‘We Too Have a Word to Say’

Enactment of the 1963 Collective Bargaining, Strike and Lockout Law in Turkey

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Abstract

This article seeks to explain how in the beginning of the 1960s in Turkey the right to strike was adopted as a social right. The existing literature is divided regarding the factors that led to the shift in governmental policy. While some argue that the state granted this right without any struggle on the side of the workers, others propose that the main determinant in the process was the struggle of workers. By scrutinizing the interaction between political developments at the state and party levels, and the actions of the workers in that period, I argue that the recognition of the right to strike was the combined result of several interrelated political developments at the local and global level.

Keywords

Labor historiography – labor law – labor movement – Turkish history

Introduction

This article examines the enactment of the 1963 Collective Bargaining, Strike and Lockout Law, no. 275 (*275 sayılı Toplu İş Sözleşmesi Grev ve Lokavt Kanunu*), which granted workers the right to strike in Turkey. After World War II, many Western capitalist states added the right to collective bargaining and to strike to their social rights. When Turkey attempted to adapt its political system to mirror its Western allies’ post-war model, workers’ social rights were also put on the agenda. A restricted trade union law was passed in 1947, at which time

collective bargaining and strikes were considered as dangerous and unnecessary in Turkey. However, in the multiparty system,¹ opposition parties exploited workers’ demands. For example, the Democrat Party (DP) supported the right to strike until it came to power in 1950. The Republican People’s Party (*Cumhuriyet Halk Partisi* (CHP)) then became the main opposition party to support the right to strike. After the 1960 military coup, the law of Collective Bargaining, Strike and Lockout became a reality. The 1961 Constitution recognized collective bargaining and striking as a social right. The Assembly passed Law no. 275 two years later.

Although Law no. 275 restricted the use of strikes, its positive effect on the workers’ movement is generally accepted. The more interesting question is why the 1961 Constitution recognized collective bargaining and strikes as a social right when there was no strong workers’ movement until 1961. Some writers note that workers’ struggles have existed since the late Ottoman period, while others underlined a reformist tradition in Turkey. Some other writers see international circumstances or electoral competition between political parties as significant. In its examination of the process of the enactment of Law no. 275, this article also considers the dynamics of the historical background to the process and argues that instead of one single factor, several political factors led to the enactment of ‘the strike law’.²

A Brief History of the Right to Strike before 1960

Disputes about the right to strike in Turkey date back to the turn of the 20th century and before the establishment of the Republic of Turkey in 1920. After the 1908 Young Turk Revolution numerous strikes took place in the Ottoman Empire’s larger cities. Initially, the Young Turks, showed sympathy for these strikes, but after a short time they turned against the workers under the guise of national interest. In 1909, the Ottoman parliament adopted the Strike Law (*Tatil-i Eşgal Kanunu*), which gave a very restricted and conditional freedom to

1 In 1945, Turkey adopted a multiparty system after experiencing one-party rule between 1931 and 1944.

2 To understand the effects of different factors on the enactment process of Law no. 275, I scrutinized several newspapers and magazines and the minutes of parliament between 1961 and 1963. I also employed secondary sources to explain the historical background and to provide and overview of disputes in the historiography of labour in Turkey.

strike to workers in the public services. This law only covered a small portion of Turkish workers (Gülmez, 1998: 165–97).

After the establishment of the Republic in 1923, the ruling elite did not see workers' rights as an urgent problem. However, in 1936 a labour law was passed that banned trade unions and removed the right to strike. Under the authoritarian rule of the single-party regime, workers' associations were organized top down by the ruling party. This corporatist model did not allow autonomous legal labour organizations.

Disputes about the right to strike grew mainly after the transition to the multiparty system. In the run up to the 1946 election, the issue of the right to strike was not debated by the parties; nevertheless, the CHP changed an Article of the Law of Associations (*Cemiyetler Kanunu*) before the election thereby allowing the establishment of class-based organizations, as a result of which many trade unions were established. Most of them were affiliated with two newly established socialist parties, the Socialist Party of Turkey (*Türkiye Sosyalist Partisi*) and the Socialist Labourers' and Peasants' Party of Turkey (*Türkiye Sosyalist Emekçi ve Köylü Partisi*). The CHP was alarmed by this uncontrolled spread of trade unions and, in December 1946, it banned socialist parties and trade unions. In 1947, the CHP government placed the Law of Trade Unions before parliament.

The right to strike was first demanded by the DP, the opposition party, during the debate about the Law of Trade Unions in 1947. Given that by the beginning of the Cold War Turkey had joined the Western Bloc, the DP deputies emphasized the liberal democratic rights existing in Western countries and argued that Turkey had to grant similar rights to its workers. However, the CHP was opposed to the right to strike. According to the CHP's leaders, the right to strike was not compatible with statism, one of the six principles (statism, nationalism, republicanism, reformism, secularism and populism) of Kemalism. Statism distinguished the Turkish political regime from its liberal Western counterparts and gave the state the role of regulating labour relations directly. Thus, there was no need for other mechanisms, such as strike laws. According to Sadi Irmak, the first Minister of Labour:

If we had subscribed to a liberal regime in our country, of course we would have to recognize the rights granted by this regime. But we subscribe to a Statist regime. Statism holds a place both in CHP's main program, and our honorable opponents'; Statism is also recognized as a principle of our regime in the Constitution. Thus, it's only logical that we maintain the ban on strikes. Because here the state agrees to act as the arbitrator in the disputes between classes.

GÜLMEZ, 1995: 252

In other words, the CHP leaders based their argument against the right to strike on the peculiarity of Turkey's political regime. Although the Turkish political regime had changed fundamentally after 1946, the corporatist-statist ideology of the 1930s had not disappeared. Moreover, even though the two major parties disagreed about the right to strike, they shared the same opinion about the political role of the trade unions. Both parties expected that the unions would be nationalist, and agreed to ban any political activities of unions. According to Fuat Köprülü, one of the DP leaders:

That this law is drafted with a national spirit, that it includes restrictions which will not allow external agitations to function among these unions, particularly that it takes keeping political purposes out of it and keeping the nature of these unions as professional bodies into consideration, these constitute the basics of this law that we participate in and welcome.

KOÇAK, 1999: 250

The right to strike was discussed again in parliament in 1950 during negotiations to change some Articles of the Labour Law. Although changes to the law enhanced workers' rights, the CHP maintained its view about the right to strike. When the DP deputies discussed the right to strike, the Minister of Labour, Reşat Şemsettin Sirer, stated the CHP's view.

We have accepted Statism as a basic maxim. If we were to become reactionaries, ... if we were to give up on our considerations regarding the duties of the state or go back to the liberal order, which was in vogue forty or fifty, or even thirty years ago, then both strike and lockout will be necessary. But if we were to become reactionaries ... because we will not become reactionaries at any point, there will not be any need for strike and lockout, which may be necessary weapons to have for class struggle in cases where there is no statism, no state arbitration. The state shall be a just arbitrator between labour and capital. It shall protect both labour and capital. ... Because the political committee that I am a member of, which had a historical part in founding and establishing the Kemalist regime, has no intention of becoming reactionaries on these six principles, and because we will not become reactionaries regarding the duties of the state in statism, there will not be a class struggle during the time for which we are responsible. Classes will not confront each other with hatred, animosity, strikes and lockouts. This state will not allow it. Thus, there will be no need for arms for the struggle.

KOÇAK, 1999: 257

According to Sırer, class struggle relates to Western societies, as do strikes and lockouts and that the arbitration (*zorunlu tahkim*) of labour relations by the state removes the class struggle (Gülmez, 1995: 277). Although many Articles of the Labour Law addressed labour relations, Sırer's argument only related to the right to strike since his party regarded strikes and lockouts as signs of class struggle and in turn viewed class struggle as a potential threat to the stability of the existing rule.

In 1950, disputes about the right to strike were not restricted to parliament. Before the 1950 election, in its election platform, the DP promised workers the right to strike to secure their votes. Trade union support depended on each union's political affiliation. As some trade union leaders announced that they only sought work security and not the right to strike, conflicts arose between trade unions. When it became obvious that the Association of Istanbul Labour Trade Unions (*İstanbul İşçi Sendikaları Birliği* (İİSB)) was under the influence of the CHP, the Association of Istanbul Free Labour Trade Unions (*İstanbul Hür İşçi Sendikaları Birliği* (İHİSB)) was founded in April 1950, with the purpose of acquiring the right to strike (Sülker, 2004: 74–82).

The DP won the 1950 election and stayed in power until the military coup in 1960. Although the DP had promised workers the right to strike before the election and prepared a draft Bill of Strike and Lockout in 1951, it reneged on its promise. However, the CHP included the right to strike in its party programme at the 1953 CHP Congress. In 1957, the Freedom Party (*Hürriyet Partisi* (HP))³ presented a strike and lockout bill to parliament. In 1959, the CHP made a declaration concerning their priorities to achieve Turkish democracy (*İlk Hedefler Beyannamesi*), which included the right to strike.

In the 1950s there were significant developments in the trade union movement. The İHİSB merged with the İİSB in 1950, and the Confederation of Labor Unions in Turkey (*Türkiye İşçi Sendikaları Konfederasyonu*, (Türk-İş)), which united the vast majority of trade unions in Turkey, was established in 1952. All trade unions demanded the right to strike during the DP period and the İİSB started a campaign in 1955 to pressure the government to fulfil its promise. However, the general strategy of Türk-İş was to lobby government representatives for the right to strike and for other workers' rights⁴ (Çelik, 2010: 212–19, 272; Türk-İş, 2002: 195–96, 209).

3 HP was established in 1955 by the deputies who resigned from the DP. It maintained the reformist trajectory of the DP, which did not keep its promises during the second part of the 1950s.

4 Türk-İş was organized mainly in the public sector, where working conditions were better than in the private sector and where trade unions were more conciliatory and dependent on

Meanwhile, some academics, such as Professor Muammer Aksoy, Professor Cahit Talas and Professor Orhan Tuna, joined the debate on the right to strike and promoted it in newspapers and the public space. Thus, by the 27 May 1960 military coup, a coalition for the right to strike composed of trade unions, all opposition parties and reformist intellectuals had been formed (Sülker, 2004: 122–23; Güzel, 1985a: 81).

Developments after the 1960 Military Coup

The military coup brought significant changes to Turkey's political life. It brought an end to the DP and most of the DP leaders were arrested. While the political perspective of the coup was unclear at first, the Committee of National Unity (*Milli Birlik Komitesi* (MBK)) held all power. The MBK mainly consisted of middle- and low-ranking military officers (Aydın and Yüksel, 2014: 61–72).

When the coup took place, Nuri Beşer, the head of Türk-İş Confederation was a close friend of Adnan Menderes, the prime minister, who was removed from office. Beşer was forced to resign and Seyfi Demirsoy, a CHP member, was elected in his place. The Türk-İş board of directors supported the military regime and established good relations with the MBK. The MBK gave permission to Türk-İş to become a member of the International Confederation of Free Trade Unions (ICFTU), which was not allowed during the DP's time in power (Güzel, 1996: 226, 234). Professor Cahit Talas, who supported workers' rights, including the right to strike, during the DP period, was appointed as the Minister of Labour in the new government established by the MBK. In addition, he specialized in social policy and security issues.

In January 1961, the Constituent Assembly was founded and six workers' representatives (trade unionists) became members in it according to the MBK's quota for social and political groups. The Constitution Commission of the Constituent Assembly drafted the new Constitution. Academics with reformist visions and politicians from CHP dominated the Commission. During the drafting of the new Constitution, the board of Türk-İş was influential in lobbying for workers' rights. As Minister of Labour, Cahit Talas played a positive role in the inclusion of the right to strike in the new Constitution (Çelik, 2010: 329–30; Türk-İş, 2002: 254–55, 258–59). All these factors played a part in ensuring that the Constitution, which was approved by a plebiscite in July 1961, recognized collective bargaining and the right to strike as a social right

political authority that those in the private sector, which were more radical and less dependent on the government (Güzel, 1985a: 76–77; Güzel, 1996: 162).

in the 47th Article.⁵ However, the Constitution provided that the exercise of social and political rights, which included collective bargaining and the right to strike, was only possible after laws implementing these rights were enacted. Thus, there was a wait for the law to be enacted in parliament. Although the Constitution stated that the necessary enactments should take place within a two year period, there were no legal sanctions if the government failed to do so (Türk-İş, 2002: 256–58).

The results of the 15 October 1961 election were surprising. The two successor parties of the DP – the Justice Party (*Adalet Partisi* (AP)) and the New Turkey Party (*Yeni Türkiye Partisi* (YTP)) – together received almost 50 per cent of the total votes, that is, 34.8 percent and 13.7 per cent respectively. Although the CHP won the election with 36 per cent of the votes, this was insufficient to establish a one-party government. With pressure from Cemal Gürsel, the head of the MBK, a CHP-Justice Party coalition was formed in November 1961. The coalition government's programme included the drafting of the Law of Collective Bargaining and Strike (*Toplu Sözleşme ve Grev Yasası*).⁶ However, there was no clarity as to timing.

Worker demonstrations were unusual before 1961 in Turkey. From 1947 to 1961, the government pressure, legal restrictions and the organizational weakness of unions meant that trade unions did not mobilized workers to demonstrate. With the 1961 Constitution, however, came a relatively free political atmosphere that encouraged different social groups to use demonstrations to voice their demands in the public sphere. Until the collective bargaining and strike law was enacted in parliament in 1963, trade unions mobilized workers to demonstrate and take other actions to demand the rights promised in the 1961 Constitution. Table 1 below shows the numbers of worker actions between 24 October 1961 (abolition of MBK) and 15 July 1963 (passage of Law no. 275).

The first large-scale protest occurred in İzmir. On 25 November 1961, the Association of İzmir Labor Trade Unions (*İzmir İşçi Sendikaları Birliği*) organized a workers' silent march to protest the High Arbitration Committee's delay in setting minimum wages. About 5,000 workers walked barefoot and male workers

5 'ARTICLE 47. In their relations with employers, workers are entitled to bargain collectively and to strike with a view to protecting or improving their economic and social status.

The exercises of the right to strike, and the exceptions thereto, and the rights of employers shall be regulated by laws' (www.anayasa.gen.tr, accessed 10.01.2017).

6 'Laws regulating the rights to collective bargaining and strike that workers may use to protect or improve their economic and social conditions to be submitted to the parliament' (*Akşam*, 26.11.1961: 5).

TABLE 1 *Workers’ Actions between November 1961 and April 1963*

Type of Action	1961	1962	1963	Total
Strike	1	10	5	16
Sitting*	–	2	4	6
Growing a beard**	7	–	–	7
Meetings & demonstrations	2	3	–	5
Silent marches	7	3	2	12
Communiqués, declarations	–	109	17	126
Other	4	2	4	10
Total	21	129	32	182

SOURCE: GÜZEL, 1996: 197

*Workers present at work but not working.

**Workers growing beards as a method of protest.

were unshaved.⁷ They carried signs about collective bargaining, the right to strike, and about minimum wages: ‘Trade unions cannot be without the right to strike’, ‘Collective bargaining is our right in return for selling our labour’, ‘We do not want a favour, we want our right and we will take it’ (*Akşam*, 26.11.1961: 5).

On 17 December, 3,000 workers marched silently in Kocaeli for the right to strike and demanded a labour law. On 23 December, 5,000 State Railway Institution workers marched in Eskişehir for better wages. Between 31 December 1961 and 3 January 1962, 1,000 Denizcilik Bank workers went on strike to be paid more on Sundays (STMA, 1988: 2008; Güzel, 1985b: 1868–69).

On 1 December 1961, the İİSB decided to organize a big rally in Istanbul, in Taksim Square, about collective bargaining and the right to strike. The governor of Istanbul, however, was against the rally. Türk-İş supported the İİSB and the trade unionists negotiated with the national government to obtain permission. Eventually, the national government gave permission for a rally, but the governor of Istanbul suggested that it should take place in Saraçhane Square instead of Taksim Square. Preparations for the rally drew press attention, and newspapers reported disputes about it. A seminar about workers’ problems was arranged to take place at Ankara University during these days.⁸

⁷ Growing a beard was a common protest in 1961.

⁸ *İşçi Grev Hakkını Ciddiye Aldığını Mitingde Gösterecek* [Workers Will Show that They Take the Right to Strike Seriously] (*Öncü*, 21.12.1961); *İşçilerin Yönelişi* [The Tendency of Workers]

The largest worker demonstration in Turkey took place on 31 December 1961, and was attended by more than 100,000 workers from Turkish cities and industrial regions. The main demand was for the right to strike, and the spirit of the meeting was embodied in an illustration on a placard: A well-built worker at a table carries a Turkish flag in one hand and hits the table with his other hand. Some men wearing neckties are around the table. At the bottom is written: 'We too have a word to say!' (TSA, 1998: 566–68; *Yön*, 03.01.1962: 3).

Another influential action was a construction workers' march held on 2 May 1962 in Ankara. The Federation of Construction Work in Turkey (*Türkiye Yapı İş Federasyonu*) applied to the governor of Ankara for permission to hold a meeting to protest unemployment. The governor denied the request. Therefore, about 5,000 construction workers and unemployed workers marched on the parliament building illegally, protesting unemployment and poor working conditions. Security forces attempted to prevent the angry workers from getting to the parliament building, but the construction workers broke through the police barricade and reached the front of the parliament building. When the presidents of the Assembly and the Senate agreed to negotiate with the twelve workers' representatives, the latter demanded a solution to unemployment and accused the deputies of neglecting the workers' problems (*Milliyet*, 04.05.1962).

A worker by the name of Şinasi Koç, addressing Senate Leader Ürgüplü, shouted 'We came this far braving bullets, we don't have lawyers! The parliament is in session, but for what? It's an amnesty session ... Do you not have anything else to do? Is nobody interested in us?' ... the same worker, addressing Ürgüplü again, this time shouted 'Why are the workers' problems not brought before the parliament' and started crying. ... After a heated session, workers' representatives brought these four proposals before the speakers of the Parliament: (1) Starting a campaign to prevent unemployment (2) Accepting that the people's peace depends upon it (3) Releasing the workers taken to police stations (4) Getting in touch with the prime minister and other cabinet members regarding this.

At the end of the proposals, a worker named Ali Aksöz rose to his feet, shouting 'We, as the Turkish people, picked you to lead us.' The Grand

(*Öncü*, 23.12.1961); *Grev* [Strike] (*Öncü*, 30.12.1961); *Bugün de İşçiler Konuşuyor* [Today Workers are Talking] (*Öncü*, 31.12.1961); *İşçi Minigi için 100 bin Lira Ayrıldı* [100,000 Lira Allocated for Workers' Meeting] (*Akşam*, 26.12.1961); *İşçi Mitingi Büyük İlgi Topladı* [Workers' Meeting Attracted Great Interest] (*Akşam*, 29.12.1961); *İşçi Mitingi* [Workers' Meeting] (*Akşam*, 31.12.1961).

National Assembly should be thinking about the poorer classes. Ürgüplü, angered by this address, asked 'Do you mean it's not?'

CUMHURİYET, 04.05.1962: 5

The next day, the newspapers covered the demonstration on their front pages and in the subsequent days the press followed the trial of the arrested workers. A few days later, construction workers in Istanbul applied for permission to organize a demonstration, but the governor of Istanbul rejected their request.

The protest in Ankara had an important effect and put worker's problems in the public agenda. On 5 May, the Senate held a session about the problem of unemployment. While the members of the opposition parties saw the protest as a large threat, the Minister of Labour, Bülent Ecevit, said that it was the outcome of democracy (*Milliyet*, 06.05.1962).

The Council of Ministers tackled the issue of unemployment and the workers' protests on 7 May (*Cumhuriyet*, 08.05.1962) and a session was held in the Assembly about same problems on 9 May (*Cumhuriyet*, 10.05.1962). In the Assembly session, Çankırı deputy Nurettin Ok said:

[I]f we do not take all precautions, long and short term, the unemployed masses that knock on our door as three thousand today, may threaten our national survival and the regime that we dwell upon so sensitively in greater numbers tomorrow.

This may take off in other parts of the nation and explode in various ways.

TBMM, 04.05.1962: 220

The CHP-AP coalition government ended in May 1962. In June 1962, the CHP led a new coalition government with the YTP and the Republican Peasant Nation Party. On 29 June, Prime Minister İsmet İnönü met with workers' and employers' representatives. He promised the right to collective bargaining and strike (*Gece Postası*, 30.06.1962). He said: 'I know what is on everybody's lips. I will pass the collective bargaining and strike law.' (*Milliyet*, 30.06.1962: 1) Minister of Labour Ecevit also made a speech in that meeting, saying:

This law is a necessity of the constitution. It must be included in the new government programme. In the next few days I will bring a draft for the collective bargaining and strike law before the cabinet. We must take care of these issues before long. If strike and collective bargaining are allowed, I am certain that workers will not resort to demonstrations.

MİLLİYET, 30.06.1962: 1

However, Prime Minister İnönü also warned workers against taking their demands to the streets.

Let's have friendly relations between employers and workers. That would be a major success. But you do not listen to me. We must find middle ground. Labour movements have been escalating lately. Now is not the time for it. We are going through a period of crisis. Let us not continue with such movements.

MILLİYET, 30.06.1962: 7

In spite of the warning of the prime minister, workers' actions and protests continued. In August 1962, in Ereğli, the Federation of Construction Work organized a meeting supported by many other trade unions. It was called the 'Meeting for Criticizing the Exploiter Bosses and the Social Policy of the Government'. Almost 5,000 workers and trade unionists attended the meeting. The Morrison Company, an American construction company working in Ereğli, dismissed 150 workers for attending the meeting. The government deported Mr Thalmayer, an American trade unionist, who was in Turkey working as an educator at Federation of Construction Work. He was a member of the İCFTU. He was accused of encouraging and actively working to organize demonstrations in Ankara and Ereğli (Demir, 1994: 25–29, 123–32).

The press covered news of dismissals and deportation of Thalmayer and a session was held in the Assembly. In the Assembly session, Minister of Labor Bülent Ecevit made the following statement about the deportation of Thalmayer.

We have found that Mr. Thalmayer did not keep his work here within the boundaries of his expertise and consultancy, that he moved past it towards active unionism by participating in marches and playing a role in organizing them, however advisory that may be. ... Turkish workers absolutely do not need the tutorship of a foreigner or being led by one in order to protect the freedom of union and workers' rights in Turkey.

DEMİR, 1994: 124

This speech demonstrates that the government tried to control the workers' movement while at the same time preparing to enhance workers' rights. Even though the Türk-İş confederation was a member of the İCFTU, the administration of the confederation remained silent about the deportation of Thalmayer.

On 29 August 1962, the İnönü government submitted a draft bill on collective bargaining, strike and lockout to the Assembly. However, it would take more

than a year to enact the draft bill. The last influential worker action before the enactment of the collective bargaining and strike law was the Kavel strike.

Kavel was a cable factory in Istanbul that employed about 200 workers. It was a private firm and Kavel's workers organized themselves under the umbrella of Maden-İş (a trade union in the metallurgy sector). When the firm's administration attempted to reduce the employee bonuses workers objected. The firm's director responded by dismissing the trade union representatives and on 31 January 1963, the workers went on a strike. Ironically, the firm declared a lockout despite the fact that neither strike nor lockout was legal yet. Workers occupied the workplace to stop production (*Yön*, 20.02.1963: 4–5; *Sosyal Adalet*, 19.03.1963: 10–11). The strike and occupation continued for 35 days, even though once police attacked the workers and arrested several of them. As the workers' families supported the strikers, solidarity grew stronger. Trade unions started a campaign, which collected about 100,000 Turkish Liras throughout Turkey (*Yön*, 28.02.1963: 5). In addition, the International Mine Federation supported the Kavel strike by publishing brochures to inform international labour organizations about the resistance (*Sosyal Adalet*, 07.05.1963: 8). Because of the popular support of the Kavel strikers, the strike became one of the main items on the political agenda and the government made an effort to conciliate both sides by holding a meeting where Minister of Labour Ecevit and Minister of State Turan Feyzioğlu participated as mediators. Consequently, many of the workers' demands were met (*Yön*, 06.03.1963: 4).

The Kavel strike incited further public debate about labour problems. It was as influential as the Sarayane meeting and march of unemployed workers in Ankara. The Maden-İş trade union based the strike on 1961 Constitution. The strikers' families participation created legitimacy and the strikers received public sympathy. The Kavel Strike forced the government to enact the Collective Bargaining, Strike and Lockout Law immediately. Ecevit added an Article to the draft bill to ensure the release of the arrested strikers in Kavel. This Article is commonly known as the 'Kavel Article' (STMA, 1988: 2001).

In addition to workers' actions, the Türk-İş administration constantly negotiated with the government and lobbied for the Collective Bargaining, Strike and Lockout Law in the parliament. However, there were differences of opinion among the demands of the trade unions to the extent that a split occurred among them. As mentioned above, the trade unions in the private sector were more radical than those in the public sector. The confederation of Türk-İş was based mainly in the public sector and had close relations with the government. Some of the radical trade unionists who belonged to the İİSB established the Workers' Party of Turkey (*Türkiye İşçi Partisi* (TİP)) in 1961. In 1962, the party opened its doors to leftist intellectuals and became more active.

Türk-İş administrative board which was closely related to CHP was hostile towards the TIP. On 8 April 1963, Türk-İş invited all the Turkish trade union leaders to Ankara to discuss the draft bill of the Collective Bargaining, Strike and Lockout Law. In that meeting, the trade unionists who were the members of the TIP claimed that lockout should not be recognized as a right in the draft law draft. Türk-İş leaders did not agree with them, as Seyfi Demirsoy, Chairman of the confederation, explained:

If we say there's no lockout, we will become the world's laughingstock. They will say the Turkish workers are not aware of the world's labour literature. We do not want to be reduced to that. If there is to be the right to strike, of course there will also be the right to lockout.

SOSYAL ADALET, 16.04.1963: 4–5

In addition, the trade unionists were not in agreement amongst themselves about the restrictions on the use of the right to strike. The government took the suggestions of Türk-İş into consideration and the Assembly Commission made some changes to the draft bill in light of Türk-İş's demands. Before the draft of Law no. 275 was debated in the Assembly, Türk-İş offered its suggestions to all deputies. Türk-İş declared that workers would remember the deputies' attitudes about the Law in the next elections. The trade unionists monitored all the Assembly sessions on Law no. 275 (*Yön*, 17.04.1963: 4–5).

At last, Law no.275 was passed by the Assembly in April 1963. The Senate passed it in July and it appeared in the *Gazette* on 24 July 1963.

Views about the Enactment of Law no. 275

There are different views about the enactment of Law No. 275. Türk-İş celebrated the enactment of the Law and declared 24 July 24 as 'Workers' Day'. TIP and unionists connected with the party interpreted the Law as a retreat from the 47th Article of the 1961 Constitution since the exercise of the right to strike was restricted and lockout was permissible by the Law (*Sosyal Adalet*, 30.04.1963: 4). According to TIP, lockout was in conflict with the Constitution. However, this was incorrect, as lockout was mentioned as the counterpoise of strike in the preamble of the 47th Article of the Constitution (Sülker, 2004: 211).

Despite minor criticism, it is widely accepted by scholars that Law no. 275 had a positive effect on the labour movement. Scholars, however, debate which factors and dynamics led to the enactment of this law. Rozaliyev argues that

the enactment of the law was the result of the struggle of the working class, and adds: 'If there had not been the conciliatory policies of the right-wing leaders of the Turkish unions, the victory of the Turkish proletariat would have been much more significant' (Rozaliyev, 1979: 132). Fişek and Shishmanov also attribute the enactment of the Law to the workers' struggle (Fişek, 1969: 93–99; Shishmanov, 1978: 195). Şehmuz Güzel alleges that the achievement of the right to strike, though limited, was mainly the result of the working-class struggle. According to him, it is impossible to ignore that Law no. 275 'was enacted thanks to the determined and continuous struggle of the working class between 1961 and 1963, and before. The positive political, economic and social influences also had an effect' (Güzel, 1996: 199).

Opposing these arguments, Çağlar Keyder claims that the working-class struggle had no concrete effect on the enactment of the Law no. 275. According to him, 'during and after the 1960 transition, organized workers were active neither politically nor in terms of the wage increase demands'. According to Keyder, the relatively improved situation of labour rights in Turkey, when compared with other countries with similar conditions, was the result of the top-down reformist tradition of Turkish bureaucracy and of the historical development of social democracy throughout the world. Furthermore, 'unionization, collective bargaining and the right to strike, and the enlargement of the area of social security were appointed to the working class in accordance with the new capital accumulation model' (Keyder, 1999: 204–05).

On the other hand, Yıldırım Koç claims that all the improvements in the rights of Turkish workers between 1946 and 1961 were the result of the voting power of workers (Koç, 2003: 105; Koç, 2010a: 173). However, the recognition of the right to strike in the 1961 Constitution was ensured by CHP and 'progressive academics' (Koç, 2010b: 21–22).

For Sungur Savran, the efforts of the CHP to gain the support of the working class had an impact on the enactment of Law no. 275. However, from a more general perspective, he emphasizes the compounding effect of the worldwide development of labour rights (Savran, 1987: 140) and adds that 'the rights given to the working class were not considered to be a threat to the governing classes and the industrial bourgeoisie' (Savran, 1987: 147).

It is generally accepted that improvements in workers' rights are compatible with the internal-market-oriented industrialization model. There is no doubt that internal-market-oriented industrialization was the background against which the working-class' achievements in the 1960s and 1970s in Turkey unfolded. However, the specific shape such achievements took was circumscribed by actual political developments. The arguments presented above indicate several

factors that effected the enactment of Law no. 275 in 1963. I argue that, in fact, each of these factors had an impact to a greater or lesser extent.

The Dynamics that Led to the Enactment of Law no. 275

First, the fact that the right to strike and collective bargaining was included in the 1961 Constitution should be emphasized. As stated above, all the opposition parties during DP period included the right to strike and collective bargaining in their platforms. However, the MBK, formed after the 1960 coup, was dubious about the right to strike:

The MBK, while asserting their basic views on the matters of the state, were content with stating that the right to strike, long awaited by workers, should be 'studied seriously'. What this meant was, the right to strike was not going to be realized anytime soon and it was postponed until after the MBK rule.

FORUM, 15.10.1960: 3

Despite the hesitant attitude of the MBK, the right to strike was accepted by the 1961 Constitution because of the efforts of the academics in the Constitution Commission to harmonize Turkey's political and legal regime with its Western liberal counterparts. Yet this reformist approach constituted only one side of the coin. The other side was the will to secure the loyalty of the working class to the existing regime. When the new Constitution was debated in the Constitutive Parliament (*Kurucu Meclis*),⁹ Alp Kuran, representing the CHP said:

[S]ocial rights are the antidote to communism.

Esteemed friends, the continued existence of the Turkish people today, as it was yesterday, is made possible by safeguarding the functionality of the Western democracy against the ideology and democracy of Marxism, by recognizing social rights and freedoms. Because the domain where Marxism influences, as you know, is the domain where social and personal poverty are prevalent.

TBMM, 31.03.1961: 411

9 The Constitutive Parliament is a special legislative assembly convened between 6 January 1961 and 4 October 1961, to make the 1961 Constitution after the 27 May 1960 coup d'état.

The spokesman for the Constitution Committee, Professor Dr Muammer Aksoy, voiced a similar concern.

Even the contemporary liberalism is social. Today, being social is the utmost condition of being civilized. Being social is the true remedy that drives communism away from the country.

TBMM, 31.03.1961: 411

Providing the working class with social rights and the right to strike was seen as necessary for synchronizing the country with the Western block. These rights would also act as a preventive measure against communism. At that time, the Minister of Labour in the MBK government, Cahit Talas, prepared a draft bill on strike and collective bargaining. Yet this draft rather restricted the use of the right to strike. In *Cumhuriyet* (15.07.1961: 1), it was noted that 'as the right indicated in the draft cannot be enjoyed unless the government allows, there is little opportunity to apply it'. In other words, the draft prepared in the MBK period rendered the right to strike inapplicable. Still, the fact that the right to strike was included in the Constitution strengthened the hand of the working class to struggle for a more democratic and libertarian law.

The 7th temporary Article in the 1961 Constitution stipulated that all of the laws specified in the Constitution were to be enacted within two years. And Law no. 275 was enacted exactly two years later. However, this was the result of political developments rather than being a constitutional obligation. As mentioned above, there was no guarantee about the enactment of necessary laws. For example, the trade union law for civil servants was enacted in 1965, four years after the adoption of the Constitution (Koç, 2010a: 195).

From first general elections held in 1946 to 1960, the number of workers increased and constituted a group of voters to be considered by political parties. The total number of wage earners in 1960 was 2,437,135 among them 282,967 union members (Güzel, 1996: 166). In other words, the competition of parties for votes had a considerable effect on the enactment of Law no. 275. The CHP sought to gain the support of the workers in the 1950s by promising to ensure the right to strike. During the negotiations on the Law in the Assembly in April 1963, even the AP criticized the draft strike law prepared by Minister of Labour Ecevit for not being libertarian enough, and instead accepted the unionists' proposal as submitted.

In addition to the parties' electoral policies, pressure of the workers' movement from below should also be considered to explain the improvements in social rights. Workers' actions, both those mentioned above as well as

many others, were covered on the front pages of newspapers. The public discussed the social problems of workers, and government officials felt obliged to address these problems.¹⁰ The workers' actions ensured the enactment of a more libertarian collective bargaining and strike law compared to the one prepared by Cahit Talas. The coalition government, which was based on a fragile balance of power, had to be more sensitive to the demands of workers. While Law no. 275 was being negotiated in the Assembly, Labour Minister Ecevit said:

[I]n each of the advanced Western democracies that we hold up to ourselves as examples in many respects, the rights that we are about to give to the Turkish workers were won only after long and bloody struggles. The scars that these struggles inflicted upon society's structure, the consciousness of the class divide that splits the society have, in most of the Western countries, not been healed. In this regard, there is no doubt that our High Committee, by granting these rights to the Turkish workers in the next few days without the need for such struggles, will have done the society and history a great service.

It is my personal opinion and the opinion of the government that, not giving a right to a people who are ready for that right, who demand that right, especially who are ready to get that right for themselves, is better than getting caught up in some extreme worries and giving them a half or incomplete version of that right.

TBMM, 18.04.1963: 395–96

Ecevit's declaration shows that there were political concerns beyond 'bureaucratic reformism', in particular, the Kavel strike, which played a significant role in relation to public opinion, encouraged better arrangements for labour relations.

In the same speech, Ecevit stated:

By giving this [the right to collective bargaining and strike] to the Turkish worker, the last bridge between communism and the Turkish people who are essentially immune to communism in various ways will have been burned.

TBMM, 18.04.1963: 395–96

10 Aybar, the TIP leader, describes the worker movement in the beginning of 1960s as: 'There were events taking place which had no precedence in Turkey's history: we were getting high hopes: It was as if the labourers had woken up from their centuries-long sleep. There were unusual movements. All over the country workers were stirring. They were organizing meetings, marches, assemblies to get their rights; new unions were being established. ... Ruling circles were disturbed by this groundswell' (Aybar, 1988: 190–191).

In addition to the considerable demands from below, the apprehension about communism also was apparent.¹¹

Conclusion

In conclusion, Law no. 275, known as 'the right to strike', was enacted in light of the influence of a number of factors. That these rights existed in the Western block, of which Turkey considered itself a part, was a point of reference for the intellectuals who prepared the Constitution after the 1960 coup. In addition, trade unions kept the issue on the agenda in the 1950s with the support of the opposition and organized many activities supporting the right to strike. In the relatively democratic environment that the Constitution of 1961 provided, the trade unions encouraged workers to take mass actions. The protest actions to which the Turkish governments were not accustomed became widespread. Workers' actions and the negotiations of the trade unionists with the government improved the draft bill, which previously had a much narrower frame.

A coalition government, which often has a fragile balance of power, had to be more sensitive towards the workers' demands in an unstable environment. Moreover, in 1963, the approaching election directed political parties' minds to the demands of the working class, who constituted a considerable mass of voters. Perhaps Ecevit's personal efforts as the Minister of Labour should be added to the list. Ecevit saw the right to collective bargaining and strike as a necessity for social justice. Furthermore, he believed that this was the only way to provide social peace. He thought that the Law would lead to a more harmonious work environment. He saw the Law not only as a social right, but also as a means to connect the working class to the regime.

Law no. 275, together with other legal regulations at the beginning of the 1960s, had a positive impact on the rapid rise of the workers' movement and

11 Çetin Uygur, the Chairman of Dev Maden Sen (a leftist trade union in the mining sector), reports a memory he had heard from one of his journalist friends about Ecevit: 'Around the time when laws no. 274–275 were being passed, Ecevit holds a meeting with the "revolutionary" journalists with whom he was friends before May 27. Ecevit justifies the laws they were passing thus: "As you know, our neighbours to the north and the west have a separate, socialist order. New socialist governments are also being set up in the Arab countries to our south. Turkey is an industrializing country. Sooner or later workers will demand their basic rights and freedoms. We had to pass these laws so that, when it came to that, they wouldn't look to the north or to the south." Revolutionary journalists left the meeting in a devastated mood.' (Uygur, 2006: <http://sendika62.org/2006/11/ecevit-iscileri-nasil-sevdi-cetin-uygur/>).

the development of trade unions in Turkey. The trade unions succeeded in obtaining wage increases and improved working conditions throughout 1960s and 1970s as they took advantage of the Law no. 275.

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