STEALTH PLURALISM AGAINST POPULISM: LESSONS FROM ISTANBUL'S RE-RUN ELECTIONS AND COVID-19 EXPERIENCE

ATAGÜN MERT KEJANLIOĞLU[1]

—

ABSTRACT

The pluralism of ideas and ideals and their race to occupy the public imagination are essential for the survival of constitutional democracy. Local democracy also contributes to this pluralistic perspective of democracy by decentralizing power and creating a closer relationship between the administration and the citizens. Unfortunately, the current populist wave around the world is eroding this pluralist vision of society and democracy. Populists exclude minorities, alternative visions of the world from what they consider to be the people. Within this context, the global pandemic of COVID-19 created a disguise to legitimize this centralizing tendency of populists. As a coordinated response became necessary, clashes between regional and central authorities started all around the world. This clash took an unusual turn in Turkey, which had already become a victim of democratic decay as a result of authoritarian populism. Opposition mayors wanted to take measures to alleviate the effects of COVID-19 as the Turkish government sought to block these actions and attempted to alienate these mayors in public opinion. However, mayors still found ways to take action. As populists claim to be the real representatives of people, this paper argues that despite the effects of COVID-19, local democracy

deserves more attention as a tool against democratic decay because local authorities hold electoral legitimacy just as populist authoritarians do, and their existence may strengthen pluralism against democratic decay. Like tactics that populists use to erode democracy, using a common point that populists seem to endorse might allow democrats to reemphasize the importance of pluralism in politics. The Turkish case of Istanbul re-running elections will serve as an example to illustrate these claims.

KEYWORDS: *populism, authoritarianism, pluralism, local democracy, Turkey, COVID-19*

———

INTRODUCTION

It is no longer a secret for anyone, but you might end up being the defendant in a libel case if you say it: Turkey's democracy has crumbled since the mid-2010s, and President Recep Tayyip Erdoğan has become a strongman ruling the state under a populist authoritarian regime. Erdoğan has been in power in Turkey since he became prime minister in 2004. At that time, Turkey was operating under a parliamentary regime. In 2007, voters approved the transition to a semi-presidential regime in a constitutional referendum. Because the presidential elections had been conducted by the members of the Parliament right before the referendum, the system stayed parliamentary for another seven years, and Erdoğan remained as prime minister. In August 2014, Erdoğan was elected president in the first round of presidential elections by obtaining 51.79 percent of the votes. His tenure as president of a semi-presidential regime was far from smooth. Even though the Constitution of the Republic of Turkey obliged him to remain impartial, he acted as a de facto leader of his previous party, the Justice and Development Party (Adalet ve Kalkınma Partisi, or AKP), and continuously asked for support for a presidential regime (*Hürriyet Daily News* 2015). Erdoğan's successor as the leader of the party and as prime minister, Ahmet Davutoğlu, was forced to step down as his relationship with the president had quickly grown tense in two years. Finally, the Constitution was amended in a contested referendum in April 2017, with only 51.41 percent of voters voting for the amendment,[2] and in June 2018 Erdoğan was elected president of a presidential regime that significantly undermines the separation of powers. During all these years, Erdoğan and his party won three constitutional referenda, six parliamentarian elections, and two presidential elections.

———

2. YSK (Supreme Electoral Council), K. 2017/663, Date of Decision: 27.04.2017.

In June 2019, this spotless record was tainted, and President Erdoğan suffered the most significant electoral blow of his political career. The AKP lost its political control of the metropolitan municipalities in Turkey's two biggest cities, Istanbul and Ankara (the capital), despite having the support of its alliance partner, the Nationalist Movement Party (Milliyetçi Hareket Partisi, or MHP). The race was particularly tight in Istanbul. In the original municipal elections that took place on March 31, 2019, Ekrem İmamoğlu, the candidate of the main opposition camp— The Nation's Alliance, formed by the Republican People's Party (Cumhuriyet Halk Partisi, or CHP) and the Good Party (İyi Parti, or İYİP)—won the election in Istanbul by a tiny margin of 0.1 percent. The events of election night were particularly appalling. The state-run news agency, Anadolu Agency, called Istanbul for the AKP's candidate, Binali Yıldırım, while the counting of the votes was still going on and did not update its website even after the Election Commission declared that İmamoğlu had won the race according to the first count (Bellut and Solaker 2019).

The aftermath of this election gave rise to multiple recounts that lasted for ten days until the Supreme Electoral Council refused a full recount, which prompted AKP to request a renewal of the election (Butler and Küçükgöçmen 2019). Upon this demand, the Supreme Electoral Council annulled the mayoral election in Istanbul in May.[3] The re-run election took place on June 23, 2019. This time, İmamoğlu won very comfortably by gaining 54.55 percent of the votes, whereas the AKP candidate obtained only 45 percent of the votes.[4] This victory for the opposition candidate marked a significant loss for Erdoğan, not only electorally but also symbolically because Erdoğan had risen to prominence in the Turkish political scene after having pulled a surprise win to become the mayor of Istanbul in 1994. Yet, this is not the only reason why this loss was a massive blow to his regime.

Since the mid-2010s, Erdoğan's political agenda continuously moved from a collegial understanding of government to a government based on personal charisma. His trajectory since 2014 clarifies this tendency: he rose in position from prime minister in a parliamentary government, to president of a semi-presidential government who is at odds with his prime minister, and finally to a fully empowered president in a presidential regime where separation of powers is significantly weakened. Unsurprisingly, this tendency of grasping more powers was in line with the populist rhetoric that Erdoğan fueled, as over the years he has presented himself as the authentic voice of the people. During this election, Erdoğan did not simply sit back and let the AKP candidate for mayor do the work. He instead expended

3. YSK (Supreme Electoral Council), K. 2019/4219, Date of Decision: 06.05.2019.

4. YSK, K. 2019/5002, Date of Decision: 8 July 2019.

significant effort by personally engaging as the charismatic leader in the re-run election campaign (Erkoyun and Pamuk 2019). Thus, the AKP defeat also weakened Erdoğan's claim to be the people's only true voice, as the opposition scored wins outside of its usual electoral strongholds after a campaign during which Erdoğan was publicly involved.

Less than a year later, COVID-19 hit Turkey, and Istanbul became one of the hot spots. As COVID-19 experiences around the world have proved, a balanced mixture of local and national solutions is necessary to tackle the pandemic effectively.[5] Nevertheless, under Erdoğan's rule, Turkey's local democracy has been weakened, and there has been a trend toward centralization. Of course, this trend is also in line with the contemporary populist mentality, promoting a unified and simplistic understanding of power and the people. At the same time, it highlights the opportunities that local democracy and subnational units might offer to uphold a pluralistic democracy. Thus, even though, on the surface, the focus is on the democratic aspect, it actually reinforces institutional pluralism. Inspired by Ozan Varol's account of "stealth authoritarianism" (Varol 2015), such an approach almost amounts to a "stealth pluralism" against populist authoritarianism.

In this article, I argue that engaging more in local democracy might offer a way out for countries embedded in populism. To illustrate this argument, this piece first includes a brief presentation of my understanding of contemporary populism. Then, I provide examples of how Erdoğan's populist authoritarian regime has assaulted local democracy in Turkey. The following part explains how the COVID-19 crisis in Turkey exposed the tensions between local democracy and the central government. Finally, the last part lays out what I mean by "stealth pluralism" by presenting some possible lessons we can derive from this account to defend constitutionalism against populism.

I. POPULISM AND AUTHORITARIAN POPULISM IN THE TWENTY-FIRST CENTURY

Populism is indeed a polysemic concept. Beginning an article about populism with an observation about the lack of a standard definition is almost a tradition (Pannizza 2005, 1). This tendency is not surprising, since various political movements have been labeled as populism throughout history. The nineteenth century witnessed

---

5. To see how the pandemic forced federal systems to adopt different types of decision-making, see Yvonne Hegele and Johanna Schnabel, "Federalism and the Management of the COVID-19 Crisis: Centralisation, Decentralisation and (Non-)Coordination," *West European Politics* 44, nos. 5–6 (19 September 2021): 1052–76.

several movements that were marked as populist. In the United States, the People's Party is considered a populist political party that advocated the interests of the rural class against the political class in Washington, DC (Rovira Kaltwasser et al. 2017, 3). In France, "*Boulangisme*" was another version of populism (Winock 1997, 77–78). The founder of the movement, General Boulanger, was appealing for a constitution that puts in place a presidential regime with a president elected for ten years and that includes a procedure for citizens to initiate a referendum (Winock 1997, 79–80). In Russia, another movement that is considered populist came to fruition in the second half of the nineteenth century: the *narodniki* (roughly translated as "populists"; Venturi 1960, xxxiii) attempted in vain to rally the rural population against the tsarist regime (Rovira Kaltwasser et al. 2017, 3).[6] *Narodniki* are now seen as an antecedent of the Russian revolutionist movement (Venturi 1960, xxxii).

The resurgence of populism in different parts of the world did not stop in the twentieth century. Latin America was certainly one of the major sites where populism rose to power in this century. Some well-known examples of populist leaders from this period are Lázaro Cardenas from Mexico, Getulio Vargas from Brazil, and Juan Perón from Argentina (Pannizza 2005, 3), even though Perón did not see himself as a populist (Mudde and Kaltwasser 2017, 2). Latin American populist leaders promised solutions to ongoing economic problems. Their rhetoric mobilized themes of national folklore to obtain a cultural advantage over their opponents, and the charisma of the leader was central to the mobilization of their supporters (Conniff 2012, 6–7). These populist regimes were built on personalized and centralized state power (Conniff 2012, 16). Even though the leaders of these regimes were elected, they undermined the rule of law, and their modus operandi was undemocratic, as to hold onto power they limited their opponents' freedom of expression (Conniff 2012, 16).[7]

When we turn our heads from Latin America to other parts of the world, we can encounter other populist movements of the same century: the social credit movement in Alberta (Canada) during the 1930s and Poujadism in France during the 1950s. The social credit movement in Alberta advocated for policies that promote extensive state intervention in the economy, such as pricing of the goods by the government or distribution of a national dividend to every citizen. This movement rose to power in Alberta thanks to its charismatic leader, William Aberhart, who vilified established political parties (Taggart 2000, 68–71). Once in government, he

---

6. However, this movement has an intellectual background that dates back to the mid-nineteenth century. Alexander Herzen is considered the founder of *narodniki*. See Venturi (1960, 1–36).

7. See also Paul Taggart, *Populism* (Buckingham, UK: Open University Press 2000), 60–62.

created a board with a range of powers and tried to exclude the legislature from policymaking (Taggart 2000, 70). Poujadism, on the other hand, began as an anti-tax protest and transformed into a political party that defended the interests of small-business people and that relied heavily on anti-establishment rhetoric (Rovira Kaltwasser et al. 2017, 5).

These examples make it clear why it is so difficult to reach a universal definition for populism. It is a concept used to identify different political movements that developed in various times and places around the world. In addition, some of these movements do not self-identify as populist movements. As opposed to liberalism or socialism, there is not any global populist movement that dictates what "populism" implies (Canovan 1981, 6).

This complexity has led to multiple approaches to define populism (Taggart 2000, 7). Some of them are context-based and look at definitions in specific contexts, such as twentieth-century Latin America (Conniff 2012, 7). Others focus on different taxonomies rather than finding a universal definition (Canovan 1981, 9–10). Finally, another group of authors has attempted to come up with universal definitions.

These "universal" definitions of populism claim to be comprehensive and to capture populism's universal essence (Taggart 2000, 6, 10–11). Taggart's take on populism is an example of such an approach. Taggart avoids giving a brief definition, but he lays out its typical features. The first feature is the commitment to the people (Taggart 2000, 91). Populism constructs this concept negatively, meaning that the existence of an enemy is essential because it is upon this enemy that the identity of the people is constructed (Taggart 2000, 94).[8]

Taking this approach further, Mudde and Kaltwasser use this characteristic to define populism. According to them, populism is "a thin-centered ideology that considers society to be ultimately separated into two homogeneous and antagonistic camps, 'the pure people' and 'the corrupt elite,' and which argues that politics should be an expression of the *volonté générale* (general will) of the people" (Mudde and Kaltwasser 2017, 6). As the second half of Mudde and Kaltwasser's definition puts forward, populism claims that politics should be an expression of the *volonté générale* of the people. By demonizing representative politics, populists find that embodying popular sovereignty is the only way to legitimize politics (Mudde and Kaltwasser 2017, 112). This is why populism is also defined as a "special social configuration of political power, based on a direct social expression of popular sovereignty" (Anselmi 2018, 3).

---

8. For an observation of a similar characteristic, see also Pannizza (2005, 5–7).

If we limit our understanding of populism to these two main characteristics—that is, antagonism between people and elites, and politics being an expression of the "will of the people"—then populism does not have to be detrimental to democracy or constitutionalism. On the contrary, it is possible to see similarities between many constitutionalist movements in history, such as those that led to the French and the American Revolutions, and populism (Kejanlıoğlu 2020, 90). Before the French Revolution, there was a corrupt elite: the aristocracy. For the American Revolution, the British government was the "other" upon which the American people were constructed. In addition, both revolutions established regimes in which the people were a source of legitimacy. It would not be accurate to claim that populism is a threat to democracy based on a universal approach to populism because creating an identity of the people by dividing society into two main camps can be seen on a different spectrum of politics (Laclau 2005, 83–101).

The neutrality of these universal definitions has led some authors to identify the characteristics of contemporary populism that make it detrimental to democracy. One of these authors is Jan-Werner Müller, who contends that populists today are not only against a group of "elites" (Müller 2016, 9). They are also anti-pluralist (Müller 2016, 10–11). This anti-pluralist stance of populists heightens their interest in challenging checks and balances that limit the government when they come to power. They prefer the immediate use of power and are against any limitation of that power (Müller 2016, 100). Instead of destroying the governing institutions, they take control of them to hold onto power (Müller 2016, 102).

In a similar vein, Nadia Urbinati also identifies an anti-pluralist feature in populism. She also acknowledges populism as "anti-establishment" (Urbinati 2019, 40). Parallel to Müller's understanding, this anti-establishmentarism aims to eliminate any intermediary decision-making bodies between the people as a whole and the people's leader, which explains a populist leader's interest in destroying checks and balances.

More important is that Urbinati focuses on how populism conceptualizes the people in a fundamentally incompatible way with democracy. The "anti-establishment" characteristic of populism includes a stance against party democracy as well. Certainly, electoral legitimacy is central for populists, and they use the political party platform to rise to power (Urbinati 2019, 42–45). However, once they are governing, their genuine understanding of the people becomes visible. The people to whom populists refer do not comprise every portion of society. If they did, given such an understanding, there would not be tension with pluralism. Instead,

populists refer to a "good" people—that is, those superior to the rest of the population. Once populist leaders are in power, they represent this specific element of the people, those they regard as the "real people." This group is deemed the only legitimate majority to govern (Urbinati 2019, 92–96). This tendency nurtures factionalism within society and demonizes other political parties and those who vote for them. Since populists rely heavily on electoral legitimacy, they do not ban these parties (at least to the extent that they remain populist without becoming totalitarian), but they vilify them and through rhetoric exclude them from the people (Urbinati 2019, 63–67). Thus, they understand democracy as the domination of "the real people" over the rest.

Müller's and Urbinati's approaches are not identical. Still, they both indicate something fundamental to what this article aims to discuss: the claim of being the only authentic voice of the people. This perspective goes beyond a mere capture of institutions. Anti-pluralism is a core feature of populism today, and this is what makes contemporary populism authoritarian in countries like Turkey, Hungary, and Poland. Urbinati's approach allows us to better understand this authoritarian trait of populism and why populists might also ignore other democratic mandates because they are primarily anti-pluralist, not democrats. Since "the real people" is defined pre-emptively by excluding those who do not vote for the populist party in power, the voice of the people is also supposed to be "one." Thus, populism in power denies not only the legitimacy of the plurality of institutions but also the plurality of democratic mandates.

II. THE CAPTURE OF LOCAL DEMOCRACY IN TURKEY

One thing is clear: populists capture the institutions of constitutional democracy once they are in power. A well-documented part of this strategy is the capture of courts. In Poland, for example, the Constitutional Tribunal became an important actor after 1989 by developing respectable case law on the protection of fundamental rights, and its positions became even stronger as the 1997 Constitution was adopted (Ackerman 2019, 276). It had also made significant contributions to democratic governance in Poland such as the limitation of the prime minister's role in the composition of the Council of Civil Service or the concretization of the duty of public consultation in the lawmaking process (Sadurski 2019, 60). However, only a year after the populist party Law and Justice (Prawo i Sprawiedliwość, or PiS) formed the government, the Constitutional Tribunal was "successfully" packed with PiS loyalists (Sadurski 2019, 61). Shortly after, PiS fundamentally changed the Constitutional Tribunal's structure with numerous legislations that

resulted in blocking its decision-making ability by more frequently requiring qualified majorities and in allowing recent legislation adopted by PiS to be barred from judicial review (Sadurski 2019, 72–75). Once the Constitutional Tribunal was captured and rendered docile for the government, it simply became a legitimizing institution that PiS can use to justify its populist agenda as a democratic one (Sadurski 2019, 79–84).

Turkey's current political climate strongly reflects similar elements. Instead of shutting down all government institutions, Erdoğan captured them, starting with the judiciary using the simple technique of court-packing (Tecimer 2019). Since Erdoğan was elected president, he has appointed seven judges to Turkey's Constitutional Court. Two of these appointments arose as a result of the dismissal of two judges by the Court itself because of allegations that they were involved in the coup attempt in 2016.[9] It is important to note that the dismissal procedure was introduced hastily after the coup attempt by a state-of-emergency decree. The other five appointments are regular. However, when we look closely, two of the judges appointed were deputy ministers of justice before their appointment. Another judge, Basri Bağcı, was a Court of Cassation justice when he was appointed, but before his appointment to the Court of Cassation, he had worked for over ten years in the Ministry of Justice in different high-level positions under AKP's rule.[10] Recai Akyel, who was appointed in 2016, was a head consultant to the president in addition of being on the Court of Accounts.[11] These appointments add to two appointments made by the National Assembly, which is under the president's de facto control (Tecimer 2019). In total, this makes nine out of the current sixteen judges of the Court appointed by President Erdoğan.

This familiar playbook of populists has been widely exposed and discussed. However, last year's municipal elections in Turkey shed new light on the importance of local democracy in countering populists' intention to capture state institutions. After all, municipalities are another institution of public authority to capture for populists. Unsurprisingly, Erdoğan's first or only outburst against local democracy in Turkey has not been his attempt to renew Istanbul mayoral elections. In 2016,

---

9. AYM (Turkish Constitutional Court), E.2016/6, K.2016/12, Date of Judgment: 04.08.2016.

10. "Basri Bağcı" (Constitutional Court of the Republic of Turkey), https://anayasa.gov.tr/en/judges/judges/basri-bagci/.

11. "Assoc. Prof. Recai Akyel" (Constitutional Court of the Republic of Turkey), https://anayasa.gov.tr/en/judges/judges/assoc-prof-dr-recai-akyel/. Interestingly, the detail about Akyel being a top aide to the president is missing on the English version of the page. See "Doç. Dr. Recai Akyel" (T. C. Anayasa Mahkemesi), https://anayasa.gov.tr/tr/baskanvekilleri-ve-uyeler/uyeler/doc-dr-recai-akyel/.

Erdoğan's target was not the municipalities of the main opposition party, CHP, but the municipalities of the People's Democratic Party (Halkların Demokratik Partisi, or HDP), a leftist party born out of the Kurdish political movement in Turkey. The party advocates for a regionalist change in Turkey's governance structure as well as expansion of cultural and language rights for Kurds. Thus, the party's policies are entirely at odds with a populist perspective on governance and the people: it advocates for less central governance and takes a pluralistic understanding of the people. This complete incompatibility with populism puts Turkey's crackdown on HDP municipalities in perspective. In 2016, twenty-four mayors, all members of the HDP, were removed from office at different times based on allegations of ties to terrorism; they were subsequently replaced by government-appointed trustees (*Al Jazeera* 2016).

The 2019 municipal elections showed that the HDP was still enjoying wide support from voters in the region. The party's candidates were able to regain these seats in many of the municipalities ruled by these appointed trustees (*BBC News* 2019b). Yet, after the elections, the Supreme Electoral Council denied mayoral mandates for six candidates, claiming that they were ineligible. Its argument was that these candidates were banned from public service and that Article 76 of the Constitution stipulates that this is a reason for ineligibility. While this argument seems to be correct on its face, an important nuance lies beneath the surface. These candidates were banned from public service by a state-of-emergency decree, whereas a judicial decision is usually necessary to ban someone from public service (Venice Commission 2020, para. 34–36). Moreover, the Council simply gave the mandates to the runner-up, who in all these cases was an AKP candidate. This decision also came completely unexpectedly, since HDP candidacies were approved before the elections, and there is no provision or precedent that would allow the Council to give the mandates to the runner-up rather than deciding for a re-run election (Venice Commission 2020, para. 30). Unsurprisingly, the attacks against the municipalities held by HDP did not end with the Council's decisions. New series of investigations have been launched against different mayors since the elections. As of September 2020, only seven of the HDP mayors elected in 2019 remain in their seats (Yackley 2020). The Ministry of the Interior has appointed trustees to replace fifty-eight mayors who are under investigation.

The foregoing presentation shows how Erdoğan's attack after the Istanbul mayoral election result is not an exception. The Supreme Electoral Council rendered its decision on May 6, more than a month after the elections, upon AKP's demand. Four of the eleven judges voted against the annulment of the elections, and the decision has an impressive length of 211 pages, excluding dissenting

opinions.[12] The Council based its decision on a plethora of reasons, including that several Ballot Box Committees were not formed in accordance with the law, as one of the several documents to be signed by Ballot Box Committee members were not signed. However, as dissenting opinions point out, all these committees included a member from AKP, the party requesting the annulment. It seems highly unlikely that in presence of AKP members in the Committees, any irregularity was substantial enough to influence the result, not to mention the overall control that the party has on the state in general.

Neither the Council's enigmatic decision nor Erdoğan's implication in the re-run campaign convinced voters. During the campaign for the re-run election for the Istanbul mayorship, Erdoğan's divisive populist rhetoric became even more visible. Erdoğan has always insisted on the importance of the "national will" as the real source of political power, but once the electorate's will turned away from his party, the anti-pluralistic façade of his populism became more visible. He went as far as claiming that the opposition candidate İmamoğlu was the candidate of those with a terrorist mentality (*Sözcü* 2019). Voters must have also been unimpressed by the Council's decision because the electorate's response was quite telling: İmamoğlu's margin of victory rose from 0.28 to 9 points (*BBC News* 2019a). Since the re-run campaign did not feature new promises from candidates, this significant shift of voters can be explained with nothing else than a general sentiment of the unfairness aimed against the opposition candidate.

These government actions show how populism took an authoritarian turn in Turkey. They also prove the government's clear intention to capture any institution deemed to be out of line with Erdoğan's understanding of the people. But what happens when Erdoğan's supporters fail to capture some of those institutions? The way Turkey has handled the COVID-19 pandemic offers insights in response to this question too.

III. THE COVID-19 CRISIS: A BATTLE BETWEEN THE PRESIDENT AND THE MAYOR

The chaos that the pandemic created has revealed how unprepared most countries around the world were for a major health crisis. Turkey is no exception. The country's statute relating to the control of pandemics dates to 1930, with only minor revisions made to this date. The government tried to act swiftly despite this challenging legal background, and in some cases did so with measures of questionable

---

12. YSK, K. 2019/4219, Date of Decision: 06.05.2019.

constitutionality, such as enforcing a complete curfew for people over sixty-five (Aslan 2020b).[13]

While these types of draconian measures can be taken only by the central government or the central government's local representatives (i.e., governors), mayors also tried to use their authority to mitigate the crisis. For his part, İmamoğlu launched a charity campaign seeking donations of money for those in need. He also called for more effective lockdowns instead of the only partial lockdowns imposed during the weekends.

Erdoğan's first response to İmamoğlu's charity campaign was to launch his own campaign while condemning İmamoğlu's campaign as an attempt to "create a state within the state" (Butler 2020). Later on, the Ministry of Interior issued a directive that explicitly banned İmamoğlu's campaign, along with the other campaigns launched by mayors from opposition parties. This ban was based on a mere technicality (*Euronews* 2020). While Section 15(1) of the Municipality Act explicitly gives municipalities the authority to receive donations, Sections 6 and 7 of the Act on Collecting Charitable Donations make any donation campaign subject to the approval of the Ministry of Interior or the government representative in the region if the campaign is only regional. Section 31 of the Act on Collecting Charitable Donations states that provisions regarding "public institutions" in other relevant statutes shall be reserved. Nevertheless, the government claimed that donations and charitable donations are different. According to this claim, the statutory provision on donations in the Municipality Act is inapplicable in this case because the term "public institutions" does not include municipalities. After banning these campaigns, the Minister of Interior also launched an investigation into the municipalities that started these campaigns.

As this reliance on the very detailed legal technicalities should make obvious, the government went to great lengths to apply pressure on opposition municipalities. This tendency has continued during the second wave of the pandemic, with İmamoğlu not invited to the emergency meeting on bringing the pandemic under control in Istanbul (*Independent Türkçe* 2020). It is quite telling that during a full-blown crisis, Erdoğan preferred to keep the mayor out, refusing to consult him. Even a basic consultative procedure is deemed unnecessary because the government's sole concern is to avoid legitimating the mayor in the eyes of the public, even though a mere consultation could have facilitated a possible blame-shifting game in the future.

In addition, COVID-19 necessitates a balanced mixture of local and national responses. As the virus is transmitted in clusters, local action remains crucial.

---

13. For an extensive analysis of these measures' constitutionality, see Aslan (2020a).

Because the severity of the situation might change from region to region, a decentralized response is necessary. In fact, this has been Canada's approach in coping with the pandemic (Mathieu and Guénette 2020; Schnabel and Hegele 2021). Similarly, a study on Germany shows that a decentralized response to the pandemic can be effective when it is well coordinated (Hatke and Martin 2020).

The complete exclusion of opposition mayors from the decision-making process does not, however, mean that the Turkish government completely ignored the importance of local involvement during the pandemic. Instead of including mayors in the discussion, the government relied on governors, who are simply central government representatives and do not hold any electoral legitimacy. However, this move brings one of the main pillars of populism into question: its insistence on electoral legitimacy by focusing on "the will of the people." If the people's will is the primary source of expression in politics, why do populists in Turkey try so hard to exclude the opposition mayors? Can this inconsistency provide valuable insights in contemplating how to counter the rising trend of populism?

IV. CONSIDERING LOCAL DEMOCRACY AGAINST POPULISM: "STEALTH PLURALISM"?

As explained in the preceding section, one of the main features of populism is its insistence that the so-called will of the people is the only source of legitimization in politics. This will is mainly concretized through electoral participation. At the same time, its division of society into two antagonistic camps—the people versus the elites—oversimplifies the diversity of the people. However, any attempt to protect this pluralism through the judiciary also suffers from a lack of electoral legitimacy.

Nevertheless, when institutional pluralism is strengthened through local democracy rather than the judiciary, the populists' monopoly on the "electoral legitimacy" argument ends. Obviously, this choice is not the result of a zero-sum game. An independent judiciary constitutes an essential backbone of a liberal constitutional democracy, and it is not to be sacrificed for the sake of local democracy. However, protecting democracy against populism requires answering populist attacks tactically. Many different concepts coined during the rise of populism in the 2010s points out to a tactical playbook of populists: abusive constitutionalism (Landau 2013), stealth authoritarianism (Varol 2015), and autocratic legalism (Scheppele 2018).[14] They all describe the use of constitutional and legal mechanisms in a way that is formally aligned with the legal and constitutional requirements but that is

---

14. For a comprehensive account of similar concepts, see Daly (2019).

teleologically antithetic to constitutionalism. At the end of the day, what populists are doing is to hold on to what is common between constitutional democracy and their vision of democracy: electoral legitimacy. A focus on local democracy allows constitutionalism to hold on to the same thing, yet it also acknowledges the need for institutional pluralism.

Even though I am mentioning a playbook for populists, I am fully aware that the account I give in this article is far from creating a playbook for defending constitutionalism. This story is firmly rooted in the current political dynamics of Turkey and even of Istanbul. Still, it offers a starting point. Turkey has been under a steady regime of populist authoritarianism for at least seven years. The populist capture of institutions is complete. In such an environment, the voters saw Erdoğan's instrumentalization of electoral adjudication for annulling elections as illegitimate and swung their support even more in favor of the opposition candidate. From a theoretical point of view, this account demonstrates that the anti-pluralist vein within contemporary populism overrides its rhetoric of electoral legitimacy when its adherents realize they are losing power. As this anti-pluralist tendency gains strength, it exposes the incoherence of populists' actions as against the rhetoric of populism. This incoherence, once exposed, tends to generate mistrust of populists among the electorate. Increased support for İmamoğlu in the re-run election shows that when the central government tries to intervene in local democratic processes, the backlash becomes stronger. If used in key moments, this dynamic might amount to a "stealth pluralism": counting on local democratic processes to promote a pluralistic understanding of liberal constitutional democracy.

These attempts to undermine local democracy in Turkey also show that populists perceive local democracy as a threat. Indeed, it is a threat because it counterweighs their understanding of the people as a unitary entity instead of a plurality, and it succeeds by relying on electoral legitimacy. In the same way that populists' stealth authoritarianism threatens liberal constitutionalism, stealth pluralism threatens populist authoritarianism. This perception of threat is precisely one of the main reasons to consider local democracy an essential pillar of liberal democracy and a bulwark against populism. After all, the debate comes down to ensuring a divided government, in the sense of avoiding concentration of power. Instead of solely relying on the judiciary, a focus on local democracy opens up the possibility of a division of powers while still counting on popular legitimacy. This approach also allows us to *partially* reorient the debate away from the usual dichotomy that pits popular sovereignty against the protection of rights. It enables the supporters of constitutional democracy to demonstrate that they are not against the "will of

the people" but simply seeing a democratic plurality in the people rather than an authoritarian unity.

Moreover, the focus on local democracy might tackle one of the core issues that contribute to the rise of populism and democratic decay: lack of trust in institutions (Foa and Mounk 2016, 5). While the mere existence of local democracy does not necessarily ensure more effective citizen engagement, it is easier to increase participation in politics at the local level than on the national level (Palermo 2015, 31, 43–46). Greater citizen participation in local decision-making might, in the long run, increase levels of trust in democratic institutions, slowing the process of democratic decay.

This perspective comes obviously with a few caveats. The first one has already been mentioned in this article. This is an account of a country that has already succumbed to populist authoritarianism. Erdoğan has been the leader of Turkey for over fifteen years. Thus, the populist rhetoric of "elites" versus "people" does not play as well as it played in the beginning, since Erdoğan and his party have almost complete control over the state apparatus. This long reign of populism creates a particular handicap that might be absent in other instances. The second one is that the opposition gained its victory in Turkey's biggest city. Istanbul has been under AKP's control since 2005. However, the populist authoritarian aspect of AKP became more visible after 2014, slightly before the last municipal elections, and it is usual that bigger cosmopolitan cities like Istanbul are more resistant to populist politics than smaller urban or rural areas (Rickardsson 2021). This backlash might be another symptom of that general tendency. Third is that even in Turkey, it is not determined that a democratic wave against populism might start from local democracies, since Turkey is still under Erdoğan's rule. Nevertheless, the future looks promising. The opposition definitely got stronger by winning Turkey's biggest metropole, and recent polls point out that the main opposition camp—The Nation's Alliance (Millet İttifakı)—has almost the same share of votes as Erdoğan's camp, The People's Alliance (Cumhur İttifakı); and when HDP is taken into account, the opposition's vote share is more than the share of Erdoğan's camp (Butler and Altaylı 2021). Moreover, 66 percent of voters think for the first time that Erdoğan might lose the next elections.

Finally, and most importantly, the approach I am attempting to lay out here is not solely about a division of competences between subnational and national governments. I don't deny the existence of a well-known argument about federalism as an institutional design that protects constitutional democracy (Thomas 2000). However, any effort that is solely rooted in institutional legal designs to tame democratic decay is doomed to fail. The reason is simple: institutions can be captured,

as populists have already shown us. Populism's success in capturing the institutions is rooted in populists' ability to rally public support while eroding democracy. That is the core of the approach that I have tried to convey in this article. It is less about how to design institutions to stop populism and more about how to engage with these institutions if the aim is to offer a viable alternative to voters when institutions are captured by populist authoritarianism. Moving the battlefield from the judiciary toward local democracy might give liberal constitutionalism an upper hand to defend itself against populism.

CONCLUSION

When in power, populists try to impose their unitary and homogenous understanding of the people. But as the recent COVID-19 pandemic has shown, not every problem can be treated with a "one-size-fits-all" approach. At this juncture in history, this may well be a wake-up call to take a closer look at local democracy—or even, more generally, federalism—to reflect on new ways to counter the populist wave. A focus on local democracy opposes populism on a theoretical level by denying a unified perspective on who constitute the people. On a practical level, it offers a possibility of a "stealth pluralism" because even though its primary point of legitimacy is electoral, it is an essential aspect of institutional pluralism. Like every other institution, institutions of local democracy are equally vulnerable to being captured by populists. However, increasing the political and scientific interest to subnational institutions might also allow the public to reclaim the ideals of constitutionalism.

REFERENCES

Ackerman, Bruce. 2019. *Revolutionary Constitutions: Charismatic Leadership and the Rule of Law*. Cambridge, MA: Harvard University Press.

Al Jazeera. 2016. "Turkey Removes 24 Mayors over 'PKK Links.'" *Al Jazeera*, September 12, 2016. https://www.aljazeera.com/news/2016/9/12/turkey-removes-24-mayors-over-pkk-links.

Anselmi, Manuel. 2018. *Populism: An Introduction*. Translated by Laura Fano Morrisey. New York: Routledge.

Aslan, Volkan. 2020a. "COVID-19 Salgını Sebebiyle Uygulanan Sokağa Çıkma Kısıtlamalarının 1982 Anayasası'na Uygunluğu [Constitutionality of COVID-19 Related Curfews in Turkey]." *Istanbul Law Review* 78 (2): 809–35.

———. 2020b. "Turkey's Struggle against COVID-19 and the New Reign-by-Administrative-Act." *IACL-AIDC* (blog), July 16, 2020. https://blog-iacl-aidc.org/2020-posts/2020/7/16/turkeys-struggle-against-covid-19-and-the-new-reign-by-administrative-act.

BBC News. 2019a. "Erdoğan's Party Suffers Blow after Istanbul Re-run Poll Defeat." *BBC News*, June 24, 2019. https://www.bbc.com/news/world-europe-48739256

———. 2019b. "Yerel Seçim 2019: HDP Doğu ve Güneydoğu'da bazı belediyeleri kaybetti, birçok ilde kilit rol oynadı" [Local Elections 2019: HDP Lost Some Municipalities in East and Southeast, Played a Key Role in Many Provinces]. *BBC Türkçe*, April 1, 2019. https://www.bbc.com/turkce/haberler-turkiye-47769338.

Bellut, Daniel, and Gulsen Solaker. 2019. "Turkey's State Agency Goes Silent during Elections." *Deutsche Welle*, April 3, 2019. https://www.dw.com/en/turkeys-state-news-agency-goes-silent-during-elections/a-48189141.

Butler, Daren. 2020. "Coronavirus Stokes Tensions between Erdogan and Istanbul's Mayor." *Reuters*, April 1, 2020. https://www.reuters.com/article/idUSKBN21J5OZ.

Butler, Daren, and Birse Altaylı. 2021. "Turkish Opposition Deepens Cooperation, Heaping Pressure on Erdogan." *Euronews*, October 9, 2021. https://www.euronews.com/2021/10/09/us-turkey-politics-opposition.

Butler, Daren, and Ali Küçükgöçmen. 2019. "Turkish Officials Refuse Full Recount in Istanbul Election That Weakened Erdogan." *Global News*, April 9, 2019. https://globalnews.ca/news/5145365/istanbul-recount-erdogan-turkey/.

Canovan, Margaret. 1981. *Populism*. New York: Harcourt Brace Jovanovich.

Conniff, Michael L. 2012. "Introduction." In *Populism in Latin America*, edited by Michael L. Conniff, 1–22. 2nd ed. Tuscaloosa: University of Alabama Press.

Daly, Tom Gerald. 2019. "Democratic Decay: Conceptualising an Emerging Research Field." *Hague Journal on the Rule of Law* 11 (1): 9–36.

Erkoyun, Ezgi, and Hümeyra Pamuk. 2019. "Erdogan Attacks Istanbul's Ousted Mayor Days before Poll Re-run." *Reuters*, June 19, 2019. https://www.reuters.com/article/us-turkey-election-erdogan-idUSKCN1TJ20M.

Euronews. 2020. "Covid-19 ile mücadele için belediyelerin başlattığı yardım kampanyalarına İçişleri Bakanlığı engeli" [The Ministry of Internal Affairs Blocked the Aid Campaigns Initiated by the Municipalities to Combat COVID-19]. *Euronews*, March 31, 2020. https://tr.euronews.com/2020/03/31/covid-19-ile-mucadele-icin-belediyelerin-baslatt-g-yard-m-kampanyalar-na-icisleri-bakanl-g.

European Commission for Democracy through Law (Venice Commission). 2020. "Opinion on the Replacement of Elected Candidates and Mayors." Opinion No. 979/2019, CDL-AD (2020)011, June 18, 2020.

Foa, Roberto Stefan, and Yascha Mounk. 2016. "The Danger of Deconsolidation: The Democratic Disconnect." *Journal of Democracy* 27 (3): 5–17.

Hatke, Fabien, and Helge Martin. 2020. "Collective Action during the Covid-19 Pandemic: The Case of Germany's Fragmented Authority." *Administrative Theory & Praxis* 42 (4): 614–32.

Hegele, Yvonne, and Johanna Schnabel. 2021. "Federalism and the Management of the COVID-19 Crisis: Centralisation, Decentralisation and (Non-)Coordination." *West European Politics* 44 (5–6): 1052–76.

Hürriyet Daily News. 2015. "Erdoğan Wants 400 Deputies for His Former AKP at Turkish Elections." *Hürriyet Daily News*, February 6, 2015. https://www.hurriyetdailynews.com/erdogan-wants-400-deputies-for-his-former-akp-at-turkish-elections--78015.

Independent Türkçe. 2020. "İstanbul'da yapılan pandemi toplantısında İmamoğlu yoktu: İBB ve valilik davet konusunda ne dedi?" [Imamoğlu Was Not Present at the Pandemic Meeting Held in Istanbul: What Did the IMM and the Governor›s Office Say about the Invitation?]. *Independent Türkçe*, October 22, 2020. https://www.indyturk.com/node/261546/siyaset/i%CC%87stanbulda-yap%C4%B1lan-pandemi-toplant%C4%B1s%C4%B1nda-i%CC%87mamo%C4%9Flu-yoktu-i%CC%87bb-ve-valilik-davet.

Kejanlıoğlu, Atagün Mert. 2020. "La théorie des révisions constitutionnelles 'inconstitutionnelles': Un obstacle aux dérives populistes?" [The Theory of Unconstitutional Constitutional Amendments: An Obstacle Against Populists?] In *La révision constitutionnelle dans tous ses états* [The Constitutional Amendment in All Its States], edited by Dave Guénette, Patrick Taillon, and Marc Verdussen, 87–116. Montreal: Thomson Reuters.

Laclau, Ernest. 2005. *On Populist Reason*. London: Verso.

Landau, David. 2013. "Abusive Constitutionalism." *UC Davis Law Review* 47:189–260.

Mathieu, Felix, and Dave Guénette. 2020. "Quebec, Canada and the Covid-19 Crisis: Making Federalism Work Again?" *UACES Territorial Politics* (blog), June 16, 2020. https://uacesterrpol.wordpress.com/2020/06/16/quebec-canada-and-the-covid-19-crisis-making-federalism-work-again.

Mudde, Cas, and Cristóbal Rovira Kaltwasser. 2017. *Populism: A Very Short Introduction*. Oxford: Oxford University Press.

Müller, Jan-Werner. 2016. *What Is Populism*, e-book ed. Philadelphia: University of Pennsylvania Press.

Palermo, Francesco. 2015. "Participation, Federalism and Pluralism: Challenges to Decision Making and Responses by Constitutionalism." In *Citizen Participation in Multi-level Democracies*, edited by Cristina Fraenkel-Haeberle, Sabine Kropp, Francesco Palermo, and Karl-Peter Sommermann, 31–47. Leiden: Brill Nijhoff.

Pannizza, Francisco. 2005. "Introduction: Populism and the Mirror of Democracy." In *Populism and Mirror of Democracy*, edited by Francisco Pannizza, 1–31. London: Verso Books.

Rickardsson, Jonna. 2021. "The Urban–Rural Divide in Radical Right Populist Support: The Role of Resident's Characteristics, Urbanization Trends and Public Service Supply." *Annals of Regional Science* 67:211–42.

Rovira Kaltwasser, Cristóbal, Paul Taggart, Paulina Ochoa Espejo, and Pierre Ostiguy. 2017. "Populism: An Overview of the Concept and the State of the Art." In *The Oxford Handbook of Populism*, edited by Cristóbal Rovira Kaltwasser, Paul Taggart, Paulina Ochoa Espejo, and Pierre Ostiguy, 1–25. Oxford: Oxford University Press.

Sadurski, Wojciech. 2019. *Poland's Constitutional Breakdown*. Oxford: Oxford University Press.

Scheppele, Kim Lane. 2018. "Autocratic Legalism." *University of Chicago Law Review* 85:545–83.

Schnabel, Johanna, and Yvonne Hegele. 2021. "Explaining Intergovernmental Coordination during the COVID-19 Pandemic: Responses in Australia, Canada, Germany, and Switzerland." *Publius: The Journal of Federalism* 51 (4): 537–69.

Sözcü. 2019. "Erdoğan 'ittifakları' karıştırdı kendi adayını eleştirdi" [Erdogan Confused "Alliances," Criticized His Own Candidate]. *Sözcü*, June 20, 2019. https://www.sozcu.com.tr/2019/gundem/erdoganin-dili-surtcu-ittifaklari-karistirdi-5189160.

Taggart, Paul. 2000. *Populism*. Buckingham, UK: Open University Press.

Tecimer, Cem. 2019. "Recognizing Court Packing." *Verfassungsblog*. September 11, 2019. https://verfassungsblog.de/recognizing-court-packing/.

Thomas, Clarence. 2000. "Why Federalism Matters." *Drake Law Review* 48 (2): 231–38.

Urbinati, Nadia. 2019. *Me the People: How Populism Transforms Democracy*. Cambridge, MA: Harvard University Press.

Varol, Ozan. 2015. "Stealth Authoritarianism." *Iowa Law Review* 100 (4): 1673–1742.

Venturi, Franco. 1960. *Roots of Revolution: A History of the Populist and Socialist Movements in Nineteenth Century Russia*. Translated by Francis Haskell. London: Weidenfeld & Nicolson.

Winock, Michel. 1997. "Populismes français." *Vingtième siècle. Revue d'histoire* 56:77–91.

Yackley, Ayla Jean. 2020. "Turkey Ousts Kurdish Opposition's Last Mayor." *Politico*, September 30, 2020. https://www.politico.eu/article/turkey-ousts-kurdish-oppositions-last-mayor-ayhan-bilgen-in-crackdown/.