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Article:

Autocratization, Permanent Emergency Rule and Local Politics: Lessons from the Kurds in Turkey

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Abstract

Emergency rule provides opportunities for aspiring autocrats to subvert democratic institutions while still following constitutional rules. There has been a steady rise in the use of emergency rule for this purpose in recent years, leading many scholars to speak of 'permanent' emergency rule. Existing explanations of permanent emergency rule focus on national-level factors, completely neglecting the role of local political dynamics. Our goal is to trace how overlooked local conditions enable the permanency of emergency rule. We do so by looking at one particular autocratizing emergency decree in one locality in Eastern Turkey during its recent state of emergency that became permanent: the removal of local elected Kurdish mayors and their replacement with state-appointed trustees. We draw on in-depth interviews, reviews of three local newspapers, and a review of parliamentary records and political statements, to argue that three local conditions were necessary for this process. Firstly, this was not a new policy for this region which had long been treated as exceptional; secondly, there were high levels of local polarization and zero-sum politics around the ethno-political divide; and thirdly, local politics was highly clientelistic. These reinforcing factors created weak municipal government and enabled its eclipse by an autocratizing centre.

Introduction

Emergency rule provides opportunities for aspiring autocrats to subvert democratic institutions while still following constitutional rules (Arslanalp & Deniz Erkmen 2020; Levitsky & Ziblatt 2018). Decrees made during emergency rule often go beyond just protecting the state and instead change the ruling institutions permanently, usually in a way that concentrates power in the executive with little oversight. Indeed, democracies are 75 percent more likely to erode under a state of emergency (Luhrmann & Rooney 2020). This is all the more problematic given the rise in emergency rule today – in the last 40 years almost two thirds of all democracies were in a state of emergency at least once (Luhrmann & Rooney 2020). Emergency rule is no longer exceptional, but instead has become a regular technique of government that leads to autocratization (Agamben 2005).[1] This raises the question of how emergency rule is able to become 'permanent' in a democracy. By 'permanent' we mean two things: (1) emergency rule becomes an everyday tool of government, and (2) decrees made during a period of emergency move beyond their conservative scope of protecting the state to changing the ruling institutions with a lasting effect.

In this article, we focus on one particular understudied aspect of how emergency rule becomes permanent; namely, the role of local politics. Emergency rule is often targeted at specific localities within a country rather than nationwide, particularly when used to respond to internal security threats. It is imposed in specific social and political localities and experienced by local actors on the

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[1] We use Cassani and Tomini's (2020) definition of autocratization as any move that makes a system more autocratic and increases arbitrary rule.

ground (Watts 2009). Acknowledging the significance of local dynamics helps us to understand emergency rule as 'law in action' and not just view it in abstract legal terms (Levy-Aksu 2016). Yet existing approaches focus exclusively on national level dynamics to explain emergency rule. Our goal is to trace how overlooked local conditions enable the permanency of emergency rule.

To make the argument that local dynamics matter when it comes to the permanency of emergency rule, we draw on the case of Turkey. Turkey under the ruling *Adalet ve Kalkınma Partisi* (AKP) is a paradigmatic case of democratic backsliding (Bermeo 2016; Lührmann & Lindberg 2019), and the government's targeting of the Kurdish-populated region provides privileged insights into the dovetailing of autocratization and permanent emergency rule. Specifically, we examine the AKP's use of an emergency decree to remove Kurdish local elected officials and replace them with state-appointed trustees. During Turkey's state of emergency between 2016-2018, 94 out of 102 Kurdish mayors were removed and replaced with trustees.[2] In the 2019 local elections (after emergency rule officially ended), Kurdish parties won back these seats back only to be deposed and replaced once again when a further 93 Kurdish mayors were replaced with trustees and six winning Kurdish candidates were not issued certificates of victory.[3] By October 2020, the final Kurdish mayor in a big city was replaced with a trustee in Kars and detained along with 19 other members of the Kurdish party, *Halkların Demokratik Partisi* (HDP).[4]

To explain the links between autocratization and permanent emergency rule, existing research has drawn attention to factors such as the strategies adopted by political leaders, civil-military relations, or the role of the state – all factors that operate at the national level. We add to this analysis by drawing on a wealth of microlevel data from Van province in Eastern Turkey to argue that a particular arrangement of local political dynamics and weak local institutions were necessary conditions for emergency rule to become permanent. We argue that these local factors opened a space that allowed the national level agenda to bed down without resorting to direct violence (as it did in other Kurdish-populated provinces such as Diyarbakir). Specifically, three local factors mattered. Firstly, this was not a new policy for this region which had long been treated as exceptional; secondly, there were high levels of local polarization and zero-sum politics around the ethno-political divide; and thirdly, local politics was highly clientelistic. These characteristics enabled the implementation of emergency rule as a form of 'administrative violence' or 'violence through normal governance' (Kalyvas 2008).

Permanent Emergency Rule and Autocratization

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[2] 'Bir Gasp Aracı Olarak Kayyum Uygulamaları', Demokratik Bölgeler Partisi 2017. https://www.hdp.org.tr/images/UserFiles/Documents/Editor/DBP%20Kayyum%20Raporu.pdf.
[3] Statement to the UN by Bedia Özgökçe, 21 Sept 2019, https://www.hdp.org.tr/en/news/news-from-hdp/bedia-ozgokce-the-un-must-set-up-a-mechanism-to-carry-out-a-thorough-investigation-of-all-rights-violations-in-our-dismissals/13550; 'Rights group says removal of Kurdish mayors in Turkey violates voters' rights', *Ahval* 7 Feb 2020, http://ahval.co/en-73641.
[4] 'Ayhan Bilgen: Dismissed as mayor, arrested and blocked on Twitter', *Bianet* 8th October 2020, https://bianet.org/english/politics/232343-ayhan-bilgen-dismissed-as-mayor-arrested-and-blocked-on-twitter.
In addition, 82 individuals were arrested for their role in protests against the lack of military support for Kurds in Kobane under siege by ISIS as party of the war in Syria 6 years earlier.

Emergency Rule and the Erosion of Democracy

In its ideal form, which dates back to Ancient Rome, declaring a state of emergency is seen as the exclusive preserve of states fighting for their survival when confronted with major crises that are hard to anticipate, like war, insurgency or an economic shock. The logic is that when faced with an existential threat (keeping in mind that such threats may be constructed by self-serving politicians (Wright 2015)), ordinary legislative channels may be too slow and cumbersome to respond adequately. Therefore, it may become necessary to empower a government to bypass temporarily the usual legislative and judicial channels (Ferejohn & Pasquino 2004). Emergency rule can be an important tool in protecting democracy by buying time and legal breathing space from voters and courts to defend the democratic status quo (Hafner-Burton et al. 2011). Once the state has returned to the same position it was in prior to the emergency, then emergency rule should be withdrawn. In this way, emergency rule is intended as a conservative policy to protect the status quo and not one designed to deliver permanent change. Or so the ideal goes.

In reality, however, using emergency rule as a power grab at the expense of democracy is an irresistible temptation for some. Democratic reversals today are different from sudden collapses seen in the post-WWII period brought about by coups or revolutions (Bermeo 2016; Luhrmann & Lindberg 2019). Today's autocratization is the product of rewriting institutional rules and the cumulation of incremental changes to the operation of institutions like parliament and the judiciary to hallow out their power. While emergency rule itself may not be an incremental change, it opens a space for the executive to introduce incremental changes that erode democracy. What is more, it seeks to achieve this by still appearing to respect existing democratic and legal institutions, thus giving a constitutional foundation to tyranny and allowing autocrats to claim a façade of procedural democracy (Loveman 1993).

Not only is emergency rule being used more frequently, but it is often deployed in a way that has a lasting autocratic legacy on the political system. This is not a new observation and indeed Schmitt famously cautioned about the incompatibility of emergency powers and liberal democracy a century ago. Schmitt (2014 print) argued that emergency powers needed to be broad to deal with unknown but anticipated crises and this, by necessity, entails empowering the executive during a crisis. Although executive decisions during a crisis can later be reversed, in reality the events will overtake this possibility and oversight of the executive during times of emergency is therefore inherently limited. This means that the only real distinction between a state of siege and a dictatorship is the commitments of the executive to democratic values or not. More recently, Agamben (2005) has shown how states of exception are actually not very exceptional but have risen to become a regular tool of government in post WW1 politics. Permanent emergency rule has also become more subtle, with governments dispersing emergency powers through multiple pieces of legislation rather than relying on an easily identifiable constitutional clause, making the whole process more diffuse, more prosaic, and harder to oversee (Feldman 2010). As such, the very nature of emergency rule leaves it open to abuse.

Bringing in the Local

Existing research sees permanent emergency rule as the product of failures of national-level politics. Legal scholars see this as a failure to build in adequate checks on a powerful legal tool, and there is a thriving literature on possible ways to check emergency rule while still aiming to retain its benefits (Ferejohn & Pasquino 2004, Gross and Aoláin 2006, Dynzehaus 2006). Political approaches have

mainly been dominated by theory-driven debates about the rightful role of such powers in a democracy, although there have been a number of valuable case studies of instances of emergency rule (for example, Reza 2007, Wright 2015, Göztepe 2018, amongst others). Again, these studies have a strong focus on national level factors, seeing permanent emergency rule as the product of wily political manoeuvring, a failure of state institutions, an overly powerful military, or a particular political culture.

Without doubting the usefulness of this body of work, we wish to argue that local political dynamics are often vital to the process by which emergency rule becomes permanent and that these have been neglected to date. The local is ignored and seen as having no autonomy in the process. Instead the coercive power of national politics to impose its will, sometimes amidst a wider geo-strategic context, becomes the sole explanation. In contrast, we argue that making emergency rule permanent requires more than outright force from the political centre, especially if the government wishes to engage in a form of autocratization that works through existing institutions and constitutional frameworks. Of course, governments often securitise emergencies and then use this to impose their will (Gross and Aoláin 2006). But when emergency rule is targeted at a particular sub-national region, it is short-sighted to overlook local dynamics. Where emergency rule targets a particular region, it eclipses the autonomy of that region. The ability of local actors to resist this process (or not) will hinge on the power and autonomy of local institutions to face down encroachment from the centre. There is an interplay between these two levels that means the dynamics of the local needs to be acknowledged.

Case Study and Methods

Background to Emergency Rule

On the 20 July 2016, five days after a failed coup attempt, Recep Tayyip Erdoğan, president of Turkey and head of the AKP, declared a state of emergency across the country. This was against the backdrop of the mildly-Islamist AKP government having already embarked on a well-documented period of autocratization, especially since 2011, resulting in a competitive authoritarian regime (Turam 2012, Esen and Gumuscu 2016). Full details of the coup attempt are beyond the scope of this paper (see Yavuz 2019), but essentially it was carried out by a rival Islamist group and former ally of the AKP led by supporters of the exiled cleric Fethullah Gülen. According to the AKP, the existential threat that Gülenists posed, labelled the Fethullah Gülen Terrorist Organisation (FETÖ), was so deeply hidden within the state's apparatus that emergency rule was the only option to remove the threat, protect the state, and return Turkey to the way it was before FETÖ.

Emergency rule bestowed Erdoğan with unchecked executive power to an even greater extent than he had already achieved. The state of emergency allowed the Council of Ministers, chaired by President Erdoğan, to pass decrees without legislative checks. Given the parliament was controlled by the AKP with a comfortable majority, the provision that emergency rule should be overseen by parliament was meaningless.[5] Emergency rule excluded any judicial control by the Constitutional Court (Göztepe 2018) and enabled the executive to partially suspend fundamental rights and freedoms (Venice Commission 2016; Council of Europe 2020). Erdoğan insisted that these powers were necessary, but he also assured people they were temporary. He claimed that the state of emergency would not entail any compromise on democracy and that it had one clear goal: 'to remove swiftly all

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[5] This parliamentary majority was even more comfortable given the state of emergency was also supported by the right-wing *Milliyetçi Hareket Partisi* (MHP, Nationalist Movement Party).

the elements of the terrorist organisation involved in the coup attempt'.[6] Similarly, Deputy Prime Minister, Numan Kurtulmuş, declared that 'we want to end the state of emergency as soon as possible' and suggested it would only last for 45 days.[7]

Despite AKP promises, the state of emergency was soon to violate every norm of good practice related to emergency rule – it was repeatedly extended, its focus expanded beyond its original justification, and it was used to fundamentally change the ruling institutions on a permanent basis. The state of emergency was renewed seven times and lasted almost two years. Thirty-seven emergency decrees were issued, all of which bypassed the usual legislative checks. For example, the media, already long under siege from the AKP, were further restricted. Over 150,000 people were purged from the bureaucracy, police, military, educational and other public institutions. By the time it ended, Turkey had changed from a parliamentary system to an executive-presidential one, and the referendum to endorse this was held under conditions of emergency rule. Erdoğan now stood as head of an executive presidency that gave him the powers he wielded under emergency rule on a permanent basis.

A number of national-level factors have been identified to explain how emergency rule became permanent. These include: Turkey's statist history and civil-military relations, which see intervention against internal threats as relatively benign (see Heper 2007 on earlier versions of state intervention against the Kurds); a political culture embedded at the foundation of the Republic that legitimates such interventions (Yılmaz 2019); a long-standing political tradition of parties conflating the state's interest with their party's interest, and then using the tools of the state to advance their partisan agenda (Çınar and Sayın 2014; Kaya and Whiting 2019; Somer 2019); a lack of checks to stop the process given the AKP had already hallowed out the judiciary, the military and the media (Çalışkan 2017; Göztepe 2018); and, the AKP's use of a majoritarian conception of politics to justify pushing through extreme change (Grigoriadis 2017).

It is also important to acknowledge the wider context that explains why the AKP turned its attention towards using emergency rule to target Kurdish politics, even though Kurds were not connected to the coup attempt in any way. When the AKP initially came to power in 2002, the party was highly critical of the national security paradigm that had dominated Turkey to date. The AKP saw this security paradigm as rooted in the foundation of the state where a Kemalist vision of a European, secular nation state defined the new Republic – a vision that led to the erasure of political Islam from public life. Here was where the AKP and Gülenists initially found common ground and a basis for their early alliance. They both represented that large sector of society that had been excluded from political representation in the name of secularism. Furthermore, from this moderate Islamist perspective, it was the same Kemalist vision that led to the political suppression of minority groups like the Kurds in a reinforcing and path-dependent process (Yavuz 2018; Lord 2019). It was drawing on this interpretation that the AKP initially sought a pathway out of armed conflict with Kurdish nationalism on the basis of Islamic brotherhood (and as part of wider EU accession negotiations) – a route that was soon to flounder (Gürses & Öztürk 2020).

Once the AKP was in power, tensions rose between the party and Gülenists (see Yavuz 2018), leading to a split in the Islamist alliance. The AKP subsequently turned towards the ultra-nationalist MHP in an informal electoral alliance, and in the process reoriented its stance towards the Kurds to appeal to

[6] 'Turkey imposes state of emergency after failed coup', *Agence France Presse*, 21 July 2016.
[7] 'EU expresses 'concern' over state of emergency', *Agence France Presse*, 22 July 2016.

their new nationalist partners. Now the Kurds were seen as a threat to Turkish nationalism and Islamic brotherhood faded into the background. The war in Syria and the collapsing peace process dovetailed with this. The rise of Syrian Kurdish groups enabled the government to present the Kurdish issue as a threat to the Turkish state (Kaya and Lowe 2017). The main Kurdish party, the HDP, had an ambiguous relationship with the designated terrorist group, the PKK, that created a grey area that the state was able to securitise. In this way, both contingent events and a change in AKP strategy in response to power struggles within the ruling elite Islamist coalition, led to an increased securitization of the Kurdish issue (Geri 2016; Lord 2019).

Removing and Replacing Local Kurdish Mayors Using Emergency Decree

To explore how emergency rule became permanent at this local level, we drill down to one particular decree that changed the operation of local democracy in a way that was not possible prior to emergency rule. On 1st September 2016, the government introduced emergency decree 674, which included article 38 that allowed for the removal of local elected officials from office if they were accused of a criminal act and replaced them with a trustee appointed by the Ministry of the Interior. The government had previously tried to pass this policy through ordinary legislation, but failed to achieve enough support.[8] Now, however, it bypassed parliament through an emergency decree and used this to change Municipality Law 5393, ensuring these powers remained in place even after the state of emergency ended. Prior to this decree, the government was only able to remove elected officials found guilty of a crime (accused was not enough) and the guilty officials would then be replaced by another elected official chosen by the local council.

This decree was overwhelmingly aimed at Kurdish municipalities and members of the HDP.[9] The emergency decree was widely condemned by Kurds, opposition parties, the EU and Council of Europe, and even by some within the AKP. The HDP declared this to be 'a new and clear political coup';[10] the leader of the main opposition party, Kemal Kılıçdaroğlu, declared that deposing elected Kurdish officials meant that 'the last crumbs of democracy have disappeared';[11] and even disgruntled former AKP ministers Ali Babacan, Ahmet Davutoğlu and Abdullah Gül all made statements criticising the removal of Kurdish mayors. Nonetheless, it became permanent and these powers remained in place even after emergency rule was officially lifted in July 2018.

Case Selection, data and methods

We look in depth at one particular province that was targeted through this decree – Van Province in Eastern Turkey. We use the case of Van to make bigger conceptual and theoretical claims, operationalising this as a pathway case (Gerring 2007). Pathway cases reject the idea that there is a typical or crucial case and instead argue that we should examine cases that provide privileged insights into under-theorised pathways. Van is an example of permanent emergency legislation reinforcing autocratization but, as noted earlier, how exactly this process gained traction is not fully known. This

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[8] This was originally part of omnibus bill no 411.

[9] Three AKP mayors in Erzurum, Giresun and Konya and one MHP mayor in Adana were also removed using this decree for having links with FETÖ.

[10] 'Bekir Kaya: Omurgalı olun! STK'lar: Haddi aşmayın!', *Şehrivan Gazetesi* 21 Sept 2016. Kaya, a Kurdish mayor for Van, was one of the first targeted using the emergency decree.

[11] 'HDP'li 3 belediyeye kayyum atanması sonrası ilk kez konuştu', *Şehrivan Gazetesi* 21 August 2019.

is the level at which we conceptualise the specific context of Van to engage in more general insights and theoretical suggestions (Lund 2014).

Van was chosen because it is more mixed than other Kurdish provinces, allowing us to trace the dynamics between Kurdish and Turkish identities at the local level. Historically, the area has a mixed population and under Ottoman rule it was inhabited by Armenians, a small population of Assyrians, and Muslims (including Turks, Kurds and Muslims of other ethnic backgrounds), becoming a majority Muslim area after WWI and the forced expulsion of Armenians during the genocide. Ethnic identity is not recorded in official records, so it is impossible to know the exact proportions of Kurdish and Turkish identities today. However, early censuses included a question on native language and in 1965 the percentage of the population in Van that spoke Kurdish was 55% (Mutlu 1996). Today Van is a crucial electoral battleground between the ruling party and Kurdish parties, with the province changing hands in recent elections (see Figure 1). In contrast, other Kurdish provinces such as Diyarbakır (which is seen as the capital city of Northern Kurdistan) are less mixed and less of a battleground, so would fail to provide as rich an understanding of local dynamics. Van is also less securitized than many other Kurdish provinces (albeit while still having a firm security presence), it did not take part in recent trench warfare that was seen in Diyarbakır and has fewer curfews and military lockdowns. Therefore, the permanency of emergency rule in Van was more about 'violence in disguise' than outright force.

Insert Figure 1

We draw on a wealth of local data from 2014 to 2020. This time period covered: two local elections that elected Kurdish mayors to the municipality as well as multiple mayors and village heads to its 13 districts; prosecutions of Kurdish elected officials prior to the coup attempt; the coup attempt itself; the introduction of the state of emergency, the removal of Kurdish officials and their replacement with trustees between 2016-18; and the 2019 local election that resulted in Kurdish mayors being elected and replaced once again. We reviewed three local newspapers (*Şehrivan Gazetesi, Vansesi Gazetesi, Prestij Haber*). These covered local political developments in depth, including regular interviews with Kurdish and non-Kurdish political figures. Although none of the papers had an explicit ideological bias, the inclusion of Kurdish perspectives certainly declined over time in line with restrictions and self-censorship on this issue seen across all of Turkey.

We spent one month in Van (December 2019) during which time we undertook interviews and visits to provincial and district branches of the parties. We interviewed 18 local elites (8 members of the ruling AKP, 5 members of the right-wing MHP, 1 member of the HDP, and 4 local journalists). By local elites, we refer to the heads of local party branches, local elected officials and candidates, and senior party activists at the local level. AKP and MHP local elites were interviewed as they would be expected to support the central government, but at the same time the decision to assert central control undermined their local power base. As a result, many of them were critical of the decision imposed by Ankara. We tried to interview more members of the HDP, but most local HDP officials had been arrested or fled. Therefore, the HDP position is mainly taken from an extensive review of contemporary documents and speeches produced by the party. Finally, we also interviewed 8 officials from the Council of Europe, the European Parliament, and international NGOs with expertise of Turkish local democracy. Interviews in Van were conducted in Turkish while those with international experts were undertaken in English.

The Necessary Local Conditions of Permanent Emergency Rule in Van

We argue that three local and reinforcing conditions were necessary for emergency rule to become permanent in Van: (1) the policy was not new to this region but well established; (2) local political polarization created a zero-sum dynamic that the government exploited to gain political support from non-Kurdish groups, even if it eroded their local power based; and (3) the long-standing clientelistic nature of local politics meant there were very low expectations around local democracy from all sides anyway. In the absence of these factors, this outcome would not have been possible in this particular context.

Not a new beginning

A policy is more likely to embed if it is not a completely new beginning but actually fits with the political culture and has some historical antecedent. There is a long tradition of using emergency rule throughout Turkey's history and the basis for its use was institutionalised at the foundation of the Republic in 1923 (Yılmaz 2019). Historically, emergency rule was often targeted at the Kurdish periphery and extended to non-exceptional times. This was evident during the early years of the Republic, during the turbulent years of the 1960s and 1970s, and for two decades following the 1980 coup. Since its foundation, the Turkish Republic has been under some form of emergency rule for almost half of its history and the burden of this was disproportionately borne by Kurdish populated regions (Üskül 2003). This same pattern was pursued by the AKP, even prior to their imposition of emergency rule in 2016, where curfews and the suppression of protests were greater in the Kurdish region than elsewhere in Turkey (Arslanalp and Deniz Erkmen 2020). The institutionalization of a political culture that treats the southeast as exceptional made the extension of the 2016 state of emergency to the Kurdish issue both unsurprising and prosaic.

As Levy-Aksu (2016) has traced, exceptional rule dates back to the first constitutional period of the Ottoman Empire (1876-8). When the policy was first codified, no article specified the exact circumstances in which emergency rule could be proclaimed, 'paving the way for indiscriminate use of the measure as one tool of government amongst others' (2016: 25). This increased the arbitrary power of the military and the state over the population. It was this historical and legal experience that was adopted by the nascent Turkish Republic in 1923, where an expansive understanding of emergency rule was institutionalised in the context of the need to defend founding values of territorial integrity and a homogenising Turkish identity (Yılmaz 2019). It was implemented in a geographically uneven fashion, often focusing more on the peripheral regions where the authority of the Ottoman state was being challenged.

The defining period for today's Kurdish southeast was that leading up to and after the 1980 military coup. Following the Maraş riot of 1978, extraordinary martial law was declared in 13 provinces (later extended to 20), including many of those in the Kurdish populated east and southeast. At the same time, a new phase in radical Kurdish separatism was emerging with the formation of the PKK in 1978. As violence increased, and against the backdrop of an economic crisis, the army complained they lacked a free hand to deal with the problem despite the country already being partially under martial law. General Kenan Evren led a coup in 1980, after which martial law was stepped up. The military regime was particularly brutal in its clampdown on civil society, leftist and Islamist dissent, and Kurdish separatism (Öktem 2012). In 1987, using a clause from the new 1982 constitution (described by Oran (2006) as having the aim of protecting the state from its citizens), a new region of emergency rule

(OHAL – *Olağanüstü Hal*) was created that was to last until 2002 in some districts.[12] The east and southeast were constructed as a space of exception (Watts 2009).

This historical foundation helped to enable the replacement of Kurdish mayors with trustees today. Extending the use of emergency rule to target the Kurds, and using the tools of the state to impose the centre's wishes over those of the region, was embedded in local expectations. Even local Kurdish elites who deeply resented emergency rule saw it within this long-standing tradition and were unsurprised by how the 2016 period of emergency rule targeted Kurdish local politics, even though Kurdish radicalism was not connected to the coup. When emergency rule was first debated in parliament on 21 July 2016, Meral Danış Beştaş, speaking on behalf of the HDP group, declared that the Kurds saw the new emergency regime 'from a place that knows intimately what the OHAL system is', which they associate with 'destruction, immigration, massacres, torture'.[13] In 2019, Sezai Temelli, the co-Chair of the HDP, claimed the AKP were 'the heirs of the 1980 coup'.[14] One founding member of a HDP district branch in Van saw the policy in these terms too, declaring that it was a repeat of history and 'a way of the state showing its authority. It wanted to show [the HDP] who was boss by saying this is what we can do to you'.

Indeed, AKP and MHP elites framed the intervention as fitting within a tradition of a benevolent state response to anything that might destabilise the region, rather than as an effort to silence a democratic opposition by the governing party. A defeated AKP mayoral candidate justified the policy as part of a long historical tradition of appointing trustees during times of emergency. Similarly, one AKP district chairman declared that it was acceptable to remove Kurdish elected officials because local people were loyal 'to the state and the flag' and that during major crises the people came together around these bigger ideals. This was also the view of local MHP officials, who saw the emergency decree as wrapped up with something bigger than party politics, namely protecting the homeland. As one MHP district chairman characterised the intervention: 'the state was showing its greatness and declaring "I will rule"'.

AKP supporters justified the policy in terms of a being akin to long standing traditions of responding to necessary security threats, and largely skipped over the fact that Kurdish radicalism had nothing to do with the coup. A senior provincial member declared that 'of course, the trustees and democracy are incompatible' but that there was 'no other option but to support the trustee policy' in light of the HDP's connections to the PKK. One local senior party member argued (inaccurately) that the government had let the Kurds run Van for five years before removing mayors in 2019 and they were only being removed now because it was necessary to tackle the rising threat of the Kurds in light of their increased autonomy in Syria.[15] That is not to say that AKP local branches unquestioningly supported the policy and indeed there were dissenting voices, especially in terms of how it violated democratic principles and removed power from the local level. One typical assessment came from a party strategist who stated that these appointments were unnecessary, especially after 2019 when 'the HDP were behaving much better' and the policy actually harmed the AKP's local credibility. But,

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[12] Batman, Bingöl, Diyarbakır, Elazığ, Hakkari, Mardin, Siirt, Şırnak, Tunceli and Van. Adıyaman, Bitlis, Muş were declared 'neighbouring' provinces – a slightly reduced status to full emergency.
[13] Minutes from the TGNA, 21st July 2016.
[14] 'Temelli, Van'da kayyum kararına tepki gösterdi', *Şehrivan Gazetesi* 23 August 2019.
[15] Although this was a common perception, in reality the AKP had been trying to remove the Kurdish mayorship of Van almost immediately upon their first victory, initially through a failed court case against Bekir Kaya in 2014 and then using the emergency decree in 2016.

overall, the tradition of a benevolent state needing to protect the population trumped concerns about democracy and allowed the policy to be framed as part of this long tradition in the region.

Polarization and Zero-Sum Politics

Embedding the policy was, however, more than just the product of a long-standing political culture. Permanent emergency rule was also made possible by the polarized and zero-sum nature of politics in Van. This meant that AKP local elites accepted the removal of rivals from power, even if some of them disagreed in principle or it cost them electoral credibility. Since 2014 rates of polarization are at some of their highest levels throughout Turkey (Erdoğan 2016, Somer 2019). In the Kurdish region, polarization builds on long-standing divisions between the centre and periphery and between the Turkish identity and historically excluded minorities. Although some efforts were initially made to bridge this divide through shared Islamic brotherhood as noted earlier, after the AKP allied with the MHP the traditional division re-emerged. In Van, local politics is about depriving your opponents of votes as much as it is about actively winning them for your own party. Thus, for those who did not support Kurdish parties, stripping the HDP of its local power may not have been best practice for democracy, but nor did it raise too many anxieties.

Compounding nation-wide polarization, Van is an electoral battleground between the AKP and Kurdish political parties, and became all the more important as the AKP's national majority became more vulnerable since 2015.[16] Figure 1 shows the intensity of the last three local elections in Van. During this time, Kurdish parties managed to overturn the AKP's lead, helped by the introduction of a new metropolitan mayoral system ('büyükşehir'), which now counts the votes of peripheral villages and towns as part of the Van metropolitan vote, bringing a large number of Kurdish voters into play. Whilst both sides have a certain static vote share, there are a number of individuals from Kurdish backgrounds who swing between the parties. For example, under the leadership of the now imprisoned Selahattin Demirtaş, the HDP sought to broaden the appeal of the party beyond its Kurdish base by including liberal rights, LGBT+ and feminist issues. Whilst this tactic proved very successful in large cities, it alienated some socially conservative Kurdish voters in provinces like Van.

In the midst of this electoral rivalry, Kurdish symbolic politics came to the fore, further aggrieving AKP supporters and making an intervention more acceptable. After winning local elections in Van in 2014, the HDP held a day of celebrations that included parading with Kurdish flags, displaying pictures of Kurdish suffering and pictures of PKK members killed in conflict.[17] Bekir Kaya, Van's newly elected Kurdish mayor, was accused of converting a municipal cemetery into a shrine to PKK martyrs.[18] His successor in 2019, Bedia Özgökçe had a heated debate about whether to remove or retain the picture of Erdoğan from the mayoral offices. Such tensions were compounded by the war in Syria. Interviewees reported allegations of Kurds burning Turkish-owned shops in a backlash against

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[16] Van has 8 parliamentary seats distributed as follows in recent general elections: 2011 - 4 AKP, 4 Independent (Kurdish); June 2015 - 1 AKP, 7 HDP; Nov 2015 - 2 AKP, 6 HDP; 2018 - 3 AKP, 5 HDP.

[17] '26 yıldır dinmeyen acı: Halepçe', *Evrensel* 16 March 2014; 'Van Newroz'unda Kurdistan bayrağı bolluğu', *Rudaw* 22 March 2015; 'Serhat zafer halayına durdu', *Dicle Haber Ajansı* 8 June 2015.

[18] 'Bekir Kaya davasında karar çıktı! İşte aldığı ceza!', *Şehrivan Gazetesi* 18 October 2018. Soon after Kaya's election, a local paper reported being pressured to remove the Turkish flag from its masthead by 'visitors' from Diyarbakır.

Turkey's perceived failure to provide support to Kurds during the siege of Kobane.[19] Of course, these allegations and counter-allegations are impossible to verify, but the point is that they show the depth of polarization between the two political groups. This sense of polarization over symbolic politics deepened even further in 2016 when four districts in Van, in a co-ordinated act across the southeast, declared administrative autonomy.

This polarized space meant that local elites saw the removal of Kurdish officials as an 'expected' outcome and, in the case of AKP and MHP elites, a 'welcome' outcome. In a zero-sum system of politics, any power removed from your opponent is as good as winning that power yourself. Symbolic Kurdish policies were seen as an affront to the sizeable non-Kurdish population in the region and this was exploited to gain local acquiescence, even if it entailed democratic compromises. This was further crystallised by changes going on within the local AKP branch, which saw the marginalisation of what one AKP mayoral candidate called 'modernising conservatives' and the consolidation of power by 'traditional conservatives' who rallied behind Erdoğan and his new coalition allies in the MHP. Somer (2019: 56) notes that in a polarized Turkey, the AKP's constituency became increasingly willing to 'support, overlook and, at times, demand' the dismantling of democratic institutions and they increasingly condoned power grabs. This echoed the dynamics seen at the local level in Van.

Institutions that put checks on the government came to be seen as barriers to the AKP's goals in the face of a polar opposition in Van. Changing institutional rules to install a seemingly neutral bureaucrat in lieu of a Kurdish politician was an acceptable trade-off. As one branch leader argued, 'they needed a trustee because in the end most of the assembly members were HDP members so a trustee was needed to balance this', otherwise the HDP would continue to dominate. No real thought was given to the electoral mandate of the HDP, and it was more about what was necessary to contain them. This same dynamic was used to silence internal dissent where the central party presented any internal criticism as supportive of the opposition. One local activist noted that 'the thinking is that if you are not on the side of the government, then you are definitely on the other side. I support the AKP but when I complain about them, they accuse me of being against the party'. In this way, local polarization helped to ensure that the emergency decree was accepted.

Clientelism and the Hallowing out of Local democracy

The final local condition that enabled the permanency of this emergency decree was the high degree of clientelism in Van. On both sides there were low expectations of local democracy and it was seen as something that should be used to favour your supporters once in power. Across Turkey's southeast ethno-political divisions regulate access to means of patronage, enabling politicians to appeal to local audiences and boost their electoral prospects. Removing an opponents' ability to deliver such largesse, and thereby inhibit their ability to build their political base, was welcomed even if it came at the cost of removing the democratic will of the majority of voters. Furthermore, democracy was so hollow in this context that many saw it as making little difference if 'neutral' trustees were appointed.

[19] This story was confirmed to us by a pro-AKP local journalist, but not documented in any local papers. It was also reported by a local HDP representative, but he stated that not all these attacks were carried out by Kurds and there were AKP and MHP provocateurs among them.

Added to this was a sense that HDP struggled in office to deliver adequate governance for Van, prioritising clientelism and lacking the experience necessary to run a municipality.[20] The AKP Minster for the Interior, Süleyman Soylu, accused the HDP of transferring municipal funding to the PKK, leaving large public debts and an absence of basic services.[21] The HDP was seen as using municipal contracts in a clientelistic relationship where they would only award bids to 'worthy families' (değer ailesi) of importance to the Kurdish movement or families who had sent members to fight for the PKK. A HDP official himself noted that the party refused to work with certain contractors seen as loyal to the AKP, even if that meant depriving the population of services for a transitionary period of time. The HDP was also seen as prioritising villages and mountain areas (overwhelmingly Kurdish) and neglecting the city and towns (where most of the Turkish population live).[22] This was not exclusive to the HDP and clientelism characterised local politics in Van under the AKP too. One local AKP official lamented that while it was good the HDP had been removed, the appointment of trustees prevented his party from using the resources of the state to meet the requests of party loyalists.

What was particularly problematic about the HDP's patronage network was that it was presented by opponents as benefitting the PKK. Claims that leaders within the PKK exerted a shadowy influence over the HDP in office were common in interviews from AKP members, MHP members and journalists.[23] There were allegations that the PKK set up their own parallel courts and collected 'tributes' from local businesses. There were also allegations that senior PKK members sat in on municipal meetings, steering the policy-making decisions of HDP representatives.[24] One AKP interviewee, who was uncomfortable with the appointment of trustees because it meant that the AKP was administering the electoral mandate of the HDP, lamented that the people of Van were stuck between a 'PKK trustee' and a trustee appointed by the Turkish state.

The net result was that the appointment of trustees was not seen as removing a particularly powerful institution anyway given the weakness of local government. Furthermore, a seemingly 'neutral' trustee was able to be presented as someone who would resist the clientelism of local electoral politics evident from both sides, but especially HDP clientelism that was framed as being used to bolster the PKK.

Discussion

Local political conditions enabled the pursuit of Erdoğan's policy of removing local opposition through emergency rule and establishing this as a permanent feature of government in Turkey. Using lessons

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[20] Even our HDP interviewee noted repeatedly that upon winning office in 2014 the party simply did not know how to run the district and struggled to arrange basic tasks like rubbish collections.

[21] 'İçişleri bakanlığı'ndan kayyum belediyelerle ilgili flaş açıklama!', *Vansesi Gazetesi*, 7 November 2018. Similar claims were made by individual trustees when they took over from Kurdish mayors, for example Atif Çiçekli in Edremit. 'Kayyum'dan borç tepkisi: 8 buçuk milyon nerede?', *Şehrivan Gazetesi* 24 December 2016.

[22] It was in this context that the Ministry of Interior released a report demonstrating the benefits of trustees by highlighting the many kilometres of asphalt roads they had laid in the region, something that was seen to benefit all.

[23] For example, see the statement released by the Ministry of the Interior documenting links between HDP mayors and the PKK. 'Diyarbakır, Mardin, Van Büyükşehir belediye başkanlarının görevden uzaklaştırılmasına dair basın açıklaması', https://www.icisleri.gov.tr/diyarbakir-mardin-van-buyuksehir-belediye-baskanlarinin-gorevden-uzaklastirilmasina-dair-basin-aciklamasi.

[24] This was raised by interviewees, but see also: 'Destici: Buraları PKK'nin atadığı komiserler yönetiyor', *Hürriyet*, 18 June 2016; 'HDP'li belediyelerle PKK'nin işbirliğini gösteren şok rapor ortaya çıktı!', *Sabah*, 1 September 2019.

from Van, we can begin to conceptualise this process so that we can draw some bigger understanding of what it entails. Emergency rule enabled the AKP to use existing legal and representative institutions, even though it was doing so to centralise power and strip opposition groups of their mandates. Local government in Turkey has never been particularly powerful and it has always been financially and politically dependent on the centre (Heper 1989, Köker 1995), but nonetheless it can be an important site for local decision making (Bayraktar 2007). This is especially the case for the east and southeast where the Kurdish population has different preferences to the rest of the population in key policies. Emergency rule was used to open a space where legal interventions to restrict the competitiveness of local democracy was possible, in line with the nature of democratic backsliding pursued by the AKP to date. Repeated AKP interviewees emphasised the legality of the process and used this to defend the policy, noting that it followed constitutional rules and that it was about appointing a neutral bureaucrat, not an AKP politician.

Using emergency law to remove the local mandate of opposition groups was only possible through an interaction between the national policy and local politics. In order for emergency rule to become permanent, and if this was to be done through existing legal-institutional channels, three local conditions were necessary (see Figure 2). Firstly, there was a long-standing political culture that already constructed this region as exceptional, a framing that was readily accepted by local elites on all sides. Secondly, highly polarized local politics (both in terms of electoral competition and symbolic politics) created a zero-sum mentality. Thirdly, the clientelistic nature of local politics, which in the case of the HDP was wedded to a PKK patronage network, hallowed out expectations of local democracy. These three factors all reinforced each other and created weak local government that enabled its eclipse by an autocratizing centre. The dovetailing of these factors should not be considered unusual – after all, many hybrid democracies display all these tendencies.

Insert Figure 2

Observing these factors and their impacts at a local level provides tangible insights into how democratic backsliding becomes embedded through implicitly violent methods disguised as 'legal' and normal. Executive aggrandisement was not the product of martial law or military might. In Van it was enabled through non-military forms of coercion embedded in the role of the executive to act as the 'protector' within a constitutional system (although the threat of military coercion and arrests were present in the province). When declaring emergency rule, Bekir Bozdağ, the Minister for Justice, went to great lengths to reassure people that this was 'not martial law' and that 'the administration will remain in the civilian will'.[25] In that sense, emergency rule was presented as akin to the Leviathan, a necessary tool used by the state to protect the system and its citizens. Emergency rule served as a reminder to people of the social and political pact - what they gave up for the guarantee of protection and survival. This notion was implicit in Deputy Prime Minister Nurettin Canıklı's comments that emergency rule is a completely natural and legal form of rule during a crisis.[26]

However, the case of Van shows us that it is important to avoid clear-cut distinctions between war and peace when it comes to emergency rule. Kalyvas's (2008) argument that in peacetime some policies can be seen as 'violence in disguise' can be seen to apply to emergency rule in Van. War

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[25] Minutes of the Turkish Grand National Assembly, 21st July 2016.
[26] Minutes of the Turkish Grand National Assembly, 18th April 2017.

contexts also entail several peace-like processes, and vice versa. While emergency rule appears to be within the normal form of order (and thus a process of peacetime), in reality, emergency rule was used to subvert democratic order through legal means. Through its permanence, violence became embedded in peacetime relations and local institutions, making it the continuation of war by other means. However, labelling emergency rule as a peace-time tool is important for autocrats because, through emergency law, power is regulated in 'peaceful' circumstances that are not wholly distinct from non-peace or 'war' circumstances (Foucault 2003). This labelling as a peacetime, legal and constitutional tool provided legitimacy, created clear distinctions between who should be blamed, and facilitated the mobilisation of legal, administrative and economic resources.

Conclusion

Emergency rule offers a route through which leaders can roll back democratic checks on their power while still appearing to follow constitutional rules. Given the rise in the use of emergency powers and their clear link with autocratization, documenting how emergency rule becomes permanent is a vital enterprise. Yet existing studies have neglected the role of local politics in this process. This article used the case of removing elected Kurdish officials through an emergency decree in Eastern Turkey to show that local political dynamics were necessary conditions for emergency rule to become permanent. This became permanent despite the fact that Kurds were not involved in the coup attempt that was the basis for emergency rule and despite the fact that the policy is little more than a way for the government to remove political opposition.

Local politics matters, particularly in instances where the political centre wants to impose emergency rule without resorting to outright violence and thereby presenting it as a constitutional and legal process. This is not to say that violence was absent from this process, but rather it can best be understood as a form of administrative violence. To impose emergency rule without explicit use of coercive force, we argue that three local conditions were necessary. The Kurdish populated region was long framed as an area of exception since the foundation of the Republic; this enabled the emergency decree removing Kurdish officials to be presented as necessary for the security of the nation, dovetailing with the increased securitization of the Kurds under the AKP since the failed coup. Local conditions also enabled the co-option of local elites, even those who disagreed with the policy out of democratic principle, because it fitted with a zero-sum dynamic in a highly polarised local province. There were also low expectations of local democracy due to high degrees of clientelism, which reduced resistance to the local province being eclipsed by the political centre.

This is where our work contributes to wider debates. In this period of democratic reversals through gradual processes like executive aggrandisement, permanent emergency rule opens a space to make such moves possible. It is vital we understand how such autocratization through emergency rule becomes permanent, and this includes acknowledging the role of local politics.

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