

## Permanent emergency rule and democracy in Turkey, 1923–2002

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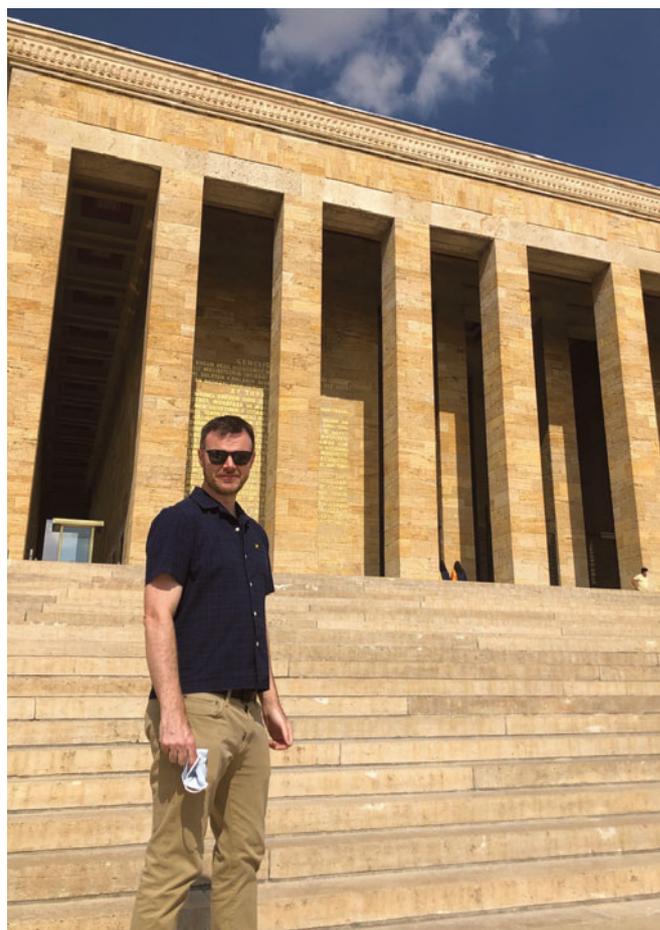
There is no need to remind observers of contemporary politics in Turkey that emergency rule can be used by governments as a method of eroding democratic checks and balances. The continuing fallout of the period of emergency rule declared after the failed 2016 coup is a testament to this. Following the declaration of emergency rule in July 2016, 37 emergency decrees were issued, all of which bypassed the usual legislative checks. Using emergency decrees, over 150,000 people were dismissed from their positions in public institutions, the media were further restricted, local Kurdish elected officials accused of crimes were removed and replaced with trustees across the southeast of the country, and power was concentrated in the hands of the presidency with few checks and balances. What is more, even though it officially ended in July 2018, this period of emergency rule became permanent in many respects. This was especially the case following the switch from a parliamentary to a presidential system following a referendum held under conditions of emergency rule that enshrined the newly powerful presidency as a permanent feature of political life. Many of these trends were already underway before the failed coup and the period of emergency rule (indeed since at least 2011), but there can be no doubt that emergency rule offered a way for the AKP (Justice and Development Party) to reinforce this trend.

Turkey is by no means unique in having emergency rule result in the reinforcement of autocratic tendencies or the rolling back of democratic checks. Ideally, declaring a state of emergency should be the exclusive preserve of states fighting for their very survival, when confronted with threats like terrorism or a severe economic shock. Emergency rule empowers a government to use extraordinary powers in the name of protecting the state, including bypassing the usual democratic checks and temporarily derogating from human rights and minority protections. The idea is that these extraordinary powers should be used only to help return the state to the same position it was in prior to the emergency, at which point emergency rule should be withdrawn.

However, in reality emergency rule may provide opportunities for political leaders to subvert democratic institutions while still following constitutional rules. Decrees made during emergency rule often go beyond just protecting the state and instead are used to 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. This is all the more problematic given the rise in the use of emergency rule today – in the last 40 years almost two-thirds of all democracies have been in a state of emergency at least

once. Emergency rule is no longer exceptional; instead, it has become a regular technique of government. The reality of emergency rule is that it has become, in effect, permanent and moved away from its benign ideals. By ‘permanent’ I mean two things: (1) emergency rule becomes an everyday tool of government and (2) laws passed during a period of emergency move beyond their conservative scope of protecting the state to changing the state with a lasting effect.

Yet what is often overlooked is that the AKP today is following in a long tradition in Turkish politics of declaring emergency rule to protect the state from some existential threat, and that this comes at the expense of democracy. Since the foundation of the Republic, Turkey has been under some form of emergency rule for almost half of its history. Indeed, the use of emergency rule dates back to the late Ottoman period, when the policy adopted was a vague one that allowed for its indiscriminate use by the ruling authorities against minorities and other groups that were seen as a threat to their authority. This original conception influenced the form of the policy that was adopted in the



A visit to Anıtkabir during a research trip to Ankara.



Meeting with local political candidates in Van.

early Republic and that played out in future iterations of the constitution. This is more than just generally saying that ‘history matters’ when it comes to looking at emergency rule in Turkey – it is noting that these early choices set Turkey on a particular path that determined the future use of emergency rule. They shaped how the notion of emergency was understood, the groups that became the typical focus of emergency decrees, the types of oversights that were put in place when emergency rule was declared and the extent to which it became a permanent feature of Turkish political life.

With this in mind, Zeynep Kaya (SOAS) and I set out to study how emergency rule in Turkey became permanent. Rather than considering each instance of emergency rule in isolation, we are adopting a path-dependency lens to demonstrate how decisions made at early time-points (the circumstances that justify emergency rule, how it was extended beyond its original remit and its focus on the periphery and minorities) have served as critical junctures that have shaped future uses of emergency rule.

To do this, we are examining three critical instances of emergency rule. Firstly, we are looking at emergency rule in the early Republican period, in the 1920s and 1930s, when the Kemalist government was trying to secure the direction of the new state. In particular, we are interested in emergency rule following Kurdish rebellions at the time, but also wider internal threats, and how they were managed through emergency legislation. Secondly, we are examining the military and judicial purge under emergency legislation following the 1960 coup. Finally, we are looking at the establishment of the OHAL (State of Emergency Legislation) region in the southeast following the 1980 coup, which in some provinces remained in place until 2002 when the AKP let this legislation expire rather than renew it. The goal is to examine the continuities and distinctions across these three episodes (while still acknowledging the contingent circumstances and specific contexts) to trace the long-term pathway of emergency rule.

To do this we are drawing on archival research, a review of historical newspapers and interviews, when first-hand recollections are still available. The data are being gathered in Istanbul and Ankara, but we are also using Van as a local case study in order to look at how the dynamics of emergency rule played out in one particular locality with a mixed Turkish-Kurdish (and other minorities) population.

Although we managed to squeeze in our first research trip to Ankara and Van over the summer, COVID-19 has, of course, taken its toll on the speed of our data collection. Nonetheless, initial findings have provided a basis for understanding the political context in which emergency-rule decisions were made in the 1920s and 1930s, the justifications used for these decisions and the goals of the policymakers at the time. A further notable observation (and one made by many others before us) is just how poor the handwriting of late Ottoman officials was!

Subsequent trips will begin to look at the other two time periods and trace the common trajectories. COVID-19 permitting, further trips to Ankara, Istanbul and Van are planned over the next six months. The ultimate goal is to place the use of emergency rule in a wider historical context and to use this to identify institutional designs that should be put in place during periods of emergency to prevent democratic erosion.



A visit to Van University with Zeynep Kaya, during a research trip to Turkey in summer 2020.