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**AN ASSESSMENT RELATED TO THE LABOUR RELATIONS OF
EARLY REPUBLICAN PERIOD: MOSQUE SERVANTS AND *MOSQUE
SERVANT CHARTER***

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*“The object of government in peace and in war is not
the glory of rulers or of races, but the happiness of the common man”*
Lord William Beveridge

Abstract

Early Republican period's labour relations is a subject which is somehow generally not dwelled on. Yet, there were affiliated and independent workers in that period, as always were. When Unionists seized the power in 1908 and even before that, they had an ideal to form a national economy and bourgeoisie. This ideal maintained by getting stronger when they impressed the power indirectly or possessed the administration. However, things became inextricable for economically rundown Empire with the destruction of First World War. Eventually, Unionists left the homeland. The Republic which was established by the lead of Mustafa Kemal moved to break the country out of its inner and outer situation. There is no doubt that this salvation would not happen on the battlefield. At the same time, there was a need of founding a bankrupted country in every sense. For this purpose, lots of legal acts were promulgated. Most of these acts intended to ameliorate the fiscal situation and encouraging economic sector, along with being an intervenor to the labour relations for the government. One of the codification brought on labour relations was Mosque Servant Charter which was consisted of 42 matters and putting in order with the presidency of Religious Affairs and by Directorate For Pious Foundations to regulate mosque servants' legal status, duties and rights. This article aims to light the way for the regulations of working conditions of mosque servants on one hand and examine Mosque

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Servant Charter as an uninspected document that took its place in the labour relations history of Early Republican Period on the other.

Keywords: *Ottoman Empire, Early Republican Period, Labour Relations, Mosque Servant Charter.*

Erken Cumhuriyet Dönemi Çalışma İlişkilerine Dair Bir Mütalâa: Cami Çalışanları Ve Cami Hademesi Nizamnamesi

Öz

Erken Cumhuriyet dönemi çalışma ilişkileri her nedense üzerinde oldukça az durulan bir alandır. Oysa her dönemde olduğu gibi bu zaman diliminde de bađlı ve serbest çalışanlar mevcuttu. İttihatçılar 1908’de iktidarı ele geçirdiklerinde ve hatta daha da önce milli bir iktisat ve burjuvazi yaratma idealleri vardı. İktidarı dolaylı biçimde etkiledikleri ya da fiili olarak yönetsel erki ele aldıkları süre boyunca da bu ideal güçlenerek varlığını korudu. Ancak I. Dünya Savaşı ile gelen yıkım, işleri hali hazırda ekonomik bakımdan tükenmiş olan devlet için iyiden iyiye içinden çıkılmaz bir hale sürükledi. Sonunda İttihatçılar yurdu terk ettiler. Mustafa Kemal’in önderliğinde kurulan genç Cumhuriyet ise ülkeyi hem içte hem de dışta içinde bulunduğu durumdan kurtarmak üzere hareket etti. Şüphesiz bu kurtuluş yalnızca savaş meydanında olmayacaktı. Aynı zamanda ekonomik bakımdan iflas etmiş bir devleti her anlamda yeniden tesis etmek gerekiyordu. Bu amaçla birçok hukuki düzenleme yürürlüğe konuldu. Bunların çođu mali durumu düzeltmeye ve üreten kesimi teşvike yönelik olmakla birlikte, eşzamanlı olarak çalışma ilişkilerine devletin müdahil olmasını da öngörmekteydiler. Çalışma ilişkilerine yönelik getirilen düzenlemelerden biri de 1928 yılında Diyanet İşleri Riyasetiyle ve Evkaf Müdürlüğünce 42 madde halinde tanzim olunan ve camilerde çalışan müstahdemlerin hukuki statülerini, görevlerini ve haklarını düzenleyen Cami Hademesi Nizamnamesi idi. Bu çalışma, bir yandan Erken Cumhuriyet döneminin çalışma ilişkileri tarihinde yer alan ancak şimdiye dek incelenmemiş bir belgeyi irdelemek, diđer taraftan da Cami Hademeleri’ni örnek çalışanlar birimi olarak ele alarak bunların çalışma koşullarına ilişkin düzenlemelere ışık tutmayı amaçlamaktadır.

Anahtar Kelimeler: *Osmanlı İmparatorluğu, Erken Cumhuriyet Dönemi, Çalışma İlişkileri, Cami Hademesi Nizamnamesi.*

Introduction

Labour relations of the Early Republican period is a subject that has been put aside by most of the researchers. However examining this period is highly important in order to make sense of the current economic and working conditions of modern Turkey. Considering the inherited Ottoman labour

relations, Turkey attempted to constitute a stable and non-dependant economic structure after the National Struggle. But it was not that easy to overcome the poverty in the war-torn country. Shortage of the employment areas forced the ruling elites to reorganize the labour relations under the strict control of the new state.

Ended up with success, National Struggle paved the way for the promulgation of the Republic. At that time, the working organizations were very weak, desultory, and did not reach at the understanding of the government and public opinion exactly. There was not a group of leaders, except M. Kemal Atatürk and country was in a deep war-shock. İzmir Congress of Economics in 1923 shows this very clearly. In the congress, workers submitted some urgent and important needs about social politics to the administration but merchants and industrialists who had a greater organization for the congress were much more heard and thus, no decisions in favour of working class had been made in the congress.¹

When the legislation amendments in the first decade of the Republican period of Turkey are taken into consideration, it is seen that they were a set of codes to which related and regulated the industrial stimulus, educational issues and religious institutions. There also were a number of applications amongst these comprehensive new codifications so as to make the labour relations in the country more self-consisted. As well as the texts that promulgated for the reorganization of civil servant groups in the state offices, some legal arrangements has been made in favour of the non-bounded labour forces, too. Indeed, in the first years of foundation, labour relations system was mostly based upon a one-sided state interventions on one hand, and a law which provided a convenience to the private industrial enterprises had been accepted in the year of 1927.² Mosque Servant Charter is a characteristic sample of these legislative applications and it is important in terms of including the real conditions of the mosque servants of the early period of Republic. I will analyze and debate upon Mosque Servant Charter below. Thus, I hope to make a contribution to the literature of the early period of Republican labour relations.

¹ Cahit Talas, *Sosyal Ekonomi*. Ankara: S Yayınları, 1976, s. 254.

² Nusret Ekin, *Endüstri İlişkileri*. İstanbul: İ.Ü. Yayınları, 1985, s. 232.

1) Sacredness of *Sa'y* in Islam

Islam stipulates that the workers and employers should constitute a social class. It is not impossible to cross over from one to another thanks to labour (*sa'y*) of the individuals. In spite of the fact that current Islamic liberal markets cause roughly to lean upon separating the society into two pieces as employees and employers, indeed, Islam grasps the essence of labour and deems it sacred. If a person works under the commandment of another individual, he is accepted as a worker. And if he has one or more employee under his order, he is claimed as an employer. If the employee works very hard and makes some saving during a certain part of his life, Islam advises him to settle his own workshop so that he could become an employer and provide livelihood to someone else. On the other hand, Islam approves that the employees in common works and state offices mean a joint function (*ecr-i müşterek*) in the labour area. They have a potential possibility to have their own job compared to the others who are work for a special individual. Islam and Ottoman law calls these workers just 'worker' (*ecr-i hass*). But on the case that he gets paid along with the share of profit of the workplace, he is not only a worker but also partially an employer as well. Therefore, the approach of Islam to the labour relations gives a chance to make especially the workers a move to the higher position within the market. It also prevent the social classes from being through a number of conflictual situations.

As we can observe, Islam forms a nexus between the sides and stimulate the workers in terms of becoming an employer someday. Besides, Islam does not enforce neither the employee nor the employer in the way of being hired or setting the work. Individuals are totally free and when an opening position appears, two sides have to make an agreement on the terms of the job. Otherwise they are not bounded with any responsibility. Certain rules of the job are determined about whether the job is lawful (*halal*), salary and fringe benefits (if there is any), length of the job, terms of work and resignation etc.

Islam suggests that everyone has to work for his own livelihood (*rızk*) and earn his own life if he is a healthy person. There is no doubt that the percentage of working in a country depends on the development of economy and market. On this condition, state can not entirely be held responsible for the situation and Islam intends to please the individual by giving him a chance on picking the right employment for himself. Islam sees every person the same about having equality of opportunity in working life but individual should have

made an effort and improved their capabilities to get a better job. So Islam theoretically offers the basic features of modern capitalism within the area of working life and labour relations.

Islam is highly exquisite over the regulation of working conditions of the employees. Worker has a set of financial rights as salary, additional incomes, prizes and assistances by the employer. In the systems of *économie fermée* and common ownership, needs and traditions are the main determinants of the distribution of incomes. But non-communal societies as present day designate the income of the workers with regard to their efforts and participation of production because they comprehend that labour is the essence of ownership.

According to Islam, labour (*sa'y*) is sacred. Qur'an orders in its some verdicts that labour and work are two important deterministic elements in person's life. Also a good deal of hadiths approve that a fair labour is the cement of the lawful economy and consent of God. For example, Ibn Majah narrates from the Prophet: "Pay the worker for his work before his sweat dries".³ Alongside of the strict responsibilities of employers, workers have duties to comply with their own agreements. Worker has to make his salary with his own labour, not someone else's. It is not a honest work and employer could dismiss him whether he realizes the situation and he can never held responsible for this. Worker has to obey the worktime during the day and weekly/monthly schedule so as to contribute his workplace, colleagues and his employer. He also has to work willingly in his job and solidly do what he has been ordered. And lastly, it is too much important for an employer to have a trust on his employees with the tools of work. As it is seen, Islam sees responsible not only employers but also employees, too.

2) Ottoman Mosque as a Labour Foundation in the Early Republican Period

Ottoman mosques had a number of workers as in the early periods of Islam. Mosques were open to everyone and happy to welcome all of the Muslims anytime of all the days of week. Ottoman mosques had a dichotomous function. Along with being a sacred place for praying they were the first kind of universities in the Islamic world. They hired a number of religious

³ Ibn Mâjah Al-Qazwînî, *Sunan Ibn Mâjah 3* (der: Imâm Muhammad b. Yazeed). New York: Maktaba Dar-us-Salam, 2007, hadis no: 2443, s. 399.

commissaries in order to educate people in a set of scientific areas. There were also some attendants in mosques who had responsibilities about certain works of the mosque. Prophet Mohammed had paved the way for mosques to be educational institutions as well as religious. So, labour of the mosque started by constructions but not end in any time after that. Because of the features of it, the mosque could live forever and maintain its works in lots of fields. And thus, mosques have always been a main foundation in terms of labour relations.

Together with stonecutters, bricklayers, carpenters, forgers, plumbers, glassmakers, frescoers, flushers or pavers as skilled one, there were a deal of laborers and carriers who were claimed as unqualified workers of Süleymaniye Mosque as an instance. These workers whether they were connoisseurs or not, were laboring with certain payments within the group of free-workers. According to *Mufasssal Muhasebe Defter*s of the period, which contain the last five years and seven and a half period of the construction, show us that the workers labored 1.468.654 days in total and they constituted fifty five per-cent of the whole workdays during this period of time. 1.057.560 (forty per-cent) workdays of the rest were completed by *acemi oğlanları* which formed a sort of military organization. As for slaves, they operated solely 137.508 workdays which means five per-cent of the general workdays until that.⁴ Not only the constructors of mosque, but also there were lots of people who worked in it. Mosques also had a role on getting people together instead of loafing around in the city. Within the mosques, a lot of people found the chance to be hired as imam, muezzin, hademe etc.

End of the nineteenth and beginning of the twentieth century was an era in which a deal of technical improvements seen. This gave a way for the Western countries in order to make some changes economically and socially. In these countries, state manipulation over the economy gradually increased to reply the social questions. On the other hand, anxiety for technical development and being profitable embarked industrial institutions upon expansion and centralization and thus, giant organizations that consisted of thousands of people in their structures.⁵ In its real terms, industrialization was begun in Turkey after the declaration of Republic. As a consequence of this, class

⁴ Ömer Barkan, "XVI-XVIII. Asırlarda Türkiye'de İnşaat İşçilerinin Hukukî Durumu" *İstanbul Üniversitesi, Hukuk Fakültesi Dergisi*, 1963, s. 23.

⁵ Vedat Eldem, *Osmanlı İmparatorluğu'nun İktisadi Şartları Hakkında Bir Tetkik*. İstanbul: Türkiye İş Bankası Kültür Yayınları, 1970, s. 316-317.

consciousness among the workers had not been emerged in view of the fact that there was not a mass of workers. With the National Struggle the country had its political sovereignty but it was obvious that without the economic rule Turkey was not able to get rid of foreign dependancy.⁶ In this sense, 1920s was an period of innovation and reconstruction in terms of middle classes in Turkey. What was that the obstacles stemmed from peripheral capitalism of foreign trade shook harsly Turkish economy in double with the great world economic recession. Then, Turkish government undertake a state-centered development politics at the midst of breakdown era and performed a closed economy.⁷ This reflected on the working relations area as a need of secularization on the working relation for mosques. Because of the non-secular relations in the area of religious foundations and duties during the time of the Ottomans, new Republican government decided not to maintain these relations in the same way and made some arrangements as construction of Department of Religious Affairs and Institutions. So, in 1920, administration of mosques turned over Department of Religious Affairs and Institutions upon which the verdict of Turkish National Assemble. Then, in 1924 Department of Religious Affairs and Institutions was abolished and Presidency of Religious Affairs was constituted and this institution was authorized so as to all the religious works.⁸

After the authorization process of Presidency of Religious Affairs, the positions in the field of religious affairs were highly restricted. Actually, during the reigns of the Ottoman Empire, positions in mosques were functioning with full capacity. Salaries of the workers had been funded from vaqfs, madrasahs and community's donates in general. By this way, many people were under the labour of regional mosques. But as the Empire began to collapse, the state could not afford the payment of the workers regularly and resort not to fill in the open positions in the mosques. Particularly in the early republican period, mosques were neglected on a higher level. It should also be noted that religious services were classified as being an imam, orator, preacher or master on reading and interpreting Qur'an (*reisü'l-kurralık*) and the commission which would selected

⁶ M. Fatih Gümüş, *Türk İş Hukukunda İş Uyuşmazlıkları ve Uzlaştırma*. Ankara: Emel Matbaacılık, 1972, s. 41.

⁷ Çağlar Keyder, "Türkiye Demokrasisinin Ekonomi Politikası" *Geçiş Sürecinde Türkiye* (ed: İrvin Cemil Schick ve Ertuğrul Ahmet Tonak). İstanbul: Belge Yayınları, 1992, s. 46.

⁸ Ahmet Önkal ve Nebi Bozkurt, "Cami", İstanbul: *TDV İslam Ansiklopedisi*, İstanbul, cilt: 7, 1993, s. 53-54.

the candidates to these works had not to be notorious and have a clean-record. The commission would be consisted of two person in towns and four in the cities that were supposed to be appointed by governors of the related area. Being a preacher needed to be a graduate from the departments of theology of the universities. If there were none who had this qualification, there was going to be a test amongst the willing candidates.⁹ As we can see from these regulations and conditions, religious positions were hardened to be elected with the Republican period. This must have been caused a serious decrease in personnel cadres by point of numbers.

In the year of 1925, sepulchers, dervish lodges and hermitages were decided to be closed immediately and these kind of places made attached to Presidency of Religious Affairs. Consequently, mosques and their workers went under the area of jurisdiction of a new and official institution. This new situation was not in favour of the mosque workers but of the state because now the workers were in need of being qualified for the open positions and they could not run away from informal economy. When the year became 1927, *Şûrâ-yı Devlet* (Council of State) has come to a decision concerning the payment of the mosque workers from the state budget but the mosque servants have not been claimed as officers of the state. In the following years, a number of mosque have been closed and the workers were spreaded all over the country. Mosques as religious and legit foundations have mostly been funded from the state budget or donations in history, indeed. But on the cases of non-existence of charitable institutions local community has helped the construction of mosque. But from the earliest days of Islam mosques have been subsisted with the state sources.¹⁰

In one-party period of Turkey, from the beginning of the Republic to 1946, the state put a great emphasis on solidaristic social character and denied the class or class conflicts within the framework of populism principle. State made some arrangements and codes so as to prevent the conflictive situations.¹¹ In those years, codes related to working class broke the employer-employee

⁹ Ayşe Yanardağ, “Tevhid-i Tedrisat Kanunu Uygulamasında Diyanet İşleri Başkanlığı’nın Rolü” *Ankara Üniversitesi Türk İnkılâp Tarihi Enstitüsü Atatürk Yolu Dergisi*, sayı: 49, Bahar 2012, s. 256.

¹⁰ Ahmet Onay, “Osmanlı’dan Cumhuriyet’e Camilerin Finansmanı” *Değerler Eğitimi Dergisi*, cilt: 7, no: 18, Aralık 2009, s. 71.

¹¹ Ahmet Makal, *Ameleden İşçiye: Erken Cumhuriyet Dönemi Emek Tarihi Çalışmaları*. İstanbul: İletişim Yayınları, 2007, s. 77

relations out of feudal remnants and put it in a more capitalistic context. Most important step of it was Obligations Code, dated 1926 which had been prepared according to the concept of hanafi law and replaced Majalla which was in effect between the years of 1868 and 1876.¹²

3) Mosque Servant Charter: A Needful Assessment

In the process of its formation from the 1920s to the 1950s, the emerging Turkish republic essentially excluded popular participation. It restricted political activity to a small elite, crushed labor movements and made them illegal, and kept peasants out of the political process. Government and elite suspicion of the popular classes was exacerbated because of the new Turkey's enmity toward the adjacent Soviet Union, self-proclaimed standard-bearer for the workers and peasants of the world. Worker and peasant demands and activities inside Turkey were also easily labeled as communism, and thus dismissed out of hand as dangerous and traitorous to the state.¹³ Mosque servants were not completely included in this class restrictions but they were laboring as well as the others did. So, they have been limited by the new standards of Presidency of Religious Affairs. Still they had an important function with regard to representing a bounded workers group. Thus, Mosque Servant Charter has a great importance so as to make sense of the conditions of mosque servants of labour relations in the early Republican period of Turkey. Mosque Servant Charter was declared in 1928, composed of three main chapter and forty two clauses.

3.1) Chapter One: Genres of Services and Election of Commission

According to Mosque Servant Charter's first clause, there were two kind of services in mosques: religious services and physical services. Imam, orator, preacher or Qur'an interpreter (*reisü'l-kurra*) are in the scope of religious services and physical services are craft-kind of works.¹⁴ Second clause declares that the servants who will perform religious and physical services will be elected, appointed and dismissed in accordance with the Charter, but imams of

¹² Yıldırım Koç, *Türkiye İşçi Sınıfı ve Sendikacılık Hareketi Tarihi*. Ankara: Yol-İş Yayınları, 2003, s. 59.

¹³ Donald Quataert, "Labor History and the Ottoman Empire 1700-1922" *International Labor and Working-Class History*, no: 60, Güz 2001, s. 99.

¹⁴ Başvekâlet Müdâvenat Müdüriyeti, *Cami Hademesi Nizamnamesi*, Ankara, 1928, s. 4 (it will be mentioned as *Nizamname* hereafter).

villages will be based upon village law.¹⁵ There is a striking point in here. As we can easily see, the first clause of the Charter lays an emphasis on dividing the labour into two different categories as religious services and physical services. In spite of the fact that efforts had been made so as to secularize the labour relations area with the foundation of Republic and dispose of *Majalla* tradition in terms of hiring body (*icâre-i âdem*), there was still some impacts of it upon the newly settled working conditions.

In the third clause, there was an edict that stipulates the formation of commission of which consisted four members in müfti's command in the cities and in towns two members under the leadership of müfti of the area. It was also stressed that the members of commissions would be elected among imams, preachers, orators or assistants (*ders-i amm*) by governors and district governors. The persons who will be elected have to have a clean criminal record. If not, they are not eligible for the duty. Even the smallest crimes may be impediment for them to be hired.¹⁶ As one can observe, the third clause of the Charter lay down the purity of the candidates as a precondition. Apparently, Presidency of Religious Affairs was highly concerned about hiring decent people in mosques because of the old experiments and thus, they put a very solid attitude at this point. Fourth clause proposes that müftis would let Presidency of Religious Affairs know the names of the members of commission.

Duties of the commission was given in the fifth clause. With reference to this, the commission would apply the exams of religious services. It also was going to expel the religious officers from the duty by submitting a petition to Presidency of Religious Affairs and decide to remove the officers from a post when it is necessary. Besides, the commission was going to make a decision about punishments of police (*inzibâtî mücâzât*).¹⁷ Commission would send the decisions concerning religious services to Presidency of Religious Affairs and these decisions were to be discussed and after the examination process, they were going to be given to the Presidency.¹⁸ Physical services staff would be elected and appointed directly by the commissions. But the names of who were elected should have been notified to the Presidency. The seventh and last clause of the first chapter of the Charter proclaimed that the decisions of commissions

¹⁵ *Nizamname*, s. 4.

¹⁶ *Nizamname*, s. 4.

¹⁷ *Nizamname*, s. 5.

¹⁸ *Nizamname*, s. 5.

had to be made by the majority of members and if the votes were equal, the side in which the president of commission was deemed valid.¹⁹

3.2) Chapter Two: Fulfilling the Exams and Sorts of Appointments

Chapter two of the Charter was contained eighteenth clauses, from the eight to twenty five. This chapter was generally about fulfilling the occupational entrance exams and sorting of appointments.²⁰ Students who were candidate for religious and physical services had to be capable of submitting four main conditions. Firstly, they were obliged to be citizens of the Turkish Republic. They had to acquire a doctor report, noticing that they were healthy enough to work at their duties. They had to have a clean criminal record. They were not on active military duty or they had had postponed their military service.²¹ Clause nine was stressing that one of the religious services, chaplaincy was only for the graduates from the departments of theology. If they there were not any, applications were fine with the condition of examination to the candidates. After the success in the exams, candidates would be appointed to their new duties. But there was a exemption for the imam-hatip graduates. They were not obliged to take a test when they had been eligible in terms of attitude and voice.²² As we can see, Presidency of Religious Affairs preconditioned that the candidates for religious duties had to be much more qualified when it is compared to physical services. They had to be graduate from university at least and have the skills for the duty efficiently. A very interesting clause, the tenth clause stipulates that the child of a religious servant of mosque could be the successor of his father when he proved that he was capable enough for the service.²³ As it seems, Presidency of Religious Affairs had accepted the predecessor-successor relations when it was hiring servants. Notwithstanding the discourse of democratization, the Presidency obviously was handling the affairs in an old-school way.

Twelfth clause was claiming that candidates for religious duties and craft side works of physical duties would be elected by proficiency. If the candidates replied more of the half of questions right, he was going to be tested by his attitude and voice. Successful ones would be appointed to the open positions.

¹⁹ *Nizamname*, s. 5.

²⁰ *Nizamname*, s. 6-10.

²¹ *Nizamname*, s. 6.

²² *Nizamname*, s. 6.

²³ *Nizamname*, s. 6.

But if there was an equality situation, the ones who those of got the higher scores from the theoretic exam were to be preferred. If any equality occurred again, commissions had to resort to the way of lotting. Thirteenth clause was about photo-license. When any of the candidates took the theoretical test and gained the two-thirds of the grades, they were given a photo-license if they desired it too.²⁴ And once they got the photo-license, they would just skip the theoretical tests into the future and subjected to the attitude and voice exams only. Fourteenth clause was concerned about heirdom on duty. Clause stressed that if there was a son of the passed away religious servant, he was appointed in the same place of his father by taking and passing the tests. Whether he could not be successful or did not accept the duty, his younger brother could acquire it by his eligibility. When the number of sons too much, the older one could earn the duty. And if they were equal on the tests with external candidates, the commissions had to apply to lotting again.²⁵

In the eighteenth clause there was a verdict that during the exams of imamate and oratory, candidates were questioned from the Book (namely Qur'an), rituals, worship, reading Qur'an (*tecvit*) and prophethood each one of had to be five. Besides, they had to read glorious ten (*aşr-ı şerif*) in order to decide that whether they were good enough at reading Qur'an.²⁶ For becoming a müezzin, candidates were questionized with five verbal inquiries about salah and the azan and better ones were preferred. For chaplaincy, says the twentieth clause, candidate must reply a question about a verse of Qur'an by explaining it in detail.²⁷ When a physical servant passed away, his son, if there was any, had the chance to replace his father amongst other candidates according to the twenty third clause.²⁸ And lastly at this chapter, if there was no candidate for a open position of religious duty, commissions could appoint a substitute for a while but they would be paid fully, says the twenty fourth clause.²⁹

²⁴ *Nizamname*, s. 7.

²⁵ *Nizamname*, s. 8.

²⁶ *Nizamname*, s. 9.

²⁷ *Nizamname*, s. 9.

²⁸ *Nizamname*, s. 10.

²⁹ *Nizamname*, s. 10.

3.3) Chapter Three: Determination of Various Matters

Twenty seventh clause decreed that two different duties could not be given to one specific person because of preventing eachother to perform. It was also predicted that even if two duties were not isochronous but far from eachother in terms of distance, they had to be appointed two different person, not just one servant.³⁰ Nizamname also stated in its twenty eighth clause that a duty could not be divided into pieces and allocated to different people. On the case that there was a duty into which divided before, duty was to be taken by just one and the most experienced one.³¹ Another emphasis about the duties was placed in the twenty ninth clause. According to this, a duty can never be devolved to anybody else no matter what happens.³² In the thirtieth clause there was a verdict that ordered not to appoint anybody in the service of burned, collapsed or closed mosques either religious or physical duties.³³ As it is seen, Presidency of Religious Affairs was highly strict about appointments and set some certain rules for being appointed as a religious or physical servant at the mosques. It was stipulating very rigorous rules on the work conditions in the mosques. We can assume that Presidency had an intention to regulate all the working relations in the religious area so that new Republic could have a secular and coordinated system afterwards.

The thirty second clause was uttering that if a servant either religious or physical was doing his military service outwardly his real military service, for example in war times, he was replaced with a substitute servant until he was released. In the case that he did not start working in one month after releasing date his duty would be taken from him. Besides, when a servant got lost and did not show up for one year after his release time he was also deemed as dead and his duty was to be abolished for him.³⁴ When a servant died and his son was under the military service, on the condition that he had to be a graduate from the department of theology or imam-hatips or at least he had enough knowledge about the duty he was assigned for his father's duty after his release. Until his release date a substitute was appointed to his duty.³⁵ The thirty fourth clause

³⁰ *Nizamname*, s. 10-11.

³¹ *Nizamname*, s. 11.

³² *Nizamname*, s. 11.

³³ *Nizamname*, s. 11.

³⁴ *Nizamname*, s. 11.

³⁵ *Nizamname*, s. 11.

was highly important. It was saying that the duty was fulfilled in person. In the event of statutory excuses, the servant needed to show a substitute for replacing himself on duty till he came back to work. If the servant neglected his duty unstatutorily, he was warned at first. If he keep neglecting his work consistently, his salary was cut off in half at the second warn. But if he still insisted not to go to work, he would be discharged from his duty for good.³⁶

The thirty fifth clause was concerning the situation of physical infirmity of the servants. The clause says that if a servant completed his twenty five years in active duty and he had become incapable of serving his work, he was retired for good and a substitute was being appointed in his place.³⁷ If a servant had a crime and assigned to the court but he was acquitted from the charges claimed for him, he had all the rights back, says the thirty sixth clause. If the servant's crime ended up with a punishment by the court and the length of punishment was not too long to detain the servant from his work, a substitute could be appointed to the work until he was released. But in this case, the half of salary was going to be given to the substitute and the other half to the legal servant. In the case of punishment for at least six months for honour affairs, the servant did not have a chance to keep his work at all.³⁸ Both the situations in aforementioned clause and inappropriate behaviours of the servant, he could be sued by the decision of commission. If the crime gained certainty, servant forced to leave his work and his papers were sent to Presidency of Religious Affairs. After the approval of the sentence, his work was to be abolished.³⁹

Conclusions

At the first decade of the Turkish Republic, state showed interventionist face in order to secularize and regulate the working relations area properly. For this reason, the first government of Republic attempted to change the course of function of the labour relations. Legacy of the Ottoman Empire, in this sense, not completely ignored but reconstructed on a great level. Developmentalist economic policies of the government proposed more capitalistic solutions to the problems of country. Notwithstanding the devastated economical indicators, they tried to reorganize the economy all over again and sure the working

³⁶ *Nizamname*, s. 12.

³⁷ *Nizamname*, s. 13.

³⁸ *Nizamname*, s. 13.

³⁹ *Nizamname*, s. 13.

relations with it. This had a number of overdue consequences. First of all, protectionist economical comprehensions gave way to renewal of mentalities in the area of labour. For example, the new state and its government declared that conditions of working relations had to be under more control and ameliorated at once. But on the other side, they sustained their classic attitude to strike and manifestation incidents as the Ottoman governments had done it before. This was a contradictory situation with the discourse of modernization of the new Republic and its elites. So, they intended to be the social engineers of the modern Turkey. But again, they were in dilemma at the point of aiming a model for themselves. There was the Western model and Eastern, namely Russian, model in front of them for choosing to follow. They preferred to take the Western style economic system for reconstructing a new economy. However they had a struggle against capitalistic countries in the near past.

Secondly, institutionalization of labour in the early Republican period was not occurred in its exact sense. A war-torn country with a devastated economy had little to do with the labour relations area, indeed. Hence, the elites focused on the major issues of the current economy and oncoming crisis which would shake all of the World beginning by 1929. Then we could take this situation and the attitudes of elites normal at the time. Over and above, interventionist state policy on the economy of the young Turkish republic was a necessity to have a control over the domestic economic relations and re-development of the after-war period.

Lastly, we can assume that the binary between the old Ottoman labour system and new Republican one had still a gap. In spite of the fact that new regulations of the Republic, labour relations area was in a turmoil, because of the blended applications of the old and new. Within the reigning discourse of Republican elites, there was a precise and lawful innovation obviously. But they avoided to bring their new implementations into questions with an adamant manner in general. Without a doubt, they had right about it in order to make a decent regulation on economics. If nothing else, they wanted to show a radical discontinuity compared with the old Ottoman codes and law systems in the first instance. So if my analysis is right, the Republican discourse over the labour system was fictionalized in the way of modernization by the government. Inasmuch as they saw showing the differences between the old and new was as requisite, they did not care too much about distinguishing the new from the old

within the spectrum of whole. Therefore, we have to look with a great care at the first years of the Republic in the meaning of labour relations and reanalyze it over and over again.

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