Abstract
The Independence Tribunals of the early Republican era in Turkey are established during a period in which a modern and contemporary legal system had not been formed in the Ottoman-Turk geography yet. They are "abnormal" state structures which were established by a statecraft that took over legal system of the ancient Ottoman regime as a heritage while going through extraordinary conditions such as the Salvation War; thus should be evaluated in terms of their historical periods. Therefore these Tribunals sample one of the most extraordinary and exceptional examples of the Turkish Legal System. Although they were totally anti-democratic judiciary structures in that period, it is important to emphasize that in today's modern Turkey of which is claimed it had reached to a Western-style democracy, justice and the judiciary system is still one of the basic problems of the state and society; and anti-democratic structures and laws are still effective. Thus, it is likely to explore that the Independence Tribunals as being anti-democratic judiciary structures which were established during the Salvation War of Turkey and continued to their legal and judicial works and deeds during early Turkish Republican period are to be analyzed with an alternative research method such as dialectic. The basic idea of such a proposal which also serves as being the main aim of this research is the contradiction between the intensity of the debates regarding the affairs of the early Republican era and the weakness of the debates regarding methods used in analyzing those affairs. As a matter of fact, what lays behind dialectical method that this paper proposes as an alternative to historical positivism is a total contradiction between social sciences understanding and the evaluation philosophy of domestic relations of a state. In this research paper, this contradiction will be explored via historical presence of
the Independence Tribunals in the early Republican era by using dialectic research method; and by using scientific findings, this study will try to conclude with some determinations and comments in this context.

**Keywords:** The Independence Tribunals, Early Republican Era, The Code of Treachery to the Motherland, The Law on the Maintenance Order, Trials

**Öz**


**Anahtar Kelimeler:** İstiklâl Mahkemeleri, Erken Cumhuriyet Dönemi, Hıyanet-i Vataniye Kanunu, Takrir-i Sükun Kanunu, Mahkemeler

“Revolutions are inevitable in the lifetime of nations. They may result in despotism, but they also launch nations on paths previously blocked to them.”

Milovan Djilas (1957: 30)

**INTRODUCTION**

In the Turkish Jurisdiction System, extraordinary tribunals and exceptionals trials were discussed continuously. Thus, the Independence Tribunals which were established and worked during the Turkish Salvation War as well as following declaration of the “Republic” in modern Turkey stood as being an example of remarkably and extremely exceptional judicial implementations (Alkan, 2011: 13). If the Independence Tribunals are a periodical and conjunctural necessity as accepted by majority, it is likely to analyze these structures in the context of concrete implementations of the dialectical principles such as action, totality, contradiction and revolution instead of understanding of socio-psychological and moral prejudice or rationalist external relations. In this regard, one of the significant points to be reached in this study is to put forward by analyzing the philosophy of the dialectical relations between the Independence Tribunals-Mustafa Kemal-early Republican era.

With this purpose, the main features of this study will be formed in the frame of dialectical categories such as essence-
quantity, metamorphosis, unity of opposites, contradiction, negation of negation, preconditions of the affair and results. Therefore, in this study which analyzes the Independence Tribunals with a dialectical method had been commenced from the negation of the truth, like Hegel and Marx. Since contradiction lays in the basis of action, it will be appropriate to start firstly with anti-thesis which negates thesis. However, all of anti-thesis of the whole single-affairs will make sense only when they are analyzed in a totality. Thus, main truth is the all negations or totality of negation. When an affair such as the Independence Tribunals is analyzed on the social level, it will be noticed that the negation regarding the Tribunals will also mean an abstraction.

In this sense, it may be appropriate to search for the issue of the Independence Tribunals in the negative totality of the truth. However, in the study, it is adopted an approach stemming from Marx’s idea of a concrete “historical totality” instead of Hegel’s abstract “totality of ideas”. Because, negations (anti-thesis) as holistic elements of the Independence Tribunals issue are factual contradictions and internal conflicts which create and actuate them in the history. These contradictions and conflicts could be solved with the negation of the negation, in other words finalization of thesis-antithesis fight with a synthesis.

Naturally these finalizations berth in the historical totality. Thus, this work consists of three main parts. The first part comprises putting forward of the negations [anti-thesis] of the Independence Tribunals issue, in other words explanations of the contradictions which cause them to happen and their relations with historical and sociological heritage. The second part comprises the analyze of some claims and ideas [thesis] which mostly affirm the Independence Tribunals and efforts to show that the Independence Tribunals had been established as a result of totality of the contradictions in the coding of the trilogy of time-place-idea in the 1920s. In the last -third-part, these thesis and anti-thesis will be filtered out of some critics [synthesis] and it will be tried to be put forward that defending the Independence Tribunals is totally unlikely in this contemporary age. The main reason for us to choose such a methodological analyses way is that we do not see the Tribunals as totally unacceptable and unsuccessful structure. In the contrary, these structures in the years of the early Republican era full of with many ambiguities and sensitivities played an important role in the improvement of the Republican reforms, consolidation of a laicist and secular regime and continuity of the social revolutionary.

However, it is likely to claim that although structures such as the Independence Tribunals are no longer available today in both supportive and constructive senses today, they continue their negations under different names and structural properties.

**SOCIO-POLITICAL CONTRADICTIONS DURING FORMATION OF INDEPENDENCE TRIBUNALS**

The Anatolian Muslim population that emerged victorious from the strife of the War of Independence carried not only the scars of Christian-Muslim hostilities, but also the haunting memories of Muslims opposing each other and ultimately the work of the Independence Tribunals [İstiklâl Mahkemeleri] established by the nationalist government in 1920. Not only had fighting occurred between Turkish Muslims and Greeks, Armenians, Kurds and French forces, but a significant portion of the Muslim population had remained committed to the Ottoman Sultan-Caliph. Encouraged by Ottoman and British agents and propaganda, these Muslims determined that it was their duty to oppose the Ankara government under Mustafa Kemal (Turan, 1992: 165-231). Consequently, pockets
of resistance and even rebellion formed throughout Anatolia and many of those areas not actually occupied by foreign soldiers witnessed their own civil war. It was to counter this threat to the security and success of the nascent nationalist movement and to quell the pervasive sense of chaos and lawlessness throughout Anatolia, that a number of Independence Tribunals were established and then dispatched to extend government control over each and every province. It is virtually impossible to estimate with any confidence the number of people tried and punished by the Independence Tribunals between 1920 and 1923; documentation is incomplete, and contradictions are readily apparent.

Nor do published estimates take into account the numerous “military courts” that were only after having executed large numbers of those accused of opposing the nationalist government (Aybars, 1975: 165-231; Nedim, 1993: xiii-xxxii). Nevertheless those figures that are available reveal that at the very least, 59,000 people brought before the courts, and of these, 43,000 received a variety of punishments, while 4,000 were sentenced to death (Aybars, 1975: 211). According to Brockett (1995: 29-30), most important of all—and something for which no accurate statistics exist—is the fact that those executed were people found guilty of inciting opposition and rebellion, and more often than not these leaders were members of the local ulema and/or important figures in dervish tarikats. The Independence Tribunals which operated in these years thus served not only to impress upon the Anatolian population the fact that the Ankara government could and would extend control throughout the region, but that it would brook no opposition, especially from the traditional leaders of Anatolian society—the men of religion. It was a theme that would be reemphasized time and again in the Republic of Turkey.

The Independence Tribunals [İstiklal Mahkemeleri] were eight special courts founded during the Turkish War of Independence to prosecute those who were against the system of the government. They were located in Ankara, Eskişehir, Konya, Isparta, Sivas, Kastamonu, Pozan and Diyarbakır. All but the Ankara court were terminated in 1921. After the law authorizing the Independence Courts was passed, the former Commander of Turkish Armed Forces, General İsmet İnönü, proposed founding 14 Independence Courts. Only 7 courts were established, as it was felt that there would not be enough cases to justify fourteen courts. One month after the establishment of the courts, another court in Diyarbakır was established, bringing the total number to eight. After the end of the war, many felt that the Courts were no longer needed. Although the government hoped to extend the life of the Courts, opposition pressure led to the closure of seven of the Independence Courts in 1921. Only the Ankara State Independence Court was left operational until 1927.1

Independence Tribunals which is one of the most disputatious subjects of history of Turkish Republic were founded to support and strengthen the front-line by preventing deserters and to maintenance public order and public security at time of the Turkish War of Independence. At the end of National Fight, political conflicts emerged between Mustafa Kemal and his companions. After establishment of the Turkish Republic these conflicts increased gradually and brought about founding Progressive Republic Party [Terakkıperver Cumhuriyet Partisi] which is the first opposition party of Turkey. Policies applied by the government were seriously criticized by the press, opposition party and all other oppositions. For this reason, the government used Rebellion of Sheik Said as an opportunity to silence the opposition by using Independence Tribunals once again. Ankara and Eastern Independence Tribunals which

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1 Independence Tribunals (Turkey), https://en.wikipedia.org/wiki/IndependenceTribunals%28Turkey%29 (Retrieved at 02 January 2017)
were founded together the Law of the Maintenance of Order [Takrir-i Sükun Kanunu] functioned about two years and eliminated all political, Islamic and ethnic opposition and opposite press. Thus the One Party management was established and ruled for a long time (Dündar, 2014).

The victory of War of Independence, declaration and the settlement of the Republic activated the counter revolutionists. Particularly in 1925 and 1927, with the change from theocratic state to secular state, the reactionist were determined to go into action against the Republic, Kemalist Revolution and Atatürk himself. Thus, for instance, the “İzmir Conspiracy” was attempted with the thought that the Republic and the revolutions would come to an end with the decease of Atatürk and so the counter revolutionists and the members of İttihat Terakki would change the constitution and overthrow the government. The investigation of the İzmir Conspiracy could be done in two parts: hearings in İzmir and Ankara. In İzmir the people who planned the conspiracy and the hoods were judged. In Ankara the member of Terakki Perver who wanted to overthrow the government and the Kara Çete trial were judged by the Independence Tribunals (Savran, 2006: iv).

During the first years of the Republic, there were several Kurdish uprisings. Of the 18 rebellions that broke out between 1924 and 1938, 17 were in Eastern Anatolia and 16 involved Kurds (Kirişçi and Winrow, 1997: 100). The first important Kurdish rebellion was led by Sheikh Said in 1925. This was the earliest large-scale Kurdish rebellion in the Republic, which was largely led by religious şeyhs (sheiks) (Çelik, 2012: 244-245). The rebellion followed systematic deportations and martial law in the East. It also led to the establishment of the Restoration of Order Law in 1926, which created Independence Tribunals to arrest the leaders of all opposing forces. The law was in effect for 2 years, and the two Independence Tribunals, one established in the east and one in Ankara, were successful in stifling all reaction and rebellion, and restoring “social harmony” (McDowall, 1997: 195). As seen clearly, the Independence Tribunals of the Early Republican era is directly and politically linked to the Kemalist Revolution and the foundation of One-Party regime in Turkey. Now we need to examine this issue in general terms of history.

The Kemalists also recognized the significance of religion in the Kurdish revolt and the vital role played by popular Islam in the lives of the masses. They responded by abolishing the sufi orders and closing down their lodges (30 Nov. 1925), forcing the shaykhs and their devotees to go underground. The “Law for the Maintenance of Order”, which was rushed through the Assembly in March, gave the government absolute powers through the use of martial law to crush dissent. The Progressive Republican Party, the only opposition there was to the RPP, was closed down and all opponents of the regime dealt with by the newly-established Independence Tribunals. This marked the end of politics for the next 20 years and, for the time being what political protest there was could be expressed only in Islamic terms (Ahmad, 1991: 7).

In this context, according to Smith (2005: 436); “Are civic states culturally neutral? The Turkish model of civic nationalism is often praised as a success, albeit an authoritarian one, in creating a unitary national culture. In fact, Turkey’s national identity has come at a steep cultural cost. Civic institutions have homogenized and folklorized minority cultures. Ethnoreligious conceptions of Turkish identity have underpinned immigration and naturalization, internal movement and resettlement, education, language, and cultural policies. Turkish nationalism has weighed heaviest on Kurds, Islamists, religious minorities, and the left. A state-run “Turkish Reformation” of Islam failed in the 1930s; more recent attempts to
nationalize Islam have turned the state into a mouthpiece for mainstream Sunni doctrine. The Turkish case suggests that in states with deep societal divisions, the dream of civic nationalism may be a coerced one."

FROM CONSPIRACY TO REPRESION: EMERGENCE OF SINGLE-PARTY ERA IN THE KEMALIST REPUBLIC

On 1 March 1924 Mustafa Kemal opened the new session of the Assembly. In his speech, he emphasized three main points: the safeguarding and stabilization of the Republic, the creation of a unified national system of education, and the need to "cleanse and elevate the Islamic faith, by rescuing it from the position of a political instrument, to which it has been accustomed for centuries." The meaning of this third point was clarified next day at a meeting of the People’s Party group. The President’s proposals were discussed, and agreement reached on a series of motions, which were read to the Grand National Assembly on 3 March. They provided for the deposition of the Caliph, the abolition of the Caliphate, and the banishment of all members of the Ottoman house from Turkish territory.

The next morning at daybreak the unhappy Sultan Abdülmecid was packed into a car and driven to a railway station to board the Orient Express -not the main Sirkeci station, where his departure might have provoked demonstrations, but a small one outside the city. The last of the Caliphs had followed the last of the Sultans into exile. In abolishing the Caliphate, Kemal was making his first open assault on the entrenched forces of Islamic orthodoxy. The traditional Islamic state was in theory and in the popular conception a theocracy, in which God was the sole legitimate source of both power and law, and the sovereign His vice-gerent on earth. The faith was the official credo of the established political and social order.

Political insurrection in the party was one thing; armed insurrection was another, and when, in February 1925, a Kurdish revolt broke out in the eastern provinces, Kemal acted swiftly and vigorously. The leader of the rebels was Şeyh Said of Palu, the hereditary chief of the Nakşbendi dervishes. By the beginning of March the rebellion had spread too much of the south-east, and seemed to offer a serious threat to the republican régime. In Ankara the experiment in government by the President’s loyal opposition was abandoned. On 3 March Fethi was dismissed and İsmet Paşa resumed the premiership, and on the following day a drastic “Law for the Maintenance of Order” was rushed through the Assembly, giving extraordinary and, in effect, dictatorial powers to the government for two years. They were renewed again in 1927 and did not finally expire until March 1929. At the same time special ‘independence tribunals’ were set up, in the east and in Ankara, the former with summary powers of execution. On the report of the tribunal in Ankara, the Progressive Republican Party was outlawed on 3 June. Fethi had meanwhile been appointed, on 11 March, as ambassador to France.

In the east swift military action crushed the rebellion; the “independence tribunals” administered swift justice to the rebel leaders. Seyh Said was captured in April and sentenced to death, together with forty-six of his followers, by an ‘independence tribunal’ in Diyarbakir, on 29 June. The sentences were carried out next day. The emergency ‘Law for the Maintenance of Order’, passed in March 1925 to deal with the Kurdish rebellion was still in force, and the government was able to impose and enforce its will through the armed forces and the ‘independence tribunals’. As Kemal grimly remarked; “We did it [i.e. the abolition of the fez] while the Law for the Maintenance of Order was still in force. Had it not been, we would have done it all the same, but it certainly is true that the existence of the law made it much easier for us. Indeed, the existence of the Law for the Maintenance of Order prevented the large-scale poisoning of the nation by certain reactionaries.” Even
the great reformer, buttressed as he was by the Law for the Maintenance of Order and the ‘independence tribunals’, did not venture to legislate against the veil. The unveiling of women, already accepted among the educated classes in the big towns, made only slow progress elsewhere. It was not until 1935 that a ban on the veil was proposed at a congress of the People’s Party, and even then no action was taken.

These reforms brought a renewal of activity by the opponents of the régime, who had been quiescent since the crushing of the Kurdish rebellion. On 15 June 1926, thanks to an informer, the police discovered a conspiracy in Izmir. Its leader was Ziya Hursid, a former deputy who had opposed the abolition of the Caliphate in 1924; its purpose was to assassinate Mustafa Kemal by throwing a bomb into his car when he came to Izmir. The conspirators were arrested, and on 16 June the Gazi entered Izmir unharmed.

Two days later the ‘independence tribunal’, hastily transferred from Ankara, assembled in Izmir, and the Gazi issued a message to the nation, saying: “One day I shall die, but the Republic will live on!” The trial began on 20 June, in the Alhambra cinema in Izmir; the presiding judge was Ali Çetinkaya, a retired Army officer, a deputy, and a veteran of the Kemalist cause from the beginning. On 13 July sentences of death were pronounced against the accused, and carried out next day. The ‘independence tribunal’ now returned to Ankara, and began a new trial on 1 August, of a new batch of prisoners. On 26 August sentence of death was pronounced against a number of the accused, and carried out the same day.

The “Law for the Maintenance of Order” had given Kemal the legal authority to deal not only with the insurgents in the east but also with political opponents in Ankara, Istanbul, and elsewhere (Tunçay, 1989: 127-175). After the Kurdish rebellion, the Progressive Republican Party was outlawed, and a strict control clamped down on the opposition press. The Izmir conspiracy provided the opportunity to deal with its leaders as well as other opposition figures. The “independence tribunals” at Izmir and Ankara soon extended their inquiries far beyond the original conspiracy and conspirators and, with scant concern for legal rules and procedure, embarked on what was, in effect, a prosecution of all the major political opponents of Mustafa Kemal. Some were acquitted - the four generals, Kazım Karabekir, Refet, Ali Fuad, and Çafer Tayyar Paşa, all concerned in the proscribed Progressive Party, were too respected to be condemned, and were released, to the great and ominous satisfaction of the army and a good many civilians. Other prisoners were less fortunate. Among those executed were prominent survivors of the Young Turk movement, such as the former Finance Minister, Cavid Bey, and even intimate associates of the Gazi during the war of independence, such as Colonel Arif. Rauf Bey, described as the arch plotter, had left for Europe before the plot was discovered, and was condemned in absentia to ten years’ banishment.

By 1927 all opposition to the régime - military, religious, or political - had been silenced, and when elections were held in August and September 1927 for a third Assembly of the Turkish Republic, only one party, the Republican People’s Party of Mustafa Kemal, was there to take part in them. It was after this election, from 15 to 20 October, that Mustafa Kemal delivered his famous speech to the Congress of the People’s Party. Taking thirty-six hours to deliver, the speech contains the Gazi’s description and justification of his proceedings from the moment when he landed at Samsun on 19 May 1919. It is still the classic account of the Kemalist Revolution (Lewis, 1968: 238-256).

An incessant process of learning in a top down design model of Orientalist ideals
was resisted by some. This led to the establishment of Independence Tribunals which were utilized to sequester opposition to the modernizing reforms. The case of Salci Bacı and Iskilipli Atıf Hodjaare revealing (Aktaş, 1991: 150). The former was a woman who was selling Islamic scarves on the street when she was dragged by security forces only to be executed. The latter, a prominent scholar of Islam resisted to abide by the hat law which resulted in his hanging. These exemplify the extent to which Turkish ruling elite would go to claim loyalty to intransigent westernization (Kavakççı, 2016: 61).

From the Empire to the Republic: The Traumatism of Separatist Movements

The Independence Tribunals of the Early Republican Era of modern Turkey could also be evaluated in the context of decentralization of the new Turkish Republic. Thus, in such a huge and diverse Empire, that is the Ottoman Empire, however, the ambition of developing a uniform administrative system ran up against the need to adapt to local conditions. This meant that the reforms were not implemented uniformly and cases of special status persisted. The issue of territorial organization took on great importance in the tumultuous debate over how to save the Empire, in a context of dismemberment and military rout. The end of the 19th century and beginning of the 20th were marked by the rise of many nationalist movements and the ascension to autonomy or independence of some regions, often with the assistance of Western powers.

The defeat of the Empire in the First World War led to the occupation of much of its territory by the Allies. In 1920, the Treaty of Sèvres, which set the terms of this defeat, provided for the division of most of Anatolia between Greece and an independent Armenian State, as well as local autonomy in the Kurdish-majority regions of Southeastern Anatolia. These plans were supported by the Western powers. The treaty left only a small portion of territory in Central Anatolia to the Empire placed under supervision. Although the treaty was never ratified, it had a number of long-term consequences, notably through the collective traumatism (or “Sèvres syndrome”) that it engendered, in the form of fear of territorial dismemberment and secession, and suspicion of even the vaguest aspirations to autonomy. In opposition to the treaty and the Allied occupation, Mustafa Kemal unified and led the resistance movement that led to the expulsion of the occupying powers, the foundation of the Republic of Turkey and the signature in 1923 of the Treaty of Lausanne, which no longer provided for either an Armenian State or for Kurdish autonomy.

Many local notables joined this “national liberation” movement. Whereas the Kemalists tried to eliminate the intermediate levels, the notables formed the “Second Group” in the first National Assembly, favoring decentralization and liberalism (Mardin, 1973: 181). Their importance is reflected in the strong role that the first post-Ottoman constitution (1921) gave to local governments (Bayraktar, 2007). For the first time, the two-fold status of the provinces was reflected in a clear separation: the governor, appointed by the central level, was responsible only for matters connected with the national government, while the local government took the form of elected assemblies that enjoyed considerable administrative autonomy and appointed their presidents and executive bodies from among their members.

This system -which, moreover, has never had an equivalent- was never implemented, however, since a large proportion of these notables, wary of Mustafa Kemal’s modernization plan, were not offered a further term of office as members of the assemblies. Another turning point came in 1925, in the south-eastern part of the country, with the bloody repression of the Sheikh Said rebellion, a Kurdish nationalist and religious movement: the “independence tribunals” that operated during the war were reactivated against these “internal enemies”; the liberal
opposition that aspired to decentralization was accused of collusion with the insurgents and crushed (Bayraktar and Massicard, 2012: 14-15). From then on, preservation of the country’s territorial integrity became the paramount concern. “Between 1923 and 1946, the periphery – in the sense of the provinces – was suspect, and because it was considered an area of potential disaffection, the political centre kept it under close observation.” (Mardin, 1973: 184)

The Sheikh Sait Rebellion and Kurdish Nationalism vs. the Independence Tribunals

The modernization reforms which were undertaken after 1923 started a process of political, cultural and economic change for local and tribal elites of the Kurdish regions. These social changes created political opportunities and constraints for the power holders of the region like cooperation against the state authority or the loss of political power. As in the case of the Classical Social Movement Agenda, the process consists of mutual stages which have a cause and effect relationship. The 18 rebellions between 1924 and 1938, 16 of which involved Kurds (Kirişçi and Winrow, 1997: 100), were the examples of contentious interactions. All these rebellions by Kurdish tribal groups were perceived by new State as a counter-attack against the political threats aroused by centralization and secularization reforms.

The new nation-state model caused the dissolution of the religious brotherhood among the Muslim nations of the Ottoman Empire, consequently damaging the domination of local powers. The rebels were organized to maintain the tribal structure in the region which was based on Islamic rules. However, although there is some consensus on the existence of religious motives in the 1925 Sheikh Said Rebellion, the two other major rebellions, namely the 1930 Ağrı Rebellion and 1937 Dersim Rebellion, were considered as the reactions to the assimilative and statist policies of the Republic. All in all, the power struggle in the region was one of the most important determinants in the early stages of Kurdish nationalism. In line with this, Yavuz (2001: 2) and Ökem (2006: 159) call these early stages of Kurdish nationalism as “Kurdish proto-nationalism.”

With the population exchanges with Greece that followed the establishment of the republic in 1923, the Kurds, de facto, became the single largest unrecognized minority with the potential to threaten the state. In fact, Kurdish resistance to the extension of Ankara’s political, economic, social, and cultural role began. At times violent, this resistance has been continuous and has remained a major preoccupation of successive governments in Ankara. The Shaykh Said rebellion was the first. Started prematurely, before the rebels had had time to gather all of their assets, the rebellion was eventually suppressed by Ankara with a great deal of force and violence; its leader and many others were tried and summarily executed by newly created special tribunals called the Independence Tribunals. These would become one of the main tools of repression in the area for years to come (Olson, 1989). This rebellion had both a religious and nationalist character: It was as much a revolt against the secularist and anti-Islamic tendencies of the new regime as it was the first stirrings, albeit regionally circumscribed, of Kurdish nationalism. The state took advantage of the revolt to dispose of other Kurdish opponents, including Sayyid Abdulkadir, the president of the Istanbul-based Kurdish Society for Rise and Progress (Aybars, 1995: 309). To this day, the descendants of Shaykh Sait and his associates have remained politically active within the Kurdish community and the Turkish parliament. Another casualty of the revolt was the liberal-minded Prime Minister Fethi Okyar, who was compelled to resign by hard-liners -led by İnönü and supported by Kemal- advocating force against the
Kurds. The new government, led by Prime Minister İnönü, introduced the Law for the Maintenance of Order (Takrir-i Sükün Kanunu), which was used to suppress other groups and muzzle the press (Barkey and Fuller, 1998: 10-11).

Thus the first major rebellion that is the 1925 Sheikh Said Rebellion has a mythical character for Kurdish nationalism. However the nationalist character of the rebellion is still disputable. Most scholars question the nationalist origins of the rebellion but there are exceptions. For example, Aybars (1995, Cit. in Kirişçi and Winrow, 1997: 104) argues that “Sheikh Said supposedly attempted to deceive the authorities by alleging that the rebellion was a religious one.” The religious and tribal allegiances played a major role in the formation of the Sheikh Said rebellion. But the religious character of the rebellion brought the ongoing disputes between Alevi and Sunni Kurds to the forefront. The ad hoc Independence Tribunals which were created after the rebellion (Barkey and Fuller, 1998: 11) executed the leaders. The State authority preferred to increase the level of repression. With the law for the Maintenance of Public Order [Takrir-i Sükün Kanunu] “the enemies of the new state” faced oppression instead of reconciliation. The consequent rebellions in Ağrı and Dersim were repressed similarly and the measures taken were getting harsher with each new rebellion. On the one hand the Settlement Law of 1934 which was enacted just after the Ağrı rebellion divided the country in three zones; “Inhabited by those who spoke Turkish and were of Turkish ethnicity, inhabited by people whose culture and language should be enhanced by resettlement policies and the areas closed for security reasons to any form of civilian settlement.” (Kirişçi and Winrow, 1997: 99) The reasoning behind the law was “Turkification” policy. On top of the legislative measures, more symbolic measures were also taken like the renaming of Dersim as Tunceli. The renaming measure was the first sign of the future name “adjustments” (Ülgen, 2011: 17-19).

The event that the hardliners and the president used to put an end to political opposition was the eruption of Kurdish discontent into an armed rebellion to the north of Diyarbakır in February 1925. Kurdish nationalism was a relative newcomer among the ideologies of the region. The Kurds had always been divided along tribal lines and since the suppression of the Kurdish emirates under Sultan Mahmut II their society had been increasingly fragmented. Sultan Abdülhamit had exploited the divisions among the Kurds, and at the same time used their martial qualities when he created his Cossack-like Hamidiye regiments out of some (but by no means all) of the tribes after 1891. The Young Turks had abolished the Hamidiye but law and order problems had soon forced them to reinstate them in the form of a militia. Regiments of this militia fought in the Balkan War and in the First World War. After the constitutional revolution in 1908, members of the Kurdish elite in the capital had founded the Society for Support and Progress of the Kurds [Kürt Teavun ve Terakki Cemiyeti], of which Sait Nursi, the religious reformer, had also been a member. This, however, had social and not political aims and it kept aloof from the mass of the population in the southeast. In 1912 a number of Kurdish students in Istanbul formed Hevi (Hope), a society with a more pronounced nationalist tendency.

During the war, the removal of the Armenian population from the eastern Anatolian provinces left the Kurds masters of the terrain, but this and the collapse of the Russian front also meant that the Kurds’ and Turks’ common enemies disappeared and that the two communities were left in competition with each other. In 1918, the Society for the Elevation of Kurd [Kürt Teali Cemiyeti] was founded in Istanbul, with branches in Eastern Anatolia, both among the Kormanci speaking majority and among the Zaza-speaking groups to the northwest of Diyarbakır and both among Sunnis and Alevis. During the independence war there was one major Kurd-
The British insurrection against the nationalists in the Dersim (now Tunceli) area, led by tribal chiefs who demanded autonomy, but it was easily suppressed. By and large, the Kurds supported the resistance movement, despite the efforts of British agents to influence them and despite the fact that they were granted autonomy under the Treaty of Sèvres. There were Kurdish representatives at Erzurum and at Sivas and even on the nationalists’ representative committee.

Within the new borders of the republic (which, incidentally, in the southeast ran right across traditional pasture areas of the tribes) about 20 per cent of the population was Kurdish, but they were not mentioned in the peace treaty of Lausanne and promises of autonomy made by the nationalist leaders, including Mustafa Kemal himself, during the independence struggle, were forgotten. This was a great disappointment to the Kurdish nationalists. In 1923 former militia officers founded the Azadi (Freedom Society), which held its first congress in 1924. One person at that congress whose performance drew attention was Sheikh Sait of Palu, who was very influential among the Zaza tribes. That a sheikh, a religious leader, exerted great political influence was not at all extraordinary in Eastern Anatolia, where the two great dervish orders of the Kadiriyya and -especially- the Nakşibendi were the only organizations that transcended tribal differences. The leaders of these dervish orders where the Kadiriyya and -especially- the Nakşibendi were the only organizations that transcended tribal differences. The leaders of these dervish orders where the Kadiriyya and -especially- the Nakşibendi were the only organizations that transcended tribal differences. The leaders of these dervish orders where the Kadiriyya and -especially- the Nakşibendi were the only organizations that transcended tribal differences. The leaders of these dervish orders where the Kadiriyya and -especially- the Nakşibendi were the only organizations that transcended tribal differences. The leaders of these dervish orders where the Kadiriyya and -especially- the Nakşibendi were the only organizations that transcended tribal differences. The leaders of these dervish orders were often called in to decide quarrels between different tribes and this brought them prestige, connections and, often, considerable wealth. Sheikh Sait was himself an influential member of the Nakşibendi order.

Relations between the Kurds and the predominantly Turkish republican government deteriorated in 1924. The abolition of the caliphate removed an important religious symbol that bound the two communities together. At the same time, the nationalist republic, in its efforts to construct a new national consciousness, developed a repressive policy towards Kurdish identity: the public use of Kurdish and the teaching of Kurdish were prohibited. Influential Kurdish landowners and tribal chiefs were forcibly resettled in the west of the country. The first sign of resistance against these policies was an abortive rebellion by the garrison in Beytüşşebap in the extreme southeast in August 1924. The great rebellion, which the Azadi and Sheikh Sait planned for May 1925, broke out prematurely when a shooting incident with the gendarmes in the little town of Piran got out of hand on 8 February. Nearly all the Zaza tribes and two large Kormanci tribes took part in the insurrection, but the divisions between the Kurds showed themselves again: the Alevi Kurds fiercely attacked the Sunni insurgents. That they did so is understandable given the dual character of the rebellion. While the leadership was undoubtedly motivated by the desire for an autonomous or even independent state for Kurds, the rank and file acted from religious motives, demanding the restoration of the holy law and the caliphate.

The Alevis, as a heterodox community, generally supported the republic’s secularist tendencies against the partisans of the caliphate and orthodox establishment -for good reason because prejudice against the Alevis was and is deeply rooted among the Sunnis. Although at one time they threatened Diyarbakir, the only town the rebels managed to seize was Elazığ and that only for a short time. The government in Ankara took strong countermeasures as soon as the extent of the insurrection became clear. The assembly was informed about the situation on 25 February. The same day, martial law was declared in the eastern provinces for one month and the High Treason Law was amended to include the political use of religion among the treasonable offences. Around this time the prime minister, Fethi, asked the PRP leaders to disband vol-
untarily. This they refused to do, but the party chairman, Kâzım Karabekir, did support the government policy in the east very emphatically, both in the assembly and in the press. Meanwhile, the pressure of the hawks within the Republican People’s Party (RPP) [CHP] on Fethi was rising; İsmet had already returned to Ankara and attended the cabinet meetings. On 2 March Fethi lost a vote of confidence by the RPP faction, when Mustafa Kemal himself sided with the hardline s who demanded stronger measures. He resigned and the next day İsmet became prime minister. His first act was to have the assembly pass the Law on the Maintenance of Order [Takrir-i Sükûn Kanunu]. This empowered the government for two years to ban by administrative measure any organization or publication it considered might cause disturbance to law and order. The law, which the PRP opposed as being too elastic, would be in force in the whole country, not only in the southeast. At the same time two independence tribunals were reinstated, one for the eastern provinces and one for the rest of the country.

The Kurdish rebels were now rapidly pushed back into the mountains. The capture on 27 April of Sheikh Sait really marked the end of the rebellion, although small groups continued a guerrilla war all through the summer. In 1926, a new Kurdish insurrection broke out on the slopes of Mount Ararat, which lasted for four years and can be considered a direct sequel to the Sheikh Sait rebellion, but it did not spread. After the rebellion was over, the government through the military authorities and the independence tribunals dealt very harshly with the Kurds. Many of their leaders were executed and large numbers of Kurds, more than 20,000 in all, were deported from the southeast and forcibly settled in the west of the country. From now on, the existence of a separate Kurdish identity was officially denied. The Law on the Maintenance of Order was not, however, only used to suppress the Kurds. Eight of the most important newspapers and periodicals (conservative, liberal and even Marxist) in Istanbul were closed down, as were several provincial papers, leaving the government organs Hâkimiyet-i Milliye (National Sovereignty) in Ankara and Cumhuriyet (Republic) in Istanbul as the only national papers. All the leading journalists from Istanbul were arrested and brought before the Independence Tribunal in the east. Eventually they were released, but they were not allowed to resume their work. With the press out of the way, on the advice of the Independence Tribunal the government closed down the Progressive Republican Party on 3 June. According to the tribunal, members of the party had supported the rebellion and tried to exploit religion for political purposes (Zürcher, 1993: 169-172).

“...The foundation of the Turkish Republic was [going to be] culture” declared the leader - not the “obsolete culture” inherited from the Ottomans- but a viable culture to be created anew by the Republic. Not an Ottoman, Islamic, Istanbulian nor Anatolian, but national (ie. secular) Republic of Turkey. The revolutionary Mustafa Kemal Atatürk (1959) had in mind an unprecedented programme for the total change of culture: “The purpose of our revolution is to render the people of the Turkish Republic a modern and civilized society, in every and proper sense of the words, in substance and form.”

Yet the Ottoman constitution (as amended in 1909 and 1921) was not secular. During the War of Independence (1919-22), the governments of the National Assembly in Ankara, appeared formally loyal to the Sultanate and Caliphate in Istanbul. After the final victory over the Greeks (1922), however, the Sultanate was first separated from the caliphate, and then abolished. The office of Caliphate, stripped of all its authority, was allowed to stay on. Soon after the proclamation of the Republic, however, with a series of three laws enacted on 3 March 1924, the Republic of Turkey:

1) Abolished the Ministry of Pious Foundations and Religious (Sharia) Courts
Turkey’s Security Dilemma In The Foundation Of The Early Republic: The Independence Tribunals

2) Placed all educational institutions (except Istanbul University) under the Ministry of Education (Unification of Education Act, Law No. 430/1924)

3) Shut down the office of Caliphate and exiled remaining members of the Ottoman Dynasty (Law No. 431/1924).

The rationale of the last act was justified on the grounds that the “Duties of the Caliphate were already included in the functions and purposes of the Government of the Turkish Republic”. In April, 1924 as if seeking a compromise or making peace with the Islamic opposition, the Constitution re-endorsed Islam as “the religion of the Turkish Republic”. Constitutionality aside, these three acts lay the secular foundation of the Turkish Republic (Atatürk Research Centre (AAM), 1995). To prevent the opposition from looking for a refuge, all mystical or Sufi orders (hearts and shrines, except the Bektashi), along with the hierarchical titles associated with them, were abolished (Law 677/1924). The new Civil Code (No. 743/1926) adapted from the Swiss, replacing the Ottoman Mejelle, required all marriages to be registered with the municipal population bureaus. In the Penal Code (No. 765/1926), there were specific articles (173-176) which guaranteed the free exercise of religion (beliefs and practices) and protected the security of the established (ie. secular) order of the Turkish Republic. With Article 163, however, both (a) the founding of Religious Associations based on sacred values, and (b) acts of propaganda using religious symbols or icons, were strictly forbidden and punishable by law.

Mustafa Kemal’s Nutuk (2017) (The Speech) presented the military charisma of Kemal in the Independence War with much hyperbole while defaming the Ottoman sultan-caliph and dismissing the roles of the leading figures in the war and the significance of other political actors in the establishment of the republic. As I have argued elsewhere, Nutuk was a vindication of Mustafa Kemal’s single party regime (Republican People’s Party). It justified the closing of the Progressive Republican Party, its main opposition, and seconded the decrees of the Independence Tribunals, the revolutionary courts, which, in 1926, ordered the arrest and/or execution of former PRP members and prominent surviving members of the former Committee of Union and Progress party. The Independence Tribunals ordered these arrests and executions after a failed attempt to assassinate Mustafa Kemal. With alternative accounts of the history of the period silenced, Nutuk monopolized the version of the Independence War and the establishment of the Republic that circulated for most of the twentieth century (Edip, 1928: 20-21).

The Republic of Turkey was founded in 1923 as a modern nation-state. The years preceding this, 1919 to 1922, are seen by the Turks as the years of their struggle for independence [Millî Mücadele], led by Mustafa Kemal (1881–1938), later known as Atatürk and the first president of the republic. On October 15-20, 1927, Kemal presented his famous six-day speech (Nutuk) at the General Congress of the Republican Party, giving his own account of the War of Independence (Alaranta, 2008: 115). In Nutuk, the six-day ‘Speech’ read in 1927 before the Grand National Assembly, the leader pronounced laïcité (secularism) for the first time. After 1928, Islam as the official religion of the Republic was taken out of the Constitution. In 1932, secularism was incorporated into the by-laws of the RPP and the secularist Akçura was installed as president of the newly founded the Turkish Historical Society *Türk Tarih Kurumu*. Before the death of President Atatürk, the Turkish Republic was declared, by another amendment to the Constitution, to be a secular state (Law No. 3115/1937). An old dream had finally come true. Although, from
inception to implementation, Turkish secularism guaranteed full freedom of belief, conscience and conviction, the legal divorce from a powerful state machinery was an open blow -if not an offence- to Islam. For, without the state organisation and the Vakuf (pious foundation) revenues, Islam was now helpless. The dream of secularity was fulfilled at the expense of some political drawbacks. The so-called legal restrictions and persecutions of religious practices, however exaggerated as they may appear today, were not totally groundless. Peace and order was maintained by the Peace and Order Bill (Takrir-i Sükun, Law No. 578), the Independence Tribunals and the famous Izmir Trials, all of 1926 vintage (Güvenç, 1997-1998: 7-8).

Rapprochement between Turkey’s Islamists and the State

In the post-World War II multi-party era, the Turkish government began to make tentative gestures of reconciliation to the Islamists it had kept at a distance for the previous two decades. It made no such overtures, however, to the political Left. On the contrary, it was during this period that the incumbent CHP began to view the Left as the greatest internal threat to the Turkish state. A policy of intensive repression and intimidation against the Left continued throughout the Cold War. This was an important factor in the improvement of relations between Islamists and the state. For all intents and purposes, Islamists had gone into hibernation in 1923; from 1946 onward, however, they formed an anti-communist alliance with the state, thus gaining legitimacy and prestige and learning how to operate within a competitive political environment. This post-war rapprochement depended not only on the state’s making concessions in the area of religion, but also on the Islamists’ recanting their earlier positions and accepting the Republican reforms.

Soon after the founding of the Republic of Turkey, Atatürk’s 1925 Hat Law (which banned the wearing of the fez and turban) and his promotion of Western-style clothing faced opposition from the prominent Islamist İskilipli Atıf Hoca. Atıf Hoca was put on trial in one of Turkey’s newly-established Independence Tribunals, where he put up no defense. Realizing that the prevailing system of the Republic would not allow him to live in accordance with the rules of Islam, Atıf Hoca chose death, and was executed in 1926. Such an attitude stands in stark contrast to that of Islamists after 1946. Rather than a wholesale rejection of everything the Republic stood for, such Islamists chose to adapt themselves to the new political and social order, preferring to integrate themselves into the system and change it from within. By contrast, İskilipli Atıf Hoca viewed Islamic values and Islamic clothing as an intrinsic part of his faith, one for which he was even willing to die (Özkan, 2015: 74).

Thus a further point that deserves particular mention is the Independence Tribunals. These Tribunals, (known as “İstiklal Mahkemeleri”), were founded during the war of independence and after the establishment of the Republic in many different places to prosecute those who were deserters, spies and against the system of government and the Hat Act. Tribunals judged almost a hundred thousand and executed tens of thousands people. For instance, 78 people were executed by hanging by these Tribunals, since they refused to wear a hat and provoke people into refusing wear a hat. According to Hat Act (still in force) which is a shame for the Republic of Turkey, all men have to wear a hat specified in the Hat Act. The Act was one of the most important of Ataturk’s principles and reforms, and capital punishment could be given to people who provoked others into starting an uprising against these reforms. In spite of the fact that some commentators have suggested that the above numbers are exaggerated because of the lack of official document, one of the Hangman Kara Ali stated that “among all hangmen, those that I hanged 5216
The creation of the Independence Tribunals was contrary to the right to a fair trial, one of the fundamental general principles of law. As Mumcu correctly stated in his article in the Cumhuriyet Newspaper that these institutions were not tribunals; they were, in his own words, ‘anti-democratic execution institutions’ where rebels, troublemakers and counter-revolutionists were tried in special circumstances such as war and revolution. These Tribunals were established to prosecute crimes in the aftermath of the commission. It can be convincingly argued that this situation is contrary to the ‘principle of natural judge’. According to this principle, “No one may be tried by any judicial authority other than the legally designated court. Extraordinary tribunals with jurisdiction that would in effect remove a person from the jurisdiction of his legally designated court shall not be established.”

Yılmaz (2008: 543) emphasized that although the Kurdish rebellion posed a serious challenge to the new regime, it also provided the Kemalists with a golden opportunity to develop effective new tools to deal with the opposition. It was on the pretext of suppressing the Kurdish rebellion that the Kemalists developed their most effective instruments, the Law for the Maintenance of Order and the Independence Tribunals, to crush both opposition blocs, those of the Kurds and the coalition of the Pashas and the Unionists. In this sense, Adak (2016: 125) claims that in 1926, the Independence Tribunals executed many Unionists and political opponents of Mustafa Kemal. After the instigation of The Law on the Maintenance of Order [Takrir Sükun Kanunu], the political opposition’s press was silenced; a few of the political opponents, such as Dr. Adnan Adıvar, Halide Edib Adıvar, and Dr. Riza Nur, went into self-imposed exile. In line with this claim, according to Halide Edip (1928: 346-347), an intellectual who finally deserted Mustafa Kemal and his revolution and deported from the vicinity of Mustafa Kemal to exile one day, she reflected the dialectical image of the Independence Tribunals in her The Turkish Ordeal which was her respond to Mustafa Kemal’s The Speech [Nutuk]; “[İsmet Pasha] was even trying to find out who would dare, as commissary for public instruction, to adopt the Latin characters. To do this would need courage and capacity as well. I think of that often, and I also search my memory for anything he said which hinted at the necessity for a reign of terror which would impose radical changes, and would also do away with personal enemies. I cannot remember anything. Is the great change in Turkey enough to justify the human slaughter which was carried out by the tribunals of independence in 1925-26? How much of it was necessary for reform, and how much of it an excuse for removing political enemies? Are all changes smeared with so much blood in history? No doubt they are, but the İsmet Pasha I knew in those days was not a man of blood. I know nothing about the İsmet Pasha of to-day, and probably I will never see him again, but I do want to believe that things might have been worse if he had not been there to moderate the cruelty of his chief.”

**CONCLUSION**

As being examined and put forward, the Independence Tribunals had originally been instituted in 1920 to deal with espionage and desertion. They had been abolished after the Nationalist victory, but two tribunals had been instituted after the passing of the Takriri Sükün Kanunu in March 1925, one to deal with the Kurdish insurgency in the east and one to deal with the opposition in the rest of the country. The political and military leader-

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4 The Turkish Constitution of 1982, Art. 37.
ship in Ankara was faced both with the problem of desertion it inherited from the world war, which had resulted in a countryside infested with armed bands, and with the continuing problem of desertion in its own forces. As early as July 1920 the assembly debated a proposal to introduce “Independence Tribunals” [İstiklâl Mahkemeleri] to combat desertion. Over the summer of 1920 the number of desertions kept on growing and by September 1920 the assembly was ready to take action. At the insistence of the government and Chief of Staff Fevzi Pasha Law on Deserters [Firarî Kanunu] was enacted on 11 September, and the Independence Tribunals were instituted and given unrestricted authority to enforce the law. Two weeks later the tribunals were also given jurisdiction over cases brought under the ‘High Treason Law’ [Hiyanet-i Vataniye Kanunu] (Zürcher, 2010: 300, 330).

After Ottoman Empire had been defeated at the World War I, its territory was occupied by the occupying forces. The resistance at Anatolia which was the successor of the Ottoman Empire then turned into the War of Independence and resulted in a great victory. War of Independence, a war conducted with great difficulties. First Assembly which began to build the first foundations of the Republic of Turkey had a democratic multi-component structure. It is observed that the members of parliament defended the law even during the war. This council has prepared the Constitution in 1921. Next Assembly has prepared the 1924 Constitution. The Constitution of 1921 didn’t establish the judiciary but the 1924 regulated foundation of the state organs, fundamental rights and freedoms, as well as regulations on jurisdiction. The War of Independence is the product of great difficulty and sacrifices. At the beginning of these challenges is the shortage of soldiers. Long-lasting (the Balkan War, World War I) wars created tedious on the public. For this reason, the number of soldiers in deserter was fairly high.

To stop the deserters First Assembly agreed the foundation of Independence Tribunals by the means of the Law About Deserters (dated September 11, 1920). The judges of these courts would be elected among the members of assembly. The courts used judiciary power during this period (known as the National Struggle Period) until 1th of August, 1922 and then were abolished. With the declaration of the Republic on 29th of October, 1923 some important revolutions were made which concluded dramatic changes on management and social structure. Management decided to reconstitute the Independence Tribunals to protect the revolutions against the opponents. In addition, Law on the Maintenance of Order was adopted in this period. Ankara Independence Tribunal is the most effective court for protecting the revolutions. On March 4, 1927 Independence Tribunals were abolished completely (Şik, 2012: 108).

The years immediately preceding the giving of the speech in October 1927 were not only a period of far-reaching, radical reform; they were also the period in which all forms of political opposition were suppressed. The tensions within the People’s Party between proponents of an authoritarian regime and radical reform on the one hand and moderate liberals on the other had resulted in late 1924 in a split in the party and the founding of an official opposition party, the Progressive Republican Party (Terakkıperver Cumhuriyet Fırkası) (PRP) by a number of leading figures in the national resistance movement. With the exception of Fevzi Çakmak and Ismet İnönü (who, in 1924, were chief of the general staff and prime minister, respectively), all the top military leaders of the liberation war (i.e. Kâzım Karabekir, Refet Bele, Ali Fuat [Cebesoy],14 Cafer Tayyar [Eğilmez], Hüseyin Rauf [Orbay]) joined the opposition.

At first the opposition was tolerated, but when a Kurdish rebellion broke out in the southeast in February 1925, the radicals in the RPP used it to proclaim martial law, push through the Law on the Maintenance of Order (Takrir-i Sükûn Kanunu) and institute ‘Inde-
pendence Tribunals’, which dealt summarily with opponents of the regime. The Kurdish rebellion was suppressed, but so too were the opposition party and the independent press. When Atatürk first started to write his great speech these events lay only a few months in the past, and the position of the generals and the way they had been treated in the tribunals were still debated among the public (Zürcher, 2010: 12-13).

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