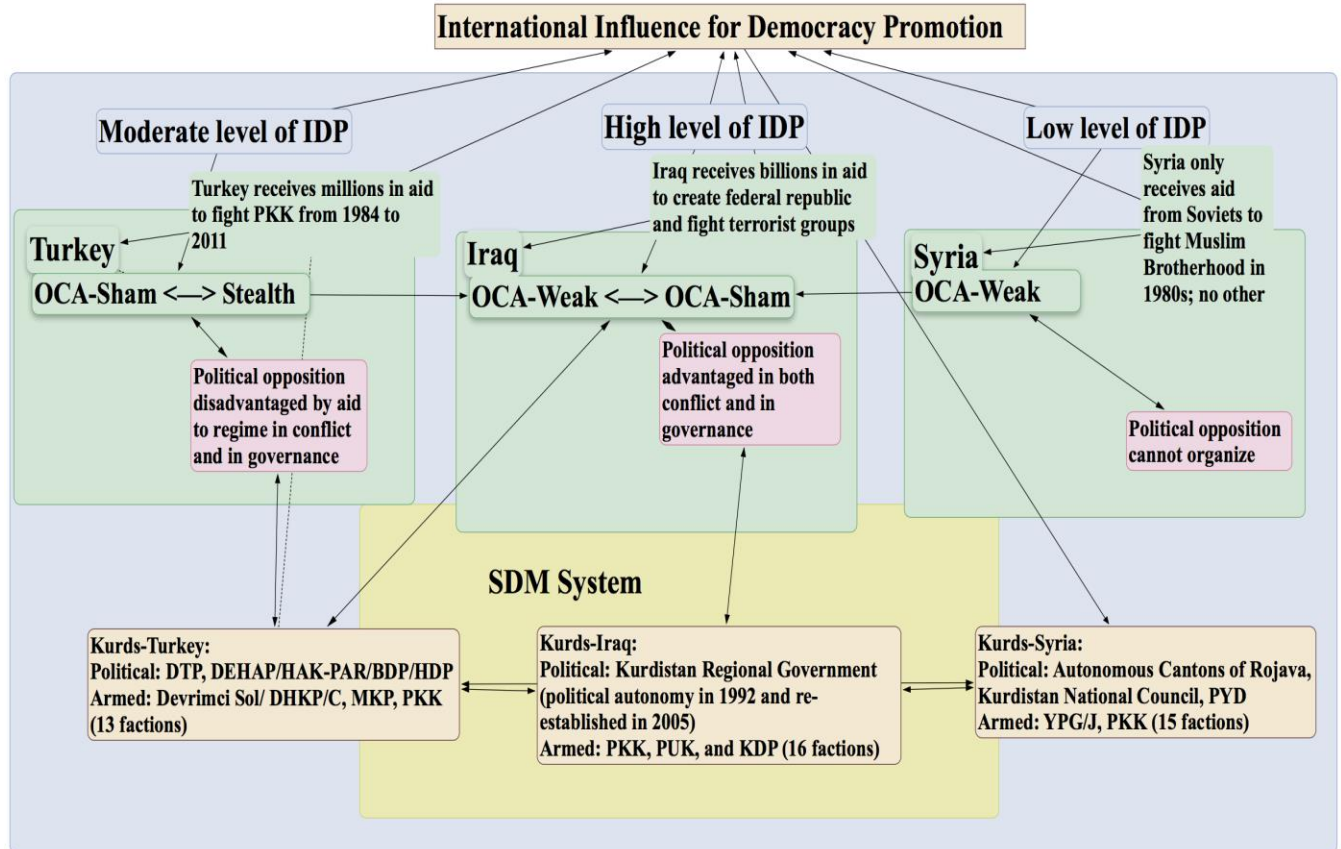


Figure 20. Schematic of CASoS of Kurdish Groups in Turkey, Syria, and Iraq

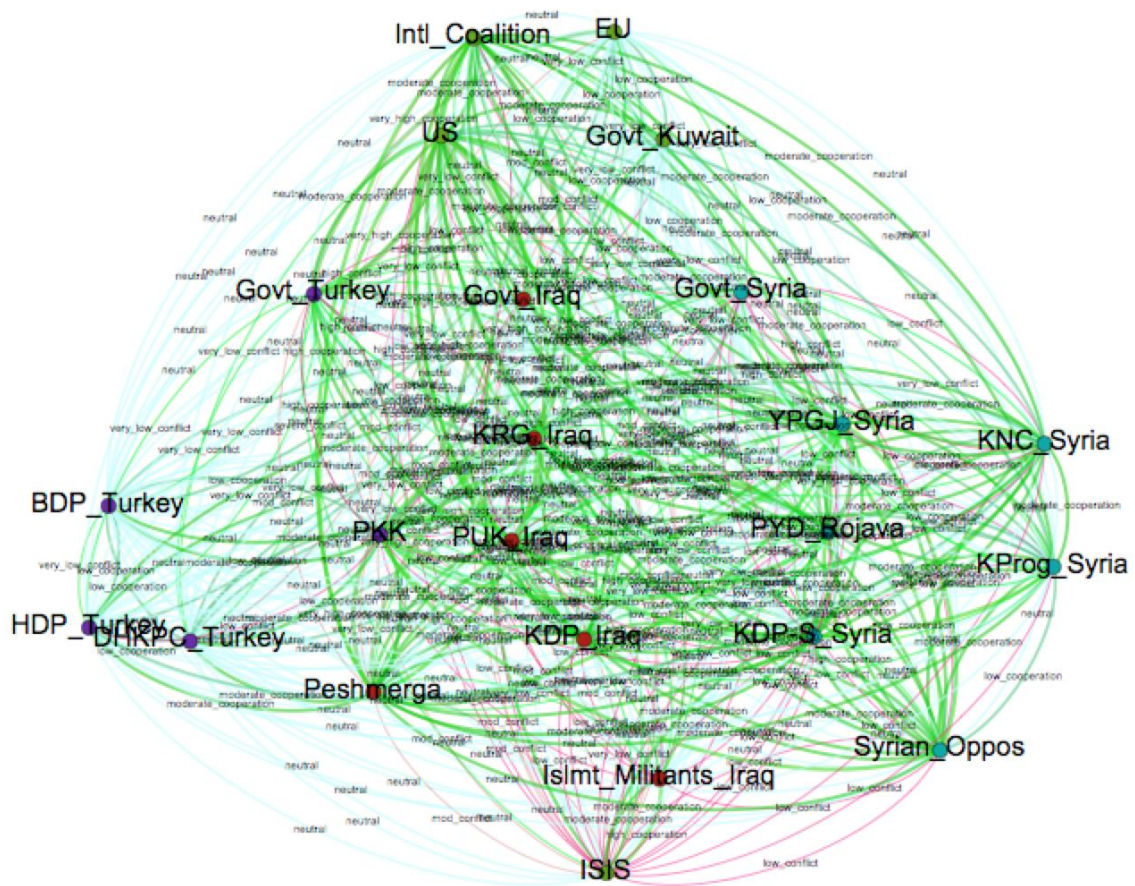


Figure 21. Network Visualization of Aggregate Conflict and Cooperation



Figure 22. Color Legend for Ties in Network

In the network visualization, between the international system and states, cooperation occurs most heavily between the IDP actors and the Iraqi state post-2003, at a moderate level between

the Turkish regime and IDP actors, except for the United States, who it cooperates heavily with for military aid, and at the lowest level between IDP actors and Syria. IDP actors are in conflict with Iraqi regime pre-2003 and in Syria throughout the period. Between the international system and sub-national opposition and self-determination movements, IDP actors are neutral toward groups in Turkey, besides providing military aid to fight Kurdish groups in Turkey. In Syria and Iraq, IDP actors cooperative with some groups, and conflicting with other groups. Between the states and the sub-national groups, the heaviest levels of conflict are between the Turkish government and the armed Kurdish group, the PKK, and the Syrian regime and opposition groups there.

Within the subnational groups, cooperation is high between the PKK and most other groups of Kurds in Iraq and in Turkey. However, where conflict does exist, it is generally propagated across borders as groups form along faction lines mirroring those SDM groups in neighboring states. The political Kurdish group in Turkey maintains a more neutral position toward other groups; the PKK provides the main link between Turkish political groups and the other Kurdish groups. The organization of the Kurdish problem as a CASoS shows that the outcomes of the Kurdish self-determination movements are dependent upon multi-level interactions over time within the system of systems. The cooperation between SDM groups allows the emergence of Kurdish SDMs in Syria, but also produces prolonged conflict. Cooperation has allowed Kurds to mobilize across borders but has also made it possible for the Republic of Turkey, backed by US, to use its foreign policy to enter the war against ISIS to play domestic politics by shoring up nationalist support before the likely “snap election” that will take place as a rerun of the election in which the AKP lost its majority in the Turkish Parliament to the Kurdish HDP party.

The Kurdish population forms the second largest ethnic group in Turkey, Iraq, Iran, and Syria. The politics of their existence in these countries will be an important phenomenon to understand well into the future as a security issue, and as an example of leadership for democracy around the globe. The Kurdish population's impact on these countries is complex, yet the problem is not one that international democracy promoters can afford to ignore. Future research on the Kurds can also inform problems of collective action that are constituted of stakeholders with very different perspectives. These stakeholders also share, to an extent, a common goal in gaining security, safety, and democratic rights. Understanding how groups can move past an initial, negative joint goal, and move to a universal resolution of the problem is a question that has not yet been addressed in literature on collective action. For example, in the perpetuation of intrastate conflict, two joint goals are often examined for explaining the collective action of a group: greed for resources that allow a group to prolong its conflict activities, or prolonging conflict due to grievance against an oppressor. Collective action involving all sides to the conflict involves overcoming the obstacles to each of these groups by focusing on the larger common goal of establishing security and social stability.

The leaders of the Kurdish party in Turkey, the HDP, in the latest Presidential and Parliamentary elections in that country, ran on a campaign of broadened democratic constitutionalism that reached beyond recognition for Kurds' minority rights in a "Call for a New Life" for all Turks. In the vacuum of fully functioning government in Syria, Kurds have formed semi-autonomous governance that does not call for independent statehood. In Syria, governed by the Social Contract of the Autonomous Cantons of Rojava, Kurds proclaimed semi-autonomy in 2013 (Solomon 2014). In Iraq, the autonomous Kurdish region of Northern Iraq, is a fragile democratic entity formed in the wake of international interventions dissolving the brutal

dictatorship of Saddam Hussein. The ISIS-driven conflict in Iraq and Syria, now spilling over the border with Turkey, has overshadowed the importance of the underlying situation in these Kurdish regions in general. At the very crux of the conflict, Kurdish groups have vocalized their support for democratic constitutionalism, which will have an impact on what democracy will continue to mean in the future of the Middle East. The importance of the Kurds' struggles in Turkey, Iraq, and Syria, today has implications for the idea of international democracy promotion itself, and whether and how the program can be successful. The idea of successful international democracy promotion poses important questions for the changing international order and what it can and will be in the coming era. For international democracy promoters, the Kurds' struggles may be a litmus test for the survival of the international order of normative constitutional democracy, as it currently exists. These findings can help to create an understanding as to how many stakeholders in a complex conflict overcome initial parochial goals and learn to act on behalf of the higher-order joint goal constitutional democracy: of resolving conflict, promoting security, and respecting human rights.

9.0 CONCLUSIONS AND FURTHER RESEARCH

In order to understand a phenomenon like the resilience of semi-authoritarianism, we must take into analytical consideration the complex interactions between the international system and domestic politics, both over time, and as a system of systems in its entirety. The cyclic system dynamic of constitutional change in polities, conditional on international democracy promotion, is one of those outcomes; the emergence of transnational cooperating self-determination groups making their own constitutional claims is another. However, scholars also now have the computational power to empirically model and analyze such problems. Policy analysis of international actors in democracy promotion must observe and understand “democratic behavior” in democratizing states with caution. In particular, they must observe the differences between constitutional commitments and observations of those commitments over time and across issue areas.

The CASoS model of constitutionalism between democracy and authoritarianism shows the system is out-of-equilibrium and shifts between three phases that have varying levels of commitment to and observation of the norms associated with constitutional democracy. These three phases are Overt authoritarianism with a weak constitution, Overt authoritarianism with sham constitution, and Stealth authoritarian constitutionalism. Overt authoritarian regimes with weak constitutions make constitutional *de jure* reforms under demands from external actors, shifting to an Overt/sham environment. Under continued pressure from international democracy

promoters and strengthened political opposition, the overt authoritarian regime with a sham constitution begins observing some of their constitutional commitments, increasing *de facto* constitutional democracy, and shifting to a stealth environment. From a stealth environment, the regime can be overtaken by a coup with repression, leading back to an overt/weak environment; or the regime can consolidate its power and increase repression, shifting back to an overt/sham environment. Finally, the regime can increase political competition, shifting toward a fragile democracy. This cycle repeat itself over time in constitutional change in the Ottoman Empire and Turkey, from 1876 to the present.

In the Ottoman Empire, from 1876-1924, there was an Overt/weak regime. The regime made nominally-democratic reforms, shifting to an Overt/sham regime in 1924-1945. In the late 1940s and early 1950s, multi-party politics in Turkey increased competition, causing a shift to a democratic/ stealth regime from 1945-1960. After consolidation by a handful of military officers, a coup in 1960 in Turkey shifted the environment back to an Overt/weak one. The regime from 1961-1970 made nominally-democratic reforms, most famously in the 1961 Constitution itself. Observations of some rights occurred until 1970, and shifted the environment in Turkey to Overt/ sham. However, the military informally hung onto power, shifting to a Stealth regime with some observations of rights but increasing civil conflict in the 1970s until the 1980 coup. In 1982, in Turkey, the new military regime wrote a new constitution that severely limited rights and freedoms, shifting back to an Overt/weak environment. Increased observations of some rights, but high violations of personal integrity rights from 1987 to 2005 shifted the environment to Overt/sham. The AKP regime, elected in 2002, started observing some rights, such as freedom of expression in religion and for minority rights, shifting to a Stealth/ Democratic environment from 2006 to 2008. In 2009 it shifted back to an Overt/sham environment due to consolidation of

power by the ruling party, which then made nominally-democratic reforms in the judiciary in 2010, shifting again to the Stealth environment. Increased repression since 2011 has shifted it back to an Overt/sham and Stealth/democratic cycle from 2011 to the present. In summary, there are several patterns. Under overt authoritarianism, weak (1927-37; 1924; 1945) constitutions occurring with elite cohesion led to authoritarian stability, while sham and weak constitutions occurring with elite factionalism lead to authoritarian instability (1961-71; 1980-1 and 1876-1921; 1960 respectively). These are the periods of monarchy and its decline, and military coup d'états and the rise of military tutelage. This suggests possible fruitful opportunities for further research in political networks.

9.1 POLITICAL NETWORKS

Research identifying how hierarchical elite network structures evolve into opinion-leader-like network structures – or the use of domination vs. persuasive strategies – could identify a specific mechanism by which regimes build the foundations in which they can utilize constitutional change, particularly if it benefits them on the international as well, to serve their own ends. This dissertation suggests there are network mechanisms through which *factionalism within different regime structure types* work to produce the switch in dynamics between “overt” and “stealth” authoritarianism. Through constitutional reform processes, how do the hierarchy’s rigid levels with many subordinates evolve into an opinion-leader’s network in which a few leaders drive opinion through communication over the skewed distribution of connections, resulting in the capacity to unilaterally reform the constitution for extending regime longevity? This question is

largely one that would be answered through assessing the changing communication network structures on a triadic or group-level with quantitative network data.

The major difference in the theoretical model is between Hierarchical and Opinion-Leader organizations, or one of communication and flow of information. These two topological structures are two ideal-types of networks. In Opinion Leader networks possess social leaders with great influence that drive behavior directly via their numerous connections to followers, whereas in Hierarchical networks transmit leaders' influence downward through deputies to the followers at the bottom (Siegel 2011). While Hierarchical networks have more dyads with reciprocal ties, Opinion-Leader networks contain dyadic and non-reciprocal ties that make participation more unlikely (Siegel 2009). The Hierarchy is measured by the network measure known as an “out-tree” (Krackhardt 1994) or an arborescence (M. G. Everett and Krackhardt 2012) at the micro-level and is characterized by one-way communication and a lack of intermediaries. The Opinion-Leader structure is measured by betweenness and centrality for a few, central nodes with a high amount of influence.

9.1.1 Exchange and Reciprocity

While both network structures are characterized by a skewed distribution of connections, the difference between them is what scholars refers to as the *degree of positivity*^{xv} of the exchange network (Bonacich 1987). Exchange in a system characterized by dominance precludes reciprocal exchange, while exchange in a system characterized by influence does not (Bonacich 1987, 1171). In a Hierarchical structure, information flows easily in one direction but not in the other, due to the coercive nature of relations. In an Opinion-Leader network, communication flows in both directions but is highly impacted by a few central actors. In Opinion-Leader type

structures, rather than *dominance and force*, mechanisms such as *persuasion and popularity* are more important. Intermediaries (Freeman 1977), relayers (Shaw 1964), or weak ties (Granovetter 1973), in Opinion-Leader structures also have a greater degree of influence because they have a greater degree of agency in communication due to the reciprocal nature of ties.

A network has a Hierarchical structure^{xvi} where organization is characterized by dominance relations, or where reciprocal communication is costly to maintain, in “highly authoritarian organizations ... where there is a large status difference between those communicating” (M. G. Everett and Krackhardt 2012, 5). This occurs in formal organizations where military superiors give subordinates orders, or dominance-type relations in animal societies (Iverson and Sade 1990). This structure is characterized by three network-level measures that could be identified in regime network data: reachable connectedness,^{xvii} graph hierarchy,^{xviii} and graph efficiency^{xix} (M. G. Everett and Krackhardt 2012). Ideally, influence in the Hierarchy is a one-shot, top-down transfer of information, that moves non-reciprocally from superior to subordinates. Communication is transmitted through geodesic or path trajectories in serial duplication or transfer, like mitotic reproduction, package delivery, or viral infection (Borgatti 2005, 59).

An Opinion-Leader network is a network with a star or wheel network structure is an exchange or communication network with higher levels of centrality and betweenness, though many different measures of these phenomena exist that fit different types of relations and flows (Freeman 1977; Freeman 1978; Bonacich 1987; Freeman, Borgatti, and White 1991; Borgatti 2005).^{xx} Put simply, a point in a communication network is central to the extent that it falls on the shortest path between pairs of other points (Bavelas 1950; Freeman 1977). Centrality is the degree to which an actor falls between other actors on their geodesics, paths, or trails, or

walks.^{xxi} The more highly central an actor is, the more essential influence it has in an exchange network, as an actor falling between two others can facilitate, block, distort or falsify communication between the two, it can more or less completely control their communication. However, if it falls on some but not all of the geodesics connecting a pair of points, its potential for control is more limited.”

Network-level measures for Opinion-Leaders include centralization, or the measure of how central the network’s most central node is in relation to how central the other nodes are, and betweenness centralization, or the tendency of an actor to act as a bridge between many other actors (Freeman 1978; Leifeld 2014).^{xxii} Centralization captures the tendency of a network to have few very central and many peripheral actors, while betweenness centralization measures the tendency of a network to have very few actors that interconnect distinct factions in the network. Influence or communication in Opinion-Leader networks is therefore more about replication, rather than transfer, and occurs on trails and walks, like gossip or attitude influencing (Borgatti 2005).

9.1.2 Domination or Persuasion

Ideal-type hierarchical structures are communication network structures that utilize their ties for domination and control. Control is exercised through efficiently coordinating actors in the network to cooperate to act collectively to achieve an outcome. A key factor in coordination is whether commitments are credible (North and Weingast 1989; Weingast 1997). Coordination is largely a mechanism of directing orders to increase internal efficiency and insulate the regime from external threats. Ideal-type opinion-leader communication network structures utilize their ties for persuasion and cooptation. Cooptation is a strategy that achieves actors’ aims through the

assimilation of smaller, opposing groups, or their views, into the larger group or ideology itself. Opposing viewpoints can either be induced to adopt the regimes' views, or silenced, a more coercive form of cooptation.

This research suggests that in weak constitutional environments, hierarchical networks utilize dominance and control, with more consolidation over the institutions of government through the executive and the military, utilize repressive tactics against opposition, but have no “pull” to say otherwise due to a low amount of international aid for democracy and governance. A regime must have political parties and a civilian military to qualify at all as a democracy. These regimes maintain their consolidation over the separate branches of government through overt repression and therefore cannot last long within an environment that has any level of commitment to the norms of constitutional democracy without facing the “sticks” to punish transgressions.

This research also suggests that in the sham environment, opinion-leader networks utilize strategies of persuasion and cooptation, with less consolidation over the institutions of government through the executive, party, and military. These regimes also utilize a low level of repression but also have less “pull” to “walk the walk” due to a low level of international aid for democracy promotion, specifically for democracy and governance. “Overt” semi-authoritarian regimes, when they have a low level of international aid, disregard the consequences of international democracy promotion in their behavior – or their *de facto* observation of constitutional rights – but not in their written reforms of the constitution.

Political leaders in hierarchical networks are moderately repressive, and have high regime consolidation over branches of government. In Turkey, the judiciary, military and the executive were consolidated from 1982 up until 2007, when Gül became President of the Republic, and

2010, when the judiciary was restructured. The legislature and the executive have now become consolidated with popular election of the President and increased appointment powers in the executive for the judiciary. These regimes have moderate extrajudicial violations of personal integrity rights, and equality rights, and in Turkey, used civil and political rights as policy concessions. Leaders in hierarchical networks use strategies of dominance and control in communication that result in more exclusive and secretive processes with no façade of democratic participation, such as the military regime in Turkey from 1982 to 1986.

From the period 1982 to 2011, data were analyzed regarding the observation of constitutional rights and international democracy promotion. Within Overt Constitutional Authoritarianism, different types of communication networks use different strategies that create sham or weak constitutional environments. The Stealth scenario is most closely associated with a high level of aid from international democracy promoters for democracy and governance reform programs in civil society. The following hypotheses were confirmed: low democracy promotion with repressive hierarchical regime structures with high consolidation of power yield weak constitutional environments. Low democracy promotion with moderate to low repression and opinion-leader networks and less consolidation of power yield sham environments. Finally, high levels of democracy promotion with opinion-leader regime structures, moderate to high repression, and more consolidation of power create stealth authoritarian environments. These solutions suggest the following conclusions.

With a high level of international aid for democracy and governance reforms, the hierarchical network, if factionalized, evolves into an opinion-leader network as opposition leaders begin to utilize the political opportunity structures made available to them, as occurred in Turkey from 1987 to 2005, and in 2009 and 2011. Because the environment has a moderate level

of commitment to constitutional democracy, free elections must be held, even if they are not fair, and civil liberties must be protected at a moderate level, which can result in unstable coalition governments and surprising electoral results. Leaders in opinion-leader networks use strategies of persuasion and cooptation and therefore have less violations of equality and civil and political rights, but more violations of personal integrity, such as in the repression of the Kurds from 1990 to 2002. The blatant use of torture and other violations of personal integrity while using rhetoric of democratization characterize the shift into the “sham” constitutional environment in which leaders’ constitutional commitments far exceed their enactment of those rights.

9.1.3 Surprising Electoral Outcomes

This research suggests that Overt-sham constitutional environments in particular can lead to surprising electoral victories, like the majority that the AKP won in 2002, which was won amidst an already increasingly democratic environment that had, starting in 1997, less violations of personal integrity rights, but more violations of empowerment rights. From 2002 to 2005, the AKP used strategies of persuasion and cooptation, sometimes increasing and sometimes decreasing violations of personal integrity rights, equality rights, and civil and political rights, while still decreasing repressive tactics in a regime that was opposing another group to consolidate power over the institutions of separate branches of government (the former military tutelage or “deep state”). The loss of majority in 2015 was also an electoral surprise.

While international democracy aid for democratic governance reforms went from nearly zero to a high of \$2 billion in the year 2010 alone. From 2007 to the present, Turkey has gone from being the “model of Muslim democracy” in the Middle East to a country that is increasingly viewed by international democracy promoters as violating the norms of

constitutional democracy, with no available legal tools or standard protocol in the international democracy promotion toolkit to provide remedy or recourse, aside from the unstable coalition politics that it is currently entering in 2015. In the stealth constitutional environment, leaders within what appear to be opinion-leader networks, utilize all strategies available to them – persuasion, cooptation, dominance, and control – to maintain power and marginalize opposition. Yet these networks are exclusive and secretive, making the exact structure difficult to ascertain. Stealth authoritarian constitutionalism does allow political leaders to legally create more consolidation over the institutions of separate branches of government. Leaders then engage in a moderate level of repression to ensure their opposition is neutralized. Yet complex adaptive systems still yield surprising results.

Stealth autocrats have more pull to “walk the walk” of their constitutional commitments and exercise them in practice, due to a high amount of international aid for democracy and governance. However, they cannot completely fulfill their constitutional commitments and still maintain the increasing consolidation of institutional power over the separate branches of government without engaging in consistent repression of dissent or opposition, but in a legal way that displays a moderate commitment to the norms of constitutional democracy through the use of democratic rhetoric and seemingly democratic reforms. Of all the emergent outcomes of constitutionalism between democracy and authoritarianism, the Stealth phase is the hardest to maintain. Recently, the control of information exchange has given regimes a new tactic with which to maintain this dynamic. However, because information in public communication involves language and legitimacy, the development of this new tactic must be assessed in its historical context.

9.2 POLITICAL COMMUNICATION

The development of new tactics of stealth constitutional authoritarianism, generating a more robust type of authoritarian regime, must be understood in part by determining the historical conditions of possibility. According to interpretivist theories of social science, talking is action, and words are deeds (Wittgenstein 1958). The theory of speech acts states that actors “do things with words” (Austin 1975). Actors who understand language are more powerful because they become masters of technique. Words can change relationships between actors, particularly through words known as performatives (Wedeen 2010). Performatives are words that perform an action and change relationships simply by being declared (Austin 1975). In a more general sense, all language is performative, simply because speech is an action actors can take with observable effects. Actors “promise,” or they “obey.” In the political sphere, one becomes a citizen through “pledging allegiance.” Justice and the rule-of-law come into existence, in the legal sphere, by actors legislating, prosecuting, defending, pleading, and judging. In the public sphere, through “deliberating,” actors – we assume – participate in some kind of democracy. This is why the word “deliberation” was used in this dissertation interchangeably with public communication – because the deliberation that is occurring is an exchange of information between citizens, and between citizens and the state, but is not deliberation in the sense of deliberative democracy.

The activity of language makes things like “understanding” observable, identifiable, and their assessment replicable (Wedeen 2010). Yet performative language acts are context-dependent; their meaning depends on the changing social conventions created through dynamic relations between actors over time within defined social boundaries. Context is, therefore, potentially even causally important. This research suggests that the context matters enough to

determine whether deliberation that takes place actually creates participatory democracy through public communication, or not.

“Deliberating” may make an actor a democratic participant, but it may also make an actor a participant in the nominally democratic practices of stealth authoritarianism. The difference can only be understood through historically grounded examination of the context. The symbolic systems of language, society, and law are the arenas in which politics, and therefore, institutional development, take place. These systems are imbued with roles, some of which have much power, and some of which have less power. Through contrasting ordinary language acts and legal language acts, the power relations between different roles can be observed, and understood, in stealth authoritarianism.

Identities are created through language and its practice. Scholars attribute roles to actors through their observations of language acts, and through those roles, we can begin to identify the rules that actors follow and their consequences. Rules, or institutions, are not only those formally instituted by law, but are also the linguistic conventions that certain roles must follow to achieve aims, or face consequences such as subordination or exclusion from the dialogue. In this way, language and institutions are co-constituted. Co-constitution means that institutions can develop from social conventions, or they may be institutions codified in law. Strict social conventions may make the potential of performative language acts more constrictive, or less emancipatory, by defining shared, distinct, communities through speech.

Law is an official type of “speech” itself, with great power to both emancipate and confine the actions of its subjects. By examining the changing language around the changing of the law, we can pinpoint where these co-constitutions have taken place. Identifying irregularity or unconventionality exposes potentially important attempts to challenge existing conventions. In

stealth constitutional authoritarianism, social conventions around speech acts should conflict with legal institutions about speech, making observations of conflicting political language acts crucial to explaining the phenomenon.

When people perform norms associated with nationalism, they become national citizens. Two conventions are particularly historically important in the evolution of constitutionalism in from the Ottoman Empire to Turkey: the public practice of religion, and the protection or persecution of non-Muslim, non-Turkic minority groups (Bayir 2013). In the Ottoman Empire, the practice of Islam was public, and the existence of minority groups was clear and separate. These groups' rights were protected to some degree in the *millet* system (Karpat and Yildirim 2010; Lekka 2007; Yıldız 2007). Over the course of the Young Turk revolution, these norms were challenged as a national identity based on Turkishness developed, and minorities became a threat, and the conventions associated with the Ottoman Empire were belittled. The foundation of the Republic was enveloped in a normative revolution that made many changes, but for parsimony, two changes are emphasized here: religion was to become a private practice unassociated with the state (*laiklik*), and minority groups and their practices were to be eliminated completely (Yildirim 2010).

While these conventions changed constitutionally, the legal changes did not necessarily change social conventions; instead, many have argued that a “center” and a “periphery” developed in which the core's conventions regarding public religion and minorities changed, but the periphery's remained the same (Mardin 1973). The changes to Turkey's constitution have largely been a part of keeping the so-called periphery from being represented as the majority in the government. The coups of 1960, 1971, and 1981 solidified the position of the military as a

guardian to prevent politics based on majority rule from controlling the government, as it did in the 1950s with the Democrat Party in power.

When the AKP was able to take majority power in Parliament despite the barriers to representation the previous regimes had put in place, and maintain it despite existential threats such as the constitutional court case to disband the party, it gained both an institutionally and ideologically predominant status (Gumuscu 2012). The AKP then slowly started taking away the powers of the military establishment built throughout the 1960s and 1970s, which were constitutionally codified in 1982. In terms of discourse, this made new social conventions possible. Over the last decade in Turkey: the conventions associated with *nation-building* have been subordinated to those associated with *Ottomanism*, which have seen a resurgence: Islam should be public, Atatürk and Kemalism have lost their protected status, and minorities are no longer an existential – but an electoral – threat (White 2012; White 2002; Bayir 2013).

Assessing the impacts of allowing or performing public communication over constitutional reform reveals the achievements of these deliberative processes for the regime: to protect its project to consolidate power, while maintaining legitimacy and power through a modified commitment to constitutionalism. *Democratic* deliberative processes over constitutional reform make several assumptions. First, citizens should be free to talk about the constitution; in Turkey, they are not. Under Article 301 of the Turkish Penal Code implemented on 1 June 2005, it is illegal to insult Turkey, the Turkish nation, or Turkish government institutions. Criticizing the constitution can be subject to prosecution by the national security law or of anti-Turkishness; however, amendments to the Penal Act were made in 2008 that were intended to prevent misuse of the article to censor government critics or opposition, they have not succeeded in doing so. Citizens should be free to voice their opinions about past regimes,

and, again, in Turkey, they are not, both explicitly in the law, as according to the same Penal Code, Article 301, criticizing Atatürk is a criminal act; but, also, implicitly through punishment for criticism of the AKP government. Citizens should be free to voice their opinions about the current regime, and, in Turkey today, they are not. The Introductory chapter details the AKP regime's crackdown on free speech. They also foreclose or omit understandings of what inclusive participatory democratic processes are: they must have free speech, and there must be uptake into the policymaking process itself; because democratic political culture never existed in Turkey, inclusion and uptake into the policymaking process are not understood.

The effects of moving from discussions about “who should the Turkish constitution be protected from?” to “what Turkey's constitution should contain” had the effect of making *minority rights* a central topic of the discourse. The social conventions regarding *nation-building*, in which minorities are a threat, changed due to this discourse. Meanwhile, the discourse around nation-building is used in a new way: to deflect attention from the topic of power consolidation while directing attention to the project of redefinition of national identity to one that instrumentally protects minority rights, a position which is still not supported by the majority of the population. Therefore, the regime can encourage public communication about this issue about it without the potential for it to turn into collective action. However, the Kurdish political opposition broadened their electoral agenda in 2015 to include democratic rights for all Turkish citizens, propelling the party into the national political scene as it passed the 10 percent threshold to gain representation in the TBMM.

9.2.1 Democratic Rhetoric, New Methods, and Text-As-Data

By stitching together various policies behind a façade of lawfulness and democratic intent, political leaders and policymakers govern through rule-by-law and use the discourse of constitutional democracy, evade criticism by international democracy promoters, and use constitutional reforms to consolidate power over what are supposed to be separate, competing political institutions. After it passes a certain threshold, unchecked, excessive use of these processes generates a type of dictatorship in disguise. The nomenclature used by Scheppele is innovative and appropriate: she labels Hungary and similar states “frankenstates” (Scheppele 2013).

A detailed look at public communication over constitutional reform is described in depth in the Chapter VI. The change in information technology gives semi-authoritarian regimes entirely new characteristic tactics, such as cyber-sabotage for repression, and an opportunity to explore some of the finer points of the theory of stealth authoritarian constitutionalism in greater detail. The data available with which to analyze them has changed as well. The methodology used in this research is an exploration of how to use new text analytics to untangle the meaning and consequences of language irregularities.

To address these new data sources, new methods have been developed to analyze them, like the Structural Topic Model. Social and computer scientists developed the STM in 2013, intentionally for application to applied problems in social science with large amounts of text, including both social media data and large surveys that have closed- and open-ended survey responses. Turkey’s use of deliberation in a participatory process between Parliament, civil society organizations, and citizens, over its constitutional reform, from 2007 to the present, allows us to use such data to untangle the web of complex policymaking, public communication,

and the interpretation of these dynamics within the contemporary and historical context, to understand how such a tactic for stealth authoritarian constitutionalism may work.

This dissertation found that regimes utilize these reform processes on multiple levels, from subnational to the national level, to gather information about how and where citizens are united or divided, to allow citizens to vent their frustration, and to adjust policies to placate potential citizen activists or opposition, but to discourage collective action. This allows the regime to prevent citizens from reaching a threshold of discontent that becomes an uprising the government cannot control. These new tactics allow for controlled dissent that the regime manipulates to increase its impenetrability to critiques from international democracy promoters, but also reveal vulnerabilities to those seeking to promote democratization. Recently, with the help of international democracy promotion, those vulnerabilities seem to have been exploited by the Kurds.

9.3 CONCLUSIONS AND POLICY RECOMMENDATIONS

As a result of this research on constitutionalism between democracy and authoritarianism, recommendations can be made to policymakers or democracy proponents, specifically, that by understanding several conditions within a country we can better understand authoritarian strategies that are making regimes more impenetrable.

9.3.1 Identification of Cross-cutting Issue Areas Across Groups

First, the identification of a supported issue area that cross-cuts citizen groups can go a long way in breaking out of the Stealth authoritarian dynamic. In Turkey, this issue was the consolidation

of executive power under President Erdoğan. Public communication under semi-authoritarianism allows regimes to prolong their longevity as they adjust policy and identify conflict through information exchange with citizens to dissuade those discontent with regime policies from collective action; however, “sticking points” may be found that can stop reform in its tracks (Varol 2015).

9.3.2 Knowledge Regarding Citizens’ Perceptions of Grievances

We should understand local-level and domestic conflict over issue areas within publics in authoritarian regimes and how the regime may use the differential between groups to exert control. Second, it is increasingly clear that propaganda and censorship interact as dynamics as manipulation of information exchange and control, to dominate the political landscape and control its contents. Looking in these areas, it may be possible for proponents of democracy to reveal strategies to undermine the new trend of impenetrable authoritarian consolidation.

The AKP regime restricted information exchange about areas where only a minority of citizens were in opposition to the regime’s preferences, but where the regime could not be accused of “cheap talk” or of using selective discretion in its upholding of the law. Under the issue area of changing the structure of the political system, citizens’ preferences were united in opposition regarding policy changes on the creation of a presidential system and the electoral threshold. To cover up this ‘self-dealing’ policy agenda, the regime then encouraged deliberation around issues that citizens had a moderate or high level of conflict about – these included the issues of minority rights, religious expression, and the role of the state in religion to stoke the fires of discontent in the public – but the conflict over the border in Iraq and in Syria brought the Kurdish issue back to the center of the political agenda.

9.3.3 Increasingly Nuanced Control of Free Media

Another conclusion and policy recommendation is to further research the control of free media across issue areas and the use of increasingly nuanced information control tactics. The AKP regime controlled information exchange about an issue that citizens were united in opposition to the regime's inconsistent position, where it could be accused of both using its own discretion in selective application of the law, and could be held accountable for committing to upholding the law on paper, but violating that in practice, or "cheap talk." The AKP used outright oppression in response to opposition to the violation of laws of freedom of expression, including violent suppression of public protests, harassment, intimidation, and imprisonment. The AKP also used relatively new information control tactics, a topic for further research, such as cyber-sabotage on Twitter, which was, along with other social media sights, monitored and banned at key points during episodes of high risk of collective action. Concomitantly, the party made concessions by encouraging deliberation over the issue of religious expression and the role of the state in religion, where the public could "vent frustrations" regarding issues where majority support aligns with the regime's policy position. This took place over the issue areas of religious expression and the role of state in religion. New tactics must be addressed with new monitoring measures by democracy promotion actors.

9.3.4 Norms Determine How Laws Work

As "high policy," constitutions coordinate governance through serving as operating manuals – constitutionalism-in-practice – or as blueprints for the architecture of governance (Ginsburg and Simpsen 2013). Constitutional change processes may allow incumbents to force opposition into

policy compromises that they otherwise may not be able to achieve. Constitutional change processes can exert social control through imposition of majoritarian rule on minorities through domination of the process. Popular participation in a constitutional change processes may also serve as an outlet for social expression but lack real input into the process or uptake into decision-making bodies' agendas. Constitutional change processes can build legitimacy for a regime by showing that it is concerned with constitutionalism, which is often conflated publicly with concern for democracy.

This dissertation offers a response to a growing community of scholars who view the policy option of self-organization as a form of normless anarchy, of extreme libertarianism, by underscoring that all political action, whether formally constitutional or not, is informed by the norms that guide the behavior of those acting within the system. Indeed, it is not paternalist to acknowledge that the norms of democratic constitutionalism – of political systems that protect rights, promote freedoms, and build institutions to protect those rights and promote those freedoms – exist, and that these norms of democratic constitutionalism are preferable to norms that encourage despotism or discrimination. Moreover, scholars make misguided conclusions when conceptualizing political systems as normless or “anarchic.”

This dissertation extended a theory of learning by authoritarian regime incumbents for operating “under the radar” of democracy audits to enact stealth authoritarianism at the constitutional level. The dissertation analyzed how an authoritarian regime utilized a democratic process, wielding the extraordinary constituent power of the rewriting of the constitution, to achieve democratic backsliding and authoritarian consolidation in a legal, and seemingly democratically legitimate way. Yet, the dissertation also showed that due to the emergent outcomes characteristic of a complex adaptive system, the Kurdish party was able to mobilize

enough support in the recent elections on a platform of broadened democracy to momentarily stop this backslide. It is up to those with a commitment to democracy in the Middle East to predict what happens next; however, the Kurds seem to hold the future of democracy in the region in their hands.

APPENDIX A: Coding Conditions and Outcomes

Table 18. Process Variables Coding

Condition	Coding
<i>Length of negotiations (0-2, increasing inclusion)</i>	0=no negotiations, 1=short (weeks or <6 months), 2=longer
<i>Transparency (0-3, increasing transparency)</i>	0=secrecy, 1=low, 2=moderate, 3=transparent
<i>Public involvement (0-4, increasing inclusion)</i>	0=none, 1=referendum, 2=referendum+controlled, 3=controlled no referendum, 4=inclusive
<i>Compromise reached (0-2, increasing deliberation)</i>	0=no, 1=agreement reached through force, 2=agreement reached through compromise
<i>Deliberation (0-3, increasing inclusion)</i>	0=no deliberative processes, 1=controlled deliberative processes among policymakers, 2=controlled deliberative processes among public, 3=inclusive deliberative processes
<i>International intervention (0-2, increasing sovereignty)</i>	0= international occupation, 1=international influence, 2=none
0-16, increasing inclusion/ deliberation	

Table 19. Network/ Repression Conditions Coding

Condition	Coding
<i>Structure and cohesiveness of the regime or elite network</i>	0=cohesive hierarchical, .25=cohesive opinion-leader, .5=factionalized hierarchical, .75=factionalized opinion leader, 1=anarchy
<i>Overt tactics of repression or removal from the network</i>	0= high strength/high technology, .25= high strength/low technology, .5= low strength/high technology, .75=low strength/low technology
0-2, increasing factionalization and repression	

Table 20. Network/ Repression Conditions Coding

Condition	Coding
Military: <i>Military involvement in politics (0-3, increasing civilian power)</i>	0=direct-personal, 1=direct-corporate, 2=indirect, 3=civilian
Party: <i>Restrictions on political parties (0-3, increasing party freedom)</i>	0=don't participate, 1=banned, 2=single, incl. cases where mult parties are legal but operate under leadership of a single party, 3=multiple parties are legal
Legislative: <i>Legislative selection (1-6, increasing party freedom)</i>	1=none, no legislature, 2=unelected or appointed, 3=one party or candidate per seat, 4=largest party controls more than 75% of seats, 5=largest party controls less than 75% of seats, 6=nonpartisan, or multiple candidates may compete but parties are banned
Executive: <i>Executive selection (1-5, increasing civilian power over executive)</i>	1=unelected, 2=one party or candidate, 3=selected by small, unelected body, 4=elected by more than 75%, 5=elected by less than 75%
Mpgov: <i>Multiple party government (0,1 – presence of more than one political party)</i>	0=no, 1=yes
Execlegis: <i>Executive party status (0-2, increasing executive-party integration)</i>	0=no, 1=head of executive is member/leader/supporter of single political party, 2= head of executive is member/leader/supporter of party of multiple parties
Execparty: <i>Legislative seat share executive's party (0-4, decreasing party hegemony)</i>	1= between 75-100, 2= between 50-75, 3=between 25-50, 4=below 25, 5=none, 999=N/A
Lparty: <i>Multiparty government and largest party (0-1, decreasing executive-legislative integration)</i>	0= multiple party government, executive's party control the largest share, 1=multiple party government, executive's party does not control the largest share
Opposition: <i>Opposition parties in legislature (0,1- presence of opposition parties)</i>	0=none, 1=at least one seat controlled by opposition in legislature
Founder: <i>Executive founder of party of affiliation (0,1 – decreasing executive-party integration)</i>	0=yes, 1=no
Previous: <i>Affiliation of previous leader was the same party as current leader's party (0-2, decreasing executive-party integration)</i>	0=yes, 1=previous leader had no party, leader is first under current spell or first after independence, 2=no
0-29, decreasing authoritarian integration of institutions or consolidation	

APPENDIX B: Coding Citizen Conflict and Language

B.1 TOPIC MODELS WITH TURKISH AND ENGLISH

Table 21. STM 1.1 in Turkish and English

Topic #	Top words	FREX
Topic 1	sendika (union); gerekiyor (necessary); verilmel (should be given); kesinlik (certainty); yar (harm)	sav (argument/war); nede, (why/question); tutulmamal (popularity); destekledi (supported); kafa (head)
Topic 2	yaş (age); dernek (association); okul (school); serbest (free, without constraints); öğrencis (student)	yaş (age); serbest (free, without constraints); öğrencis (student); üniversi (university/ college); emeklis (retired)
Topic 3	yaşlı (elderly); denil (statement); olmamas (absence); uygulama (application/ administration); açı (angle/ perspective)	denil (statement); olmamas (absence); mali (financial); alınmas (taken); pozitif (positive)
Topic 4	topluluk (society/community); mutlu (happy); türklük (Turkishness); türkçe (Turkish language); kavra (grip/conception)	topluluk (society/ community); türklük (Turkishness); isteye, (to want); geçmiş (past/history); coğrafya (geography)

Table 22. STM 1.2 in Turkish and English

		Group 1	Group 2	Group 3
Topic #	Topic words/ Covariate Words	Şube (local branch), köle (slave), politikas (politics), atmamal (should not throw), görmemiş (unseen)	Konuşmal (should not speak), zorunlu (forced), asista (assist), kolaylaşmaz (not made easier), mevzu (issue)	Tutulmadı (retained), düzenleniyor (held/corrected), tesettürlü (to be veiled or covered), alabilmes (can take), tekrarladı (repeated)
Topic 1	Yasamak (to live); Diyarbakır (Diyarbakır); sınıf (border); ismi (name); ahlak (morality)	<i>Değiştirilmes (changing), yasaya (the law), yapmamas (should not do), kazanç (gain), ezil (oppression)</i>	<i>danışma, izmir, kimya, tekstil, banka</i>	<i>aleyh, propaga, yapabiliyor, tanır, uydurma</i>
Topic 2	konuşul (to talk); masadaki (at the table); tanımladı (identified); bildire (declare/notify); bakış (outlook)	<i>Kürtüz (Kurds), görüldük (witnessed), anadoluluk (Anatolian), armağa (gift), uçlu (pointed/tipped)</i>	<i>Ticaret (trade), işletmecis (operator), roma (Roma minority), baka (look), düşünen (think)</i>	<i>Beşinci (fifth), yaşlı (elderly), doğumlu (birth origin), katıla (participate), çay (tea)</i>
Topic 3	Denil (statement); düşünces (to think); hükme (judge/rule); katılmadık (utter/ quite); aidiyet (belonging/ ownership)	<i>Tanımlayan (defining), zazaç (Zaza), ötekileştiril (marginalized), umudu (hope), sai (motive/reason)</i>	<i>üniversite, acap, teşkil, yapabilir, olmamak</i>	<i>yasakladık, görüşmeç, lira, halka, etmeksiz</i>
Topic 4	Vurgu (emphasis/ accent); davranma, (act/ behave); siste (system); asıllı (origin); gereklilik (necessity)	<i>Bulunulmamal (do not claim), duyula (heard), kavim (tribes), kürdista (Kurdistan), referans (reference)</i>	<i>Yayıncı (publisher), yalnız (alone), tekstilci (textile worker), kıyafet (clothing), demiş (meaning)</i>	<i>Bay (male/female), hari (external/ exotic), karade (Black Sea region), denetme (oversee/audit), tutmuyor (do not hold)</i>

Table 23. STM 2.1 in Turkish and English

Topic	Words
1	Çocuk (child), meslek (profession), asker (soldier), ayrımcılık (discrimination), ilkes (province or policy)
2	Suç (crime), fıkra (clause), sebep (reason), siyasî (politics), aykır (contrary)
3	Topla (society), rapor (report), prof (professor), üniversites (university), yerel (local)
4	Sor (question), milli (national), başlangıç (preamble), vatandaşlık (citizenship), egemenlik (sovereignty)

Table 24. STM 2.2 in Turkish and English

	Committee Minutes: hani (to tell the truth), saati (time), tartışır (to discuss)	Civil Society Organization Proposals: savunma (defense), kayıtsız (negligence)	Official proposals: mesut (fortunate), tutuklandık (was arrested for), sömür (to exploit)
Topic 1: ali (name), servet (wealth)	süheyl (name), bedii (name)	Hükümet (government), referandı (referendum), kaldırılmal (abolition)	Yıldız (star), gönül (desire)
Topic 2: belirtilmedikçe (unless), düşmedikçe (all the while we fall), aşağılayıcı (humiliating)	Açıklayabilme (to be able to open/ make public), doldurmaya (to be able to fill), açıklanmadıkça (as long as it was unexplained)	Değiştiril (to be changed), kararname (legal decision), yargıtay (Court of Cassation)	Fikir (idea), keyfi (to relax), açıklayabilir (generally able to open)
Topic 3: yetişkin (adult), şüpheli (suspect), tutukla (to arrest)	iyima, bitirme (completion), diyebilir (to be able to say)	Sayıştay (Court of Accounts), anayasasi (constitution), değişik (change/ amend)	Gecikine (to be delayed), eşya (property), tore (moral laws)

APPENDIX C: Coding System Dynamics

Data on human rights allow for a comparison of *de jure* constitutional commitments to *de facto* constitutional rights and freedoms. Observations of constitutional commitments show different trends in different areas in the three countries. I show the overall trend for a longer period of time, from 1981 to 2011. Data were available for observations of personal integrity rights, empowerment rights – which include equality, civil and political rights – and judicial integrity.

1. Personal Integrity Rights

Turkey shows a decrease in *de facto* observation of personal integrity rights until 2000, when observation of personal integrity rights starting increasing. Syria shows the opposite trend, increasing until about 2000, and then decreasing. Iraq has the highest level of violation of personal integrity rights until after the passage of the last constitution, in 2005.

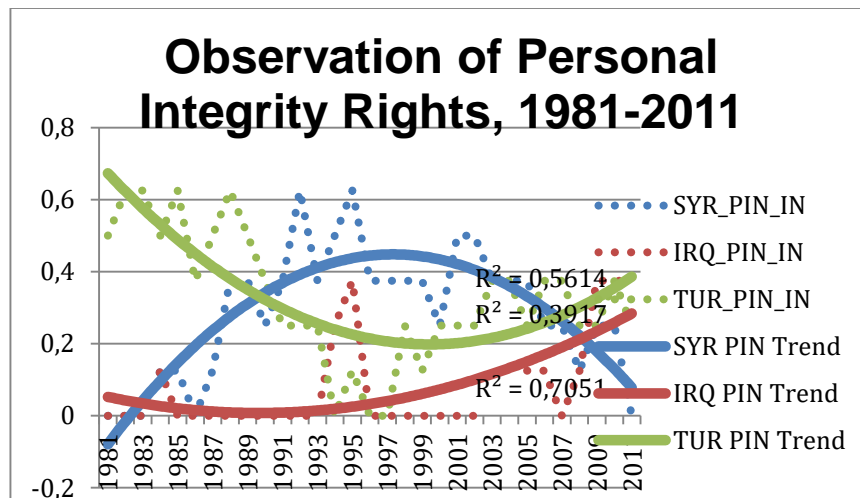


Figure 23. Observation of Personal Integrity Rights, Turkey, Syria, and Iraq

In contrast, the countries showed low (Turkey), moderate (Syria) and high (Iraq) levels of changes in *de jure* constitutional commitments, Turkey had a 2% increase, Syria had a 14% increase, and Iraq a 45% increase, from 2000 to 2012. The Table below contrasts the *de jure* change at 1982 and 2012 with changes in observed rights and freedoms from 1981 to 2011 with the corresponding model dynamics.

Table 25. Personal Integrity Rights in Turkey, Iraq, and Syria

	Turkey	Syria	Iraq
De Jure PIN	Low: Slight increase (2%) from 1982-2012	Moderate: 14% increase from 1982-2012	High: 70% increase from 1982-2012
De Facto PIN	Upward trend; Increases after 2000	Downward trend; Decreases after 2000	Upward trend; rises above zero and increases after 2005
Dynamic	OCA-Sham to Stealth	OCA-Weak to OCA-Sham to OCA-Weak	OCA-Weak to OCA-Sham to Stealth/DEM

2. Empowerment Rights

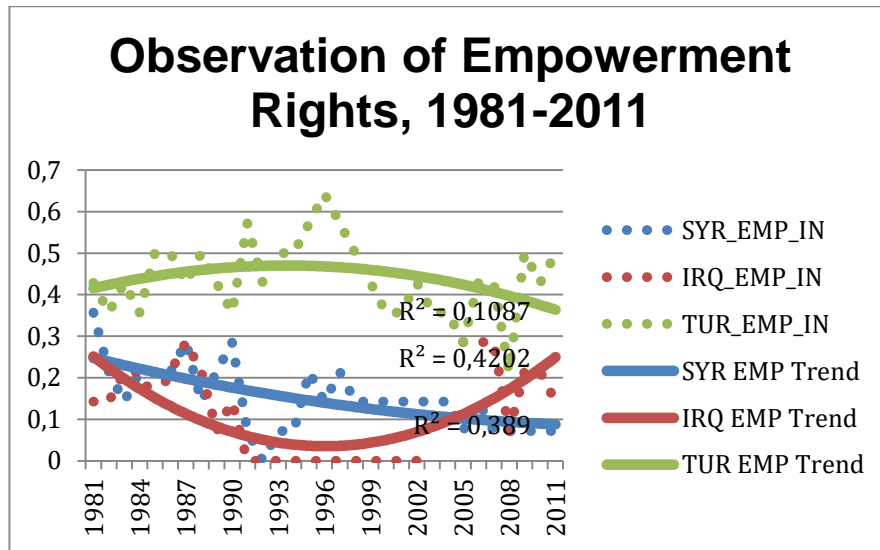


Figure 24. Observation of Empowerment Rights, Turkey, Syria, and Iraq

Turkey’s observation of empowerment rights shows it holding steady at a level of between 40-50% with a spike around 2000. Syria’s observation of empowerment rights decreases from 25 to 10% from 1981 to 2011, while Iraq’s observation of empowerment rights hits nearly zero at 2000, and then increases to about 25%. For empowerment rights, the countries again showed low (Turkey), moderate (Syria) and high (Iraq) levels of changes in *de jure* constitutional commitments, Turkey had little change in equality/ gender, civil and political, or minority rights from 1982 to 2012, at 0, 10, and 0 percent respectively. Iraq had a 25% increase in equality/ gender rights, a 40% increase in civil and political rights, and a 70% increase in minority rights. Syria had 10, 15, and 0 percent increases in these areas respectively. Again, Table 4 below contrasts the *de jure* change at 1982 and 2012 with changes in observed rights and freedoms from 1981 to 2011 with the corresponding model dynamics.

Table 26. Empowerment Rights in Turkey, Iraq, and Syria

	Turkey	Syria	Iraq
<i>De Jure EMP</i>	Low Equality: 0 Civil Political: 10 Minority: 0	Moderate Equality: 10 Civil Political: 15 Minority: 0	High Equality: 25 Civil Political: 40 Minority: 70
<i>De Facto EMP</i>	Downward trend; 40-50%, peak in 2000	Downward trend; Decreases from 25% to 10% with valley in early 1990s	Upward trend; Decreases from 25% to 10%, valley in 2000, rises back to 30%
Dynamic	OCA-Sham to Stealth	OCA-Weak	OCA-Weak to OCA- Sham to Stealth/DEM

3. Judicial Integrity

Observations of judicial integrity show nearly the same trend in Syria and in Turkey, peaking around 2000 and then dropping to nearly zero in 2011. In Iraq, judicial integrity was highest in the early 1980s, and then drops to nearly zero from 2000 to 2011. For observations of judicial independence, the same pattern occurred as with personal integrity rights and empowerment rights, with Turkey showing the lowest change, Syria a low increase, and Iraq a moderate increase. In the changes in *de jure* constitutional commitments, Turkey had no further increased commitment to judicial independence, at 0%, while Syria had a 5% increase and Iraq had a 40% increase.

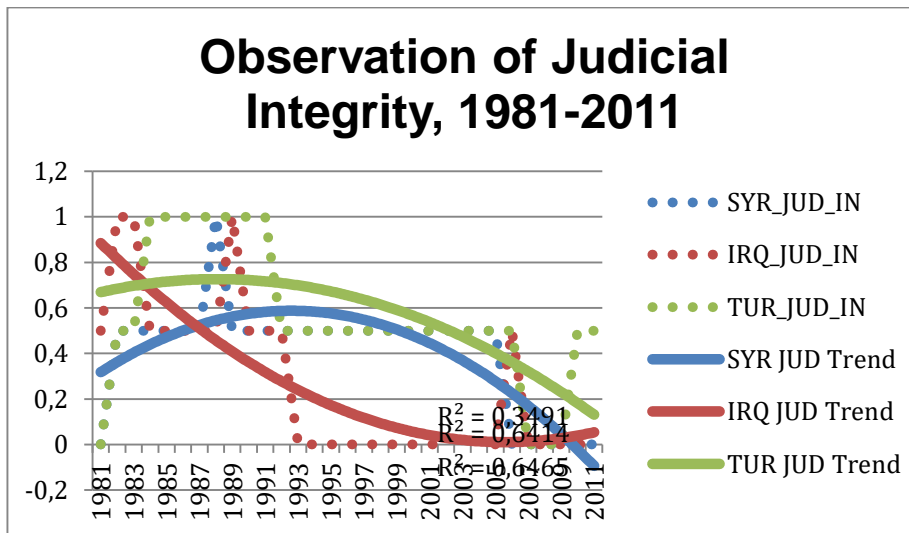


Figure 25. Observation of Judicial Integrity Rights, Turkey, Syria, and Iraq

Table 27. Judicial Independence in Turkey, Iraq, and Syria

	Turkey	Syria	Iraq
<i>De Jure JUD</i>	Low: No increase	Low: 5% increase	Moderate: 40% increase
<i>De Facto JUD</i>	Downward trend; Decreases after 2000 but increases in 2010	Downward trend; decreases to zero after peak in 1990	Decreases to nearly zero
Dynamic	OCA-Sham to Stealth	OCA-Weak	OCA-Weak to OCA-sham

Appendix C.4

Table 28. Factions in Kurdish Groups Making Self-Determination Claims

Country	Faction Name	Start Year	End Year	Faction ID in Timeline	Alternative Name 1	Alternative Name 2	Alternative Name 3
Iraq	Kurdish Democratic Party (KDP)	1961		414006	Democratic Party of Kurdistan (DPK)		Kurdistan Democratic Party
Iraq	Committee for the Defense of the Kurdish Peoples Rights	1963	1963	414001			
Iraq	Patriotic Union of Kurdistan (PUK)	1975		414015	Patriotic Union of Kurdistan in Iraq		
Iraq	Iraq Communist Party	1978		414003	Iraqi Kurdistan Communist Party		
Iraq	Kurdish Socialist Party	1980		414008	Socialist Party of Kurdistan (SPK)	United Socialist party of Kurdistan	Kurdistan Socialist Party
Iraq	Kurdistan People's Democratic Party (KPDP)	1987		414012	Kurdish Popular Democratic Party		
Iraq	Iraqi Kurdistan Front	1988	1992	414004	The Kurdistan Front		
Iraq	Kurdish National Assembly	1992	2005	414007	Kurdish National Council		
Iraq	Kurdish Conservative Party	1993		414005			
Iraq	Kurdistan Islamic League (KIL)	1993		414010	Islamic Movement of Iraqi Kurdistan (IMIK)		

Iraq	Kurdistan Independent Labor Party	1995	2005	414009			
Iraq	Kurdistan Peoples Movement	1996		414013			
Iraq	Kurdistan Toilers Party	1996		414014			
Iraq	Kurdistan National Democratic Union (YNDK)	1997	2005	414011			
Iraq	Committee for the Protection of the Kurdish People	2003	2003	414002			
Iraq	Referendum Movement	2003	2005	414016			
Syria	Democratic Union Party (PYD)	2003		652002	Kurdish Democratic Union Party (YPG/J)		
Syria	People's Protection Movements	2004		652005	People's Defense Units (YPG)	Women's Protection Units (YPJ)	
Syria	Kurdish National Council (ENKS) (now includes more groups)	2011		652001	Kurdish Democratic Party	Kurdish Democratic National Party	Kurdish Democratic Equality Party
Syria	People's Council of Western Kurdistan	2011		652004	Meclisa Gel a Rojavaye Kurdistan (MGRK)	Movement for a Democratic Society (TEV-DEM)	
Syria	Kurdish Supreme Committee	2012		652003	Kurdish Supreme Council		
Turkey	Kurdish Workers Party	1974		133006	PKK	KADEK	People's Congress of Kurdistan/ Kongra Gele Kurdistan (KONGRA-GEL)
Turkey	Democratic Party	1991	1993	133002	DEP		

Turkey	Kurdistan National Liberation Front (ERNK)	1991	2000	133009	National Liberation Front of Kurdistan		
Turkey	Kurdish Parliament in Exile in the Hague	1994	1999	133004			
Turkey	People's Democracy Party (HADEP)	1994	2003	133010			
Turkey	Kurdistan National Congress (KNK)	1999	2003	133008			
Turkey	Kurdish Revolutionary Party (KSP)	2001	2001	133005	Kurdistan Socialist Party		
Turkey	Democratic Society Party (DTP)	2004	2005	133003			
Turkey	Kurdistan Liberation Hawks	2004		133007	Teyrenbaze Azadiya Kurdistan (TAK)	Kurdistan Freedom Hawk	Kurdistan Freedom Falcons
Turkey	Rights and Freedoms Party (HAK-PAR)	2004		133011			
Turkey	Democratic Confederation of Kurdistan (KKK/KCK)	2005		133001	Koma Komakên Kurdistan (KKK)	Democratic Communities of Kurdistan	Koma Civakên Kurdistan (KCK)
Turkey	Peace and Democracy Party (BDP)	2008	2014	133012			
Turkey	People's Democratic Party (HDP)	2012		133013	People's Democratic Congress (HDK)	United June Movement	

Source: Self-Determination Organizational Behavior Dataset and qualitative sources (Cunningham 2014)

Appendix C.5

Table 29. Timeline of Conflict & Cooperation in CASoS, 1980—2012

Year	Kurdish Groups in Turkey, Iraq, and Syria	International and state interactions with non-Kurdish groups in Turkey, Iraq, and Syria	International and national cooperation in battles against Kurds in Turkey, Iraq, and Syria
Pre-1980	<p>KDP: Kurdish Democratic Party (facid 414006) founded in Iraq in 1961. Committee for the Defense of the Kurdish Peoples Rights (facid 414001) founded in 1963, terminated in 1963. PKK: Kurdish Workers Party (facid 133066) founded in 1974 in Turkey, has various political and armed manifestations. PUK: Patriotic Union of Kurdistan (facid 414015) founded in 1975, and Iraq Communist Party (facid 414003) founded in Iraq in 1978, has various political and armed manifestations.</p>	<p>Throughout the late 1970s and early 1980s the Soviet Union supplied the Ba'ath regime in Syria with both military training and military equipment in order to support the rule of the socialist Ba'ath party. Approximately 2000-3000 Soviet military advisers were present in Syria throughout these years, engaging in training the Syrian armed forces and giving advice on the battle with the MB. The Soviet Union also gave a significant amount of military aid through arms transfers. It is unknown what support the Government of Iraq or the warring groups received from international sources against the PUK, KDP-QM, and KDP, from 1976 to 1988, except for some evidence there was no funding to Kurdish parties in this period in Iraq.</p>	
1980	<p>Kurdish Socialist Party (facid 414008) founded in Iraq in 1980.</p>		
1981			
1982		<p>The Government of Iraq received no funding to battle SCIRI from 1982-1996.</p>	<p>The United States is a very important ally of Turkey, providing it with ample amounts of military support with both direct financing and credits towards the purchase of US-made equipment (through the Foreign Military Financing direct loans and MAP grants), as well as through IMET training programs. While most aid was not specifically designated to fight the PKK, it is certain that at least part of the aid went to</p>
1983			
1984			

			improve the military's capability against the PKK. About 2500 Turkish officers received training from 1984 to 1997 through the United States International Military Education and Training program. It is however unclear whether this aid was intended to help Turkey against the Kurds. An agreement providing for the pursuit by security forces of 'subversive groups' across the Iraqi-Turkish border was concluded at the end of a visit to Iraq by the Turkish Foreign Minister in October 1984. The agreement provided for security forces of both countries to penetrate up to a distance of five kilometres across the border, and to remain there for a period of up to three days without prior notification. In 1984, over 718 million US dollars were disbursed in various forms.
1985			In mid-June 1985 it was claimed that Iran had invited Turkish security forces into Iranian territory to pursue Kurdish rebels active in the border area. The United States is a very important ally of Turkey, providing it with ample amounts of military support. In 1985, over 703.5 million US dollars were disbursed in various forms.
1986			In 1986, over 618 million US dollars were disbursed in various forms to fight the PKK.
1987	Kurdistan People's Democratic Party (facid 414012) founded in Iraq in 1987.		In 1987, over 493 million US dollars were disbursed in various forms to fight the PKK.
1988	Iraqi Kurdistan Front (facid 414004) founded in Iraq in 1988, terminated in 1992.		In 1988, over 413 million US dollars were disbursed in various forms to fight the PKK.
1989		The Government of Iraq received no funding to battle KDP from 1989 to 1991.	In 1989, over 503 million US dollars were disbursed in various forms to fight the PKK.
1990			In 1990, over 501 million US

			dollars were disbursed in various forms to fight the PKK.
1991	<p>DEP: Democratic Party (facid 133022) founded in Turkey in 1991, terminated in 1993.</p> <p>ERNK: Kurdistan National Liberation Front (facid 133009) founded in Iraq in 1991, terminated in 2000.</p>		<p>In 1991, over 710 million US dollars were disbursed in various forms to fight the PKK. During 1991 Dev Sol attacked American military personnel and civilians on several occasions as a protest to the Gulf War. As the United States had thousands of troops deployed at the time it was possible for American and Turkish Intelligence to cooperate to reduce the threat from the left-wing militants. Except for normal security cooperation, as was conducted during President Bush's visit in July 1991, it is unclear to what extent the United States supported Turkey against Dev Sol. However, the U.S. gave very large amounts of aid to Turkey (over 710 million US\$). The added capabilities made available by this level of aid were clearly usable by Turkey in order to fight Dev Sol, and, as such, the US is coded as a secondary supporter.</p>
1992-3	<p>Kurdish National Assembly (facid 414007) founded in Iraq in 1992.</p> <p>Kurdish Conservative Party (facid 414005) founded in Iraq in 1993.</p> <p>Kurdish Islamic League (facid 414010) founded in 1993 in Iraq.</p>	The Government of Iraq received no funding to battle PUK from 1989 to 1996.	<p>During 1992 and 1993 the United States gave Turkey massive shipments of military hardware, according to one source the shipments included 1509 tanks, 54 fighter planes and 28 armed attack helicopters. The shipment was made possible under the 'southern region amendment' and after the military hardware had to leave Europe after a 1990 treaty on conventional forces in Europe. Some of the equipment has reportedly been used against the PKK. In 1992, over 503 million US dollars were disbursed in various forms to fight the PKK. In April 1992 the intelligence agencies of Turkey and Syria signed a security cooperation protocol. That the intelligence sharing arrangement was actually implemented during 1992 and</p>

			<p>1993 became evident on 8 March 1993 when Turkish police, supported by Syrian intelligence, managed to arrest 29, and kill five, members of Dev Sol. The United States is a very important ally of Turkey. In 1992, over 503 million US dollars were disbursed in various forms of military aid to Turkey, as both direct financing and credits towards the purchase of US-made equipment (through the Foreign Military Financing direct loans and transfer from excess stocks), as well as through IMET training programs (2500 officers being trained between 1984 and 1997). The improved capabilities brought by US aid were clearly used to fight Dev Sol.</p>
1994	<p>Kurdish Parliament in Exile in the Hague (facid 133004) founded in 1994 in Iraq, terminated in 1999.</p> <p>HADEP: People's Democracy Party (facid 133010) founded in Turkey in 1994, terminated in 2003.</p>		<p>In 1994, over 412 million US dollars were disbursed in various forms of military aid to fight the PKK. According to the US Assistant Secretary of Defence the United States was to continue to provide Turkey with arms under the 'southern region amendment' during 1994. Under this amendment excess defence equipment could be given to Turkey, Greece and Portugal at repair, revision and transfer costs only. The American official also said that the US government viewed the PKK as a terrorist group, and this seems to indicate that the shipments were, at least to some extent, intended for counter insurgency warfare in south-eastern Turkey.</p>
1995	<p>Kurdistan Independent Labor Party (facid414009) founded in Iraq in 1995.</p>		<p>In 1995, over 361 million US dollars were disbursed in various forms of military aid to fight the PKK.</p>
1996	<p>Kurdistan People's Movement (facid 414013) founded in Iraq in 1996.</p> <p>Kurdistan Toilers Party</p>		<p>In 1996, over 432 million US dollars were disbursed in various forms of military aid to fight the PKK.</p>

	(facid 414014) founded in Iraq in 1997.		
1997	Kurdistan National Democratic Union (facid: 414011) founded in Iraq in 1997.		In 1997, over 177 million US dollars were disbursed in various forms of military aid to fight the PKK.
1998	DEHAP: Democratic People's Party (facid:133002.2) founded in Turkey in 1997.		In 1998, 5.7 million US dollars were disbursed in various forms of military aid to Turkey to fight the PKK. Further, in 1997, the United States designated the PKK as a terrorist organization . During 1998 the United States sent a special operations team to train Turkish Mountain Commandos. Commandos whose principal objective is to fight Kurdish guerrillas.
1999	Kurdistan National Congress (facid 133008) founded in Turkey in 1999, terminated in 2003.		In 1999, 15.5 million US dollars were disbursed in various forms of military aid to fight the PKK.
2000			In 2000, 3.6 million US dollars were disbursed in various forms of military aid to fight the PKK.
2001			In 2001, 1.84 million US dollars were disbursed in various forms of military aid to fight the PKK.
2002			In 2002, 71.5 million US dollars were disbursed in various forms of military aid to fight the PKK.
2003	Committee for the Protection of the Kurdish People (facid 414002) founded in Iraq in 2003, terminated in 2003. Referendum Movement (facid 414016) founded in Iraq in 2003. Democratic Union Party of Kurdistan (facid: 652001) founded in Syria in 2003.		In 2003, 20.4 million US dollars were disbursed in various forms to fight the PKK.
2004	HAKPAR: Rights and Freedoms Party (facid 133011) founded in Turkey in 2004.	In the fight against the al-Mahdi Army, Ansar al-Islam, TQJBR, IAI, from 2004 until 2009 in Iraq, the multinational coalition (see secondary	In 2004, 39.99 million US dollars were disbursed in various forms of military aid to fight the PKK.

	People's Protection Movements (facid: 652005) founded in Syria in 2004.	warring parties), who in effect was the government forces during the first half of the year, also contributed to the rebuilding of Iraq. The coalition included the United States; United Kingdom; Netherlands; Netherlands; Spain; Portugal; Poland; Czech Republic; Slovakia; Italy; Albania; Macedonia; Bulgaria; Romania; Estonia; Latvia; Lithuania; Ukraine; Georgia; Azerbaijan; Norway; Denmark; Dominican Republic; Egypt; Jordan; United Arab Emirates; Kazakhstan; Mongolia; South Korea; Philippines; Australia; Honduras; El Salvador; and Tonga.	
2005	DTP: Democratic Society Party (facid: 133033) founded from HADEP and DEHAP in 2005 in Turkey.		During 2005 Turkish and Iranian security forces carried out a few joint clashes against PKK/HPG. The clashes took place in the border area between Turkey and Iran. In 2004, 37.44 million US dollars were disbursed in various forms of military aid to fight the PKK.
2006			The US supports Turkey's struggle against the PKK, but with certain restrictions (such as PKK presence in northern Iraq). In 2006 it was clearly stated by the Chairman of the Joint Chiefs of Staff of the US that the USA supports Turkey on the PKK issue, although he did not want to state publicly in what way actions were being taken. Military aid flows to Turkey, in substantial amounts. Over 17.8 million US\$ have been disbursed to Turkey in 2006, under the Foreign Military Financing and IMET programmes to fight the PKK.
2007			In 2007, the USA was at first reluctant to approve a planned cross-border operation by the Turkish government, but eventually agreed to share intelligence about PKK positions in northern Iraq. US-military reconnaissance aircraft and unmanned aerial vehicles searched for PKK locations in northern Iraq. US-made equipment as helicopters was reportedly used in the raids in December. In November 2007, the USA also put pressure on Iraqi Kurds for the release of Turkish soldiers captured by the PKK and held in northern Iraq. Moreover, the Turkish intelligence centre was set up in Ankara with the help of U.S. military personnel. Military aid was further given to Turkey, under the form of Foreign Military

		<p>Financing loans and grants and IMET training funds. The total aid disbursed was 17.7 million US\$ to fight the PKK.</p>
2008	<p>BDP: Peace and Democracy Party (facid: 133012) founded in Turkey in 2008, terminated in 2014.</p>	<p>In 2007, the USA had approved Turkish cross-border operations against PKK positions in northern Iraq, and support for these operations continued in 2008. During 2008, the US also pledged a continuation and streamlining of the supply of intelligence and equipment for locating PKK bases in northern Iraq. Meanwhile, steps were also taken in 2008 to increase cooperation between Turkey and Iraq. In July, Turkish Prime Minister Recep Tayyip Erdogan visited Iraq and held talks with his counterpart, Iraqi Prime Minister Nuri al-Maliki, and the two agreed on the need for security cooperation to combat terrorist threats in the area. In November, talks between Turkish, Iraqi and US officials signalled future cooperation on combating the PKK. Military aid was further given to Turkey, under the form of Foreign Military Financing loans and grants and IMET training funds. The total aid disbursed was 9.69 million US\$. A memorandum of understanding to deepen security cooperation was signed between Iran and Turkey in April 2008, leading to joint operations against PKK and PJAK in May.</p>
2009		<p>The Turkish army targeted PKK in Iraq with the help of intelligence from its NATO ally USA. Iraq and Turkey agreed to step up cooperation against PKK operating rear-bases in northern Iraq in late December 2008. With Iraqi permission, Turkish warplanes bombed PKK hideouts in northern Iraq in 2009. It should be noted that if Turkish warplanes shelled PKK hideouts in northern Iraq, it happened that Iranian artillery</p>

			attacked camps of the Iranian Kurdish rebel group, PJAK, in the same area. This happened for example in January 2009.
2010			
2011	People's Council of Western Kurdistan (facid: 652004) founded in Syria in 2011.		
2012	HDP: People's Democratic Party (facid: 133013) founded in Turkey in 2012. Kurdish Supreme Committee (facid: 652003) founded in Syria in 2012.		

Sources: (UCDP 2011; UCDP 2015; Minorities at Risk Project 2009; Cunningham 2014)

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ENDNOTES

ⁱ Though most reports on the injuries and fatalities by non-governmental organizations, such as the Turkish Medical Association, were removed from public view, some are still publicly available online. See the Turkish Medical Association's Reports on Demonstrators' Health Conditions (Türk Tabipleri Birliği 2013) and international associations reports on the protests and their repression (Amnesty International 2013).

ⁱⁱ The AKP's reforms took place both at the constitutional and sub-constitutional level, on the administrative and electoral systems under the AKP. The AKP reformed articles 123, 126, and 127 of the Turkish constitution, and passed the following legal reforms: Law on the Election of District Chiefs, Local Authorities, and Councilors, Law Number 2972; and Official Gazette Number 18285. Law Number 5216, Greater City/Metropolitan Municipality Law, Official Gazette Number 25531. The AKP reformed Parliamentary elections by changing election rules, district boundaries, and the structure of political administration at municipal, district, and provincial levels; and made a number of electoral reforms that attempt to incorporate more conservative, rural voters in the political system. In 2009, the AKP passed an amendment to give low population provinces two representatives in Parliament despite the provinces' populations being under the threshold. In addition, reforms have centralized local and provincial administrations under the pretense of decentralizing local administrations on condition of EU accession. The redistricting and administration reform has occurred in municipalities (*belediyeler*), county municipalities (*il belediyesi*) and first-stage or metropolitan district municipalities (*ilk kademe belediyesi*).ⁱⁱ The district boundaries ("election zone") of elections for the metropolitan municipalities (*büyükşehir belediyesi*) were changed to include outlying forest villages and towns. This extension gives mayors (*vali*) more support from rural constituencies. This reform also set new criteria that made granting greater municipality status to urban areas more difficult. Author expert interview confirmed the impact of legal reforms on electoral system (Keleş 2013).

ⁱⁱⁱ President Election Law, Law Number 6271 Official Gazette entry number 28185. In 2012, the AKP further specified the rules for election to this office. They changed the term limit of the President from seven to five years, with possible reelection for one-term. Candidates are nominated by at least 20 members of Parliament (rather than the previous 1/5 of Parliament).

^{iv} The OSCE/ODIHR Report for the Presidential election of 2014 noted "misuse of administrative resources and the lack of a clear distinction between key institutional events and campaign activities grant[ing Erdoğan] an undue advantage," (OSCE/ODIHR 2014).

^v The OSCE/ODIHR Report for the Parliamentary elections in 2011 described how the existing electoral environment, including the 10% threshold for a political party to enter Parliament, made opposition gains difficult: “elections demonstrated commitment to democracy, but freedom of expression and electoral rights remain limited,” (OSCE/ODIHR 2011).

^{vi} Liberal democratic constitutionalism is defined and summarized here as briefly as possible as the reference for normative democratic constitutionalism and the theoretical functional of institutions in constitutional democracies. Liberal democratic constitutionalism has five major categories: popular control or consent, separation of powers, rule of law, rules for the process of amendment, and political culture. These categories are based on the work of Donald Lutz (2008) but the categories of rule of law and political culture are added to put more emphasis on the application of justice in the limitation of power and the protection of individual rights and freedoms. These categories also lack the establishment of national identity and other ideological functions that constitutions most often play. Constitutional democracy unites an electorate with power and sovereignty (Lutz 2008). The system then limits that sovereign power through processes that separate power among actors, check and balance that power, and impart justice. The system balances the tension between giving the public the power of majoritarian consent to control government without violating the rights of minorities (Dahl 2006). Separation of powers transforms popular control into popular sovereignty, through checking representative institutions with non-representative institutions and vice-versa, or, pitting ambition against ambition (Madison or Hamilton in the Federalist Paper No. 51, Madison & Hamilton, 1788). Different constitutional structures, such as parliamentary or presidential systems, have different mechanisms for achieving these goals (Shugart and Carey 1992). Rule of law creates predictable decision-making processes to judge individual and group behavior (Lutz 2008). This decision-making power is also diffused across many actors. Some types of decision-making outcomes are prohibited to place limitations on arbitrary exercise of power and to protect individuals’ rights and freedoms (Lutz 2008). The amendment process is a key part of the constitutional system that specifies how the system is self-sustaining: how it can be changed, by whom, and under what conditions. Formal amendment procedures call on actors in different branches to cooperate (Lutz 2008). Constitutional scholars later deemed this parsimonious Madisonian system insufficient as a standalone guarantor of constitutional democracy and emphasized the importance of political culture (Almond and Verba 1989; 1962), including norms of toleration, public participation, and civic engagement, to the separation of powers and checks and balances that make democracy work (Dahl 2006). These norms form the behavioral codes for individuals in the system. The system, as a network of interacting institutions, provides equal representation for citizens whose rights and freedoms are guaranteed through justice in a system that checks itself against developing a concentration of power in any one organ of government. Third, democratic constitutionalism is also a balance between major tensions in the political system. The first, aforementioned, tension is that between majority rule and minority rights. A balance must be achieved through making policies preferred by a majority of individuals and protecting the preferences of those who more intensely prefer a different alternative (Dahl 2006). A second tension is between special interests and social welfare, or the public interest. A balance can be achieved by constraining small groups from exerting too much influence on policymaking that benefits them and implementing universalistic policies that ensure a basic level of welfare (Acemoglu and Robinson 2012). Fourth, tolerance must take precedence over dominance. Norms

of tolerance that govern interactions between the state and society determine the competition between the forces of public participation and the dominance of a group or party. A balance must be achieved through facilitating the development of norms of tolerance, public deliberation, and participation, and restricting the ability of one group to control information and accumulate power (Young 2002). Finally, the state must be constrained: the government must both protect the rights of individuals and exercise self-restraint (Tsebelis 2011) to refrain from violation of individuals' rights. These are the norms I refer to when defining a "moderate commitment to normative constitutional democracy" or when referring to actions that violate the spirit of these laws but follow them in procedure.

^{vii} For adequate prediction of major events such as the end of the Cold War and the so-called "Arab Spring," there is a great need to unify different strands of research on authoritarian regimes, see, for example, the debate in *Perspectives on Politics* (Bellin 2014; Howard and Walters 2014a; Howard and Walters 2014b; Howard and Walters 2014c; Lust 2014; Lynch 2014).

^{viii} For the ongoing development of radical democracy in Öcalan's movement and its relationship with the Turkish state, see (Akkaya and Jongerden 2012; "Turkey: The PKK and a Kurdish Settlement - International Crisis Group" 2013; "Is Turkey-PKK Reconciliation Really Moving Forward? - Al-Monitor: The Pulse of the Middle East" 2013).

^{ix} Turkey shows a decrease in *de facto* observation of personal integrity rights until 2000, when observation of personal integrity rights starting increasing, Turkey's observation of empowerment rights shows it holding steady at a level of between 40-50% with a spike around 2000. Observations of judicial integrity in Turkey, peaked around 2000 and then dropped to nearly zero in 2011. For observations of judicial independence, the same pattern occurred as with personal integrity rights and empowerment rights, with Turkey showing the lowest change. Turkey had a low *de jure* level of commitments for personal integrity (2%). Turkey also had little change in equality/ gender, civil and political, or minority rights from 1982 to 2012, at 0, 12, and 0 percent respectively. In the changes in *de jure* constitutional commitments, Turkey had moderate increased commitment to judicial independence, at 13%.

^x Syria shows the opposite trend as Turkey in personal integrity rights, increasing *de facto* rights until about 2000, and then decreasing. Syria's observation of empowerment rights decreases from 25 to 10% from 1981 to 2011. Observations of judicial integrity show the same trend in Syria and Turkey, peaking around 2000 and then dropping to nearly zero in 2011. For observations of judicial independence, Syria had a low increase. Syria's *de jure* commitment to personal integrity increased 14%, and had a low increase in empowerment rights of equality/gender, civil and political, and minority rights (10, 15, 10%, respectively). In changes in *de jure* constitutional commitments to judicial independence, Syria had a 5% increase.

^{xi} Iraq has the highest level of violation of personal integrity rights until after the passage of the last constitution, in 2005. Iraq's observation of empowerment rights hits nearly zero at 2000, and then increases to about 25%. In Iraq, observations of judicial integrity were highest in the early 1980s, and then drops to nearly zero from 2000 to 2011. For observations of judicial independence, the same pattern occurred as with personal integrity rights and empowerment rights, Iraq had a moderate increase. However its *de jure* commitment to personal integrity rights increased 45%. Iraq had a high increase in *de jure* empowerment rights, a 25% increase in equality/ gender rights, a 40% increase in civil and political rights, and a 70% increase in

minority rights. In the changes in *de jure* constitutional commitments to judicial independence, Iraq had a 40% increase.

^{xii} See UCDP for lower limit, upper limit given by expert interview (Xulam 2015).

^{xiii} This is largely due to the influence of the American anarchist Murray Bookchin's writings on Öcalan, whose reformed political program can be found in his statements to the European Court of Human Rights (ECHR) cases protesting his detention (Akkaya and Jongerden 2012).

^{xiv} Anfal comes from the Koran, and means "spoils of battle." By naming their operation "Anfal" against the Kurds, Iraqi state forces were providing a religious justification for their slaughter of Kurdish civilians in Northern Iraq (Gunter 1993).

^{xv} Bonacich derives this from (K. S. Cook et al. 1983, 277) make between positive and negative exchange systems. To modify their definition slightly to apply to whole systems: A set of exchange relations is positive if exchange in one relation is contingent on exchange in others and negative if exchange in one relation precludes exchange in others.

^{xvi} These definitions and measures apply to directed graphs (digraphs), or networks where the ties between nodes are potentially reciprocal.

^{xvii} The out-tree network has *reachable connectedness* (M. G. Everett and Krackhardt 2012, 3). Connectedness, which involves the directionality of or where reciprocal communication has higher costs, is measured by the smallest number of actors required such that all actors in the network are reachable from this set of actors.

^{xviii} The out-tree network is the *graph hierarchic* (2012, 3). In this definition, this means the digraph has no reciprocated arcs. Reciprocity measures the consistency of dyadic orientation, it therefore allows for cyclical triads and shows constraints on individual dyadic relations, but does not imply an overall status ordering of the actors. It means for every pair of actors, if Actor X can reach Actor Y, then Actor Y cannot meet Actor X (2012, 1).

^{xix} The out-tree network is *graph efficient*. Efficiency is about the number of ties when communication is expensive, across time zones, or where information is large or complex such as amendments to large documents or classified information (M. G. Everett and Krackhardt 2012, 3–4). A graph is efficient if each component of the underlying graph has exactly $q - 1$ edges where q is the number of nodes in that component (2012, 1).

^{xx} Actor-level measures include degree and closeness centrality (Bavelas 1950), betweenness centrality (Freeman 1977, 36), eigenvector centrality (Bonacich 1987). Degree centrality is calculated from walks of length one, while eigenvector centrality is calculated from an infinite number of walks. Betweenness centrality is a measure of how many times a node is a bridge between other nodes on their shortest paths, or geodesics.

^{xxi} The geodesic is the shortest path between two actors. Paths occur when no node can be visited more than once, trails occur when nodes can be visited multiple times but no edge can occur be used more than once, and walks occur when nodes and edges can be visited and used multiple times.

^{xxii} Centralization is calculated by the sum of the difference between the highest centrality value found in the network, and the centrality value of all the other nodes, divided by the sum of the maximum sum theoretically possible. Betweenness centralization, on the other hand, is operationalized by the number of geodesics an actor is situated on, standardized by the number of dyads not involving the actor for which betweenness centrality is being calculated (Leifeld 2014).