

A century of Kurdish rebellions and insurrections: the Sheikh Said Insurrection (1925)

Alp Yücel Kaya

Introduction

According to a report dated March 30, 1914, sent by the Muş Governorate to the Ministry of the Interior regarding land disputes in Sason, the Kurds, who had long been “effective and possessory” (“*müessir* and *mutasarrıf*”) owners of these lands in the region, leased their land to the Armenians, whom they called “fellah,” for cultivation in exchange for a rental fee (“*bedel-i icar*”) called “*hafirlik*”; the Kurds claimed that the land had been inherited from their ancestors and had belonged to them since ancient times, while the Armenians asserted that they had the right of appropriation based on their labor and disposal rights over the land.¹ Faced with this situation, the Council of Ministers stated in its decision of June 24, 1914, that issues regarding the land in the villages of Sason were “complicated” (“*mesail-i müşevveş*”), that disputes would take a long time to be heard in court and would be

¹ Presidency of the State Archives, Ottoman Archives (BOA), DH.ID 205/12 (October 19, 1914).

costly, and that the local population was impatient with this. It therefore proposed that a commission composed of representatives of the local population and competent officials be established to “resolve and settle administratively” (“*idareten hal ve fasl*”) the disputes, that the disputes be resolved “peacefully,” (“*sulhen*”) and that if they could not be resolved, they be transferred to the justice of peace court.²

In making this decision, the Council of Ministers relied on two statutory laws of 1913 (“Statutory Law on the Disposal of Immovable Property” and “Statutory Law on Justices of Peace”).³ According to these two statutory and related supplementary legislation, which represent the culmination of the development of legislation concerning the increasing land disputes that arose as a result of the intensifying class struggle in the countryside at the end of the 19th century, in the event of any interference or encroachment on immovable property and land acquired by title deed, the administrative councils would issue a decision of “administrative prohibition” (“*idareten men*”) and expel the perpetrators of the interference or encroachment from the immovable property or land; the control of title deeds would be the basis for determining possession. If only one of the parties is the holder of the deed, that party is the possessor; if both parties have deeds, the holder of the older deed is the possessor.

This development in property legislation increased the power of administrative councils in the Ottoman provinces, placing them in a dominant position in disputes over real estate and land. The establishment of both the cadastral administration and, consequently, the jurisdiction over real property and land disposal in administrative councils rendered the courts ineffective in cases arising from real property and land disputes, granting absolute power to the large landowners who dominated the administrative councils. This codification, established by the large landowner class, led to a rapid process of dispossession, whereby peasants in rural areas, especially estate laborers, were completely excluded from the real property, land, and commons where their subsistence rights were defined, both before and after 1908.

In our article “The Bourgeois Revolution in Turkey 1908-1923”⁴, we highlighted the splits and struggles among the bourgeois classes that developed in the Ottoman Empire from the 18th century onwards. On one side, we identified two main

2 BOA, MV189/78 (June 24, 1914).

3 Alp Yücel Kaya, “Justice of the Peace Courts in the Adjudication of Property Disputes in the Ottoman Countryside (1839-1914)”, *Turkish Historical Review*, vol. 15, no. 2, 2024, pp. 134-160.

4 Alp Yücel Kaya, “The Bourgeois Revolution in Turkey 1908-1923,” *Revolutionary Marxism 2023*, pp. 57-104. Here, we will recall the framework we set out in the article, but we will proceed by distillation. This effort to condense will inevitably make reading more difficult, so those familiar with the article and the terminology we are trying to develop can skip directly to the last paragraph of this section and continue reading the article.

factions: the bourgeois-bureaucrats, consisting of “a group of approximately 1,000 bureaucrats, soldiers, and ulema, mostly residing in Istanbul, with a close connection and degree of identification with the central authority,” who developed through tax-farms (*mukataas*) via the *malikâne* system that emerged when some tax-farm units began to be farmed out on a lifetime basis. On the other side, we identified the provincial bourgeoisie, consisting of entrepreneurial classes located in the tax-farm regions in the provinces, referred to as notable (*ayan* and/or *eşraf*). We underscored that the struggle between these two factions was fundamentally sharpened around land ownership and land rent compounded by the tax-farming (*mukataa-iltizam*) system. In this context, we also noted that the first faction, positioned at the center of the tax-farming system, was allied with the financial and commercial bourgeoisie, consisting of bankers, merchants, and banker-merchants, who were indispensable elements of the system through financial and commercial activities. We had also shown that in the 19th century, the development of bourgeois law coincided with this split, with the bourgeois-bureaucrats following the Hegelian path and the provincial bourgeoisie following the Savignian path.⁵ We observed that following the Tanzimat Edict of 1839, there was a notable intensification of competition within the bourgeoisie. The bourgeois-bureaucrats endeavored to surpass their rival bourgeois faction in the establishment of a general and universal legal order, as well as in matters concerning land ownership and rent in the provinces. However, we emphasized that bourgeois law, which leaned toward the Savignyian path based on customary law rather than the Hegelian path based on a universal understanding of law highlighting historical and social discontinuities, determined the primitive accumulation dynamics in the Ottoman provinces. To remind: During the period of Abdulhamid II, as a result of both the drying up of the economic resources of the bourgeois-bureaucrats (through the takeover of tax-farms, especially large estates, under the control of the Ministry of Sultan’s Treasury - *Hazine-i Hassa Nezareti*) and their political elimination (as in the case of Midhat Pasha), the provincial bourgeoisie seized the helm and breathed a sigh of relief. Although the financial and commercial bourgeoisie lost their political support with the removal of the

5 “...the dynamics of uneven and combined development brought about by capitalism rendered debatable two paths for the making of bourgeois law in nineteenth century Prussia: The historical conception of law (the Historical School of Law), led by Friedrich Karl von Savigny, which finds its origins in the historical development of societies, customs, traditions and beliefs, attributes a special importance to Roman law, underlines historical and social continuities, and therefore is based on the construction of a law that will regulate person-to-person relations. The idealist conception of law represented by Georg Wilhelm Friedrich Hegel and his follower Anton Friedrich Justus Thibaut, which, based on the theory of natural law, underlines historical and social ruptures in the example of the French Civil Code of 1804, and is based on universal and rational codification in regulating person-thing relations” (Ibid., p. 70).

bourgeois-bureaucrats, they grew stronger under the influence of the dynamics of global capitalism and gave rise to the industrial bourgeoisie through industrial investments. Certain segments of the provincial bourgeoisie, based on large estates, also underwent a transformation in the last quarter of the 19th century within the framework of same dynamics, investing not only in land but also in finance, trade, and industry. However, the rural bourgeoisie mainly targeted the subsistence rights and commons of the laborers employed on the lands on which their investments were based in the period after 1876, aiming for labor discipline that would also include categories of unfree labor. This assault triggered major peasant uprisings led by the Hunchaks in Eastern Anatolia in 1894 and the Internal Macedonian Revolutionary Organization in the Balkans in 1903, as well as the emergence of social banditry in Western Anatolia.

By 1908, amid revolutionary conditions marked by intensifying social unrest fueled by strikes, tax revolts, and military uprisings, the provincial bourgeoisie, which did not feel safe in the face of the commercial bourgeoisie and foreign capital, turned its back on Abdülhamid II's despotic regime (*İstibdat*) and took a revolutionary position. The commercial and developing industrial capital, which was stuck on the Savignyian path, also supported the revolution for a Hegelian transformation. With the participation of rural and urban working masses of all nationalities in the movement, the revolution took on the character of a people's revolution, and was called the Revolution of Liberty, in the sense of breaking away from despotism.

But the bourgeoisie, frightened by the popular revolution, did not delay in reacting, increasing the pressure on the working classes and at the same time bringing class struggle to the fore. The struggle that transcended the struggle between the provincial bourgeoisie and its rivals after 1876, intensified through the distinction between local and foreign, but more importantly between Muslim and non-Muslim, left its mark on the period after 1913, and the Savignyian vein of Muslim capitalists within the provincial bourgeoisie swelled as never before. As a result, both non-Muslim capitalists and rural Muslim and non-Muslim laborers (without distinction) were dispossessed (mostly by being subjected to categories of unfree labor). On the other hand, with the intensifying competition after the 1908 revolution, National Economy policies enabled the provincial bourgeoisie to evolve into a commercial and industrial bourgeoisie through new investments. And this emerging class did everything in its power to sideline the existing non-Muslim-dominated commercial and industrial bourgeoisie. Ultimately, amid the great upheaval that accompanied the outbreak of the World War, they expanded their portfolios by seizing assets known as "abandoned property" ("*emval-i metruke*").

A large portion of those who evolved from the provincial bourgeoisie into the commercial and industrial bourgeoisie, following the October Revolution of

1917, fearing the overthrow of the established order under the threat of popular movements and communism. They adopted a revolutionary position and filled the administrative, legal, and financial vacuum left by the bourgeois-bureaucrats, alongside the financial, commercial, and industrial bourgeoisie that had developed throughout the 19th century (and which also drew from their own ranks). A large part of the provincial bourgeoisie thus shifted from the Savignian path, which had already become too restrictive for them, to the Hegelian path, which would also facilitate their relations with the Western world. While establishing their own power with the proclamation of the Republic, they built a regime that prioritized bourgeois property in exchange for recognizing public property/interest with the 1924 Constitution and the 1926 Civil Code. The Ottoman property law, which became entrenched with the Second Constitutional Era as “excessively individualistic,” protecting “individual interest to the detriment of public interest,” and overlooking the principle that “in the conflict between two interests, the interest of the society should always take precedence over the interest of the individual,” was completely recodified from scratch with the 1926 Civil Code.⁶ The difficulty arising from customary law in land law has now become defined within the private property regime established by the Civil Code, which protects the bourgeoisie. The Civil Code, adopted from the Swiss Civil Code, has completely abolished the legal framework based on Islamic and customary law, upon which the provincial bourgeoisie had historically been grounded. On the other hand, the commercial and industrial bourgeoisie, which already followed the Hegelian path, has shaped the Republic by incorporating a significant portion of the provincial bourgeoisie—which represented the Savignian path—into its own ranks. All these developments became possible only because the laboring classes, who had been the driving force behind the 1908 Liberty Revolution, suffered defeat despite making their presence felt during the National Struggle period. The laboring classes were unable to lead the 1923 Revolution, and the revolution thus remained a revolution without the masses.

In the article we are summarizing here, we have focused on the bourgeois fractions that set sail toward a new world on the road to 1923, while we have not addressed the provincial bourgeoisie—which remained in the minority and preserved the Savignian path in opposition to them—nor the struggles that emerged among bourgeois classes after 1923; we have left those topics for another article.⁷ In this

6 Choukri Cardahi, “La possession en droit ottoman, son caractère, ses effets et les actions possessoires (avec un aperçu de Droit comparé),” *Revue critique de législation et de jurisprudence*, (new series) vol. 46, 1926, pp. 261-262.

7 For a remarkable perspective on the economic and political imaginary of the faction we call the provincial bourgeoisie that preserved the Savignian path, and its destruction with the Republic, see

article, we wish to examine the wing of the provincial bourgeoisie that preserved the Savignyian path in the post-1923 period, particularly the one concentrated in the Kurdish-Armenian provinces of the Eastern Anatolia.⁸ In other words, we will pay close attention to the development of the Kurdish bourgeoisie and its insurrection. We wish to underline from the outset that such an analysis will focus on the struggle between bourgeois classes and will not address the Kurdish laboring classes and their rebellions, as these require a more comprehensive and in-depth examination. We also wish to emphasize that while the region has its own unique story, it also shares a common history with other parts of the empire, and that its specificities are defined in relation to these commonalities. Therefore, our examination of the social dynamics in the region will proceed in close interconnection with class conflicts throughout the empire as a whole. Although this may appear as repeated narratives within the text, it should be accepted as a deliberate methodological choice in order to avoid losing context.

In the article, we will first discuss the classes in the Eastern Anatolian countryside from the *Tanzimat* period to the Republic, their transformations, and the class struggles that arose in connection with these changes. Next, we will examine the relations between the Turkish and Kurdish bourgeoisies during the National Struggle period. Finally, while discussing the split between them, we will focus on the Sheikh Said Insurrection—where the struggle between the bourgeoisie that adopted the Hegelian path and the provincial bourgeoisie that preserved the Savignyian path reached its peak—as well as the so-called “revolutionary laws”, the 1924 Constitution, the abolition of the tithe in 1925, the Law on the Maintenance of Order of 1925, the 1926 Civil Code, and their social impacts.

From the Tanzimat to the Republic: Classes, class transformations, and class struggles in the Eastern Anatolian countryside

When we examine the division of classes in the Kurdish-Armenian provinces before the *Tanzimat*, we see that the ruling classes consisted of feudal lords called *mîr* at the top, followed by worldly aghas, i.e., tribal chiefs and village chiefs, and beys

Sungur Savran, “Class, State and Religion in Turkey,” in Neşecan Balkan, Erol Balkan and Ahmet Öncü (eds.), *The Neoliberal Landscape and the Rise of Islamist Capital in Turkey*, New York: Berghahn Books, 2015; Sungur Savran, “Faşizm mi, Rabiizm mi?,” *Devrimci Marksizm*, no 27, 2016, pp. 19-68 (especially pp. 39-54).

⁸ Throughout the article, we will refer to the region that was predominantly Kurdish-Armenian in population during the Ottoman period and became predominantly Kurdish in the Republican period either as the “Kurdish-Armenian provinces” (depending on the period under discussion) or, more frequently and without ethnic distinction, simply as the “Eastern Anatolia”.

in the cities. Among them, we also see that spiritual aghas, i.e., sheikhs and seyyids, held positions of varying degrees. The oppressed classes, on the other hand, consist of tribal population, non-tribal population, and settled peasants.⁹ The *mîrs*, aghas, and beys were Muslim Kurds, as were the tribal population they ruled. Among the settled peasants, the Christian population, especially the Armenians, stood out; in the villages where they lived, the tribal structure, with all its hierarchical features (also surrounded by churches and monasteries), also left its mark on social organization.¹⁰ The shift in the weight of this distribution and the intensification of the relations between them are occurring under the cross-impact of external dynamics (particularly the Armenian state projects that came to the agenda with the Ottoman-Russian Wars of 1828–1829 and 1877–1878) and internal dynamics (the intra-class struggle between the bourgeois-bureaucrats and the provincial bourgeoisie, which reached its peak with the *Tanzimat* reforms). Under the assault of the bourgeoisie-bureaucrats, the *mîrs* were eliminated by the 1840s, and the space they vacated was filled by worldly and spiritual aghas and beys¹¹. The greatest struggle among them was to obtain the tax farming rights for the tithes (*âşar*) and to expand their own animal grazing and agricultural production areas, with or without obtaining these rights. The quest for dominance over land during this process increased the pressure on the oppressed classes. On the other hand, external dynamics placed the Armenian population in the dangerous class category, while internal dynamics (especially through the redirection of the tithe to the central treasury) aggravated the dominant classes' pressure on the oppressed classes in the way of compensating for losses on agricultural surplus.¹² The 1880 Sheikh Ubeydullah and 1894 Sason re-

9 Martin van Bruinessen, *Agha, Shaikh and State: The Social and Political Structures of Kurdistan*, London: Zed Books, pp. 107-109, 169-170; Hamza Erdem, *Yukarı Dicle-Fırat Havzasında Kirsaldan Kente Üretim İlişkileri (1839- 1922)*, Unpublished Doctoral Thesis, Izmir: Ege University, pp. 21-60; Hikmet Kıvılcımlı, *Yol Dizisi 5d, Yedek Güç Milliyet (Doğu) [İhtiyat Kuvvet: Milliyet (Şark)]*, İstanbul: Sosyal İnsan Yayınları, 2009, pp. 55-77.

10 Susie Hoogasian Villa ve Mary Kilbourne Matossian, *1914 Öncesi Ermeni Köy Hayatı, Anlatılar ve Fotoğraflarla*, trans. by Altuğ Yılmaz, İstanbul: Aras Yayıncılık, 2006, pp. 27-34.

11 Following Kıvılcımlı's terminology, we define ordinary aghas (landlords) as worldly, while land-owning sheikhs or seyyids are defined as spiritual aghas (Kıvılcımlı, *Yedek Güç Milliyet (Doğu)*, p. 85, 87). By "bey", we mean land and property owners in cities.

12 Yaşar Tolga Cora, "Doğu'da Kürt-Ermeni Çatışmasının Sosyoekonomik Arkapları", *1915: Öncesi ve Sonrasıyla Ermeni Siyaseti, Tehcir ve Soykırım*, Fikret Adanır ve Oktay Özel (eds.), İstanbul: Tarih Vakfı Yurt Yayınları, 2015, 126-139; Nilay Özok-Gündoğan, *The Kurdish Nobility in the Ottoman Empire, Loyalty, Autonomy, Privilege*, Edinburgh: Edinburgh University Press, 2022; Janet Klein, *The Margins of Empire, Kurdish Militias in the Ottoman Tribal Zone*, Stanford: Stanford University Press, 2011; Yener Koç, " 'Taxing' the Tribes in the Ottoman Empire: The Case of the Tribes of Mutki (1839–1908)", *Histories of Tax Evasion, Avoidance and Resistance*, Korinna Schönhärl, Gisela Hürlimann ve Dorothea Rohdes (derl.), Routledge, 2023; Erdem, *Yukarı Dicle-Fırat...*

bellions mobilized the peasants experiencing this pressure in an atmosphere where ethnic and religious issues stood out in the first, led by a sheikh, and land issues in the second, led by socialists.

At the turn of the 20th century, tribal aghas' hunger for land and pastures and the settlement of Muslim migrants (especially Circassians) in the region brought to the fore the usurpation and seizure of Armenian lands, as well as the fraud and irregularities in land registration (by transferring title deeds to their names).¹³ As the Governor of Van wrote to the Ministry of the Interior on February 19, 1913, "the conflicts between the ethnic groups in the region are mostly due to land issues."¹⁴ These social dynamics underlie the land disputes mentioned in the introductory part of this article. According to a correspondence dated April 20, 1914, from the Muş Governorate to the Ministry of the Interior, there were 295 land disputes in Sason, of which 125 were between Kurds and Kurds, 34 between Armenians and Armenians, and 37 between Kurds and migrants and Armenians. While most of these were "of no importance," 15 cases were "serious," including four between Circassian migrants and Armenians, five between the inhabitants of two villages, and five between two individuals.¹⁵

There is no doubt that the land issue was serious while *de facto* usurpation and seizure continue, but the matter would become serious with the "deportation law" dated May 25, 1915¹⁶ and the law dated September 26, 1915, known as the "Law on Abandoned Property," or the "Statutory Law on the Property, Debts, and Claims of Persons Transferred to Other Neighborhoods". With the pressure from the provincial bourgeoisie, which stood out for its large land holdings, the legal framework for the administrative prohibition in cases of land disputes and the legislation concerning justice of peace courts¹⁷ attempted to define usurpation

13 BOA DH.MKT 77/16 (12.01.1311); Y.PRK.BŞK 45/75 (16.10.1313); A.MKT.MHM 620/15 (16.10.1313); DH.TMIK.M 58/64 (16.04.1316); DH.MKT 683/41 (11.01.1321); DH.H 74/6 (03.10.1329); DH.SYS 67/1-2 (23.01.1329); DH.SYS 67/1-5 (20.03.1330); DH.SYS 67/1-8 (21.05.1330); DH.H 55/61 (23.09.1332). See also Dikran Mesrob Kaligian, "Land Reform and the Armenians in the Ottoman Empire", *Armenian Review*, vol. 48, no 3-4, 2003, pp. 25-45; Stephan H. Astourian, "The Silence of the Land: Agrarian Relations, Ethnicity, and Power", in *A Question of Genocide: Armenians and Turks at the End of the Ottoman Empire*, R. G. Suny, F. M. Göçek, N. M. Naimark (eds.), Oxford: Oxford University Press, 2011, pp. 55-72.

14 BOA, DH.SYS 67/1-5 (20.03.1330).

15 BOA, BEO 4294/322039 (01.12.1332).

16 The full title of the law is: "Statutory Law on Measures to be Taken by the Military Against Those Who Oppose Government Actions in Times of War" ("Vakt-i Seferde İcraat-ı Hükûmete Karşı Gelenler için Cihet-i Askeriyece İttihaz Olunacak Tedabir Hakkında Kanun-ı Muvakkat").

17 This legislation emerged in the context of property disputes that spread throughout the Empire; it was not specific to the disputes in the Kurdish-Armenian provinces but was inclusive of them. Disputes arising specifically in these provinces concerned the seizure of immovable property and land belonging to the Armenians who had migrated (and encountered them seized upon their return

and seizure. With the intensification of this pressure, it now took on a completely legal dimension.¹⁸ As Sungur Savran emphasizes, *de facto* and legal usurpation and seizure were a process of primitive accumulation resulting from intra-class struggle, which emerged predominantly in urban areas.¹⁹ However, it is also clear that an important extension of the primitive accumulation process emerged in the countryside as a result of interclass struggle: poor Armenian peasants, burdened with heavy obligations to aghas and beys, were dispossessed as a result of deportation. The provincial bourgeoisie that began to form in the 19th century, such as the Cemilpaşazade family²⁰ and the Pirinçizade family²¹ in the city, and the leader of the Millî tribe, İbrahim Paşa,²² in the countryside, increased their wealth “violently.”

Relations of production and laboring class in the eastern countryside

Having outlined the general trend, let us now focus on the provincial bourgeoisie

after 1908) and felt under the framework of the seized property (emval-i magsube) legislation. Both legislations were intertwined in the property disputes in the Kurdish-Armenian provinces. We believe that this distinction is important in order to understand the political and social dynamics of the period. Mehmet Polatel’s work on property disputes in the Kurdish-Armenian provinces blurs this distinction, thereby simplifying the dynamics reigning in the region, which can lead to forced interpretations (reducing all issues to the Armenian question). See Mehmet Polatel, *Armenians and Land Disputes in the Ottoman Empire, 1850–1914*, Edinburgh University Press, 2024 (Chapters 5, 6, and 7) and especially Seda Altuğ, “Yirminci Yüzyıl Osmanlı İmparatorluğu’nda Mülkiyet, Koruma, Tarih, Mezhepçilik”, *Mülkiyet ve Müşterekler, Türkiye’de Mülkiyetin İnşası, İcrası ve İhlali*, Begüm Özden Fırat and Fırat Genç (eds.), İstanbul: Metis Kitap, p. 102. For the development of legislation on administrative prohibition and justice of peace courts, see Alp Yücel Kaya, “The Reorganization of the Ottoman Legal Administration in the Balkans in the Nineteenth Century: the Formation of Local Administrative Councils and the Emergence of New Social Actors,” *Conflict and Coexistence: The Legal Orders of Southeastern Europe in the 19th and 20th Centuries. Volume 1: Romania, Bulgaria, Greece*, Michael Stolleis, Gerd Bender, and Jani Kirov (eds.) (Frankfurt: Vittorio Klostermann, 2015), pp. 61–101; Kaya, “Justice of the Peace Courts...”.

18 This process is reminiscent of the French proverb “*l’appétit vient en mangeant*” (appetite grows with eating). The first written references to the proverb were found in the works of Rabelais (1494–1553) and Jacques Amyot (1513–1593) (<http://les-proverbes.fr/site/proverbes/l-appetit-vient-en-mangeant/>), but we are using it here with reference to Marx. Marx uses this proverb (using the French in the original text) to express how large landowners who have tasted wealth seek cheap labor to become even richer. See Karl Marx, *Capital, Critique of Political Economy*, vol. 1 (trans. Ben Fowkes), London, Penguin Books, 1982 (1867), p. 869.

19 Sungur Savran, “The Armenian Genocide as Class Struggle”, *Revolutionary Marxism* 2025, pp. 44–48.

20 Cemalettin Canlı and Halil İbrahim Uçak, *Hattın Dört Yanında Cemilpaşazadeler*, Ankara: Dipnot Yayınları, 2012, pp. 214–215.

21 Ekrem Cemil Paşa, *Muhtasar Hayatım, Kemalizme Karşı Kürt Aydınının Mücadelesinden Bir Yaprak* (2nd Edition), Ankara: Beybun Publications, 1992, p. 33.

22 Klein, *The Margins of Empire...*

that began to develop in the Kurdish-Armenian provinces in the 19th century, consisting of worldly and spiritual aghas and beys. To understand the social relations on which this emerging bourgeoisie was based, let us first examine the relationship between the classes that controlled the land and those cultivating it (mostly consisting of Armenians). To do this, let us focus on what the “*hafirlik*” mentioned at the beginning, expressed as the land rent in Sason, entails. According to the report of the Muş Governate, there are three types of *hafirlik*: In the first type, peasant laborers make payments in kind (cotton, grain, grapes, sheep, goats, socks, etc.) to the aghas based on their production on their own land, along with a cash payment of between 50 and 350 kuruş; they are subject to compulsory labor on the agha’s land; they pay their agha up to 250 kuruş as a formariage (marriage license fee to marry off their children); they are bound to the land and are obliged to pay *hafirlik* dues even if they leave their village; aghas can sell *hafirlik* rights of peasant laborers to another landlord, and the peasant laborers’ *hafirlik* obligations continue with the new agha.²³ The second type of *hafirlik*, which must have developed after the *Tanzimat* period, emerged as a result of Armenians joining a tribal agha for protection against attacks on their lives and property by Kurds who came from outside Sason or who did not belong to a tribe, and being obliged to pay annual “gifts” and “dues” in exchange for the protection and support they received. The third type of *hafirlik* consisted of fees collected by tribal aghas in Sason from itinerant artisans and merchants in exchange for freedom of travel. Since all three types of *hafirlik* established both bondage to the land and bondage to the agha (servitude)²⁴, it is clear that those under this burden could almost be called “serfs.”

The observation of Tumanskii, the Russian consul’s assistant, who should have known what serfdom meant, at the beginning of the 20th century is also in line with this:

In the district of Sason, Armenians are almost serf-like in their dependence on Kurds, with all the legal consequences that entails: Every Armenian is bound to a Kurd and obliged to pay him rent; when they need money, Kurds sell their serfs; if a Kurd kills a serf, the serf’s master takes revenge by killing a serf belonging to the killer.²⁵

23 BOA, DH.MUİ 4/16 (06.12.1327) from Erdem, *Yukarı Dicle-Fırat...*, p. 267. See also DH.H 15/65 (11.04.1332); DH.ID 205/12 (19.10.1914); Yaşar Tolga Cora, “Osmanlı Taşrasındaki Ermeniler Üzerine Olan Tarihyazımında Sınıf Analizinin Eksikliği,” *Praksis*, no 39, 2015, pp. 28-29.

24 BOA, DH.ID 205/12 (19.10.1914).

25 Charles Issawi, *The Economic History of Turkey, 1800-1914*, Chicago: University of Chicago Press, 1980, p. 66.

A similar observation comes from Anders, an official at the German Consulate in Erzurum in 1914:

The Archbishop described to me in detail the situation of the Armenian peasants in the district of Motkan [Mutki]. The relationship of allegiance established by the feudal lords, similar to Gogol's depiction of serfdom in Russia [in his 1842 novel *Dead Souls*], reached the point where they sold entire villages along with their serfs, receiving an average of 5-15 Turkish lira per person.²⁶

Among the working classes cultivating the land, there are other groups besides the “serfs” in Sason:

Marabas, who were subject to forced labor and debt obligations within a share-cropping relationship with the aghas, under obligations similar to those of *hafirlik* (including an additional fee called “*uma*” that they were obliged to pay even if they leave the tribal area);

Small landowning peasants who, having no tribal ties, settled and acquired land over time but had varying degrees of obligations (such as tribute, etc.) to the local aghas;

Daily laborers having nothing, doing (itinerant) agricultural work.²⁷

The last three groups consist predominantly of the Kurdish population. On the other hand, amid all the upheavals experienced by the nomadic and sedentary populations in the 19th century, a differentiation emerged among the laborers in which economic and ethnic dimensions proceeded in parallel. For the dominant class — composed of Kurdish aghas and beys — Kurdish *marabas* within the laboring classes were preferred over Armenian peasants. During Armenian revolutionary A-To's trip to Ağrı in 1912, an Armenian peasant succinctly stated, “[t]he most Armenian here is the Kurdish serf.” In other words, “the most Armenian, that is, the most oppressed and persecuted, is the Kurdish *maraba*.” Because “the Armenian *maraba*, who is more talented and hardworking than the Kurdish peasant, is more valuable [costly] in the eyes of the cruel agha.”²⁸ This observation is interestingly

26 Dikran Mesrob Kaligian, *Taşnaklar ve İttihatçılar*, Aras Publishing, 2016, p. 86.

27 Bruinessen, Aghas..., pp. 105-121; Erdem, *Yukarı Dicle-Fırat...*, pp. 54-60; Cora, “Osmanlı Taşrasındaki...”, pp. 28-38; Kıvılcımlı, *Yedek Güç Milliyet (Doğu)*, pp. 79-81; İsmail Hüsrev Tökin, *Türkiye Köy İktisadiyatı*, İstanbul: Matbaacılık ve Neşriyat Türk Anonim Şirketi, 1934, pp. 176-185.

28 A-To [Hovhannes Der Mardirossian], *Vani, Bitlisi yew Erzurumi Vilayetneri: Usumnasirutyani mi Portz Ayt Yergiri Ashkharhakragan, Vicagakragan, Iravaganyev Dndesagan Trutyani*, Yerevan: Kultura, 1912, p. 278, from Cora, “Osmanlı Taşrasındaki...”, pp. 30-31.

echoed in an interview conducted by Yusuf Mazhar in 1925 while traveling through the provinces of the Sheikh Said Insurrection, where a Turkish *maraba*²⁹ states:

Sir, these lands have always been ours. The ancestors of these beys came and oppressed our ancestors, taking their fields. They burdened them with debt and took their fields. During times of famine, they gave us a little grain and took the field. They gave animals and seeds to those whose animals died and who had no seeds left, then seized their land. That's how our land fell into their hands. We were left with barren land. We are grateful for what we have. The Kurds are worse off... If the beys could, they would make us Kurds too. They want to bring Kurds among us and make us *marabas* with them. Once a Kurd enters the vilage, we are finished. Because even if the bey gives just enough grain to keep the Kurd alive, the Kurd will say “*eyvallah*” (thank you). Then the bey will no longer fear us. He will start treating us like the Kurds.³⁰

Yusuf Mazhar's conclusion is the same as A-To's: “The *maraba* labor of the Kurds was more profitable for the beys. The beys would exploit them more. The Kurds feared the beys more.”³¹ This oppression, in our opinion, provides a clue about the economic rationale that led the aghas and beys to the deportation and massacre of the Armenians, and also gives an idea of the social problem behind the aghas and beys' ability to mobilize the masses in rebellions and insurrections. In this regard, we believe that Dr. Kivılcımlı's diagnosis of the “social psychology” of the Kurdish people is particularly important for evaluating the rebellions and insurrections:

The people of Kurdistan and the oppressed Kurdish peasantry live in an economic system (clan-feudal). However, this system is also intertwined with capitalist and mercantile economies: ... - Feudal lord - Merchant - Capitalist... In this country, where these four types of economic relations are intertwined, let us also consider the hidden whip called colonialism; we can now imagine how the economy always rears its head like a four-headed monster and how it has bewildered the Eastern peasantry in all its social and political relations, making it extremely unpopular. Within such an economic and social structure, the psychology that will envelop the people of Kurdistan will be equally chaotic. The dominant feature in this psychology is chiefly the father-king (*babaşah*). But the degeneration of the father-king psychology into feudal psychology, then the

29 The *marabas* discussed here may have been Turks, or they may have been Armenians who became Turkified before or after 1915. What we are trying to emphasize here is the observation that in both cases, Kurdish *marabas* constituted the lowest stratum of rural society.

30 Yusuf Mazhar, “İşyan Sahasında 1800 Kilometre”, *Cumhuriyet*, 27.VIII.1925, from Tökin, *Türkiye Köy...*, pp. 183-184.

31 *Ibid.*, p. 184.

entry of the (mercantile + capitalist) microbe stamping the features of *enlepere-sant* [decay and crumbling] and *le compositim* [dissolution and disintegration] into this degenerated psychology, has left no consistent social psychology in the poor Kurdistan peasantry. Undoubtedly, all these four types of social psychology are essentially dominant psychology, that is, the psychology of dominant classes. But the psychology of the condemned and oppressed masses opposing this degenerating psychology of dominant classes from within has not been able to break free from *maraba* psychology in essence. Undoubtedly, recent economic developments will increasingly provoke moral developments toward the independent psychology of a Kurdistan proletariat. But for today, the overall psychology of the Kurdistan people is the most doggedly changing psychology with the degenerated father-king + semi-land slave psychology.³²

The stages of development of the provincial bourgeoisie in Eastern Anatolia from the Tanzimat to the Republic: Tithes, waqfs, markets

We underlined that starting from the second half of the 19th century, throughout the Empire, the provincial bourgeoisie launched assaults on the subsistence rights and commons of laborers on the lands they controlled, aiming for labor discipline that would also encompass non-free labor categories. In the Kurdish-Armenian provinces, it is observed that labor exploitation changed in nature and intensified. We should note that, similar to other regions of the Empire, intra-class struggle was a trigger for this, but a struggle specific to these provinces also emerged: The bourgeois-bureaucrats, with their new tax policy, particularly the tithe reform, set their sights on the incomes of the landowning classes in the countryside and began to take their share from them. With the *Tanzimat*, the bourgeois-bureaucrats also displaced the *mîrs*, and in the new configuration of the tax-farming system, the worldly and spiritual aghas took their place. Waqfs, *tekkes* (lodges), and *zawiyas* played a particularly significant role in the rise of the spiritual aghas. In their efforts to carve out space for themselves, the worldly and spiritual aghas did not content themselves with expanding their lands (mostly through usurpation and seizure), but also set in motion the market dynamics in the region (albeit at a slower pace than in provinces such as Izmir, Thessaloniki, and Bursa) through finance, trade, and industry. Now let us examine these three factors that enabled the development of the provincial bourgeoisie in the Eastern Anatolia and fueled their appetite for land usurpation and seizure.

32 Kırılımcılı, *Yedek Güç Milliyet (Doğu)*, p. 175.

Tithe (Âşar)

The most significant transformation in the tax reform that came to the fore with the *Tanzimat* in 1839 was in the tithe taken from agricultural products. The tithe which varied from one-fifth to one-tenth of the harvest depending on the region, was fixed at one-tenth of the harvest throughout the empire. The tax-farming system, which had been in effect for tax collection, was abolished. The tithe would no longer be collected by large landowners in the provinces, who were part of the tax-farming system, but by officials affiliated with the central bureaucracy. The latter regulation remained in force for only a short time. As a result of the social reactions and financial crisis that arose, the tax-farming system was reinstated in 1842 through the Anatolia and Rumelia Companies, which were affiliated with the central bureaucracy and operated by bankers and banker-merchants with close ties to the bourgeois-bureaucrats. As a result, large landowners in the provinces were excluded from this new tax-farming system, while new entrepreneurs working with companies in the provinces began to flourish. This intervention by the bourgeois-bureaucrats, the driving force behind the *Tanzimat*, against the provincial bourgeoisie intensified the conflict between landowners and banker-merchants at the upper level and between landowners and peasants burdened with heavy obligations at the lower level. The upper-level conflict particularly led to the development of a new entrepreneurial class (both Muslim and non-Muslim) in provincial cities fed by finance and trade, (due to the nature of the tax-farming system) not cutting off from land, and eventually turning to industrial investments. In this framework, as entrepreneurs shining in the Kurdish-Armenian provinces, the Barsamoğlu brothers from Harput³³, but especially the Pirinçizades³⁴ and Cemilpaşazades³⁵ from Diyarbakır can be given as examples. This type of development of provincial bourgeoisie would bring with it violent conflicts between its own Muslim and non-Muslim members under the influence of internal and external factors at the end of the 19th century.

At the lower level, it is seen that the issue of how sharing and obligations would be after deducting one-tenth tithe from the harvest intensified inter-class conflicts in the provinces. Landowning classes, who used to take the tax-farm of the tithe on their own lands within the tax-farming system, saw exploiting from land laborers as a solution when they lost this source to finance capital (banker-merchants). This brought about the aggravation of obligations defined within customary law and unfree labor forms (such as land bondage and debt bondage).³⁶

33 Ibid., pp. 173-176.

34 Ibid., pp. 162-170.

35 Ibid., pp. 140-162.

36 In the literature, the obligation of laborers to make payments in kind and cash to landowners,

For example, the Palu beys collected one-fifth of the harvest in Palu before the *Tanzimat*, and also demanded cash payments such as “threshing”, “water-carrying”, and “grooming”.³⁷ After the *Tanzimat*, they introduced a levy called “*noksan-ı arz*” (land deficiency) which referred to the difference in value between the potential and actual harvest and collecting this difference from the laborers.³⁸ In this way, they were able to collect more than one-tenth of the yield from the laborers, thereby compensating for their losses in the tithe. Although the central government abolished the imposition of *noksan-ı arz* in the region in 1848, the beys continued to impose it on the laborers, and the *noksan-ı arz*, which was collected in kind, began to be collected in cash in subsequent years.³⁹

With the loss of power by the bourgeois-bureaucrats in the 1870s, the tax farming system began to be auctioned off to small administrative units and local tax farmers.⁴⁰ While this amendment dealt a blow to the bankers and merchants who fed off it and the bourgeois-bureaucrats allied with them, it brought renewed prosperity to the landowners in the provinces. In this context, the farming out tithe in the Eastern Anatolia served a triple springboard for the worldly and spiritual aghas and beys who replaced the *mîrs*: they obtained income from tax-farming, went to land appropriation by seizing peasants’ land through advance purchases (*selem*) and similar debt mechanisms in villages where they undertook tax-farming of tithe, and began to rearrange production relations in their favor.⁴¹ A good example of such constructed dominance is seen in the Cemilpaşazades:

The village of Enbar, twenty-five kilometers east of Diyarbakir, was established by Kasım Bey [Cemil Pasha’s son], who was in charge of agricultural affairs. About twenty villages surrounding this village were the property of Cemil Pasha. In these villages, cotton, rice, and especially barley and wheat were cultivated, and flocks of sheep, cows, and horses were raised. The daily expenses of Cemil Pasha’s mansion, the lavish hospitality costs of the guesthouses, the expenses of his children studying in Istanbul and Europe, and the cost of gifts distributed here

along with the tithe which began to be collected during the *Tanzimat* period by the central bureaucracy, is evaluated under the heading of “double taxation”; see Özok-Gündoğan, *The Kurdish Nobility...*, pp. 139, 146, 204, 206; Cora, “Osmanlı Taşrasındaki...”, p. 28; Koç, “‘Taxing’ the Tribes...”, p. 96. We believe that it is incorrect to classify in-kind and cash payments originating from customary law as taxes; rather, they should be considered as rent extracted from laborers.

37 Özok-Gündoğan, *The Kurdish Nobility...*, p. 145.

38 Ibid., pp. 203-204.

39 Ibid., pp. 204-205.

40 Nadir Özbek, *İmparatorluğun Bedeli: Osmanlı’da Vergi, Siyaset ve Toplumsal Adalet (1839-1908)*, İstanbul: Boğaziçi University Press, 2015, pp. 58-59.

41 Issawi, *The Economic History...*, p. 66; Yener Koç, “‘Taxing’ the Tribes...”, pp. 88, 94; Klein, *The Margins of Empire...*, p. 141.

and there were all covered by the revenues of these villages.

Kasım Bey was not only responsible for the administration of about twenty villages belonging to them. There were also about thirty friendly villages surrounding these villages. These villages had been under the protection of our family for centuries. In these villages under Mr. Kasım's administration... many people, big, small, very small, very important or not so important, would refer all their cases to Mr. Kasım's judgment and ask for his justice to resolve their disputes.⁴²

On the other hand, in the 1880s, with the emergence of the Public Debt Administration, which monopolized title on silk and tobacco, aghas became uneasy and began to experience new competition. In this context, it should be noted that Sheikh Ubeydullah, who controlled tobacco production as a tax-farmer in the Hakkari and Şemdinli regions and was also a tobacco merchant, experienced a unity that included both competition and cooperation with the Public Debt Administration and the Régie Administration.⁴³

Waqfs, tekkes, and zawiya

Before explaining the encroachment of worldly and spiritual aghas in the Eastern Anatolia in the second half of the 19th century through waqfs, *tekkes*, and *zawiyas* (religious lodges), it is necessary to clarify what a waqf, *tekke*, and *zawiya* are. Hikmet Kıvılcımlı's analysis is quite useful in this context. Kıvılcımlı divides the lands of the Empire into two groups: "public lands" and "private lands." The first group consists of state (*mîrî*) lands, abandoned (*metrûk*) lands, and dead (*mevat*) lands, while the second group consisted of privatized (*mülk*) lands and waqf lands. The prevailing trend was a shift from the former to the latter, with waqfs playing a striking and complex role in this shift. According to Kıvılcımlı, "in Islamic law, a waqf is, in fact, the principle of removing land that is privately owned from private property for the public utility. It is the removal of private monopoly. In practice, as with everything else, the situation has been reversed and exploited. State-owned lands have been shamelessly and covertly shifted towards private exploitation." This is because, although in theory the goal of the waqf is entirely to meet social needs, in practice it usually ties income to the trustee for life, and this situation, left to the discretion of the trustee, often reverses things. Therefore, "the waqf is, in relation to religion and by hiding individuals behind this veil as much as possible, to re-

42 Ekrem Cemilpaşa, *Muhtasar Hayatım...*, p. 14. The statement that the villages had been under the protection of the Cemilpaşazade family for "centuries" is quite exaggerated. On the other hand, it is quite striking that in the villages ruled by Kasım Bey, justice was administered in the 20th century within the framework of a manor court familiar from the feudal period.

43 Erdem, *Yukarı Dicle-Fırat...*, pp. 279-285.

move the land from public property.”⁴⁴ On the other hand, according to Kivılcımlı, while the transfer of public lands to individuals by the state generally opens the door to “secular” land ownership and “secular” feudalism, waqfs first lead to religious land ownership and gradually to religious feudalism (spiritual aghaism) based on *tekkes* and *zawiyas*:

Waqfs... first lead to religious land ownership and gradually to a kind of monastery organization that is claimed not to exist in our country, namely religious feudalism. The fact that monasteries are called *tekkes* in Islam does not change the situation much. Yes, on the surface, the waqf is not anyone’s personal property. But this is merely superficial. In reality, the waqf is the most secure and solid form of benefiting from personal property in a regime where all lands are surrendered to the command of the Sultan.⁴⁵

Let us also look at the worldly and spiritual aghas who replaced the *mîrs* in the Eastern Anatolia in the 1840s from this perspective. We have already seen the importance of the tithe and tax-farming system in the aghas’ rule over the region. Another important part of the *Tanzimat* reforms, the registration of property ownership, also benefited no one but the aghas. Since they were already at the forefront during the land registration process, they managed to register most of the land in their own names, the final stage of which we saw in the introduction to this article. However, the spiritual aghas added the lands donated by their disciples to the lands they acquired and registered through land registration. In this context, the revenues of the villages where the *tekkes* were located were allocated to the tekke, the sheikh-disciple relationship became intertwined with the sheikh-tenant/sharecropper relationship, and under spiritual pressure, the severity of forced labor and payment obligations in these villages increased. It should not be forgotten that, in regional parlance, “the sheikh of those without a sheikh is the devil.”⁴⁶ On the other hand, while *tekkes* were exempt from tithe and sheep taxes when they were established, the sheikhs (whether tax farmers or not) continued to collect tithe and sheep taxes from the villagers.⁴⁷

Many sheikhs combine a reputation of piety and holiness with a shrewd commercial and political insight. A reputation of having much *karamat* (special graces,

44 Hikmet Kivılcımlı, *Osmanlı Tarihinin Maddesi*, İstanbul: Sosyal İnsan Yayınları, 2007, p. 424.

45 Ibid. pp. 433-434.

46 Nur Yalman, “On Land Disputes in Eastern Turkey,” *Islam and its Cultural Divergence: Studies in Honor of Gustave E. von Grunebaum*, Girdhari L. Tikku (ed.), Urbana: University of Illinois Press, 1971, p. 190.

47 Bruinessen, *Aghas...*, p. 233, 248-249; Erdem, *Yukarı Dicle-Fırat...*, pp. 199-206.

the ability to work miracles) is in fact one of the surest ways to become rich: the holier one is said to be, the more murids one has and the more daily visitors, who, on the one hand, have to be served tea and food, but on the other bring gifts in money and in kind. Many sheikhs have inherited landed property from rich murids who were grateful for their intercession with God.⁴⁸

This is how the Berzenci sheikhs became the richest landowners in the Süleymaniye region.⁴⁹ Similarly, in the rise of Sheikh Ubeydullah, the leader of the Naqshbandi order, whose sheikhdom and trade were intertwined and who had about 200 villages under his control, *tekkes* and *zawiyas* played a prominent role (also conditioned by tobacco production).⁵⁰

Markets

We witnessed the voracious appetite of worldly and spiritual aghas and lords for land acquisition. However, it appears that this land acquisition was not simply for the purpose of expanding their sphere of influence, but also for investment purposes. Indeed, Janet Klein highlights an important point when examining the activities of the Hamidiye Regiments⁵¹ in the context of land question: although raids, grain hoarding, and other methods of theft were profitable, their returns were very low compared to the profits that land could bring. According to the leader of the Kiki tribe, Ibrahim Pasha, the leader of the leading Hamidiye Regiments, was pleased with the raids, but this method did not allow them to seize the wealth that farmers earned from agriculture and trade. That is why land grabbing was seen as the best form of plunder. Although land grabbing for both agriculture and grazing animals was not new to the region, it became widespread in the period following the establishment of the Hamidiye Regiments.⁵²

Hikmet Kıvılcımlı confirms this observation, emphasizing that the dominant mode of production in Kurdistan still could not escape being a “closed economy,” but that market relations were nevertheless developing. He even argues that market relations specific to Kurdistan, independent of Anatolia, were also valid. According to him, the Kurdistan market is linked to Syria for natural and historical reasons:

48 Bruinessen, *Aghas...*, p. 248.

49 Bruinessen, *Aghas...*, p. 233, 248-249.

50 Erdem, *Yukarı Dicle-Fırat...*, pp. 279-285.

51 The Hamidiye Light Cavalry Regiments were irregular militia forces formed from selected Kurdish tribes. See Klein *The Margins of Empire...*

52 Klein, *Hamidiye Regiments...*, p. 143.

a) Tripoli [Tripoli], Nizip, Besni, Malatya; b) Saraypınarı, Suruç, Urfa, Siverek, Elazığ; c) Resulayn, Viranşehir, Diyarbakır, Osmaniye, Palu, Kiğı, Erzincan... and so on. Smuggling, which systematically operates all the way to the Black Sea highlands (perhaps from there to Istanbul) and the highlands of Erzurum and Kars, beyond Lake Van, has been doing nothing but passing through the same places it has passed through for centuries.⁵³

In this context, it should also be highlighted that small livestock trade was conducted from the region to the Syrian and Egyptian markets. Large flocks of sheep and goats were transported from Erzurum southward through Kiğı, Harput, and Mare to Aleppo and then to Damascus.⁵⁴ However, at the beginning of the 20th century, the largest suppliers to the Syrian markets were Diyarbakır and Mosul, with approximately 120,000 small livestock sent from the former and approximately 100,000 from the latter each year.⁵⁵ The best micro-scale example of the active merchants here is Sheikh Said, the son-in-law of the Cibran tribe, who owned a large herd (ruling over 35 villages in Varto alone) and who, along with his sons, traded by taking flocks of sheep to Aleppo.⁵⁶

On the other hand, it is important to keep in mind the links between the Kurdistan market and Iraq, especially Mosul, in addition to Syria. At the end of the 19th century and the beginning of the 20th century, after trade within its own province, a significant part of Mosul's trade took place with the surrounding region. This region covered all areas within a radius of approximately 800 km from the city and included Baghdad, Diyarbakır, Aleppo, Damascus, Tabriz, Erzurum, Trabzon, Bitlis, and Siirt.⁵⁷ However, Sarah D. Shields shows us that production within its own hinterland and regional trade with neighboring provinces were more effective in the transformation of the Mosul region than long-distance trade with Europe.⁵⁸ In this context, we can speak of a broader economic unit that transcended ethnic boundaries, was not limited to Kurdistan, and also included Syria.⁵⁹

53 Kivılcımlı, *Yedek Güç Milliyet (Doğu)*, p. 45.

54 Yonca Köksal Özyaşar and Can Nacar, *Anatolian Livestock Trade in the Late Ottoman Empire*, Leiden: Leiden University Press, pp. 58-59.

55 Ibid., p. 157, n. 65.

56 M. Şerif Fırat, *Doğu İlleri ve Varto Tarihi*, 3rd Edition, Ankara: Kardeş Matbaası, 1970, pp. 84, 198, 202; Metin Tokar, *Şeyh Said ve İsyanı*, Ankara: Akis Yayınları, 1968, p. 32; Bruinessen, *Aghas...*, pp. 281-282, 297.

57 Sarah D. Shields, "Regional Trade and 19th-Century Mosul: Revising the Role of Europe in the Middle East Economy," *International Journal of Middle East Studies*, vol. 23, no. 1, 1991, p. 30.

58 Ibid., pp. 32-33.

59 Here we borrow the concept of economic unit from Mustafa Akdağ. Akdağ underlined the importance of regional economic dynamics and factors in the founding of the Ottoman Empire, highlighting the role of the "Marmara economic unit." Mustafa Akdağ, "Osmanlı İmparatorluğunun

Looking at the production and trade of Erzurum and Diyarbakır, it is also clear that their trade life was in line with the long waves of capitalism worldwide: growth until 1873, stagnation between 1873 and 1896, and revival after 1896.⁶⁰ Therefore, there is an economic unit in eastern and southeastern Anatolia that extends to Aleppo, Damascus, and Mosul. However, it is also observed that this unit is increasingly intertwined with world markets.⁶¹ We can call this unit the Middle and Upper Tigris-Euphrates economic unit. In any case, the result is that the Kurdish-Armenian provinces had developed relations with markets by the end of the 19th century. In this context, it is not surprising that the land usurpations and seizures undertaken by tribal chiefs were motivated by agricultural production and animal husbandry.

Dynamics of uneven and combined development in the Eastern Anatolia

Ziya Gökalp stresses that Kurds gathered in tribes and villages, and that a form of feudalism prevailed in tribes and villages. However, he states that feudalism was divided into two types: political and economic.⁶² Feudalism in the Middle Ages had political characteristics; peasants were called serfs and were legally bound to the village land; peasants did not own the property they used. As both the peasants and the land they worked belonged to the lord; the lord had judicial power over the peasants; and the peasants were obliged to make certain payments to the lord. In economic feudalism, the state did not grant lords exceptional rights, nor did it deprive peasants of their rights; both were equal; even though this was the legal situation, in economic feudalism villages were like manors, and peasants were no different from medieval serfs, bound to the village; lords disposed of the land as they wished, imposed payments on peasants, and assumed judicial functions. According to Gökalp, economic feudalism prevails in both the agha villages and the tribes in Diyarbakır,

Kuruluş ve İnkışaf Devrinde Türkiye'nin İktisadi Vaziyeti", *Bellekten*, vol. 13, no. 51, 1949, pp. 497–568.

60 Veli Yadırgı, *The Political Economy of the Kurds of Turkey, From the Ottoman Empire to the Turkish Republic*, Cambridge University Press, 2017, pp. 139–150.

61 On the development of carpet weaving in this context, see Yaşar Tolga Cora, "The Market as a Means of Post-Violence Recovery: Armenians and Oriental Carpets in the Late Ottoman Empire (c.1890s–1910s)," *International Review of Social History*, vol. 66, no. 2, 2021, pp. 217–241. Recent studies emphasize that as relations with world markets increased, relations with the Istanbul market also intensified, see Köksal Özyaşar and Nacar, *Anatolian Livestock...*

62 Ziya Gökalp, "İçtimaiyat: Şehir Medeniyeti, Köy Medeniyeti," *Küçük Mecmua III*, transcribed by Şahin Filiz, Antalya: Yeniden Anadolu ve Rumeli Müdafaa-i Hukuk Yayınları, 2010 (1922), pp. 124–125. We would like to acknowledge also the work of Cavit Orhan Tütengil, whose book provides a discussion on Gökalp's intriguing conceptualization, Cavit Orhan Tütengil, *100 Soruda Kursal Türkiye'nin Yapısı ve Sorunları*, Gerçek Yayınevi, 1975, pp. 100–101.

but the agha villages are freer than the tribes.

If you want to see how laws are diametrically opposed to social reality, visit the agha villages and tribes of Diyarbekir. Here, you can clearly see how feudalism, characteristic of the Middle Ages, has been revived in a constitutional country.⁶³

In our article “The Bourgeois Revolution in Turkey (1908-1923),” we underlined that the capitalist class developed in the Ottoman Empire within the context of uneven and combined development dynamics under the growing influence of world capitalism. We saw that this class split into two separate factions, each pursuing different paths to establish its dominance. While the bourgeois-bureaucrats and the financial bourgeoisie (bankers, merchants, banker-merchants) and commercial bourgeoisie collaborating with them sought a general and universal law, the provincial bourgeoisie relied on customary law in the countryside and sought to preserve it. The former class exhibited revolutionary characteristics in its quest to break away from feudal ties, while the latter class showed a development in which it cannot break away from feudal ties in order to maintain its position in intra-class competition. In summary, it can be said that the struggle within the bourgeoisie, fueled by the dynamics of uneven and combined development, also gave rise to a conflict in the field of law, and this conflict further intensified the dynamics of uneven and combined development.⁶⁴

Ziya Gökalp’s observation of economic feudalism in Diyarbakır almost coincides with our observation of the provincial bourgeoisie, which preserves and feeds on customary law in the countryside. Throughout the 19th century, the aghas and beys of Diyarbakır (along with other aghas and beys in the region) joined the ranks of the provincial bourgeoisie following the Savigny path, preserving and even strengthening all their feudal ties. So much so that in 1919, Seyyid Abdülkadir, the son of Sheikh Ubeydullah, briefly assumed the position of head of the Council of State, which was the highest judicial authority in property law legislation and incorporated customary law into its proceedings.

63 Gökalp, “İçtimaiyat...”, p. 125.

64 Here it is useful to recall Trotsky’s explanation of uneven and combined development: « The laws of history have nothing in common with a pedantic schematism. Unevenness, the most general law of the historic process, reveals itself most sharply and complexly in the destiny of the backward countries. Under the whip of external necessity their backward culture is compelled to make leaps. From the universal law of unevenness thus derives another law which, for the lack of a better name, we may call the law of combined development—by which we mean a drawing together of the different stages of the journey, a combining of separate steps, a n amalgam of archaic with more contemporary forms” (Leon Trotsky, *The History of the Russian Revolution*, transl. by Max Eastman, Penguin Books, 2017 [1931-1933], pp. 24-25).

Kurdish aghas and beys in the National Struggle: Unity and division

With the support and guidance of central government policies after 1908, Kurdish aghas and beys, who had violently seized absolute power in Eastern Anatolia, supported the Erzurum and Sivas Congresses during the National Struggle and were represented in the Grand National Assembly. Three reasons can be cited for this unity: the Armenian (or potential Armenian state) threat, the use of this threat by the Ankara government to draw the Kurds to their side; promises and maneuvers regarding the recognition of Kurdish national rights and autonomy; and the spiritual influence of the Caliphate and the propaganda surrounding it.⁶⁵ The reflection of this support and alliance in Diyarbakır, as seen through the (critical) pen of Ekrem Cemilpaşazade, is striking:

When Mustafa Kemal came to power, he had established national defense societies in Kurdistan and the provinces of Anatolia. The leader of the Diyarbekir National Defense Society was my eighty-year-old uncle, Cemil Paşazade Mustafa Bey. Ninety percent of Diyarbekir had gathered around him. He also believed that Mustafa Kemal was the true Mahdi. He instilled this idea in those around him, saying, "Obedience to Mustafa Kemal's orders is the way to paradise."⁶⁶

It is clear that the reasons that made this unity possible were aimed at preserving the political power of the aghas and beys in the region, but their economic foundations should not be forgotten: the seizure of Armenian property and land had been important for the economic rise of the aghas and beys and their current position. Recognition of their own national rights was as important in this sense as protection against the Armenian threat. The Caliphate, on the one hand, formed the basis of waqfs, *tekkes*, and *zawiyas* and the rents drawn from them, and on the other hand, connected the commercial networks in the economic unit encompassing the Middle and Upper Tigris-Euphrates basin.

The breakdown of this unity between the Turkish and Kurdish bourgeoisies was rapid but gradual. The 1921 Treaty of Ankara, which outlined the Syrian border, thus severing ties with Aleppo, was the first rift in this direction. As we attempted to demonstrate in the section on markets above, the Kurdish-Armenian provinces formed an economic unit with Syria and Iraq. The fragmentation of this unit would shake the economic activities of the networks and beys conducting commercial

65 Cemil Gündoğan, *1924 Beytüşşebap İsyamı ve Şeyh Said Ayaklanmasına Etkileri*, Komal, 1994, pp. 29-55; Tanık Ziya Ekinci, *Kürt Siyasal Hareketlerinin Sınıfsal Analizi*, Sosyal Tarih Yayınları, 2011, pp. 29-32.

66 Ekrem Cemilpaşa, *Muhtasar Hayatım...*, p. 51.

activities here and, consequently, significantly undermine their political dominance in the region. The words of Mardin deputy Ibrahim Bey during the closed session of the Grand National Assembly on December 16, 1921, where the “negotiations of the Turkish-French agreement” were discussed, express these concerns:

Friends, since the most important part of the treaty to be concluded with the French is the border issue, and since my friends who are deputies from my constituency have made the necessary defenses and enumerated the disadvantages, I will perhaps make a statement regarding the part pertaining to Mardin: I believe that the central focus of the ongoing negotiations with the French is the land in the southern part of the most important region of the Mardin district and its surroundings. Those of your esteemed assembly who have traveled to and seen that region will confirm that the northern side of the railway line is mountainous and rocky. It is unsuitable for agriculture. The economic wealth of that region is provided by the southern part of the line, where agriculture and livestock, which constitute the main wealth of our province, are concentrated. Since the railroad line passes three or four hours away from the town and the northern part has low fertility, all agriculture is carried out on the land in the south. To abandon this land would be to ruin the district’s economy. In accordance with the ancient traditions and customs of our tribes, they are obliged to live on the land between these borders for six or seven months of the year. Not only Mardin, but also the people of Diyarbakir, Siverek, and Maden are under this necessity... They are completely abandoning Resûlayn, the center of the Mardin district, which consists of six districts within these borders. We are destroying the economy of this district, or rather, the entire province of Diyarbakir. We are depriving them of commercial life. Leaving the border from Nusaybin to Arata, the Tigris River to the north, and the province of Ibn Omar within their own borders undoubtedly means revoking the sovereign right of the province of Mosul.⁶⁷

The second rift, which represented a break for certain segments of the Kurdish bourgeoisie, emerged when the uncertainty surrounding Mosul was brought to the agenda during the negotiations in Lausanne. During a closed session held in the Grand National Assembly on March 6, 1923, regarding the Lausanne Conference, Yusuf Ziya Bey, representative of Bitlis, raised his criticisms on two issues (The Straits and Karaağaç to be ceded to Greece) and then addressed the issue of Mosul:

The situation in Mosul, its geography, its ethnic relations, its structure, its politi-

67 TBMM Gizli Celse Zabıtları (*Minutes of the Closed Sessions of the Grand National Assembly of Turkey*), vol. 2, March 17, 1337 (1921)-February 25, 1337 (1922), Türkiye İş Bankası Cultural Publications, 1985, p. 335. The words of Hayalî Bey, representative of Urfa, in the same context are also noteworthy: “Ayıntab is burning. How can you accept this; history will curse us.” *Ibid.*, p. 368. See also Gündoğan, *1924 Beytüşşebap İsyanı...*, pp. 69-70.

cal and social organization, cannot endure even a minute under British policy, under British treatment, under British mandate... Friends, I wish Mosul could be called a part of Turkey. Because it is a part of Turkey, inhabited by Turks and Kurds. More than half of Mosul is Kurdish; it has value and importance in Kurdish history... Mosul has a place in Kurdish history. Friends, just as it is impossible to divide a person in two or separate any part of them, it is impossible to separate Mosul from Turkey, friends. Abandoning and withholding Mosul, postponing it for a year or six months, is a very dangerous game.⁶⁸

Despite all of Yusuf Ziya Bey's efforts to persuade the Assembly, it was clear that his hopes for Mosul had been dashed⁶⁹ :

Friends, I know it's futile, my words are worthless, no one will listen, the path is clear... The road ahead is dark and dangerous. We will drive them, we will go, we will drag the nation behind us; I know that too. But I am telling history, I am telling God, I am telling our ancestors, I am telling the people.⁷⁰

It must be said that, alongside Yusuf Ziya Bey's pleas, the Turkish bourgeoisie embodied in the Ankara government had no intention of giving up Mosul, which played a key role in the Middle and Upper Tigris-Euphrates economic unit. This is because during the Lausanne negotiations, Ismet Pasha countered Lord Curzon's argument linking Mosul's economic relations to Basra by developing a counter-argument linking these relations to Diyarbakır.⁷¹ Both the Kurdish and Turkish bo-

68 *TBMM Gizli Celse Zabıtları (Minutes of the Closed Sessions of the Grand National Assembly)*, vol. 4, March 2, 1339 (1923) - October 25, 1934, Türkiye İş Bankası Kültür Yayınları, 1985, pp. 162-163. See also Gündoğan, *1924 Beytüşşebap İsyanı...*, pp. 74-77. What Yusuf Ziya Bey said in the same session regarding the Syrian border was also in line with what İbrahim Bey said in 1921: "Friends, as the delegation leaves here, it has been repeatedly expressed that the agreement made with the French is absolutely necessary for the present situation. Correct this, the people remaining on the other side of the border drawn by that agreement, the people remaining on the other side, the villages and towns, are suffering, suffocating... Friends, people need to feed themselves. This is what human beings need. The people of Mardin, Nuseybin, Kilis, Urfa, and Ayıntap also need to live. Friends, there are three important foundations of life: agriculture, trade, and crafts... What I have mentioned, friends, agriculture is not being practiced, those living here... Friends, this people cannot trade... The market is closed, friends. Crafts are dying... All people have closed their breathing tubes, the people near the border are suffocating, they are drowning. Open their breathing tubes, let them breathe, friends." Ibid., pp. 163-164.

69 Gündoğan, *1924 Beytüşşebap İsyanı...*, p. 77.

70 *TBMM Gizli Celse Zabıtları*, vol. 4, p. 165.

71 In the context of the division of Mosul, on the one hand, characteristics related to population and ethnic structure (language and religion) and, on the other hand, political, geographical, historical, and economic arguments have been the subject of debate among the parties. See Tuğrul Bakır, "Lozan Konferansı'nda Musul Meselesine Yönelik Türk Tezinin Oluşumunda Önemli Belge: Ga-

bourgeoisies agreed on preserving the integrity of the economic unit, but the Turkish bourgeoisie feared also that if Mosul (Southern Kurdistan) remained under British control, the Kurdish issue would become a ticking time bomb. Sırrı Bey, the representative of İzmit, clearly stated this in a closed session on March 5, 1923:

I will say a few words about the dangers that will arise in the future from Mosul remaining under the influence of Southern Kurdistan. Tomorrow, a government that is essentially a puppet will be created there. I can already see that this region could become a source of income for England. However, the English do not want to keep this region in their hands solely for the purpose of exploiting it as a source of income. They want to create a second source of conflict in the middle of the Islamic countries. As soon as they show that they have formed a supposedly national Kurdish government there, they will encourage the Kurds under the rule of our neighbor Iran to join them here. After completing this, and perhaps even before, they will try to get the Kurds who have been working with us and who are now sacrificing their children for this cause to join them there. I have no doubt about the current generation raised under the current education system. But how can we know now what ideas the new generation, raised under British influence, will hold? That is where a puppet government will emerge, weakening both us and Iran.⁷²

The real split between the Turkish and Kurdish bourgeoisies occurred after the signing of the Treaty of Lausanne, following the rifts that emerged in the context of the new borders dividing the Middle and Upper Tigris-Euphrates basin. The Treaty did not mention the Kurds, and unlike the Treaty of Sèvres⁷³, which envisaged autonomy and independence for the Kurds, the Treaty of Lausanne denied them national rights. In this context, Article 38, under the heading “Protection of

zeteci-Bürokrat Haşim Nihat Erbil’in Türk Delegationlarına Mektubu,” *Türk Dünyası Araştırmaları*, vol. 134, no. 264, 2023, pp. 43-80. With the borders drawn with Syria and Iraq, the economic unit was disrupted, and, during the Republican period, it almost entered a vegetative state, mainly through smuggling. In recent years, however, efforts to rebuild the severed ties have been aimed at the reanimation of the economic unit.

⁷² TBMM Gizli Celse Zabıtları (*Minutes of the Secret Sessions of the Grand National Assembly of Turkey*), vol. 4, p. 112. Şaban İba, *Sevr’den Lozan’a Kürt Sorunu ve Kemalist Hareket*, Ankara: Özgür Üniversite Kitaplığı, 2008, p. 433 ff.

⁷³ Treaty of Sèvres (August 10, 1920) envisaged granting autonomy to the regions predominantly inhabited by Kurds, subsequently granting the Kurds the right to apply to the League of Nations Council for independence, and stipulated that if Turkey relinquished the Kurdish regions, Mosul could be annexed to the Kurdish state to be established with the approval of the Allied Powers (Articles 62, 53, 64). *Yeni ve Yakın Çağda Kürt Hareketi* (ed. Kurdish Commission of the Institute of Oriental Studies of the Academy of Sciences of the USSR and the Institute of Oriental Studies of the Academy of Sciences of the Armenian Soviet Socialist Republic), Balinge (Sweden): Jina Nu Publications, 1991 (1987), p. 129.

Minorities,” envisioned a Turkish population consisting of non-Muslim minorities and Turkish subjects; the Kurds seemed to have been assimilated into the Turkish subjects.⁷⁴ Thus, as Tarık Ziya Ekinci points out, with the signing of the Treaty of Lausanne on July 24, 1923, all obstacles to the establishment of the independent Republic of Turkey and the construction of the “nation-state” were removed.⁷⁵ Ekrem Cemilpaşazade’s interpretation of the Treaty of Lausanne also emphasizes the break:

In the Treaty of Lausanne concluded in 1923, the British imperialist state defied all the states of the world and trampled on the rights and independence of the Kurds secured by the Treaty of Sèvres. The British state sold the Kurds like slaves in slave markets to Mustafa Kemal and King Faisal of Baghdad.⁷⁶

It must be said that the “secret political Kurdish society” Azadî,⁷⁷ organized in 1923 by those who supported the Turkish bourgeoisie and were consequently disappointed (mainly military personnel, including Cibranlı Halid Bey and deputy Yusuf Ziya Bey), was the product of this split.⁷⁸ So much so that the rebellion of the 18th Infantry Regiment, organized by Azadî, in Beytüşşebap on September 3-4, 1924, was a warning sign before the Sheikh Said Insurrection.⁷⁹

The second and decisive blow in the split between the Turkish and Kurdish bourgeoisie came with the so called “Revolutionary Laws” of 1924, which aimed to

74 Article 38: The Turkish Government undertakes to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion. All inhabitants of Turkey shall be entitled to free exercise whether in public or private, of any creed, religion or belief, the observance of which shall not be incompatible with public order and good morals. Non-Moslem minorities will enjoy full freedom of movement and of emigration, subject to the measures applied, on the whole or on part of the territory, to all Turkish nationals, and which may be taken by the Turkish Government for national defence, or for the maintenance of public order.

75 Tarık Ziya Ekinci, *Kürt Siyasal Hareketlerinin Sınıfsal Analizi*, Istanbul: Sosyal Tarih Yayınları, 2011, p. 35.

76 Ekrem Cemil Pasha, *Muhtasar Hayatım...*, p. 53.

77 “Halit Bey from Cibran, Yusuf Ziya Bey from Bitlis, and their friends formed a secret Kurdish political society called Azadî in Erzurum after the Treaty of Lausanne. In the summer of 1924, we Kurdish nationalists in Diyarbekir also formed a branch of this society.” Ekrem Cemilpaşa, *Muhtasar Hayatım...*, p. 54.

78 Canlı and Uçak, *Hattın Dört Yanında...*, pp. 226-227. See also Gündoğan, *1924 Beytüşşebap İsyanı...*, pp. 91-104.

79 Cemil Gündoğan writes that Azadî was founded by individuals belonging to the “moderate modernist wing,” while individuals belonging to the “traditional religious wing” (sheikhs and clerics) were more on the periphery of the organization. Based on this, we can say that Azadî was an organization led by worldly aghas and beys rather than spiritual aghas, see Gündoğan, *1924 Beytüşşebap İsyanı...*, p. 172.

eliminate the political, legal, spiritual, and material foundations of the conservative provincial bourgeoisie following the Savigny path:

- Law No. 429 (March 3, 1924): Law on the abolition of the Ministries of Sharia and Waqfs and the General Staff;
- Law No. 430 (March 3, 1924): Law on the unification of education;
- Law No. 431 (March 3, 1924): Law on the abolition of the Caliphate and the expulsion of the Ottoman dynasty from the territories of the Republic of Turkey.

The third and other decisive blow came with the 1924 Constitution. The fourth blow was the abolition of the tithe tax with Law No. 552 dated February 23, 1925, “On the abolishment of the tithe and the tax to replace it.” The fifth blow was the prohibition of all political initiatives and organizations with the Law No. 578 dated March 4, 1925, “On the maintenance of order” (*Takrir-i Sükûn*). The sixth blow was the abolition of *tekkes* and *zawiyas*, which overlapped with *waqfs* both socially and economically, with Law No. 677 dated November 30, 1925, “On the closure of *tekkes*, *zawiyas*, and tombs, and the prohibition and abolition of certain titles”, in the context intensified by the Sheikh Said Insurrection. The seventh blow came with the Civil Code, which was adopted in 1926. Now let’s take a closer look at these blows.

The abolition of the Caliphate: Peace in the world!

Sungur Savran asserts that the regime established during the transition from the National Struggle to the proclamation of the Republic effectively abandoned the “Ottoman imperialism” approach:

The new state under Mustafa Kemal secured itself with a foreign policy of “leave me alone, and I won’t touch anyone,” expressed in the slogan “Peace at home, peace in the world,” and then focused all its energy on establishing a brand-new state and rapidly developing capitalism.⁸⁰

The most important indicator of “peace in the world” was the abolition of the caliphate, which formed the foundation of Ottoman expansionism.⁸¹ In this context,

80 Sungur Savran, “Cumhuriyetin Krizinin Kökleri”, *Devrimci Marksizm*, no. 55, 2023, p. 65.

81 Savran also stresses that the caliphate serves as the historical reference point for the current imperialist aspirations of the Islamist bourgeoisie: “There stands before us a huge class fraction that yearns for the Ottoman tradition and seeks to maintain its glory for the interests of the dominant class. This imitation is the ideological cloak of an expansionism aimed at obtaining every kind

in an interview that İsmet Pasha gave in Paris to a correspondent of the Muslim Standard magazine (published in London under the sponsorship of an Indian Muslim businessman) before the Lausanne Conference began (between 13–20 November 1922), he emphasized the imperialist dimension of the caliphate and underlined that the new form of government had been established by cutting this root out completely:

We want to present ourselves to the world with bright hands and hearts. If we try to fulfill the old political traditions of Islam, if we use the Caliphate as a pretext for this movement, it will be perceived as a desire to subjugate non-Turkish nations to our own imperialism. We have established our new style of governance in such a way as to cut off such claims and accusations at the root. We are a free nation ourselves and do not wish to hinder other nations' desire for freedom. Especially if these nations are Muslim nations, I believe that mutual respect for each other's freedom in this way can ensure a more genuine, heartfelt, and sincere union among Muslim nations than the forced imposition of the dominance of a powerful Muslim nation on others. Indeed, because we are Muslims and recognize each other's freedom, there is a stronger union among us today.⁸²

At the People's Party parliamentary group meeting held on November 22, 1923, where the issue of the caliphate was also on the agenda, İsmet Pasha condemned the destruction wrought by caliphate imperialism in even clearer terms:

...We have seen the destruction wrought by the armies of the Caliphate in this country... When we say "armies of the Caliphate," our hair stands on end, and the hair of the entire nation stands on end... We will never forget that a Caliphate fatwa threw us into the turmoil of a general war. We will never forget that a Caliphate fatwa attacked the nation in a manner more hideous than its enemies when it sought to rise up.⁸³

of economic benefit across the vast Islamic world, built on the ground of the caliphate — which, more than 400 years ago, established Turkish supremacy in the Islamic world. Just as the secular bourgeoisie has tied the very existence, future, and profitability of Turkish capitalism entirely to the imperialist West throughout a century-long history, the Islamist wing, in the same way, wants to revive the hopes of a hundred years ago — a kind of imperialism — and thereby secure a larger share for itself in the re-division of the world." *ibid.*, p. 68.

82 Erol Kılınç (ed.), "İsmet Paşa Hazretleriyle Mülakat", *Millî Hâkimiyet ve Hilâfet*, Ötüken Yayınları, pp. 240-241. The book prepared for publication by Kılınç is based on the transcription of the work published by the Grand National Assembly of Turkey under the title: *Hilafet ve Millî Hakimiyet: Hilafet ve Millî Hakimiyet Mesaili Hakkında Muhtelif Zevatın Makalat ve Mütalaatından Mürekkep Bir Risaledir* (Matbuat ve İstihbarat Müdüriyeti Umumiyesi, 1339 [1923]).

83 Mehmet Emin Bozarslan, *Hilafet ve Ümmetçilik Sorunu*, Ant Yayınları, 1969, pp. 108-109.

Mehmed Seyyid Bey,⁸⁴ who was both Minister of Justice and a professor of Islamic law, named the rupture that would result from the abolition of the caliphate during the discussions on the bill “on the abolition of the caliphate and the removal of the Ottoman dynasty from the territory of the Republic of Turkey” held in the Grand National Assembly on March 3, 1924: “As I said, we are making a great revolution in Islamic history. I can say that there cannot be a greater revolution than this.”⁸⁵ According to Mehmed Seyyid Bey, the caliphate had changed according to time, custom, and tradition; it had not been a religious but a worldly matter, related to the law and public affairs of the nation.⁸⁶ The caliphate had been the cause of the country’s backwardness, and there was no other way to develop but to get rid of it:

We have collapsed and crumbled, destroyed and reduced to dust, all because of the Caliphate. We have lost our property, our lives, our homeland. The entire country has been left in poverty. Are these the benefits of the Caliphate? (Bravo cheers) Let us now move forward and revive ourselves. The entire civilized world has taken off, striding forward with giant steps on the path to development. Are we to stand behind them like orphaned children with bowed heads, watching and saying, “The caravan has left, and we are left behind on the mountain tops”? (Laughter) Truthfully, it makes one sad. To tell the truth, it also makes one angry. What a strange thing! Islam is such a noble religion that loves progress, yet we Muslims are the most backward of all nations! (Laughter and applause).⁸⁷

Looking at the abolition of the Caliphate from this perspective, the first thing we must say is that before the Caliphate was abolished, it was clear that the Middle and Upper Tigris-Euphrates economic unit would be fragmented, and this turned the world of the local chiefs and aghas upside down. But it was the abolition of the Caliphate with Law No. 431 that confined them to their own world. The imperialist perspective that emerged during the reign of Abdulhamid II has completely disappeared, replaced by a capitalist development perspective within national borders,

84 We discussed Niyazi Berkes’ examination of the legal transformation in Turkey in the context of the Savigny-Hegel debate in our article “The Bourgeois Revolution in Turkey (1908-1923)”. The second scholar to refer to this debate is Mete Tunçay in the context of discussing the Republic’s legal reforms. When interpreting Mehmed Seyyid Bey’s speech in parliament on the abolition of the caliphate, Tunçay underlines his statement that he was against borrowing from foreign laws and positions him on the Savigny path. In our opinion, Mehmed Seyyid Bey maintains a critical distance from both the Savigny and Hegel paths. See Mete Tunçay, *Türkiye Cumhuriyeti’nde Tek-Parti Yönetimi’nin Kurulması*, Tarih Vakfı Yurt Yayınları, 1981, pp. 172-173.

85 Bozarslan, *Hilafet...*, p. 177. Bozarslan partially translated the parliamentary records into Turkish. For the original source, see *TBMM Zabıt Ceridesi*, Devre II, Cilt 7, İçtima Senesi 1, İkinci İçtima, 3.3.1340, pp. 15-70.

86 Bozarslan, *Hilafet...*, pp. 178-180.

87 *Ibid.*, p. 195.

which also encompasses the internal colonialist perspective of the bourgeoisie that founded the Republic. It was doubtful what would remain for the Kurdish aghas and beys in this new framework.

The matter of the Caliphate: Waqfs, *tekkes*, and *zawiyas*

Mehmed Seyyid Bey, while voicing his criticisms of the Caliphate during the discussions of Law No. 431 in the Grand National Assembly, emphasized that the Caliphate could no longer protect fundamental rights and freedoms. Also, an Islamic jurist, the Republic's first Minister of Justice, who attached importance to Islamic law, underscored historical and social continuity, and sharply criticized Savigny's bourgeois law based on customary law, stated:

Honorable gentlemen! According to Islamic law, there are three rights, and every individual has full equality in these three rights, all of which are immutable and unshakeable. The first is the right to freedom, the second is the right to personal inviolability, and the third is the right to property. These three rights are fundamental rights in Islam. All other rights derive from these three; these three rights are the mother and source of all rights. Are not the fundamental rights of the civilized countries of our time also these three rights? Yes, they are, but we learned these fundamental rights not today, but 1,300 years ago. Unfortunately, however, the despotic governments that came later under the name of the Caliphate did not properly adhere to these fundamental rights.⁸⁸

According to Mehmed Seyyid Bey, the caliph-sultans and the despotic governments under their shadow turned the country into their fiefdoms and used the people like servants. They confiscated the property and land of whomever they wanted and gave them away to this person or that. This situation continued until the 1839 Imperial Rescrit of *Gülhane* and the 1876 Constitution, which prohibited confiscation and protected property rights.⁸⁹ In this climate of insecurity, the people, seeking a way to save their property, found establishing waqfs to be a solution. It is precisely at this point that Mehmed Seyyid Bey revealed the true face of waqfs:

Gentlemen, do you think these waqfs were established for charitable purposes? No. If you look at the waqf deeds, you will see. Property worth 50,000 lira, generating an annual income of five to ten thousand lira, is endowed. But the chari-

⁸⁸ *Ibid.*, p. 190.

⁸⁹ In this passage, Mehmed Seyyid Bey is essentially summarizing — in his own terms — the conflict and power struggle between what we refer to as the bourgeois-bureaucratic class on the one hand, and the provincial bourgeoisie on the other.

table aspect amounts to a mere hundred lira. An expense is chosen, for example, forty okkas of olive oil for such-and-such a fountain, eighty okkas of olive oil for such-and-such a mosque, thirty to forty candles for such-and-such a mosque; the rest is stipulated for their children and their children's children from generation to generation. (Laughter, applause) Why? Because it is confiscated. There is no other way to prevent confiscation. My intention is not to criticize, but to present historical facts.⁹⁰

The historical truth as expressed by Mehmed Seyyid Bey, in Kıvılcımlı's clear words, is the covert shift of public property towards personal exploitation and the sanctification of waqf theft with a sacred mask.⁹¹ Thus, he links the issue of the caliphate to the "Law No. 429 on the Abolition of the Ministries of Sharia, Waqfs, and General Military Affairs," which was discussed and adopted on the same day, March 3, 1924, during the first session of the Grand National Assembly of Turkey, thereby emphasizing the connection between the so-called "revolutionary laws."

Let us now look at Law No. 429 and the subsequent practices that brought the waqfs under control, focusing primarily on practices applied across the country, while keeping in mind that the impact of these general practices would be much broader considering the prevalence of waqfs in Eastern Anatolia. According to Article 7 of Law No. 429, "Waqfs have been entrusted to the Prime Ministry for the time being in the form of a general directorate [General Directorate of Waqfs] to be managed in accordance with the true interests of the nation."⁹² The transfer of the administration of waqfs to the Prime Ministry is indicative, but the outlines of the policies to be pursued regarding waqfs had already begun to emerge earlier: With Law No. 361 dated 24 October 1923, the "*mal-ı maktu*" system — consisting of the collection by finance officials of the income from village and agricultural waqfs (in return for a fixed lump-sum payment) — was abolished for attached waqfs (*mülhak* waqfs).⁹³ Following Law No. 429, Article 9 of the 1924 Budget Law abolished the

90 Ibid., p. 193.

91 Kıvılcımlı, *Osmanlı Tarihinin Maddesi...*, p. 96.

92 Nazif Öztürk, *Türk Yenileşme Tarihi Çerçevesinde Vakıf Müessesesi*, Ankara: Türkiye Diyanet Vakfı, 1995, pp. 90, 379.

93 "Following the establishment of the Republic of Turkey and the adoption of the Civil Code, waqfs were divided into two categories: those established before and those established after the Civil Code. Attached (*mülhak*) waqfs are among those founded before the Civil Code. According to Law No. 5737 on Waqfs, attached waqfs are defined as waqfs that were established prior to the effective date of the repealed Turkish Civil Code No. 743 and whose management was stipulated to be carried out by descendants of the founder. Attached waqfs are administered and represented by managers appointed by the Parliament in accordance with the conditions of the charter of waqf that do not contravene the Constitution." (<https://www.vgm.gov.tr/vakiflarimiz/vakiflarimiz/mulhak-ve-esnaf-vakiflar>).

transfer (*ferag̃*) and inheritance (*intikal*) fees that had been collected during the registration of waqf real estate in the name of the Treasury of Waqfs (with the fees to be returned to the Treasury). However, the most significant blow to the waqfs came with the abolition of the tithe tax in 1925. Since the *Tanzimat* period, the tithe tax had been one of the most important sources of income for waqfs: 10% of it was paid to the Treasury of the Ministry of Finance, while the remaining 90% (together with the fee for vacant land -*mahlulat bedeli*-) was paid to the waqfs. According to Nazif Öztürk's calculations, these regulations implemented in the early years of the Republic caused the Administration of Waqfs to lose one-third of its annual income, which was around 3,000,000 liras.⁹⁴

Alongside these regulations that directly targeted the financial resources of waqfs, regulations that directly targeted the existence of waqfs made conditions even more difficult for them. With the decision of the Council of Ministers dated June 16, 1924, and numbered 1/460, the exceptional status of eight "exempted waqfs" (waqfs that were autonomous in their administration, had tax exemptions, and collected tithes and duties on their own behalf) was terminated. These were the waqfs of Mevlâna Celaleddin-i Rumi (Celaliye), Hacı Bektaş-ı Veli, Abdulkadir-i Geylani, Hacı Bayram-ı Veli, Gazi Evranos Bey, Gazi Ali Bey, Gazi Mihal Bey, and Gazi Süleyman Bey.⁹⁵

Along with all these developments, Article 5 of Law No. 429 assigned the President of Religious Affairs the responsibility for the administration of all mosques, prayer rooms, *tekkes*, and *zawiyas*, as well as the appointment and dismissal of imams, preachers, sheikhs, muezzins, and other officials. However, the social dynamics that emerged in the context of the Sheikh Said Insurrection also brought to the fore ideas and practices aimed at closing *tekkes* and *zawiyas*. For example, with Decision No. 69 of the Eastern Independence Court, the *tekkes* and *zawiyas* in and around Diyarbakır were closed; in July 1925, it was planned to transfer their estates, properties, and buildings to the provincial administration. Furthermore, procedures were carried out to transfer the waqf revenues in Diyarbakır and some mosques and prayer rooms to the provincial accounting office in August 1925.⁹⁶ In response to these developments, the Council of Ministers adopted a six-point decree on "the closure of *tekkes* and *zawiyas*" at its meeting on September 2, 1925. Accordingly, "All *tekkes* and *zawiyas* within the Republic of Turkey, whether built as waqfs or owned by sheikhs and registered as real estate, have been completely closed without exception." Places built as mosques or prayer rooms but later used as both mosques and *tekkes* might only be used as mosques or prayer

⁹⁴ Öztürk, *Türk Yenileşme...*, pp. 115-116.

⁹⁵ *Ibid.*, pp. 110-111.

⁹⁶ *Ibid.*, p. 386.

rooms. Of the closed *tekke* and *zawiya* buildings used as schools, those deemed suitable would continue to be used as schools, while the rest would be sold by the General Directorate of Waqfs in accordance with the Law dated June 1, 1911, on “unneeded waqf immovable properties”. The proceeds would be used to build schools in villages and necessary locations, which would be transferred to special provincial administrations. The positions of sheikh, dervish, and disciple, along with the special clothing and titles associated with these positions, was abolished.⁹⁷ Based on this decree, an instruction sent from the General Directorate of Waqfs to the provincial organization requested that the administration of waqfs belonging to sheikhs, keepers of *zawiya*, and tomb be taken over, and it was envisaged that such waqfs and income-producing properties would be administered by waqf officials.⁹⁸ Following these regulations and practices, Law No. 677 on the Closure of *Tekkes*, *Zawiyas*, and Tombs and the Abolition of Tomb-keeping and Certain Titles was passed on November 30, 1925. The law was drafted by Refik Bey, a member of parliament from Konya, and his colleagues. Its explanatory memorandum stated that there was a major conflict between the fundamental principles of the state and the *tekkes*, and that the Republic of Turkey could no longer tolerate such “medieval” phenomena and institutions.⁹⁹

It should be noted that *tekkes* and *zawiyas*, which were closely related to “religious” waqfs among the exceptional waqfs whose exceptional status was removed, were also closed by the decree of the Council of Ministers dated September 2, 1925, and Law No. 677. With this regulation, the last eight exceptional waqf lands administered by trustees, keepers of *zawiya*, and sheikhs passed into the hands of the Ministry of Finance.¹⁰⁰

The final point regarding waqfs was the replacement of the term waqf with the

97 Ibid., p. 406.

98 Ibid., p. 407. Öztürk provides a good example of the rising objections to the emerging situation and the responses to them: When Sheikh Abdulhalim, Sheikh of the Konya Mevlana Lodge, and Tahir Amil, Mevlevi Sheikh of Kastamonu, demanded that the tithe tax of the villages affiliated with the *tekkes* be given to them, or, if this was not possible, that the loans taken out in 1924 to cover the *tekke*'s expenses be repaid, the Ministry of Finance, in accordance with Article 84 of the 1924 Constitution, that private and legal persons or third parties acting on their behalf could not collect tithes and other duties, and therefore the sheikhs could not collect the tithes. Although there was no objection to the tithes being given to their rightful owners, the *tekkes* were closed by the Council of Ministers Decision No. 2413 dated September 2, 1925. The endowed tithe belongs to the *tekke*, not the sheikh, and since the *tekkes* have been legally abolished, payment cannot be made to a non-existent institution. No bonus or monthly payment can be given to the sheikh in exchange for the abolished tithe. It has been stated that only the debt incurred by the sheikhs in 1924 to cover the expenses of the *tekkes* can be repaid, provided that it does not exceed the tithe collected by the state (Ibid., p. 411).

99 Ibid., p. 409.

100 Ibid., pp. 110-111.

term “institution” (“*tesis*”) in the Civil Code adopted in 1926, which effectively buried “waqf theft” in history (at least until the Waqfs Law No. 903 of 1967).¹⁰¹

In summary, with the establishment of the Republic, religious community waqfs were abolished, thereby undermining the rural bourgeoisie (spiritual aghas) based on religious communities. The waqfs established by the “secular” rural bourgeoisie (worldly aghas) continued to exist under public supervision, but new ones could not be opened. Waqfs belonging to the sultan and his entourage became part of the public property. The theft of public property through waqfs, emphasized by Kıvılcımlı in his historical perspective, was reversed within the framework of the contradictory nature of class struggles, bringing the confiscation of waqfs for the public property in the 1920s to the agenda.¹⁰²

Of course, all these developments eliminated the waqfs, *tekkes*, and *zawiyas* on which the spiritual aghas of the Eastern Anatolia were materially based. At the same time, it also eliminated the material-spiritual relationship they had established with their disciples around them (whether or not it was based on economic enterprises).

The spirit of the Caliphate: madrasas and schools

The Unified Education Law No. 430, one of the so-called revolutionary laws,

101 Alp Yücel Kaya, “Cumhuriyet’in İlanı Sonrası Sınıf-içi Mücadele Alanı Olarak Vakıflar”, *Modernizmin Yansımaları, 1920’ler*, Funda Barbaros and Erik Jan Zürcher (eds.), Ankara: Efil Yayınevi, 2025. We will not go into detail here, but as of 1926, waqf properties entered a widespread liquidation process. A process similar to the expropriation and sale to the public of monastery land and property after the English Revolution and of church and aristocratic land and property after the French Revolution also took place after the bourgeois revolution in Turkey, but its impact remained limited under the conditions of a “revolution without the masses.” Nazif Öztürk’s research is quite comprehensive on this subject, but new research is needed on this topic, which has not been studied much. See Nazif Öztürk, *Türk Yenileşme...*

102 In this context, it would be useful to consider Hüseyin Hatemi’s assessment. Hatemi notes that with the enactment of the Waqf Law in 1935, old waqfs established before the Civil Code were not made subject to the Civil Code. He reveals that old waqfs that were not administered by trustees descended from the founders and were managed by the Ministry of Waqfs were defined under a single legal entity called “legal personality of closed waqfs” and that the Court of Cassation also considered this to be a “legal personality under private law.” According to Hatemi, if the legal personality of endowed waqfs is a private law legal personality, this private law legal personality is under the guardianship of a public law legal personality. “This ‘guardian’ is the General Directorate of Waqfs, which is recognized by law as a public law legal personality. Since administrative guardianship is a relationship that can exist between two public legal entities, we can view this relationship as a *sui generis* Private Law guardianship.” Waqfs known as attached waqfs, whose trustees can be identified from among the old waqfs, retain their separate legal personality. If the trustees of attached waqfs cannot be appointed and they are managed by the General Directorate of Waqfs for ten years, such waqfs also become part of the legal personality of closed waqfs (Hüseyin Hatemi, “Vakıf Kurumuna Hukuk Tarihi Açısından Genel Bir Bakış”, *İstanbul Üniversitesi Hukuk Fakültesi Dergisi*, vol. 55, no. 4, 1997, p. 121).

is intertwined with the issue of the Caliphate as well as the issue of waqfs. Specifically, this law transferred all madrasas and schools administered by the Ministry of Religious Affairs and Waqfs or private waqfs to the Ministry of Education. The law also stipulated the transfer of the rights to use waqf buildings related to education and the income sources endowed for this purpose to the Ministry of Education and provincial administrations. It also envisaged the transfer of the relevant budget allocated to the Ministry of Religious Affairs and Waqfs. Within this framework, in 1925, a payment of 140,000 TL was made to the Ministry of Finance to be transferred from the budget of the General Directorate of Waqfs to the Ministry of Education, and this continued for many years. The revenues from the annexed waqfs that were allocated for the educational expenses of schools and madrasas transferred to the Ministry of Education and provincial administrations were, after the accounts of the trustees were examined and approved, transferred to the provincial administrations in accordance with the conditions of the waqf. This practice continued until 1937.¹⁰³

Law No. 430 also provided for the establishment of a Faculty of Theology at İstanbul University to train “specialists in higher religious studies”¹⁰⁴, and at the same time envisaged the opening of separate schools to train officials who would perform services such as imamate and preaching. This emerged as a regulation targeting madrasas providing religious education, rendering them ineffective.

Bruinessen emphasizes that traditional madrasa education served an integrative function among the Kurds. The use of Kurdish as the language of instruction in Kurdish madrasas played a significant role in this. On the other hand, since Islamic law was taught according to the Shafi’i school of thought in these madrasas, they and their graduates became connected to other important Shafi’i teaching centers such as Cairo, Mecca, and Medina. Thus, in the final period of the Ottoman Empire, Kurdish madrasa graduates became a local intellectual elite with a cosmopolitan orientation. In this context, Law No. 430, according to Bruinessen, posed a significant threat to the tradition of Islamic education, its intellectual networks, and the development of Kurdish literacy.¹⁰⁵

To see the impact of Law No. 430 (as well as Law No. 431), it suffices to look at a short passage from the biography of Sheikh Said, who would lead the Kurdish insurrection in 1925, in the Encyclopedia of Islam published by the Türkiye Diya-

103 Öztürk, *Türk Yenileşme...*, pp. 381-382.

104 Mehmed Seyyid Bey, the first Minister of Justice of the Republic, would become the first dean of the Faculty of Theology at İstanbul University, established in 1924.

105 Martin van Bruinessen, “The Abolition of the Caliphate, Secularization and Kurdish Nationalism,” *The Abolition of the Ottoman Caliphate, 1924, Debates and Implications*, Elisa Giunchi and Nicola Melis (eds.), Routledge, 2025, pp. 78-79.

net (Religious) Waqf:

He was born in Palu. He was of Zaza origin from the tribes living in Eastern Anatolia and was the grandson of Sheikh Ali Sebtî of Palu, who belonged to the Khalidiya branch of the Naqshbandi order. It is recorded that Ali Sebtî was the caliph of Khalid al-Baghdadi or his brother and successor Mahmud Sâhib, and that his son Mahmud was also among his caliphs. Sheikh Said's father was Sheikh Mahmud Fevzi, who resided in Hınıs for many years, and his mother was Gule Hanım. Sheikh Said, who migrated to the Piran region during World War I, settled back in Hınıs after the War. He established several madrasas in Palu and Hınıs; he gained fame as the head of these madrasas and as the sheikh of the Palevi branch of the Naqshbandi order. Thus, he stood out both as a teacher and as a member of the class of sheikhs. At the same time, he was the leader of the surrounding tribes and the first person the local people turned to for religious and social issues and inter-tribal conflicts. Through marriage, he was also related to Cibranlı Hâlid, one of the commanders of the Hamidiye Regiments... He was an influential figure within the traditional structure of the region, whose word carried weight, whose fatwas were sought, and who was respected within the Sufi tradition.¹⁰⁶

The spirit of the laws: The 1924 Constitution

The Basic Organization Law (*Teşkilât-ı Esasiye Kanunu*), adopted on January 20, 1921, is, as Bülent Tanör points out, a short framework constitution. It did not include fundamental constitutional topics, particularly individual rights and freedoms; the provisions of the 1876 Constitution that did not conflict with the Basic Organization Law were deemed to remain in force. With this constitution, the new state, embracing those living within the borders of the National Pact (*Misak-ı Milli*) without ethnic discrimination, was named the Turkish State; it was declared that sovereignty belonged unconditionally to the nation; the Grand National Assembly assumed both legislative and executive powers; and the principle of local self-government was accepted.¹⁰⁷

According to Sungur Savran, three factors played role in the Basic Organization Law being a constitution based on local self-government: The Ankara government sought to win over the Kurdish people (primarily its bourgeoisie) with such a constitution, endeavored to preserve the powers of the local congresses (organized

106 Zekeriya Kurşun, "Şeyh Said," *Türkiye Diyanet Vakfı İslam Ansiklopedisi*, <https://islamansiklopedisi.org.tr/seyh-said> (accessed online 10/24/2025).

107 Bülent Tanör, *Osmanlı-Türk Anayasal Gelişmeleri, (1789-1980)*, 7th Edition, Istanbul: Yapı Kredi Yayınları, 2001 (1992), pp. 252-267.

by the provincial bourgeoisie) on which the Grand National Assembly was founded, and could not remain indifferent to the Bolshevik organization based on soviets.¹⁰⁸ These three factors, which made the principle of local self-government possible, also explain why the Basic Organization Law was a framework constitution and, in particular, why it did not include the heading of rights and freedoms. Because the Kurdish and Turkish bourgeoisies greatly feared any possible intervention in the properties and property rights they had acquired through *de facto* and *de jure* usurpation and seizure, this intervention could come from Armenians, occupying forces, and Bolsheviks, as well as from the poor laboring class. Article 20 of the People's Group (*Halk Zümresi*) Political Program, announced on September 8, 1920, on which the Constitution of the Republic was based, states that "the land belongs to the treasury," thus abolishing private property of land and establishing public property.¹⁰⁹ In Anatolia, deeply mired in social question, and under the dominant atmosphere of the October Revolution, the Grand National Assembly was forced to pass the Coppice Forest Law on October 14, 1920, which provided for the expropriation of the land of the provincial bourgeoisie in order to "preserve the country" in response to the pressure of the laboring classes, which had begun to stir.¹¹⁰ In our opinion, it is precisely for this reason that the draft Basic Organization Law, discussed during the socially heated and, for the bourgeoisie, anxious autumn and winter months of 1920 in the Grand National Assembly, did not include a heading on rights and freedoms that would give the law its spirit and outline the distribution of property rights. However, it should also be noted that, based on the principle of local self-government, it protected property rights that had already been established in local administrative councils. In this context, it is evident that the Turkish and Kurdish bourgeoisie, who clung tightly to their property, did not shed their Savigny-inspired mantle with the 1921 Constitution.

By January 1921, the elimination of Çerkes Ethem and his forces, but especially the events of the night of January 28, 1921¹¹¹, marked a rapid shift in the winds against the laboring classes. After September 9, 1922, the bourgeoisie seemed to

108 Sungur Savran, *Bir İhtilal Olarak Millî Mücadele*, Yordam Kitap, 2023, pp. 129-130.

109 "The ultimate ownership of the land belongs to the state treasury. To those who do not own land, the government shall provide a sufficient amount of land free of charge, so that every peasant can work freely and independently, and thereby the maximum cultivation and productive use of the land can be ensured..." (Mete Tunçay, *Türkiye'de Sol Akımlar (1908-1925)*, 3rd Edition, Ankara: Bilgi Yayınevi, 1978 (1967), p. 422). See also Emel Akal, *Moskova-Ankara-Londra Üçgeninde İştirakiyuncular, Komünistler ve Paşa Hazretleri*, İstanbul: İletişim Yayınevi, 2013, p. 222.

110 Kaya, "The Bourgeois Revolution in Turkey..." , pp. 92-95.

111 On the night of January 28th to 29th, 1921, Mustafa Suphi, the inaugural president of the Communist Party of Turkey (*Türkiye Komünist Partisi*, TKP), along with 14 leading members of the party, were killed in Black Sea.

have declared its dominance. An entrepreneurial group consisting of 37 merchants and 55 deputies, most of whom were engaged in trade, including Yunus Nadi from the People's Group, established the Turkish National Import and Export Corporation on September 19, 1922.¹¹² This company is a clear indication that the bourgeoisie, the founders of the new regime (especially the large landowning provincial bourgeoisie among them), did not limit themselves to politics but also transformed themselves through new investments in trade, industry, and finance.

With the signing of the Treaty of Lausanne in 1923, we saw that there were no longer any obstacles to the establishment of the independent Republic of Turkey and the construction of the "nation-state." After this, the first step towards the nation-state was taken with the adoption of the Constitution of April 20, 1924. The 1924 Constitution, prepared with reference to the 1875 French constitutional laws and the 1921 Polish Constitution, was drafted in accordance with the classical constitutional system, unlike the 1921 Constitution. It regulated the establishment of the state, its organs, and their functioning, and enshrined rights and freedoms.¹¹³ Although the general principles emphasized that "The Turkish State is a Republic" and "Sovereignty belongs to the nation without restriction," unlike the 1921 Constitution, the principle of local self-government was abolished, and a centralist approach to administration was introduced, emphasizing the Council of Ministers. The fact that rights and freedoms were granted under the heading "Public Law of the Turks" is another indication that the principle of local self-government had been shelved. Article 88 states that "the people of Turkey are called Turks in terms of citizenship, regardless of religion and race," acknowledging the existence of ethnic differences but actually homogenizing them by calling them all Turks. The Kurds have not found a place for themselves in the new constitution.

With these characteristics, we believe that the article that gave the 1924 Constitution its spirit is Article 74, which eliminated the concerns of the bourgeoisie and guaranteed property rights:

No one's property may be expropriated or seized unless the necessity for the public utility has been duly established and the value has been paid in advance in accordance with the relevant law.

Except for monetary, real, and labor obligations imposed by law in extraordinary circumstances, no one may be compelled to make any sacrifice.

This article guarantees the property rights of both the Turkish and Kurdish

112 Selim İlkin, "Türkiye Milli İthalat ve İhracat Anonim Şirketi," *ODTÜ Gelişme Dergisi*, no. 2, 1971, pp. 229-230.

113 Tanör, *Osmanlı-Türk...*, pp. 292, 294.

bourgeoisie. However, Article 73, stating that “Torture, cruelty, appropriation, and forced labor are prohibited,” also sets limits on the exploitation of labor that had become entrenched among the large landowning rural bourgeoisie.¹¹⁴ As such, the 1924 Constitution (based on the historical understanding of law that regulates person-to-person relations) envisions a property regime that follows the Hegelian path (based on the idealist understanding of law that regulates person-to-thing relations) rather than the Savignyian path.¹¹⁵ A significant segment of the Turkish bourgeoisie accepted changing its costume and donning the Hegelian jacket, while a significant segment of the Kurdish bourgeoisie turned its back on the new costume (under the influence of other factors as well, such as the principle of local self-government and the disregard for national rights) and insisted on preserving the Savignyian jacket.

The matter of the aghas and beys: The tithe

The “Law on the Abolishment of the Tithe (Âşar) and the Tax to Replace It” dated February 17, 1925, and numbered 552, abolished not only the tithe tax but also the mechanism for collecting the tithe tax, the tax-farming. The tax-farming, which the bourgeois-bureaucrats abolished with the *Tanzimat*, was this time abolished by the Republican bourgeoisie. The goal was the same: to weaken the material basis of the provincial bourgeoisie, which fed off large land holdings. In both periods, the bourgeoisie, following the Hegelian path, considered cutting off the branch it was sitting on in order to establish its own absolute order and overthrow the provincial bourgeoisie, which followed the Savignyian path. Even if it suffers losses in the process, this was necessary for the new regime (the Hegelian path), and a bourgeois order that could chart its own course would inevitably be built afterwards.

In this context, the abolition of the tithe and the tax-farming system had two consequences for the provincial bourgeoisie: large landowners became subject to a new agricultural production tax (which would not last long) in place of the tithe, but they were freed from the burden of the tithe. However, with the abolition of the

114 It is well known that the limits imposed by the Constitution on labor exploitation remained on paper; forced labor and other obligations are always subject to the power struggle between patrons and workers, and the governments of the Republican era never refrained from resorting to practices such as road tax, which included road construction obligations, convict labor, and compulsory labor.

115 As we saw above, Minister of Justice Mehmed Seyyid Bey stressed that the caliphate did not protect fundamental rights and freedoms, stating that property rights only began to be protected with the 1839 Imperial Rescrit of Gülhane and the 1876 Constitution. In this context, it should be noted that the 1924 Constitution showed continuity with the legal texts of 1839 and 1876 in terms of following the Hegelian path.

tax-farming, an investment area that was entirely under their control disappeared. In this situation, while some accelerated their commercial and industrial investments, which they had begun to focus on after 1908, others found a solution in switching from tax-farming to contracting (which was not very different in the essence). The new class configuration that emerged as a result of the abolition of tax-farming brought to the fore the mutual reinforcement of the provincial bourgeoisie and the Hegelian path, and vice versa.¹¹⁶ However, here we must make a separate note about the provincial bourgeoisie in the Kurdish- Armenian provinces. The abolition of the tax farming system, which served as a springboard for their rise in the 19th century, turned the world of the aghas and beys upside down. Except for those who had previously turned to commercial and industrial investments and those who were in alliance with the new regime, it was difficult for them to open up a new field to replace this investment area. On the one hand, the fragmentation of the Middle and Upper Tigris-Euphrates economic unit prevented them from accelerating commercial and industrial investments as the provincial bourgeoisie doing in the West. On the other hand, contracting, which requires close ties with the central bureaucracy, was not something that the bourgeoisie that founded the Republic would share with Kurdish aghas and beys. Not only did the Kurdish aghas and beys had no intention of departing from the Savignain path on which they were founded, but for those who try to depart, the area of economic activity and investment would remain limited to their provinces.

Law on the maintenance of order: Peace at home!

Sheikh Said, whose biography we saw a passage from above, was the most influential person in the region north and east of Diyarbakır. Thanks to the dense caliph network in the region, he had gained the loyalty of the tribes who spoke the Zaza language. He was also related by marriage to Khalid, the leader of the Cibran tribe, the largest Kurmanji-speaking tribe in the region, who was a member of Azadî, an organization of Kurdish officers, bureaucrats, and beys who were organizing to establish a Kurdish state. Sheikh Said was also a major livestock trader; every year, his son would take large flocks of sheep from the mountain pastures of Erzurum and Bingöl to the markets of Aleppo.

According to Bruinessen, although there were signs that Sheikh Said shared the nationalist sentiments of the Azadî members to a certain extent, what primarily motivated him was the collapse of the old order, namely the abolition of the sultanate

116 For an instructive study on the subject based on a rare source, see Sadık Sarısaman, “Mahkeme Kayıtlarına Göre Cumhuriyetin İlk Yıllarında İltizam Problemi: Afyonkarahisar Örneği”, *Afyon Kocatepe Üniversitesi Sosyal Bilimler Dergisi*, vol. 6, no. 2, 2004, pp. 122-130.

and caliphate and the suppression of the madrasas.¹¹⁷ According to Sheikh Said, these developments severed the ties that united the Kurds and Turks. Sheikh Said's 69th ruling by the Eastern Independence Court after his trial is also almost along these lines:

...Sheikh Said bin Sheikh Mahmud had long nurtured the treacherous aim of establishing an independent Kurdistan. In recent years, he had turned this desire into an ideal and a political goal. He believed that achieving this criminal objective—which would lead to the separation of the Eastern Provinces from the Turkish Republic (forming an integral part of the whole and completing its unity), and ultimately to the dismemberment and disintegration of the homeland—was initially difficult and almost impossible. Convinced that preparations were necessary in proportion to the importance and magnitude of his ambitions, he gradually began to take action. First, he incited and deceived the sheikhs, murids, and followers around his zawiya who obeyed him unquestioningly and submitted slavishly to his every command. Then, he targeted influential local people and tribal leaders. Exploiting the Republican Government's abolition of the caliphate, madrasas, sheikhdoms, and waqfs, as well as its tolerance of misleading press publications, he personally delivered sermons in mosques and, through trusted agents, sent letters and proclamations to provoke and mislead the population. From abroad, he sought material and moral support by dispatching his son Ali Rıza with special instructions to Seyyid Abdülkadir in Istanbul—the founder of the Kurdish nationalist ideal and the most influential and hopeful figure among the Kurds. Later, he contacted traitors on the southern borders who had been expelled beyond the national frontiers in accordance with the Treaty of Lausanne and who had been working to overthrow the government since the Armistice. He secured their promises of assistance and participation. He prepared weapons, ammunition, and other military supplies both internally and externally. Emboldened by the pride arising from these successful preparations, he no longer felt the need to conceal his treacherous intentions. He planned and anticipated creating a pretext and an incident to launch his scheme...¹¹⁸

According to Bruinessen, his dual role as a spiritual leader and animal trader enabled him to travel extensively among the tribes in preparation for the insurrection and to persuade local aghas and beys to join the uprising.¹¹⁹ The events unfolded as follows:

On Friday, February 13, 1925, in the village of Piran, in the Eğil district of Ergani, in the province of Genç (now a district of Bingöl province), ten of Sheikh

117 Bruinessen, "The Abolition of the Caliphate...", p. 87.

118 Mahmut Akyürekli, *Şark İstiklâl Mahkemesi 1925-1927*, Istanbul: Kitap, 2013, p. 66.

119 Bruinessen, "The Abolition of the Caliphate...", p. 87.

Said's men, who had been arrested on charges of banditry, refused to surrender to the gendarmes and responded with gunfire, starting the uprising. For three weeks, events unfolded in favor of the rebels, and Sheikh Said's forces laid siege to Diyarbekir on March 7. Meanwhile, they dispersed some army units and captured the district of Palu and the center of Elazığ. After Sheikh Said failed to capture Diyarbekir, the mobilized soldiers gathered their forces and gradually gained control of the situation. Sheikh Said and the other leaders of the movement were captured on April 15, but the suppression campaign continued until the end of May.¹²⁰

There were also worldly aghas and beys who sided with the government before the uprising or joined the government forces during the uprising.¹²¹ In fact, according to Kıvılcımlı, "The Sheikh Said Insurrection was, above all, a trap set by the worldly aghas against the spiritual aghas."¹²²

During these developments, the Law on the maintenance of order No. 578 was enacted on March 4, 1925. Article 1 aimed to suppress any organization that could cause religious reaction, insurrection, and disruption of order:

The Government is authorized, upon the approval of the President of the Republic, to prohibit, on its own initiative and by administrative means, all organizations, incitements, encouragements, attempts, and publications that give rise to religious reactionism (*irtica*), insurrection (*isyân*), or that disturb the social order of the country, its peace and tranquility, and its security and public order. The Government may refer the perpetrators of such acts to the Independence Court.

120 Tunçay, *Türkiye Cumhuriyeti'nde...*, p. 128.

121 For a discussion of political groupings among the Kurds and the transformations within them, see Gündoğan, *1924 Beytüşşebap İsyanı...*, pp. 56-90.

122 "Because two of the other three beys that discussed the issue of insurrection with Sheikh Sait and would play the role of the central committee of the insurrection informed Kemalism of everything as soon as they separated from Sheikh Sait." Kıvılcımlı, *Yedek Güç Milliyet (Doğu)*, p. 197. One of the worldly aghas referred to by Kıvılcımlı must be Kasım Bey, one of the leaders of the Cibran tribe and also a major: "On April 14-15, Sheikh Sait is indecisive. First, he wants to surrender, then he changes his mind. He decides with those around him to cross into Iran via the Abdurrahman Pasha Bridge in the Dirik region south of Varto and through Bulanık. Major Kasım wants to surrender. His brother-in-law, Cibranlı Major Kasım, secretly wrote a letter to Osman Pasha and informed him that they would surrender! Major Kasım communicated with the government from October 1924 until the day they were captured! Sheikh Sait fell into the trap set by his brother-in-law, Major Kasım." Uğur Mumcu, *Kürt-İslam Ayaklanması 1919-1925*, Ankara: UM-AG, 1999 (1991), p. 83 (see also pp. 85-93). For Kasım Bey's statement at the Eastern Independence Court, see Mehmet Bayrak, *Kürtler ve Ulusal-Demokratik Mücadeleleri, Gizli Belgeler, Araştırmalar, Notlar*, Öz-ge Yayınları, 1993, pp. 375-380.

Pursuant to the law, the Eastern Independence Court was established, and following an “administrative” trial, 46 people, including Sheikh Said, who led the insurrection in the early hours of June 29, 1925, were executed in Diyarbakır. Decision No. 69 of the Eastern Independence Court following the trial also ruled that the *tekkes* and *zawiyas*, which were “sources of evil and corruption” located in 14 provinces and two districts within the court’s jurisdiction, should be closed.¹²³ As seen above, this decision was extended nationwide by a law enacted on November 30, 1925, closing all *tekkes*, tombs, and other places of pilgrimage.¹²⁴

The Turkish bourgeoisie characterized the insurrection as a “reactionary” and “feudal” insurrection through Sheikh Said. We do not limit the insurrection solely to the Sheikh Said Insurrection, but see it as a process that began with the Beytüşşebap rebellion organized by Azadî. It is known that Azadî was mainly organized by worldly aghas and beys. Therefore, it is not possible to separate the religious and national characteristics that drove the Sheikh Said Insurrection; in our opinion, both characteristics melted into the same pot, and Savigny’s characterization based on customary law in social relations, which underlines historical and social continuities, better reflects the social dynamics of the insurrection. On the other hand, as we will see below, the participation of the oppressed classes in the insurrection must also be taken into account. It should not be forgotten that their participation in the insurrection (regardless of whether it was effective or not) was sufficient to trigger the dynamics of uneven and combined development, the transformation of classes, and social leaps.

Let us not forget that Law on the maintenance of order did not only target the spiritual aghas, but also the poor Kurdish people. In this context, the course was set by the “Eastern Reform Plan” prepared by a committee consisting of Interior

123 “And upon examination of the investigations and inquiries conducted, it has been established before the court — through the testimonies and confessions given — that *tekkes* and *zawiyas* have become sources of evil and corruption; that in these *tekkes* and *zawiyas*, practices contrary to the noble Sharia are prevalent, such as — for example — sheikhs attributing to themselves — God forbid, God forbid — divine status and causing the people to worship and prostrate themselves before them, along with other conditions and rulings that the Sharia cannot accept; Therefore, since the continued existence and survival of such institutions is in no way permissible — neither from the perspective of Sharia, nor of reason, nor of law — It has been unanimously and publicly decided that all *tekkes* and *zawiyas* existing within the jurisdiction of our court, regardless of which Sufi order they belong to, shall be closed, sealed, and abolished.” Akyürekli, *Şark İstiklâl Mahkemesi...*, p. 74. According to Ahmet Süreyya (Örgeevren) Bey, the public prosecutor of the Eastern Independence Tribunal, this ruling rested on the article of the Law on Associations regarding unlicensed societies, as it had been determined that the *tekkes* and *zawiyas* had strayed from their original objectives and had effectively become administrative headquarters for political associations (Ahmet Süreyya Örgeevren, *Şeyh Said İsyanı ve Şark İstiklâl Mahkemesi, Vesikalar, Olaylar, Hatıralar*, (ed. Osman Selim Kocahanoğlu), İstanbul: Temel Yayınları, 2002, p. 179).

124 Bruinessen, *Agha...*, pp. 290-291.

Minister Cemil (Ubaydin) Bey, Justice Minister Mehmet Esat (Bozkurt) Bey, Chief of General Staff Kâzım Orbay, and Deputy Mustafa Halik (Renda) Bey, established by a decree of the Council of Ministers and submitted to the Prime Ministry and the Council of Ministers. According to the Plan, martial law declared in the Eastern provinces would continue. The general inspector was responsible for implementing the plan, and all military forces in the martial law zone were under his command. There would be no local judges, military or civilian, in the courts and martial law courts. “Abandoned Armenian land” would not be sold or leased to Kurds; Turkish migrants would be settled on this land. Kurds who occupied “abandoned Armenian land” where Turkish migrants were to be settled and could not show title deeds would be removed from these lands. A land and population census would be conducted. The people in the regions that participated in the insurrection would bear the costs incurred by the insurrection. Those who encouraged and managed the insurrection, along with their relatives, would be relocated to regions in the West designated by the government. The tribal structure would be abolished, direct contact between the people and the government would be established, and the people’s rights would be preserved and guaranteed by the government; for this purpose, officials appointed to the East would receive increased salaries and would be assigned for a limited time; no Kurdish officials should be appointed to lower-level positions. No language other than Turkish shall be used in government and municipal offices, schools, bazaars, and markets; Kurds settled west of the Euphrates shall be prohibited from speaking Kurdish. Measures shall be taken in border regions to prevent smuggling.¹²⁵

This “order” planned from such an internal colonialist perspective aimed to subjugate the laboring masses. The concern caused by the participation of the poor people in the insurrection had been significant in this regard. Bruinessen, perhaps due to his lack of information, somewhat timidly notes that the insurrection was joined by tribeless Kurds who were tenant farmers, sharecroppers, and laborers, as well as the unorganized lumpen proletariat (the urban underclass).¹²⁶ KIVILCIMLI, on the other hand, speaks more boldly of “the tremendous, uncontrollable wave of the masses of the Eastern Provinces (the unemployed + servants + laborers + *miriyvo*)”:¹²⁷

In the villages: The sharecroppers plundered the “mansions” of the aghas at the same time as they looted the police stations. This sudden assault bewildered and

125 The report also includes sections on military measures, the division of labor among law enforcement agencies, and the construction of official buildings, roads, and railways. For the full text of the report, see Bayrak, *Kürtler ve Ulusal-Demokratik Mücadeleleri...*, pp. 481-489.

126 Ibid., pp. 294-295.

127 Kivilcimli, *Yedek Güç Milliyet (Doğu)*, p. 197.

stunned both the spiritual and the worldly agha authority at once. The disorganized and “leaderless” hungry crowds and insurgent bands that stormed the cities began to carry out — without regard to any class-political tactics or strategic needs, without organization, openly and haphazardly — the very kind of plunder that the ruling classes in feudalism and capitalism (that is, in all class societies) carry out in an organized manner... Just as they attempted to share the wealth of the big bourgeois in the cities, they also resorted to contradictory and dangerous methods such as seizing the salt and bread of the small bourgeois who had withdrawn into their modest homes.¹²⁸

According to Kuvülcümlü, “the uprising, which erupted as unorganized action + a spirit of banditry + a reaction by the propertyless, turned into a futile form of anarchy that could never achieve synthesis.” As a result, “[t]he uprising began with the betrayal of spiritual aghas by worldly aghas. But in the end, it ended with the betrayal of all property-owning classes against the propertyless.”¹²⁹ Starting from here, let us first emphasize the reemergence of the concept of “administrative prohibition” which was the driving force behind the dispossession practices before and after 1908 with the Law on the maintenance of order. Next, let us reiterate that the bourgeois revolution of 1923 was a revolution without the masses, an exclusionary revolution based on suppressing any kind of independent initiative by the masses, let alone mobilizing them.¹³⁰ As a result of the Law on the maintenance of order, the spiritual aghas who led the insurrection were punished, but more importantly, social reaction was suppressed. The law secured the ruling classes’ power through pressure and violence, in the same way as the “administrative and peaceful settlement” of property disputes after 1908, in other words, through “peace at home.”

Civil Code of 1926

Since before 1908, the property law — defined within the framework of “administrative prohibition” practices that were “excessively individualistic”, that “protected individual interest to the detriment of public interest”, and that “overlooking the principle that in the conflict between two interests, the interest of society should always take precedence over the interest of the individual” — was completely re-codified from scratch with the Civil Code of 1926.¹³¹ The Civil Code, adopted from the Swiss Civil Code, entirely abolished the legislation based on customary law.

128 Ibid., p. 198.

129 Ibid., p. 198.

130 Sungur Savran, *Türkiye’de Sınıf Mücadeleleri, Cilt 1 1908-1980*, 4th Edition, Istanbul: Yordam Kitap, 2016 [1992], p. 92.

131 Cardahi, “La possession...”, pp. 236-237.

Moreover, with the simultaneous entry into force of the Commercial Code No. 865 together with the Civil Code, the inconsistent legal framework in which the bourgeois world had existed since the *Tanzimat* period was also eliminated. In this way, as Niyazi Berkes underlined, Turkey was freed from the oscillations between the Savignyian and Hegelian paths that had continued since the *Tanzimat* era.¹³² In the preamble (*exposé des motifs*) of the Civil Code, Mahmut Esat Bozkurt summarized — in his own way — the Hegelian path that Turkey had reached as follows:

There are no fundamental differences between the needs of nations belonging to the family of contemporary civilization. Continuous social and economic relations have brought humanity together into a large family of civilization. It should not be forgotten that the Turkish nation has decided to accept the principles of contemporary civilization as they are... The Turkish nation, which is resolutely moving towards joining and embracing modern civilization, must adapt itself to the requirements of that civilization at all costs, rather than adapting modern civilization to itself. The purpose of this law is not to uphold religious rules or customary traditions, but to safeguard all political, social, economic, and national actions.¹³³

According to Berkes, the Civil Code has established a new political law, and the revolutionary nature of the Code lies here:

We see that the aim pursued in the adoption of the Civil Code was not to regulate the civil relations of the people in accordance with traditions, customs, and religious rules, but, on the contrary, to reorganize these relations according to what they should be. This is where the revolutionary nature of the Code lies. Cevdet Pasha considered civil law to be the foundation of political law; now, civil law has been codified with the obligation to comply with the requirements of a new political law.¹³⁴

In other words, the law defined by tradition and religious rules has been replaced by a law defined by universal rules and economic interests (private property). Berkes refrains from saying so, but the process that culminated in the Civil Code is the formation process of the bourgeois revolution in Turkey. The commercial and industrial bourgeoisie, which had risen from large land ownership, feared the overthrow of the order it dominated after the October Revolution of 1917, under the pressure of popular movements and the specter of communism. Already unable

132 Niyazi Berkes, *Türkiye'de Çağdaşlaşma* (edited by Ahmet Kuyaş), İstanbul: Yapı Kredi Yayınları, 2012 (1973), p. 531.

133 Ibid., p. 531.

134 Ibid., p. 531.

to fit into the Savignyian path, it shifted to the Hegelian path, which would also facilitate its relations with the outside world. In land law, the force arising from customary law has now been definitively framed within the private property regime introduced by the Civil Code, which protects the bourgeoisie. Of course, the provincial bourgeoisie, which still wanted to preserve the Savignyian path, was the target of the bourgeoisie that had moved to the Hegelian path. The latter had to either draw the former to the Hegelian path or eliminate it, because the laws of capitalist development had to operate throughout the new borders of Turkey.

However, the history of the Republic shows us that the bourgeoisie, which began to follow the Hegelian path, was unable to either draw the provincial bourgeoisie, which preserved the Savignyian path, to the Hegelian path, or eliminate it. In Kuvülcümlü's words, the abolition of feudalism was "left to the whims of 'time'"; "the feudal lords and their remnants, who had wrapped their tentacles around a third of the country (and perhaps more than half)," were shown as target to the masses, but "the most essential requirements of the democratic bourgeois revolution" were not fulfilled, and achieving them was considered "a dangerous game."¹³⁵

Conclusion

Although Ekrem Cemilpaşazade was engaged in the struggle for an independent Kurdistan in the 1920s, it is evident that he was not particularly disturbed by the rights based on customary law that kept the laboring classes in a state of dependency while placing himself in a dominant position. In this respect, he was not like the revolutionaries of 1848 (such as the large landowning boyars of Wallachia and Moldavia¹³⁶) who sought a land reform that would liberate the serfs:

I spent most of my three years between 1922 and 1925 in villages, supervising my father's work. I devoted a lot of effort to improving wheat seeds and breeding fine foals from fine mares. I procured purebred rams to ensure the production of excellent purebred sheep. When I went to the city, I would meet with my friends, talk, share our troubles, and try to be helpful. After satisfying my longing for my mother, I would immediately escape back to the village. I cultivated a fruit garden with three hundred trees and a vineyard with a thousand vines, and on the hillside opposite my mansion, I also cultivated six thousand oak trees. I had an unparalleled tambourine player, and for winter nights, I had a storyteller. I oversaw my father's eight villages. I had about fifteen very ornate servants. They wore shawls and hats, had sleeves, swords, pistols, beautiful mares, and rifles. My villagers were also armed. Everyone in power had a new, clean rifle

135 Kuvülcümlü, *Yedek Güç Milliyet (Doğu)*, pp. 69-70.

136 Apostol Stan, *The Agrarian Problem During the Revolutions of 1848 in Wallachia*, Editions de l'Académie de la République socialiste de Roumanie, Bucharest, 1971.

with plenty of ammunition. When I had time, I would go hunting. I had trained hunting dogs and very famous greyhounds. In winter, I would go horseback riding to hunt rabbits, and in other seasons I would go on foot to hunt deer, quail, ducks, and wild pigeons. I loved hunting on foot. I owned English, French, and Belgian hunting dogs.¹³⁷

Emin Sazak, who, like Ekrem Cemilpaşazade, came from the provincial bourgeoisie and also benefited from Armenian “abandoned property”, set sail for a completely different legal system and world with the bourgeois revolution of 1923:

October 26, 1925, Ankara

For quite some time now, I haven’t been able to write about extraordinary circumstances either.

I deemed the general situation suitable for establishing a construction company and have been busy setting up a company with a capital of 500,000 lira under the name “Türkiye Cumhuriyeti İnşaat Türk Anonim Şirketi” (Turkish Joint Stock Company of Construction) for a period of twenty years. May God grant success. No one else has contributed capital to the company yet. I am managing it entirely on my own. God willing, if I truly achieve the result I hope for this time, I will consider myself successful.

There is not yet a well-known, established, powerful company in the country. We are also recognized by the government and the public as “business people.” The country is in need of many public works services, such as railways. I saw this as the most reliable and profitable business. If God grants success, I hope the company will earn two million liras in two years. I also see that its management is feasible. May God protect us from sorrow.¹³⁸

In the Ottoman Empire, the provincial bourgeoisie rose within the class struggles of the 19th century and, at the beginning of the 20th century, consolidated these positions as much through the law they had constructed as through violence. During the National Struggle period, the provincial bourgeoisie — already intimately connected with and undergoing transformation within the capitalist world — saw its western wing, under the pressure of circumstances (popular movements and the specter of communism), shed its old shell and transform into a commercial

137 Ekrem Cemilpaşa, *Muhtasar Hayatım ...*, p. 53. Immediately after this paragraph (on the same page), in which Ekrem Cemil Pasha describes his life based on servants, his reference to the enslavement and servitude of the Kurds is quite striking: “In the Treaty of Lausanne concluded in 1923, the British imperialist state defied all the states of the world and trampled on the rights and independence of the Kurds secured by the Treaty of Sévres. The British state sold the Kurds like slaves in slave markets to Mustafa Kemal and King Faisal of Baghdad.”

138 M. Emin Sazak, *Emin Bey’in Defteri, Hatıralar*, İstanbul: Bilgeoğuz Yayınları, 2009 (2007), p. 243.

and industrial bourgeoisie (while at the same time entering into alliance with the existing financial, commercial, and industrial bourgeoisie), thereby shifting to a Hegelian position. Its eastern wing, by contrast, under the pressure of its own specific conditions (the Armenian threat, the fragmentation of the Middle-Upper Tigris-Euphrates economic unit, and the fact that its sources of wealth were rooted in spiritual relations), remained confined within its own world and preserved its Savignyian position. The proclamation of the Republic, together with the so-called revolutionary laws of 1924 and the 1924 Constitution, completely severed the ties between these two factions. The Turkish bourgeoisie in the West declared total war on the Kurdish bourgeoisie in the East — particularly on its spiritual wing. The Sheikh Said Insurrection of 1925 emerged as a consequence of this confrontation.

On the other hand, the struggle within the bourgeoisie, which had developed since the 19th century and was characterized by uneven and combined development, continued under the Republic with the slogan “peace at home, peace in the world.” This opened the way for the Turkish bourgeoisie to operate in a corridor that shelved Ottoman imperialism in the outside world and suppressed society by excluding it internally. “Peace in the world” is unique to the Republican regime, but “peace at home” is not something unfamiliar to society; it was experienced both before 1908 during the despotic period and after the 1908 Revolution. It also determined the fate of the Republic.

While writing that “the republican bourgeoisie, just like the *Tanzimat* bourgeoisie (hope may their life ages not resemble) once again ‘abolished’ feudalism,” but that it only pretended to do so when one looks at the developments after 1925,¹³⁹ Dr. Kuvılcımlı must have already foreseen in the 1930s that the life of the republican bourgeoisie (which we define as the bourgeoisie following the Hegelian path) would be short.¹⁴⁰ The crisis it is experiencing on the 100th anniversary of the Republic is the clearest evidence of this. This crisis is as much connected to the effort of the bourgeoisie preserving the Savignyian path — which emerged from its ashes — to put Ottoman imperialism into practice in place of “peace in the world”

139 Kuvılcımlı, *Yedek Güç Milliyet (Doğu)*, pp. 69-70.

140 Perhaps at this point it would be useful to recall the following passage from our article “The Bourgeois Revolution in Turkey 1908-1923”: “Hegel defends the codification of private law that emerged with the French Revolution, Savigny defends the continuity of customary law against such revolutionary regulations; thus, while Hegel demands the consolidation of the rule of the bourgeois class and the preservation of the revolution, Savigny demands a conservative revolution with the restoration of the pre-revolutionary class order. But it should be noted that when it comes to Prussia or the Kingdom of Württemberg, things change, if not for Savigny, then for Hegel. In the post-Napoleonic “*Tanzimat*” period of the German states, Hegel would favor the preservation of the political order (under the kingdom and its institutions) while maintaining his revolutionary position in law” (Kaya, “The Bourgeois Revolution in Turkey...”, pp. 71-72).

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(by mobilizing its western and eastern factions), as it is rooted in the conditions of “peace at home” that have kept society under pressure since the founding period of the Republic.¹⁴¹

141 Sungur Savran, “Cumhuriyet’in Krizinin Kökleri”, *Devrimci Marksizm*, no 55, 2023, pp. 53-88.