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Introduction

- 1 Labor and trade union movements are shaped by states’ distinctive socio-economic, political, cultural, and historical characteristics. In the contemporary world, trade union movements have weakened considerably due to transformations in production methods and production management on a global scale. These transformations have also had a profound impact on the trade union movement in Turkey, but the latter has also been subject to *sui generis* historical circumstances which have led it to acquire characteristics different from those in other countries. In particular, the Turkish regime’s perception of national security has had a unique impact on Turkish labor and trade union movements. From the perspective of democratization, it is clear that this perception remains an obstacle to achieving positive changes in the sphere of rights and freedoms.
- 2 The concept of “National Security” is found in the domestic law of many countries with different political, social, and cultural structures. It is also found as a criterion of delimitation in supra-national documents (Documents such as the European Convention on Human Rights (article 8 and protocols 4 and 7). In Turkey, the concept of “National Security” entered the Constitution and legislation after the 1960 military coup. Until then, the dominant concept in Turkish legislation had been “National Defense.” While the term “defense” mostly denotes the state’s external threat perception, “National Security” also includes internal threats. Building on this concept, the 1961 Constitution established a committee named the National Security Council (previously the National Defense High Committee), which was authorized to determine threats to national security. The

National Security Council was to determine the state’s threat perception via the National Security Policy Document, which was to be prepared by its own secretariat. In the future, this threat perception would be the subject of such a wide interpretation that it would encompass social, cultural and economic fields.

- 3 This article examines the impact of the perception of national security on the labor movement in Turkey. As is widely known, instead of influencing legislation, the Turkish labor movement has mainly been the product of it. The state has tried to control unions through legal arrangements, and therefore the legislation process has had vital significance for the labor movement since its inception. This article examines how the national security concept came to be utilized by civilian rulers to control the labor movement and to hinder basic trade union activities such as strike. Among other aspects that condition the dynamics that shape unionism, martial law and the restrictions it puts on the use of collective rights and freedoms will be examined.
- 4 Perceptions of national security in Turkey predate the first explicit appearance of the concept of “National Security” in 1960. Internal and external threats introduced similar perceptions in the late Ottoman period, triggering emergency measures such as martial law and the founding of institutions with emergency powers; as a result, the country took on the characteristics of a national security state. This article thus begins by investigating the developments in the last years of Ottoman state. However, it will not go into detail about the national security perceptions of the Ottoman state, which resulted from the defeats, external threats, national revolts, and dismemberment the Ottoman state faced in its last years. To analyze the history of Turkey in an historical perspective, three eras will be evaluated in detail: *the liberation era* (from 1918 to 1923), *the foundation era* (from the declaration of the Republic in 1923 to World War II) and *the multi-party era*.

I. An Overview of The Perception of “National Security” in Turkey

The Republican Regime

- 5 Between 1918 and 1923, a period which this article labels the “liberation era,” the country was in a state of emergency. The Ottoman state was occupied and in financial crisis, the Istanbul government was suspended, and most of the army had been disbanded. The new parliament founded in Ankara in 1920 enacted many laws and established a number of institutions that were given emergency powers to overcome this state of emergency, setting in motion developments that turned the state into a national security state. It proclaimed martial law, and created institutions such as special military organizations (the Mobile Gendarmerie Detachments and the Military Police Organization), Independence Courts, the Supreme Military Command, Military Inspectorships, and General Inspectorships, some of which were inherited from the Ottoman state. While initially an outcome of the unique conditions of the liberation era, this structure would persist after the establishment of the Republic in 1923, preparing the infrastructure of today’s politics.
- 6 There are two main reasons why the Republic became a national security state. First, the cadres who built the military and civil bureaucracies of Republican regime were composed of people who experienced both World War I and the Turkish War of

Independence. Because of the traumatizing effect of the long wartime years, these cadres continually felt the necessity for security and for preventing the trauma from happening again. The second reason involves the revolutionary process that began with the declaration of the Republic. This process not only altered the characteristics of a state that had reigned for 600 years, but also the regime's relation to the country's cultural and political structures, pushing the regime to secure its preservation and protection. The Sheikh Said revolt (1925), which occurred in the first years of Republic, fed this security perception; additionally, the economic depression of the 1930s, World War II, and the ensuing Cold War kept it alive. The influence of all these emergency conditions caused the ruling elite to put off expanding rights and freedoms in the legal sphere (Çelik 2008).

- 7 It is understandable that a country experiencing internal and external emergencies would have a higher security perception than a country with ordinary conditions. In the last decades of the Ottoman Empire and the first decades of the Republic, however, the state bureaucracy continuously took safety measures for such a long time period that its heightened sense of emergency gradually became normalized.

The Key Instrument of the "National Security State": Martial Law

- 8 During the last years of the Ottoman Empire, the Ottoman state's financial and military weakness led to an increase in social unrest, which was exacerbated by the invasion of foreign powers. The state had entered a new period in 1876 with the declaration of the Constitutional Monarchy. Article 113 of the new Constitution authorized the government to proclaim and implement martial law if there were signs of insurrection in any part of the country. Thus, the juridical history of martial law in Turkey begins with the 1876 constitution and the qualified martial law enacted in 1877 (Code of Law, 1, Tertip C: 4: 71-74; Şensoy 1947). According to this law, the civil government would be authorized to establish military government (Article 3), and the military government would have the authority to prohibit any gatherings in the martial law area (Code of Law, 1, Tertip C: 4: 71-72; Şensoy 1947). The constitutional period came to end when Sultan Abdülhamid abolished the parliament in 1878, introducing a period of *de facto* martial law which went down in history as the "era of absolute rule." The country was kept under tight control under the pretext of "national security" until the constitutional system was reintroduced by the 1908 revolution. This *de facto* martial law, in effect, made it easier to oppress what, because of the Ottoman Empire's low level of industrialization compared to other European economies, was an inchoate working-class and trade union movement (Sülker 2004). Because the majority of the industrial workforce was composed of minority ethnic groups who were drawn to and pursued their own nationalist movements, a class consciousness in the modern sense of the word did not take shape in the late Ottoman period (Şişmanov 1978). Because trade unions were not in existence, the labor movement was highly limited and workers could only organize under the name of charities and association. Some associations that used "labor" in their name (such as the Ottoman Labor Association) were eliminated, and their administrators arrested and banished (Makal 1997).
- 9 The Second Constitutional Monarchy was accompanied by the slogan "freedom, justice, equality," and initially reflected positively on the labor and trade union movement. By reaching out to large segments of workers, the trade union movement leapt forward both quantitatively and qualitatively. Workers entertained the hope that they would prosper

through the new regime, and consequently organized strikes in many sectors in which tens of thousands of workers participated. However, the environment of freedom for the emerging labor movement came to an end shortly after, when the government took measures to forestall the strike actions that were sweeping the country. Parliament, under the control of Committee of Union and Progress (CUP), enacted the Strike Law [*Tatil-i EşgalKanunu*] on 9 August 1909, prohibiting union activity in establishments¹ performing service to the public (Makal 1997), and imposing strict limitations on the right to strike. This law was a first in the history of Turkish labor relations, and was only made possible by the martial law that had been proclaimed on 25 April 1909 (Sülker 2004).

- 10 The martial law that became a structural element of the Second Constitutional Monarchy was considered necessary not only for security requirements, but also for the constitutional order that the CUP aimed to establish. The CUP used the martial law powers that it retained from 1909 to 1918 as a tool to clear the way for the capitalist relations of production that the committee wanted to establish in the economic sphere (Kansu 2001). The Strike Law lasted into the Republican era and remained in force until the Labor Act was enacted in 1936. Since the Strike Law prohibited unions, workers tried to circumvent the ban by organizing in the form of associations, which were regulated by the Law of Associations enacted in 1909. This law gave the right to establish certain types of associations without any prior permission; however, by broadening the scope of prohibited associations and by giving extensive supervisory power over associations to law enforcement officers, it had a constraining impact on the labor movement (Gülmez 1998: 292; Makal 1997: 280).
- 11 For the Republican cadres, martial law was initially a necessary instrument for winning the War of Independence against the invading armies, but with the breakdown of the *ancien régime* and foundation of the Republic, its application expanded to internal security concerns. Under the extraordinary circumstances of wartime, Turkey witnessed the inclusion of the Chief of General Staff in the Cabinet as a minister.² Combined with the new regime's goals of transforming and "rehabilitating" society and "establishing regime and state authority," these public order and security concerns were accompanied by a number of extraordinary measures. In addition to martial law, the emergency conditions led to new state institutions with exceptional power, and extraordinary laws left their mark on state-society relations. The Law of Treason,³ The Law of Supreme Military Command,⁴ which gave temporary exceptional powers to Mustafa Kemal Pasha, and the Law of Independence Courts⁵ are the most striking examples of laws enacted under wartime circumstances.
- 12 There was thus significant continuity between the last period of the Ottoman state and the Republican era, in part because the people who implemented the regulations of the late Ottoman period became the intellectual-bureaucratic cadres of the Republican era. Also, most of the legal regulations enacted in the last period of the Ottoman state were incorporated into the legislation of the Republican era. The CUP and the Republican People's Party (RPP), both of which started off by proclaiming their allegiance to, respectively, the "Constitution" and "the people's will," initially shared power with the opposition, but later on tended to ignore oppositional groups in order to implement their own modernization programs.
- 13 Martial law was used as an efficient weapon during the post-war period for establishing public order, accomplishing reforms and revolutions, and suppressing counter-

revolutionary movements, separatist movements, and opponents in parliament and the press.

- 14 These security concerns produced institutions with exceptional power that constantly maintained martial law practices. For example, the Independence Courts were originally established for preventing desertion in the army, but they undertook a different mission in the Republican era, when they were used as an important tool for protecting the new regime and its reforms. The activities of the original Independence Courts came to an end on 1 August 1922. However, in 1925, the Sheikh Said Revolt broke out in the eastern provinces, and martial law was proclaimed in the region (Code of Law, 3, Tertip C: 6). Later on, as will be discussed below, "The Law for the Establishment of Public Order" [*Takrir-i Sükân Kanunu*] was enacted on 4 March 1925. In addition, on the same day, Parliament created two Independence Courts – one in the martial law region and one in Ankara. Interestingly, the Ankara court also investigated political and petty offenses committed outside the region of rebellion. According to some researchers, the court established in Ankara was, in fact, founded to squelch the opponents in parliament who were in the process of founding a new party (Tunçay 1992: 101; Özdağ 1991: 99-110). Also, on 3 May 1925, by the Decree numbered 1846, the Censorship Regulation [*Sansür Talimatnamesi*], which regulated the censorship of newspapers, booklets and letters in the region, was approved (Code of Law, 3, Tertip, C: 6).
- 15 When all these are added up, The Law for the Establishment of Public Order not only became a tool for suppressing the rebellion, but also for forestalling possible social opposition and containing all political opposition, including the press, while implementing social transformation and undertaking reforms⁶ (Tunçay 1992; Göldaş 1997; Öz 1996: 69). Thus, the law authorized the government to prohibit any organization, provocation, abetment, or publication leading to rebellion or violation of the country's social order, peace, calm, security and safety, and to send the accused to the independence court.
- 16 One of the most important consequences of The Law for the Establishment of Public Order is that the labor movements that re-emerged in Istanbul, and the leftist movements that had organic relationships with those movements, were suppressed, prohibited and subjected to state power from the proclamation of the Republic to the present. Although rights like unionization, the right to strike, and collective bargaining were absent in the 1924 Constitution, relying on Article 79, which legitimized the freedoms of contract, labor, property, assembly, establishing associations and partnerships, labor organizations were founded in cities where industrialization was advancing. Previously founded labor organizations also had the opportunity to organize and express their demands more freely; they even had the opportunity to strike. Various leftist organizations began to support this developing labor movement through their publications and activities. However, citing The Law for the Establishment of Public Order, all oppositional leftist publications were prohibited, and their administrators were arrested and tried in Independence Courts on the charge of "corrupting internal security by means of establishing Communist organizations and propagandizing Communism," and were sentenced to heavy punishments (Nedim 1993: 312; Göldaş 1997: 416-416). Some telegraph workers who went on strike for increased wages were sent to Independence Courts; other labor organizations were disbanded. Additionally, in the same period, the "Progressive Republican Party" [*Terakkiperver Cumhuriyet Partisi*], which was founded by the opponents in the parliament and attracted the attention of the oppositional labor sector, was

prohibited.⁷ The Law for the Establishment of Public Order, which was initially enacted for a period of 2 years, was extended for another 2 years in 1927. It weakened a class-based labor and trade union movement in its initial phase by hindering it, and it thereby determined the direction, development, characteristics and circumstances of the labor and trade union movements that followed (Türkiye Sendikacılık Ansiklopedisi 1998: 135-136; Sülker 1983 :1843-1847).

- 17 The martial law practices, were in effect almost continuously for a long time period. In latter years, martial law was replaced with a “State of Emergency,” the last of which ended in 2002. Consequently, the Republic of Turkey has been in a constant state of emergency from its inception until 2002. If the 1908 martial law and the previous 33 years of the “absolute rule regime” of Abdülhamid II are added, we can conclude that governments in Turkey appealed to martial law and states of emergency for a length of 125 years, from 1877 to 2002. This point should be underlined when seeking to understand the location of the trade union movement in Turkish democracy. Institutions with exceptional power, political and constitutional regulations, and periods of martial law and states of emergency lasted more than 100 years, and shaped the labor and trade union movements to a great extent.

Government with Exceptional Power (1930–1946)

- 18 In the 1930s, Turkish political elites reacted to the increased security concerns caused by the global economic depression and the onset of World War II by enacting emergency laws, taking emergency measures, and establishing institutions with exceptional power, while increasing the state’s intervention in the economic sphere. In addition, the power struggle among the dominant powers in the country increased, and the significance of the military-civil bureaucracy increased vis-à-vis the commercial bourgeoisie and large landowners. The implementation of state capitalism enhanced the impact of the bureaucracy (Kazgan 2005). Especially on the eve of World War II, the ruling politico-bureaucratic elite’s control over all activities became tighter. Many codes granting exceptional authority to the government for regulating the economic and social sphere were enacted during this period.⁸
- 19 In the atmosphere of this emergency period, the parliament enacted the first “Labor Law” (1936), establishing state dominance over the field of labor relations and enabling the government, which did not want production to be cut in the circumstances of the period, to forbid strikes and lock-outs. The new law brought even stricter regulation than the Ottoman Strike Law that it replaced. Finally, the Associations Law [*Cemiyetler Kanunu*] enacted in 1938 forbid class-based associations, depriving workers of the opportunity of establishing labor association and trade unions. Parliament once again enacted the “National Protection Law” [*Milli Korunma Kanunu*], enabling the cabinet to seize firms temporarily when needed for coordinating the economy. This law aimed to intervene in the relations of production, and thereby to make it possible to adjust relations of production in order to boost agricultural production and meet the requirements of the war. The law allowed the government to intervene in labor issues, and eliminated the already limited rights that were granted by the “Labor Law” of 1936. The “National Protection Law,” while accepting numerous rights and guaranties for the private establishments – like providing necessary staff for the private establishments so that they could reach the production goals that were determined by the government –

- included many terms that were against the class interest of workers and small farmers. For example, citizens could be burdened with compulsory labor for a fee, or the working hours of the workers could be unilaterally raised (Timur 1994: 178-179).
- 20 Because of the strong opposition in commercial and industrial circles to the regime's regulation of labor regulations, the RPP sought to control potential sources of opposition by bringing them together in a new organization. "The Law of Commerce and Industry Chambers, Chambers of Tradesman, and Commodity Exchanges" [*Ticaret ve Sanayi Odaları, Esnaf Odaları ve Ticaret Borsaları Kanunu*] adopted in 1943 was enacted for this purpose. In the justification for the law, it was stated that it was necessary to enable a strict and efficient control over the merchant, industrialist and tradesman coteries who failed to heed the common good. According to the law, the inspection and control of this class, which was to be recruited into these chambers, was to be carried out by the Ministry of Trade (Timur 1994: 211).
- 21 The most significant impact of all these regulations was the breakdown of the "Coalition of Classes" that the one-party regime achieved during the foundation era, and as a result of this, political power and dominant classes (merchant, industrial bourgeoisie and large landowners) came up against each other.⁹ While the one-party RPP regime aimed to build a "classless, egalitarian, merged" society by forestalling class conflicts, the end result was exactly the opposite: The coalition of classes was replaced with political conflict. This conjuncture would later lead to the foundation of the Democrat Party (DP) during the transition to the multiparty system (Timur 1994: 205).
- 22 By the end of World War II, remarkable developments forced Turkey onto a new path. The Charter of the United Nations was signed on 26 June 1945 and with it was understood that the world system was shifting in favor of democratic regimes. Turkish-American rapprochement resulting from economic and military aid also influenced the internal politics of Turkey. In fact, the UN member states had expected that Turkey should alter its regime to democracy as a signing party. (Goloğlu 1982: 27). One of the important impacts of this was the transition to a multiparty political system. The effects of the shifts and transformations in this period on the labor movement would prove to be great. The prohibition on founding associations based on class, which was regulated by the Associations Law of 1938, was lifted in 1946 as the result of the influence of the international conjuncture, and subsequently many labor unions were established. Due to the democratic tendencies of the era, two socialist parties appeared in the political arena, and they played an active role in the organization of unions (Koç 1992: 123). Beginning from 1945, these liberal developments gave way to new arrangements that would meet the requirements of the Cold War. Although there was no law prohibiting the formation of socialist parties, the socialist parties founded at that time and the labor unions which were associated with them were prohibited. This became possible thanks to the martial law in Istanbul, which was prolonged on 4 December for another six months. The martial law's justification of banishment was that these organizations were "serving foreign interests" (Ahmad & Ahmad 1976: 27). Thus, although the war was over, martial law continued because of the possibility of going to war.
- 23 There was no change in the perception of labor and union rights between the years of 1946 and 1960, the era of multiparty politics. This era introduced a new kind of democracy, but martial law practices amputated its left wing. "The Law of Workers' and Employers' Unions and Association of Unions"¹⁰ stated that unions were national associations, and that they could not act against nationalism or national interests. This

law was enacted to regulate the activities of unions that emerged as a result of the amendments to the Associations Law, and it prohibited their political activities. The prohibition on the right to strike was still in force. According to the Minister of Labor, who declared that they would not allow class struggles, the strike was a measure implemented in liberal regimes, but because Turkey was a statist regime, the government had to play the role of arbitrator in the conflict among social classes (TBMM Minutes 1950: 221; Ekin 1982: 126). Although the Democrat Party (DP) declared in its campaign speeches and party program that the right of strike would be adopted, this prohibition remained in force during the period of DP rule, during which the exigencies of the Cold War were at the forefront of attention¹¹ (Makal 2002: 314). Indeed, the DP government's increasingly autocratic policies practically emulated the preceding single-party period, passing laws which weakened the political rights of the opposition.

- 24 The Inquiry Committee [*Tahkikat Encümeni*], which consisted of DP deputies and was founded in 1960 for oppressing the opposition, is an example of this.
- 25 The DP government enacted a law¹² that granted the Committee extraordinary powers, including ceasing all kinds of political movements and activities (Tanör 2004: 353). By relying on this law, the DP tried to debilitate the movement through oppressing the labor movement, unions and Türk-İş, the Labor Unions Confederation of Turkey, which was established in 1952. Opponents from unions and intellectual circles reacted strongly to this repression, and students organized protest marches in Istanbul and Ankara. Martial law was proclaimed in both cities, universities were suspended temporarily, all kinds of meetings were prohibited, and many of the opposition newspapers were banned (Ahmad & Ahmad 1976: 27). All of these developments raised social unrest, and the tension between the actors of the regime deepened. At last, the experiment of multiparty competition was interrupted by the military coup on 27 May 1960.

1960 Military Coup and Aftermath

- 26 From the military coup of 27 May 1960 until the normalization of politics by the elections held on 15 October 1961, the Army held *de facto* political power through the "Committee of National Unity" (CNU). At that time, all rights and authorities of TBMM were assumed by the CNU, which consisted of 38 military officers. The first communiqué of the CNU was the declaration of curfew. Afterwards the CNU created a new cabinet which included non-military members, but the country was initially ruled via communiqués promulgated by the CNU (Code of Law 4, Tertip V, 1, 3-17). The third communiqué prohibited publications and activities of all political parties, protest marches and meetings. The military explained the reason for the coup in communiqué 32, stating that:
- "National revolution is not an act in favor of a person or a class. Our main principle is the access of our very revered people, fellow citizens and workers, to democracy, assurance of their rights and freedoms, and development of their economic welfare. It is essential that citizens live fraternally and peacefully in their private affairs and in any kind of working places."
- 27 Communiqué number 19 stated that the TBMM was abolished and that all political parties were prohibited from arranging political meetings.
- 28 Meanwhile, martial law, which had been proclaimed by the DP in Istanbul and Ankara on 28 April 1960, was maintained during the period of *de facto* government, and the garrison commanders of both cities were appointed as martial law commanders as well (Code of

Law, 4, Tertip V:1/I: 8). Martial law was maintained in these cities for three months each time by the CNU's communiqué number 28 (Code of Law, 4, Tertip V:1/I: 13) and the CNU's act number 17 (Official Gazette, No. 10620, 4.10.1960), and by acts taken by Constituent Assembly in February¹³, May¹⁴ and August¹⁵ of 1961.

- 29 As explained above, although the Republic of Turkey had a national security perception since its foundation, the term "national security" appeared for the first time in the constitution adopted after the 1960 military coup. Moreover, it gained constitutional characteristic through an assembly with the same name, and further shaped Turkish politics through subsequent constitutions and laws. Indeed, the institution that determined the content of the National Security concept would henceforth be the "National Security Assembly." This assembly and its impacts will be examined in detail below.
- 30 As a delimitation criterion, the national security concept has had considerable effects on political, social and economic activities until today. The tendency for the military and civil bureaucracy, and, most of the time, governments, to consider all democratic right demands and problems from the perspective of national security has had the effect of weakening Turkish democracy. The presence of the Minister of Labor in the National Security Assembly demonstrated that strikes, resistance and similar activities within the rising labor movement at the beginning of the 1960s were understood to affect "national security" (Özdemir 1991: 58).
- 31 Because of the relatively liberal characteristic of 1961 Constitution there was actually a revival of social movements, including labor organizations and unions. Together with rights of labor, protection of children, the young and women, recreation, fair wages, social security, union rights bestowed to all wage-earners, the Constitution also recognized the rights of collective labor bargaining and strike. However, "The Collective Labor Agreement, Strike and Lock-Out Act" [*Toplu İş Sözleşmesi Grev ve Lokavt Yasası*] which was adopted in 1963 imposed many restrictions on the right to strike. The law provided the Council of Ministers with the power to postpone strikes in cases deemed contrary to national security, and during periods of martial law, the right to strike was subject to the permission of the martial law commanders. Strikes were not permitted in regions where martial law was proclaimed. The frequent recourse to martial law deeply influenced labor relations as much as other fields in Turkey, because the responsibility for guaranteeing workers' constitutional rights was left to the discretion of the military administration. Civilian authorities took part in curbing these rights by consecutively prolonging martial law once it had been proclaimed. The declaration of martial law after the second coup attempt of Colonel Talat Aydemir is an example of this. Although the attempt failed and all the actors of the coup were caught and arrested, the one-month martial law in Istanbul, Ankara and Izmir was prolonged for five months in Izmir, and extended seven times in Ankara and Istanbul for a total of fifteen months. Bearing in mind that these cities were industrialized, it appeared that the fate of workers and trade-union movement was left to the mercy of martial law commanders. These martial law commanders sustained the struggle against the socialist-oriented parties that might possibly lead labor movements. For instance, the Martial Law Commander in Ankara was able to prohibit the chairperson of the Workers Party of Turkey [*Türkiye İşçi Partisi*] from entering the capital (Üskül 1997: 166, 168).

12 March 1971: the Coup D'état Era

- 32 The end of the 1960s and the beginning of 1970s was a period in which the rights struggle of workers and peasants increased. The democratic rights stipulated in the 1961 Constitution were widely used in that period. The "left-of-centre" approach of the RPP in 1966 and the establishment of DİSK [*Confederation of Progressive Trade-Unions*] in 1967 revitalized this dynamism even more. Unlike the state-controlled union Türk-İş, which was organized predominately in the public sector, DİSK rapidly organized in the private sector as a confederation of trade-unions that had separated from Türk-İş. It adopted a policy of economic and political struggle in the name of the working class, and did not abstain from conflict with government, employers and competitor trade-unions. With its influence and membership increasing, DİSK opposed Türk-İş's decision to adopt policies in harmony with the government. From an initial 40 thousand members DİSK reached 100 thousand by 1970, and at the same time, mobility among workers and students in the country had increased and socialist movements gained strength (Güzel 1996: 238).
- 33 In that period, these developments were discussed within the context of "disturbance of peace" by the National Security Council and the government. The 1961 Constitution was seen as the cause of the disturbances, and debates over the need for amendment of the constitution were constantly on the agenda. By 1970, the Demirel Government proposed an amendment to the Trade-Unions Law number 274 and the Collective Labor Agreement, Strike and Lock-Out Act number 275 that would curb unionization and the right to strike. The objective of this amendment was to weaken or even prohibit trade unions that were in conflict with the government. During the Türk-İş Congress in Erzurum, Minister of Labor Turgut Toker stated that DİSK was going to be liquidated by the new draft and that it would remain impossible to recognize the right of general strike as long as DİSK existed (Işıklı 1990: 346).
- 34 Arguing that new draft law was targeted at its organization, DİSK reacted by holding mass workers' actions in Istanbul and Kocaeli, known as the Events of 15-16 June. One of the important characteristics of this mass action was that, except for a few public corporations, it was conducted entirely by workers from the private sector. After the events, 5090 workers were fired and twenty-one DİSK managers were arrested, dealing a heavy blow to the political development of the Turkish working class and trade-union movement (Koç 1992: 180-181).
- 35 Martial law was immediately proclaimed with the justification that this action was not planned by workers and their unions, but by communists, and that it constituted a rebellion. In a speech expressing justification for martial law, Minister of Internal Affairs Haldun Menteşoğlu said that DİSK aimed at dividing the country by fostering class consciousness (Üskül 1997: 177). This speech demonstrated that the single party regime's denial of class divisions was still in effect. The government, which pointed to the Workers Party of Turkey as the main ringleader behind the events, prolonged martial law for two months beyond the original one-month proclamation (Üskül 1997: 182).
- 36 On 12 March 1971, the Turkish Armed Forces again intervened in political life by submitting a memorandum which caused the government to resign. A new government was formed without the existing parties on 26 March 1971, and soon after proclaimed martial law in eleven provinces (Official Gazette, 27.4.1971, No. 13820). After this, an

extraordinary interim regime brought serious restrictions on basic rights and freedoms granted by the 1961 Constitution.

- 37 From the 1971 memorandum until 1974, four laws were enacted in order to comprehensively amend the Constitution. Law number 1488 (September 20, 1971) imposed new delimitation criteria by amending Article 11 of the 1961 Constitution, where the essence of the basic rights was defined. One of those criteria was that of "National Security." Furthermore, "National Security" was used to delimit Article 29, which regulated the right of association, and Article 46, which regulated the right to establish trade unions. The right to be a member of trade unions for civil servants was abolished by an amendment to Article 119. The same law also expanded the scope of Article 124 of the Constitution, which defined the conditions necessitating the proclamation of martial law. The "emergence of open indications for widespread violent actions" was added to the list of reasons that justified the proclamation of martial law. The authority that would determine these open-ended justifications for martial law would be the Council of Ministries itself.
- 38 In addition, a new Martial Law Act number 1402 was adopted (Official Gazette, 15.05.1971, N° 13837). This act declared that in the regions of martial law, duties and authorities of law-enforcement officers would be granted to martial law commanders, and that the martial law commanders could restrict the use of some of rights and liberties, or completely suspend them. Moreover, in accordance with Article 11 of law 1402, courts-martial would have authority in the regions of martial law.

The 1982 *De Facto* Regime and the 1982 Constitution

- 39 Turkey experienced a serious economic crisis between 1977 and 1980. In order to resolve the crisis, on 24 January 1980, conservative Süleyman Demirel's government drafted a plan to restructure the labor market in ways opposed to the interests of the workers. Although these decisions could not be implemented because of the 1961 Constitution and social reactions, the military coup staged 9 months later, on 12 September 1980, allowed them to be put into practice. Those who took power during this coup formed a National Security Council¹⁶ consisting of the Commander and Commanders-in-Chief of the Turkish Armed Forces.
- 40 The National Security Council, which assumed both executive and legislative power, implemented important decisions regarding labor life. Martial law was proclaimed throughout the country. Strikes and lock-outs were postponed. Activities of some of the trade unions and associations were stopped and their money was blocked. Workers on strike were forced to go back to work, and it was decided that additional payments at the rate of 70 percent would be made in advance in working places with collective bargaining. Leaving the country was banned (Tanör et al. 2004: 24). A High Board of Arbitration [*Yüksek Hakem Kurulu*] was assigned for labor disputes, and was empowered to render binding decisions on workers' wages for four years (Tanör 1992 :35). Among all trade unions, the perpetrators of the 1980 coup almost exclusively targeted DİSK (Güzel 1996: 257-258). As a result of this, it could be said that the coup destroyed the organization of trade unions in the private sector, and its impact has lasted until today.
- 41 The National Security Council maintained its legislative activity after the adoption of a new constitution. Among the laws the NSC enacted on the basis of the temporary Article 8 of the constitution, the Law on Trade Unions number 2821, Law on Associations number

2098, and the Law on Meetings and Demonstrations number 2911 are the most relevant for this article.

- 42 The 12 September regime restricted public liberties and curbed basic rights. Labor life was especially restructured by martial law commands. Meetings and demonstrations were subject to prior permission. Unprecedented restrictions were imposed on the activities of associations. Labor rights and especially trade union activities were suspended and the right to strike was prohibited.
- 43 It was during this extraordinary period that the Army command prepared the 1982 Constitution. Discontent about the broad definition of collective rights and freedoms in the 1961 Constitution was widespread within the NSC, especially when collective social rights were in question. Therefore, although the new constitution clearly recognized standard rights such as the right to strike, collective bargaining, and unionization rights, it also restricted the establishment of trade unions and their activities "for the purpose of protecting the integrity and indivisibility of the homeland and the nation, national sovereignty, the Republic, public order, public peace, public interest, public morality and public health." The preference for such open-ended formulations posed various practical problems because they were open to subjective interpretations and arbitrary implementations (Özveri 1991: 63, 93).
- 44 After the 1980 coup, the National Security Council's authority increased. In particular, the By-law of Secretariat General of the National Security Council [*Milli Güvenlik Kurulu Genel Sekreterliği Yönetmeliği*] was rewritten to deal with all spheres of daily life in Turkey. The National Security Council interpreted the national security concept broadly, and the Secretariat General interfered in all spheres of social and political life by subjecting society to various psychological operations (Çelik 2008).

II. The NATIONAL SECURITY CONCEPT and the NATIONAL SECURITY COINCIL (NSC)

National Security in Turkish Legislation

- 45 In Turkey, the concept of national security has been used as a delimitation criterion for the rights and freedoms stipulated both in constitutional texts and in subsequent laws. But "national security" is a wide concept, subject to interpretations that can be expanded according to personal opinions and understandings.
- 46 Although it is frequently mentioned in Turkish law, "national security" has no clear definition, neither in the law of the 1949 High Council of National Security (Code of Law 3. Tertip C: 30: 1077), nor in the 1962 law of National Security Council (Code of Law 5, Tertip C: 2: 325-327). One definition is found in Article 3(a) of the By-Law of Secretariat General of National Security Council:
- National Security: Being able to resist all external or internal attacks, defeatist attempts, natural disasters and conflagrations. National security means to protect and maintain the state authority and using all national strength, efforts and activities for being victorious in a war.
- 47 In the 1983 "Law of the National Security Council and Secretariat General of the National Security Council" number 2945, the definition is:

National Security; The protection and maintenance of the constitutional order, national presence, integrity, all political, social, cultural and economic interests in international field as well as against any kind of internal and external threats, of the State (md.2/a)

- 48 In the act of the 1969 "General Assembly of the Lawsuit Department of the Council of The State" [*Danıştay Dava Daireleri Genel Kurulu*], national security means "to protect and secure the legal entity of the State against the internal and external threats emerging throughout the country."¹⁷ During early 2000s, Turkey witnessed rapid legislative activity within the framework of the EU Harmonization Laws, which were presented as radical democratization reforms. However, although the NSC Law was amended and a new by-law of Secretariat General of the NSC was enacted, the concept of national security and the legislation within many of the spheres penetrated by national security policy remained untouched, a situation still in need an explanation (Gemalmaz & Gemalmaz n.d.: 247). Until the amendment number 4709 October 2001, there remained a delimitation criterion in Article 13 of the 1982 Constitution under the title "Restriction of Fundamental Rights and Freedoms." There was no change in the definition in law 2945 on the NSC after the 2003 amendment (Official Gazette, 18.1.2002, No: 24997), and the definition in the new By-Law of Secretariat General of NSC is the same as the definition found in the law. In addition to many other articles in the 1982 Constitution, "national security" is still used as a delimitation criterion in Article 51, which regulates union rights. Apart from the constitution, this criterion also exists, directly or indirectly, in other laws in force. One reason for this might be that it makes it possible to adapt the concept to changing requirements and threat considerations. Thus, the legal definition of national security as encompassing "all spheres, including political, social, cultural and economical" provides the regime with extensive leeway in defining national security as it sees fit.

The Institutionalization of the National Security Regime: National Security Council (NSC)

- 49 As mentioned previously, the concept of national security entered the constitution and laws after the 1960 coup, replacing the concept of "national defense." Thus, in the first draft of 1961 Constitution proposed by the military officers who staged the coup, the "High Council of National Defense" was renamed the "National Security Council." This council was first established in 1933 as the High Defense Council, and was given the task to indicate the responsibilities of the different Ministries during mobilization and determine appropriate principals. The council reconstituted under the name "High Council of National Defense" in 1949 to organize "total national defense," a concept that gained importance after World War II. Finally, when the "National Security Council" was established by the 1961 Constitution, the term "defense" was replaced with "security." This renaming, which might seem insignificant, would later be used to justify a number of proscriptive regulations, and its impact on the development of the labor movement would be negative. First, it is useful to examine how this shift occurred.
- 50 During World War II, a National Security Council was established in the United States in order to coordinate action between different levels of the U.S. Army and the U.S. government. After the war, the Council gradually shifted its sphere of activities to the emerging Cold War. The enactment of the Internal Security Act in 1950 and the enactment of the Communist Control Act in 1954 clearly demonstrates the influence of

the Cold War on internal security concerns. The "National Security Doctrine" developed in the 1960s further demonstrated a shift in the American national security perception. Turkey, in turn, reconfigured its institutions under the influence of this perception.¹⁸

- 51 The inclusion of the National Security Council in the 1961 Constitution was a result of the the military bureaucracy's search for an institution to control civilian governments in reaction to the Menderes government's challenges to the Army's dominance. The NSC was designed as a "Kemalist Bloc" (Tunaya 1970: 2) to include the army, which was considered the guarantee of the regime against the fluctuating nature of politics. The 1961 Constitution distributed state power and sovereignty among different organs and institutions, and thereby created a set of checks and balances among them. Thus, within the framework of the separation of powers principle, the NSC would become a barrier against an elected government's "I can do anything" attitude. The National Security Council's duties are stated in Article 111 of the 1961 Constitution: "The National Security Council shall communicate requisite fundamental recommendations to the Council of Ministers with the purpose of assisting in the making of decisions related to national security and coordination." The Council, which was initially designed as an advisory organ, gradually expanded its authority and sphere of duty. In Article 118 of 1982 Constitution the National Security Council was authorized to make recommendations on the formulation, establishment and implementation of national security policy to the Council of Ministers. After the institutions associated with the Secretariat General of the National Security Council prepare a draft document, the "National Security Policy Document" is recommended to the Council of the Ministers, where it, upon the latter's approval, becomes valid policy. This document is constantly updated in accordance with evolving threat perceptions, and has had the cumulative effect of reigning in the authority of the executive.
- 52 Although Article 118 of the 1982 Constitution stipulated that decisions of the National Security Council will not be binding for the civilian government, the definition of "national security" in law number 2945 subordinate the government to the National Security Council in all matters included within the definition, requiring it to act in accordance with the NSC's perception of national security. To be sure, the amendment made in the NSC Law on 30 August 2003, rendering the NSC's decisions purely advisory, reduced the administrative power of the NSC. However, this reduction is not enough. The effects of national security policy are not limited to the Council of Ministers. Ministries and lower state organs are also obliged to act in accordance with national security policy; thus like all ministers, the Minister of Labor and Social Security is also obliged to take into account national security policy.¹⁹
- 53 When all of this legislation is examined, it appears that no state institutions in Turkey can make or implement policy without considering national security policy. National security pervades all legislation. However, what is more striking still is the fact that the concept of "national security policy" still exists in the legislation issued by civilian governments. The legal reforms realized in 2003 in the context of Turkey-EU relations did nothing to reverse this (Gemalmaz & Gemalmaz n.d.: 247).
- 54 All of these developments are connected to the concept of "national security" and to the wide interpretation of what fields are considered contiguous. The NSC seems interested in all subjects, whether political, social, cultural, economic, or foreign policy. The NSC makes recommendations about the legislative activities of Parliament, and takes considers student incidents, which would normally be considered a problem of public

order, into its consideration of national security. Although it is supposed to be merely an advisory organ to the Council of Ministers, the extensive administrative power of the NSC and its authority in an endless number of subjects almost makes it a “shadow cabinet.” However, despite this, it is difficult to say that the NSC acts illegally. This becomes clear when we look at the authority granted to the Secretariat General, which is an integral and crucial part of the NSC. In Article 22, Paragraph (f) of a regulation dated 17 April 1963 (6/1645), which was issued during the period when the 1961 Constitution was in force, the Secretariat General of the NSC was assigned the task of making any policies and completing legislation for the conservation and continuity of government authority. This provision itself makes the NSC more than just a consultative body (Bilgen 1976: 58). Paragraph (e) of the same law authorized the NSC to deal closely with legislation related to National Security Policy, and if necessary, to issue, develop, adjust and amend new legislation. In addition, the authority of the NSC was increased significantly by the secret regulation 84/7706 from 10 February 1984. As a result, the NSC has influence over economic and social spheres, and can include measures that it considers necessary in regulating the state budget.

III. “National Security” Versus Union Activities

- 55 The concept of national security is deeply ambiguous, and therefore paves the way for arbitrary practices. As a delimitation criterion it has had negative impacts on labor movement and union activities. For instance, a basic union right such as the right to strike can be restricted or postponed for national security purposes, depriving unions of their most efficient weapon and rendering them weak. As mentioned previously, the 1961 Constitution legally granted all wage earners collective rights and freedoms such as union rights, collective labor bargaining and the right to strike. In spite of this, the 1963 “Collective Labor Agreement, Strike and Lock-Out Act” (number 275) placed numerous restrictions on right to strike. The Act granted the Council of Ministers the authority to postpone strikes for 30 days, and to extend the ban for 60 days if the strike was deemed contrary to national security. The same law made the right to strike subject to the permission of martial law commanders during periods of martial law, but martial law commanders also illegitimately used the government’s authority to postpone strikes, and interfered in collective bargaining. The silence on these issues of the prime ministers to whose authority martial law commanders were subject reveals the civil administrations’ deference to military authorities (Üskül 1996: 237; şafak 2008: 51).
- 56 In the “Collective Labor Agreement, Strike and Lock-Out Act”²⁰ number 2822, which was enacted after 1980 coup, the concept of national security was used as a delimitation criterion over the right to strike. Article 33 granted the Council of Ministers the authority to postpone strikes and lockouts: “Any lawful strike or lock-out that has been ordered or commenced may be suspended by order of the Council of Ministers for sixty days if it is likely to be detrimental to public health or national security.” The article does not clarify whether a union can use the right to strike or not once the sixty days are over. But both the 1982 Constitution (Article 54) and Article 34 of law 2822 state that in cases where the strike is postponed or suspended, the dispute will be resolved by the High Board of Arbitration, in other words through compulsory arbitration. Thus, it could be said that with law number 2822 the government’s intervention in strikes in the form of postponement *de facto* eliminated the right to strike through administrative rulings

(Topalhan 2003). In addition, law number 2822 stated that the court could not give an injunction order in the case of a postponement order for strikes and lockouts in areas where under a state of emergency.

- 57 Strikes have also been discussed in NSC meetings. For instance, in the NSC meeting on 28 September 1995, where the Northern Iraq problem was being discussed, the widespread strikes being held in the public sector were also discussed, and because these were deemed "threatening [to] the security of the country," the NSC recommended postponing the strike.²¹ The civilian authorities, in turn, have not been far behind the military in relating strikes to "national security" during the periods in which law 275 and 2822 were in force. When we analyze the seventeen years during which law number 275 remained in force, we see that civilian governments issued a total of 252 postponement decrees. Of these decrees, 157 postponed strikes for thirty days each, and ninety-three decrees extended the postponement period for sixty days. Of the 251 postponement decrees issued with justification, 153 were justified for reasons of "national security," forty-three for threatening "national health," and fifty-five on the grounds of both "national security" and "national health." In other words, of the 251 postponement decrees, the justification in sixty-one percent of the cases was national security concerns, and in twenty-two percent both national security and national health concerns (Topalhan 2003: 14).
- 58 Between 1983 and 2007, the governments issued twenty-seven strike postponement decrees. For twenty of these decrees, national security was used as justification. During this period more than 500 workplaces and businesses were affected by the decrees, including about 300.000 workers. When the matter is viewed in light of these data, it is possible to see how great the impact of strike postponement decisions justified by national security were on the Turkish workers' movement and trade-unions (Çelik 2008: 109).
- 59 It must also be mentioned that since 2000 nine great strikes took place in the factories belonging to Turkey's leading industrial groups, and eight of these were arbitrarily postponed by the government on the grounds of "national security" (Çelik 2005, 2007). The fact that upon judicial review most of the postponement decisions were either rejected by stay of execution, or abrogated, attests to this arbitrariness.²² For example, after the Council of State provided a stay of execution for the government's postponement decision on 8 December 2003, the strike that had been held by the Kristal-İş trade-union was resumed on 14 February 2004; however, the government again postponed the strike, this time adding "public health" concerns to its previous "national security" justification. The Council of State abrogated the decision of the Council of Ministers, stating that "the postponed strike does not impair the national security and the public health as stipulated in the law." According to the Council of State, "A strike can be regarded as impairing the national security only if serious dangers necessitate defending and securing the country and the state specially."²³
- 60 Since in practice the government has tended to refer to the opinion of the Secretariat General of the NSC when considering whether to postpone strikes, it will be helpful to give an example of the national security justifications that the Secretariat General provides in its "strike postponement" reports. When justifying postponing a strike in the rubber sector, for example, the Secretariat argued as follows: "In consequence of the examinations and assessments, (...) it has been established that since a very big part of the national rubber production is provided by the these workplaces, the decision to strike

will adversely affect the rubber needs of all sectors, in particularly that of the TAF (Turkish Armed Forces), which uses transportation and construction equipment; additionally, because of the ongoing economical bottleneck, it can cause a crisis in the automotive industry and disturb the economical balance, and may have a disruptive impact on public life and therefore on the national security of our country, which is undergoing a delicate period because of the ongoing developments in the Middle East."²⁴

- 61 However, the fact that the government also postpones strikes that the Secretariat General does not find threatening to national security²⁵ shows that the real motive in postponement is not "national security," but that the mentality that dominated the *de facto* martial law period is maintained by later civilian governments (and recently also by the 'civilian' president who signed these postponement decisions). The government's interpretation of national security is revealed in its pronouncements regarding strike postponements. In the annulment suit that a trade union brought against a postponement decision of the Council of Ministers regarding a strike held in a bottle-glass sector, the government argued that the strike would "cause a significant decrease in the export incomes, that this situation will damage the national economy, that today the concept of "national security" necessitates and includes a strong economy, and that every attempt at damaging the national economy also damages national security."²⁶
- 62 The arbitrary and frequent usage of the ambiguous "national security" criterion thus constitutes a great obstacle in the development of the workers' movement and in carrying out trade-union activities.

Conclusion

- 63 The Turkish regime's national security has occupied a significant position in Turkish legislation, and has deeply affected labor relations. By relying on internal and external national security concerns, emergency regimes and military coups, which have been in effect for nearly 125 years, have caused political elites to perceive this situation as normal. Until recently, this perception has resulted in a preference for martial law and states of emergency over existing legal frameworks. These extraordinary legal and institutional conditions have shaped the Turkish labor movement, as well as the state apparatus and bureaucracy. If we consider that the first known labor organization in the Ottoman State was established in 1861, Turkish labor activism has a history stretching back 148 years. The fact that the country was under martial law and states of emergency for 125 of those years has prevented the formation of a free and democratic atmosphere, which would have been necessary for the flourishing of a labor and trade union movement.
- 64 During the martial law regimes, many constitutional rights and freedoms could be restricted or suspended, if necessary all of them. Martial law therefore became a repressive instrument used against the Turkish labor movement. By using this instrument, political elites took measures that would have been difficult to take at normal times. They condoned the illegal practices of military administrations, which often went beyond the limitations set forth in proclamations of martial law. For this reason, the proclamation of martial law more often than not meant that the actions taken to preserve national security by martial law authorities were sustained or supported by civilian leaders (Duran: 172).

- 65 In cases where these practices fell short, Turkey experienced military interventions, in 1960, in 1971 and in 1980. All these emergency practices and interventions were the result of perceived threats to "national security." Perceiving communism as a threat to national security, the regime was frightened by labor movement and trade union activities. While the regime created a state-mandated atmosphere for trade union activity in order to control the labor movement, it also wished to forestall the emergence of class consciousness. The national security regime therefore confronted socialist movements and parties, and through this confrontation, excluded from the political system those elements that might have led, guided or supported the Turkish labor movement. Deprived of the intellectual contributions of socialist parties, the trade union movement was disorientated and thus unable to develop an effective strategy. It is obvious that pinning the responsibility for the problems concerning the Turkish labor movement solely on policies implemented by military coups and the *de facto* regime organs that produced this legislation is not a sufficient explanation. The real problem here is that, even during civilian regimes, politicians also acted with the mentality and approach of the *de facto* martial law regimes. Aziz Nesin conceptualized these practices as "civil martial law." (Uskul 1997), Thus, the fact that the constitutional and legal regulations that made the restriction of rights and freedoms possible for national security purposes were maintained during civilian governments demonstrates the normalization of an anti-democratic structure of government. The inclusion in the draft constitution prepared by the Justice and Development Party government in 2007 of the concept of national security as a delimitation criterion for establishing trade unions, collective bargaining agreements, and right to strike, proves that "civil martial law" survives today.
- 66 Furthermore, the Republican ideal of becoming a "classless, egalitarian, merged" society hindered the emergence of a tradition for resolving problems through democratic institutions and mechanisms. In its by-laws from 1923 and 1927, the RPP claimed that "in Turkey, there are no classes having divergent interests and therefore clashing with each other," adding that "the people of the Republic of Turkey do not consist of different classes" to its 1931 program. This conception ultimately led the RPP to the idea that trade unions are unnecessary in a "classless, egalitarian, merged" society. As a reflection of this, in its program on 1935 the RPP adopted the view that labor disputes would be "resolved by the judgment of conciliator institutions created by state" and "strike and lock-out should be prohibited." Finally, the RPP's position was legislated by way of the prohibition of class-based organizations put forth in the Law on Associations enacted in 1938. The "classless, egalitarian, merged" society model was to be realized, if necessary, through martial law.
- 67 Although its attitude varied from one period to the next, the state's stance on trade unions has generally been interventionist, restrictive and exclusive. Almost all governments in Turkey have been suspicious of collective rights and freedoms, and they have seen potential anti-state elements in all organizations. For this reason, a union movement shaped by its own dynamics never emerged in Turkey. In particular, the arrest, firing, and repression of leading workers in times of martial law weakened the labor movement's leadership. To overcome obstacles in its quest for economic order and development, the state sometimes ignored trade unions and sometimes cooperated with them. While cooperative trade unions were supported, hard-liners were accused of being "supporters of communism," and subjected to sanctions. Other times, only the trade unions willing to cooperate were allowed to exist. For example, DİSK, which never gave

an inch to state demands, was a target of state repression during the 1980 military coup. It was only after the prohibition of DİSK that the economic reforms proposed in January 1980 could be carried out in the private sector without resistance. The result of these developments was that trade unions tended to accommodate political power, and to integrate with the state as a way of legitimizing themselves. Instead of putting pressure on political power, they preferred to cooperate with political elites.

- 68 "National security" was the major justification for these restrictions and interventions, but such justifications were arbitrary and for the most part unconvincing. The fact that national security was mentioned even in irrelevant circumstances is a serious problem that cannot be explained by the routine habits of lawmakers and bureaucrats. A democratic atmosphere is the most important condition for the development of unionism, and trade unions, in turn, often act as important pressure groups for the development of a country's democracy. In Turkey, however, "national security" perceptions does not provide such an opportunity to trade unions.

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NOTES

1. It is remarkable that the establishments within the context of this law were foreign capital establishments employing many workers. *Türkiye Sendikacılık Ansiklopedisi*, Kültür Bakanlığı ve Tarih Vakfı Ortak Yayını, C: 3, İstanbul, 1998, "Tatil-i Eşgal Kanunu," p. 165
2. Journal of proceedings of the Turkish Grand National Assembly, Term 1, V.1 : 60; Türk Parlamento Tarihi, Milli Mücadele ve TBMM, I.Dönem: 93; Çelik 2008: 125
3. *Hıyanet-i Vataniye Kanunu*, dated 29 April 1920 and numbered 2
4. *Başkomutanlık Kanunu*, dated 5 September 1921 and numbered 144
5. *İstiklal Mahkemeleri Kanunu*, dated 31 July 1922 and numbered 249
6. All of the major reforms of the early Republican era (secularism, changes in appearance, the abolishment of lodges, etc.) came into life in this period.
7. The Liberal Republic Party, which was founded in 1930s, would also be prohibited because of a similar case, and the ruling party felt it necessary to rely on emergency laws for implementing the changes it sought to impose on Turkish society.
8. See, for example, "Settlement Act" dated 1 July 1926 and numbered 885, "Settlement Act" dated 1934 and numbered 2510, "Obligation for National Defense Law" dated 7 June 1939 and numbered 3634, "National Protection Law" dated 18 January 1940 and numbered 3870, and "Law of Armed Defense Obligation Against the Domestic Enemy" dated 7 August 1944 and numbered 4654. After this law, a by-law of it was enacted: numbered 3/3169, "By-law of Armed Defense Obligation Against the Domestic Enemy," "Law on Evacuation and Rarefaction of Provinces, Towns and Villages in Necessary conditions" dated 1944 and numbered 4656.
9. For the social fluctuations and political projections of those regulations, see: Timur, *ibid*, pp. 171-226; Timur, Taner (2003) *Türkiye'de Çok Partili Hayata Geçiş*, 3rd ed., Ankara, İmge Yayınevi; Makal, Ahmet (2002) *Türkiye'de Çok Partili Dönemde Çalışma ilişkileri: 1946-1963*, Ankara, İmge Yayınevi; Çavdar, Tevfik (2004) *Türkiye'nin Demokrasi Tarihi: 1839,1950*, 3rd ed., Ankara, İmge Yayınevi; Avcıoğlu, Doğan (1987) *Türkiye'nin Düzeni: Dün Bugün Yarın*, Birinci Kitap, İstanbul, Tekin Yayınevi.
10. *İşçi ve İşveren Sendikaları ve Sendika Birlikleri Hakkında Kanun*, numbered 5018 and adopted in 1947.
11. During this period, although the legislation preventing strikes and lockouts inhibited the emergence the labor movement, there were actions that could be considered employer lockouts

rather than worker strikes. Besides the financial potential of the employers, lack of inspection and the gaps in the clauses of the Labor Law which regulated the subject, it was seen that employers could more easily dismiss workers.

12. The Law on Duties and Authorities of Inquiry Committees of the Turkish Grand National Assembly dated 27 April 1960 and numbered 7468. This law gave the Inquiry Committee all the rights and authority that was granted to coroner and magistrate. This committee also had the authority to ban and seize any publication and to close their printing house, and to take measures and decisions on political gatherings and activities.

13. The Act of Constituent Assembly dated 24 February 1961 and numbered 41, Code of Law, 4. Tertip, V: 1/1, no.1551.

14. The Act of Constituent Assembly dated 22 May 1961 numbered 55, Code of Law, 4. Tertip, V: 1/II, no.2628.

15. The Act of Constituent Assembly dated 16 August 1961 and numbered 68, Code of Law, 4. Tertip, C: 1/II, no.3010.

16. It is remarkable that this organization, which was founded for another purpose but later on shifted its sphere of duty to internal security activities, also had the name National Security Council.

17. General Assembly of the Lawsuit Department of the Council of The State, 19.09.1969, Esas:1967/711 and Act:1969/652.

18. This line of thinking is confirmed by the statement made in justification of the draft bill for the NSC law: "The revisions of the advanced countries on their similar organizations after the II. World War were taken into account." TBMM Minutes, V: 8, 1962, No 209.

19. *The Law on the Organization and Duties of Ministry of Labor and Social Security* dated 9 January 1985 and numbered 3146 (Article 5).

20. Official Gazette, 07.05.1983, No 18040.

21. "MGK Demanded, Agreement is on the Way" *Özgür Yaşam Dergisi*, 7-13 September 1995, No 1, pp. 28-30.

22. It has been established by judicial decisions that none of the postponed strikes are related to national security. Indeed, it is difficult to understand how the tea glasses, drink bottles and automobile tires produced in these factories threaten the national security of Turkey. The common feature of the aforementioned nine strikes is that they were powerful, and took place in factories belonging to Turkey's leading industrial groups. "Ordinary strikes" that do not challenge the established order and the big capital circles are generally allowed. Furthermore, experience shows that these drawn-out "ordinary strikes" provide an opportunity to weaken workers and trade-unions. Therefore in almost all strike postponement decisions, the government abuses its legal authority and uses the national security justification to protect the competitiveness of the employers (Çelik 2005).

23. Tenth Department of State of Council, Docket No 2004/2197 Decision No 2006/3982.

24. The document designed by the Secretariat General of NSC, 26.02.2003 dated and 7010-17-03 numbered. (The document has been provided by Aziz Çelik, Assistant Professor of Faculty of Economics and Administrative, Department of Labor Economics and Industrial Relations in Kocaeli University).

25. The document designed by the Secretariat General of NSC, 25.07.2003 dated and 7010-39-03 numbered. (The document has been provided by Aziz Çelik).

26. Tenth Department of State of Council, Docket No 2004/2197 Decision No 2006/3982.

ABSTRACTS

The Turkish army has played a major role as custodians of the state since the beginning of the republic. Toward this end, the armed forces have intervened directly in the country's politics three times. These interventions have taken various forms, and even in the course of the periods of normalization of military-civilian relations, the concept of national security has strongly influenced the trade unions and the labor policies as a whole. Although the principal objective of trade unions has been defending the employment and the livelihoods of workers, and to build a better working environment in the workplace in general, trade union organizations have historically been organized and functioned under the shadow of national security related concerns in Turkey. As we discuss in this paper, even though the trade union movement originated in the post war era, and started to become a stable force in the social and political scene, the Turkish labor movement has been dominated by state concerns over national security, and the level of freedom enjoyed by organized labor has been limited. In our work, we addressed the outcome of the national security concerns over the organization efforts of the trade unions, and display how these interventions interrupted the development of the trade unions since the legalization of the labor movement in 1947.

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