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# Oligarchy as a Trade Union Default Setting: A Structural Re-examination of Union Democracy in Turkey\*

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## ABSTRACT

*From the earliest days of the labor movement, rank-and-file members' supposed democratic control over their trade unions has been a constant problem due to certain sociological factors that reinforce oligarchy in organizations, and the five-decade Turkish experience of free unionism has proven to be no exception to this general tendency. This article first of all discusses the basics of union democracy as a concept and clarifies the fundamental difficulties for its consolidation. Secondly, it examines the post-1982 Turkish context of unionism structurally and procedurally on the issues of centralism, union organs, delegation and workplace representation, and asserts that the union organizational structure in Turkey further reinforces oligarchical rule, preventing the emergence of opposition and leadership contention within large unions. It also discusses the current structural provisions that support or hinder union democracy in a direct manner under the Trade Unions and Collective Labor Agreements Act No. 6356 regime in comparison to the former union laws.*

**Keywords:** *Union Democracy, Iron Law of Oligarchy, Turkish Trade Unionism, Union Law.*

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## ÖZET

### Bir Sendika Varsayılan Ayarı Olarak Oligarşi: Türkiye’de Sendika İçi Demokrasinin Yapısal Yönden Yeniden İncelenmesi

*Emek hareketinin ilk günlerinden bu yana, sıradan üyelerin, sendikaları üzerinde sağlamaları beklenen demokratik hakimiyetleri, örgütlenme içinde oligarşiyi destekleyen belirli sosyolojik faktörler sebebiyle sürekli bir sorun teşkil etmiştir, ve Türkiye’nin elli yıllık serbest sendikacılık deneyimi de bu genel eğilime karşı bir istisna oluşturmak-tan uzaktır. Bu makale ilk olarak sendika içi demokrasi kavramının temel öğelerini tartışmakta ve yerleşmesinin önündeki ana zorlukları açıklamaktadır. İkinci olarak, Türkiye’nin 1982 sonrası sendikacılık dönemini merkezîyetçilik, sendika organları, delegasyon ve işyeri temsilciliği konularında yapısal ve usul özellikleriyle incelemekte, Türkiye’deki örgütsel sendika yapılanmasının oligarşik yönetimi daha da pekiştirdiğini ve büyük sendikalarda muhalefetin ve liderlik çekişmelerinin ortaya çıkmasını engelle-diğini öne sürmektedir. Ayrıca bugünün 6356 Sayılı Sendikalar ve Toplu İş Sözleşmesi Kanunu düzenindeki sendika içi demokrasiye doğrudan destek veya engel oluşturan yapısal hükümler, eski sendika kanunlarıyla karşılaştırmalı olarak tartışılmaktadır.*

**Anahtar Sözcükler:** *Sendika İçi Demokrasi, Oligarşinin Tunç Kanunu, Türkiye Sendikacılığı, Sendika Hukuku.*

## 1. INTRODUCTION

Despite the overall decline of unionization across the globe and particularly in Turkey where the unionized workforce is approximately 11.95%,<sup>1</sup> trade unions continue to be among the primary organizations vital for the political inclusion of large masses in modern societies, especially in those that experience constant turmoil of democracy in state administration. Democratic rule over union decision-making provides the working class a voice, not only limited to the internal politics of their specific unions, but also in the wider society through political pluralism and collective action of the organizations that represent large social groups. However, oligarchy has dominated most union administrations regardless of contextual differences in the labor movement, and the Turkish experience has, and continues to have a strong correlation with this general tendency. *Sendika ağaları* (union lords) is a term well known by anyone involved in

<sup>1</sup> In accordance with the latest published (July 2017) Ministry of Labor and Social Security statistics: <https://www.csgeb.gov.tr/media/5605/2017-temmuz-ay-i-istatistigi.pdf>

union affairs in Turkey in the last five decades, reflecting the permanence of top officials in organizations supposedly democratic, as required by both the current and previous Turkish constitutions (1982, Art. 51; 1961, Art. 46/2). Although there is no general consensus on the necessity of union democracy and on the methods to ensure it, numerous scholars of unionism from the early twentieth century and onwards concur on its vital role in promoting either the efficiency of the organization, proper representation of the workers, or union revitalization and renewal.<sup>2</sup>

In order to evaluate democratic conduct in union organizing, a precise understanding of union democracy is needed. From the narrowest perspective, union democracy could be described simply as the members' ability to replace their leaders by popular vote. Under formal and procedural terms, this would require, as a minimum, the existence of free and contested elections for the top administrative offices within the organization. In this sense, Dahl's (1956) theory of polyarchy suggests the basic elements for democracy as being a high level of enfranchisement, one person one vote, and contested elections for the legislative and administrative offices. In such a system, a continuous lack of turnover in leadership or close contest between candidates in top office elections over an extended period of time would ordinarily indicate an undemocratic climate inside the organization. Needless to say, democracy entails several elements apart from turnover in leadership and electoral contention, of which some are also among the factors that cause the absence of these two basic aspects. From a broad perspective and in accordance with modern democratic pluralism theories, the concept of union democracy also includes rank-and-file members' participation in each decision-making process within the organization, their overall control of how the union operates, the existence and application of basic membership rights, and the accountability and transparency of union activities. This broad approach demands the combined evaluation of several procedural and behavioral factors, which overall involve a complex system of practices and values that include liberal elements that both directly and indirectly affect democratic conduct, such as protection of minorities and individual

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<sup>2</sup> Asserting a wide range of its positive effects, the importance of union democracy is elaborated in several studies, such as Dereli (1977), Şahlanan (1980), Strauss (1991, 2000), Stepan-Norris and Zeitlin (1995), Stepan-Norris (1997), Hurd (2000), Summers (2000), Deren-Yıldırım (2001), Eaton (2006), Levi et al. (2009), Sipahi (2017).

members against arbitrary action of both the union administration and the employers.

While there are conflicting groups of scholars of unionism in terms of their views on how democracy should be methodologically regarded, many consider it a structural matter that should be derived from public democratic models of government, therefore proposing theories that accommodate a system of checks and balances between the functional branches of government (Cook, 1963; Dereli, 1977; Edelstein and Warner, 1979; Şahlanan, 1980). To secure such requirements, formal measures through laws and union statutes<sup>3</sup> are needed. Such structural/procedural perspectives place emphasis on the formal structure of organizations, the powers of the top leadership, as well as civil and political rights guaranteed to individual and minority members in union statutes (Stepan-Norris, 1997). In the Turkish union literature, constitutional (state) provisions and labor/union laws have been primary issues of focus (Şahlanan, 1980; Deren-Yıldırım, 2001). From such general principles on internal and external rules, specific issues have been proposed extensively both in the general and Turkish literature. Slichter (1947), for instance, argued that in addition to pluralist political criteria such as voting based on equality and fairness, the resolution of disputes by separate and independent organs, and the separation of policymaking and execution organs, union-specific criteria should also be upheld: the guarantee of open membership regardless of race, religion and political orientation, transparency on the union's finances, pension provisions for the retired leaders, and compulsory retirement ages in order to secure a change of leadership with younger candidates are among such measures. Similarly, Summers (2000, p. 9) provided an "essentials" list: access to information about union affairs and finances; freedom to express views concerning union policies and conduct of union officers without fear of reprisal; ability to communicate those views within the union and freedom to organize with others to promote these views; the right to a fair hearing in union tribunals, and so forth. Most comprehensive studies in the union democracy literature have identified and listed such features that secure democratic conduct in union operations and decision-making, which

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<sup>3</sup> Union statutes is the term for union constitution (the US term) and union rulebook (the British term) in the Turkish context.

will be discussed in general and in relation to the Turkish context in the following sections.

Studies also commonly adopt participatory/behavioral perspectives in which active membership involvement in decision-making and the actual existence and effectiveness of organized opposition in unions are seen as primary foci of analyses for democratic conduct. The amount of contention in union elections provides one of the basic variables to measure democracy in these approaches, as the closeness of the electoral competition indicates the state of opposition in each context. General (Strauss, 2000) and comparative studies on unions (Edelstein and Warner, 1979) have focused on such variables. In addition to these basic aspects of participation, sociocultural qualities, behavioral patterns and perceptions of union members and officials have been studied through the utilization of polls and deep interviews among the membership, as in Dereli (1977), Lipset et al. (1977), Demirdizen and Lordoğlu (2013).

Instead of approaching the subject through a participatory/behavioral perspective or an emphasis on the individual union freedom and rights, this article is concerned solely with the formal union organizational structure that shapes the democratic climate in unions. Turkish unionism in the post-1982 context is determined strictly by union laws, and internal union organizations are greatly limited in their forms within the current legal system. Therefore, organizational conditions stipulated by Act No. 6356 and the secondary sources of union legislation should be thoroughly examined in order to evaluate whether the structural framework imposed by the force of law supports or hinders union democracy in the Turkish context.

## **2. The Iron Law of Oligarchy and Its Contenders**

The general factors that reinforce oligarchical tendencies and threaten the realization of union democracy have been discussed extensively since the early twentieth century and onwards by social scientists. However, it is commonly acknowledged that debate on the form of union administration has more often than not been through empirical studies testing Robert Michels' hypotheses of such tendencies in labor organizations (Eaton, 2006, p. 203; Levi et al., 2009, p. 205). I will be

examining these briefly before an analysis of the Turkish context in order to evaluate the structural and procedural qualities of the current system of organization accordingly.

### **2.1. The Theory of Oligarchy**

Robert Michels, convinced that the experience of European political parties and labor organizations by the early twentieth century provided concrete evidence for his theory, famously claimed that “it is organization which gives birth to the dominion of the elected over the electors, the mandataries over the mandators, of the delegates over the delegators. Who says organization, says oligarchy” (Michels, 1915, p. 401). The Michelsian theory, in sum, asserts that those who come to power as leaders in mass organizations through elections are separated from the rank-and-file members by the bureaucratization and professionalization of the administrative processes, and due to certain psychological and intellectual factors that cause a lack of meaningful opposition and checks, obtain the power to consolidate their control over the whole of the organization. This hypothesis, according to Michels, was validated by virtually all western European mass organizations, regardless of conservative or socialist orientation. However, oligarchy within the democratic socialist movement was an even more significant and curious phenomenon, because it was in clear contradiction to the ultimate, declared democratic ideals of socialism. Simply put, the oligarchic outcome within such parties and unions was an “unintended consequence of organization” (Lipset et al., 1977, p. 5). To conclude on the primary hypothesis, Michels suggested that “the increase in the power of the leaders is directly proportional with the extension of the organization [...] in the various parties and labor organizations in different countries the influence of the leaders is mainly determined (apart from racial and individual grounds) by the varying development of organization. Where organization is stronger, we find that there is a lesser degree of applied democracy” (Michels, 1915, p. 33).

In addition to Michels, several studies through the 1950s to the 1970s, during which the organized labor movement was at its peak in the west, also examined the factors that caused oligarchic control in labor organizations. The monopolization of power by the officials of large unions can be explained by five fundamental factors. Firstly, the process of union

organization develops a hierarchical, bureaucratic structure. It should be noted that I use the term “bureaucracy” in the Weberian sense, as used by Michels (1915) and Dereli (1977), meaning a form of organizing ruled by effective, rational, predictable, and impersonal relations. Bureaucracy is a result of increased and necessary specialization and division of labor which is demanded by the needs of the increased size and capabilities of the organization, and makes the administration rational and responsible in its dealings with management and their subordinate units. Increased bureaucracy directly results in increased power at the top of the organization and decreased power among the ordinary members. The increasing complexity of administrative practices and divisions of labor that are naturally demanded by the growth of the organization widens the gap between the leaders and the led in terms of power and knowledge of union affairs and separates them. The leadership consolidates power at the top by justifying it on the basis of standing strong in unity against the employers and the state.

Secondly, control over formal means of communication within the organization is in the hands of the officials, in the form of union newspapers or other channels (Michels, 1915; Lipset et al., 1977). The administration can communicate its own agenda and viewpoint to the members through the organization’s media, meanwhile obstructing rival ideas and objective information on union activities and affairs. The lack of information and communication between different groups (locals, branches, etc.) inside the organization hampers the emergence of an organized opposition.

Thirdly, the administration has a monopoly of political skills and there is an absence of those skills among the rank-and-file members (Weber, 1946; Lipset et al., 1977). Union officials, in time, obtain necessary political skills through the merit of their leadership positions through experience, whereas the ordinary members do not have such political training opportunities. Michels calls this “the formal and real incompetence of the mass” (Michels, 1915, p. 80). Elected leaders in due course become professionals of administrative processes, therefore also attaining intellectual superiority over the common worker in several respects. The resources, technical knowledge and competence that are acquired in matters inaccessible to the mass helps secure the leaders’

position, making them virtually indispensable. While lesser offices may be effectively contested, the leaders at the top of the organizational hierarchy, who are already well known and possess political skills due to their experience as officers, have a greater chance of being favored in elections.

The monopolization of the union officials' power by the three factors described above is further reinforced by their innate motivation to preserve the personal gains brought by their offices, which is the fourth element causing oligarchic control. Once elected as a top official of a large union, the leader is elevated to a higher social class with the privileges of higher income and prestige. For the leaders, Michels argues, "the loss of their positions would be a financial disaster, and in most cases it would be altogether impossible for them to return to their old way of life [...] the proletarian leader has ceased to be a manual worker, not solely in the material sense, but psychologically and economically as well" (Michels, 1915, p. 208, p. 299). Thus, it is asserted that the social distance between the trade union leader's position as an official and his position as a regular worker correlatively determines his desire to retain the leadership position (Lipset et al., 1977). Consequently, considering the actual welfare of the average worker and the professional official of a national union in Turkey, it is safe to assume that the social distance between the two positions is comparatively greater than most examples of western unionism, and the motivation for the incumbent leadership to stay in office is even more vital on a personal level.

The fifth and last general factor that poses problems for the realization of democracy in unions is the ordinary members' low interest and participation in union politics. Regardless of contextual differences, most union members have little concern for the routine activities of the union, which naturally results in apathy toward union policies. There is ample data proving that most members seldom attend union meetings unless there is some sort of crisis. Apathy toward the formation and implementation of policies in labor organizations is a "human, all-too human, tendency" (Michels, 1915, p. 51). Union members generally spend most of their time at work and choose to be with their families after work hours. Moreover, in general, union meetings are uninteresting, routine sessions: "the ordinary member who attends can hardly feel



himself a significant participant in any decision-making process, nor does the meeting itself, as a spectacle, usually possess any interest or human drama" (Lipset et al., 1977, p. 262). Members mostly perceive the union administration processes as technical matters and therefore have little concern for them.

Each union has to wrestle with the general factors listed above that result in tendencies to undemocratic practices inside the union organization, and the one century long experience of unionism since the study of Michels has proven that the iron law of oligarchy is to be defied only by specific arrangements in union organizing and/or other special conditions.

## **2.2. Studies Testing the Iron Law**

Perhaps the most well-known case study in the union democracy literature was conducted by Lipset, Trow, and Coleman (1977) which focused on the International Typographical Union (ITU). The exceptional characteristic of this union was that for several decades it was run by an effective two-party system in which the parties formed inside the organization contested for the election of administrative offices, an extraordinary case among union organizations. The study demonstrated high democratic standards in the ITU, uncommon in other trade unions across the globe. The ITU is an exemplary case deviant to the iron law of oligarchy.

Lipset et al. (1977) developed their hypotheses on how union democracy can be achieved through the special characteristics they observed in ITU. They extended the theories of political pluralism and of mass society as depicted by political thinkers such as Tocqueville and Lederer to union organizing. The essence of these theories is that in a large society, if citizens cannot be a part of a variety of political groups and associations, they will remain as a mass of powerless individuals, and those that rule will have absolute power over the mass. They applied these theories to the realm of internal politics of private organizations, suggesting that democracy is most likely to be institutionalized in organizations whose members form organized or structured subgroups in which they maintain a basic loyalty to the larger organization, as they constitute relatively independent and autonomous centers of power within the organization (Lipset et al., 1977, p. 15). As in the context of Turkey that will be elaborated in the following

sections, most trade unions have one formal, hierarchical organization in which there are no autonomous subgroups that can serve as a base for opposition against the incumbent administration or as an alternative source for communication among the members. Therefore, members are usually unable to act collectively in dealing with their leaders. In the case of the ITU, several institutions (e.g., sports clubs, newspapers, lodges, and veteran groups) apart from the union's administrative body existed as an overall occupational community within the organization. These institutions counteracted the above-mentioned factors that work against union democracy by creating permanent and separate channels of communication among the members. Although the primary goals of these groups were social, they also served to increase political awareness and activity, training their members in political conduct. Thus, these organizations that formed the basis of the ITU's occupational community, together with cross relations in the workplace and union administration, including its unique two-party system, broke up the linear relationship between union rank-and-file members and officials which exists in most trade unions (Lipset et al., 1977, p. 104).

Apart from the two-party system and basic statutory rights of the political opposition, the foremost organizational feature of the ITU that contributed to democracy was the autonomy of the shop stewards and locals that serve as independent bases of political power that are less vulnerable to controls from above because of the two-party system (Lipset et al., 1977, p. 148). These features secured a general distribution of power in the union which "makes it impossible for the incumbent leadership to destroy the opposition without destroying or seriously weakening the union" (Lipset et al., 1977, p. 416). Similar findings were proposed in later studies (Stepan-Norris, 1997). The Turkish union, branch relationship, and shop-floor organizational structure which typically reflects features opposite to the ITU shall be examined in the following sections in this regard.

It should be noted that Lipset et al. (1977) emphasize the occupational community that is outside the formal union organizational hierarchy as the primary determinant of the success of democracy in the ITU. However, several studies conducted in the following decades proved that not every democratic union possessed the exceptional characteristics observed in the ITU. The comparative study of Edelstein and Warner, for instance,

focused on the formal structure of organization itself, suggesting an organization in which a formal status system and formal substructures allow or even promote a high level of competition for office in order to achieve democracy (Edelstein and Warner, 1979, p. 62). The study compared large US and British unions and the results of their periodic elections for top posts between 1949 and 1966, in which British unions proved to have closer competition than US unions. They emphasized internal and formal organizational features for the differences of democratic quality in the unions, and observed an empirical relationship between these and the effectiveness of opposition. Autonomous sub-organization that is formally a part of the union structure is the key element of the study on the realization of union democracy. They were convinced that the structure of a formal organization may contribute even more to democratic decision-making than they were able to show in their studies (Edelstein and Warner, 1979, p. 340). The essence of their theory is that close elections (the primary component in determining the level of union democracy in the study) are most likely to result from competition among contenders of equal status, power, and reputation, which is resolved by an electorate formally subdivided into potential supporters (i.e., regions and locals) of equal electoral strength. The contenders either emerge as strong “countervailing powers” (in which the contestants are few and equally powerful) or randomly among numerous candidates that are equally powerless (Edelstein and Warner, 1979, p. 67). Edelstein and Warner point out several formal factors that contribute to higher amounts of contention: the existence of intermediate levels between the top of the organization and its subunits, such as autonomous, large, and high numbers of regions or locals; a high number of elected officers of both the same rank and of lower and higher ranks in union administration; narrow status gaps between the top positions; full-time delegates who are drawn from the rank and file that are highly autonomous and independent from the national (top) organization; voting systems not biased in favor of administrations; and judicial processes outside the administration’s control as an important means to check the power of the administration.

Studies also analyzed structural and procedural components of unionism and democracy, observing other cases deviant to the iron law of oligarchy. For instance, Stepan-Norris and Zeitlin conducted studies that compared

the highly democratic ITU with unions of similar democratic quality, concluding that “instead of an iron law, we have an elastic law: the features that act to suppress democracy do not always overwhelm those that encourage it” (Stepan-Norris, 1997, p. 502). The study that compared United Automobile Workers Local 600 with the ITU yielded entirely different structural and political characteristics despite the equally impressive level of democracy (Stepan-Norris, 1997). Stepan-Norris and Zeitlin (1995) also examined unions of the Congress of Industrial Organizations with emphasis on internal democratic regulations and the autonomy of the subgroups within their organizations that promoted union democracy, in parallel with the studies of Edelstein and Warner. Despite such studies that emphasize the conditions for the democratic successes of specific unions, it is generally acknowledged that most labor organizations have remained under the constant sway of oligarchy as depicted by Michels a century ago.

### **2.3. Studies on the Turkish Context**

The pioneering study on union democracy in Turkey is Bengü Dereli’s Ph.D. dissertation (1977) that analyzed the processes of internal union organization dynamics, collective labor agreements, and issues of leadership on political, sociocultural, and legal terms in an interdisciplinary manner for the 1961 Constitutional context of Turkish unionism, shaped by the Trade Unions Act No. 274. In the study, an empirical analysis of polls was also conducted among union members in which demographical data and the perceptions of the ordinary members were collected and examined. The foremost aspect of union democracy Dereli has proposed is the necessity of the separation of powers inside union administrations and the problems experienced in this respect in the Turkish context. In the 1961 Constitution era (1961–1982), union internal disciplinary and auditory organs still lacked the necessary level of power, and the status of these organs were unclear and insufficiently provided by the laws. Dereli suggested measures be taken through the force of law and that in case the law does not provide, independent organs of legislation, execution, and judiciary should be made mandatory by statutes if necessary, and that administrations should not have any judicial role whatsoever (Dereli, 1977, p. 198). These have been met to a certain extent under the later provisions, which will be examined in the following sections.

Compared to Dereli's comprehensive study that takes both structural/procedural and participatory/behavioral aspects of union democracy into account, Şahlanan's Ph.D. dissertation (1980) focuses strictly on the legal structure concerning unions and democracy, the Turkish constitution (1961) and laws, and the related jurisprudence, emphasizing the procedural rules derived from the sources of legislation as prerequisites of democratic conduct. He asserted that problems inherent in centralized, national unions reinforced rather than countered the tendencies to oligarchy, such as the procedures of the delegation system for the election of leaders and policymaking that brought various setbacks and deviations from democracy in the pre-1980 era of unionism (Şahlanan, 1980, p. 10).

The legalistic framework of the 1961 Constitution and Act No. 274 was the main issue of focus by both Dereli and Şahlanan, who identified similar problems for Turkish union democracy, and made various legal suggestions for its promotion. The recent studies on Turkish union democracy have mostly conducted legal analyses in relation to the criteria primarily provided by the earlier studies of Dereli and Şahlanan.

### **3. Turkey-type Unionism and Democracy**

Although the post-1982 era of unionism is distinct from the previous era in which Act No. 274 was structurally more flexible for union organizing, several problems of union democracy asserted by Dereli and Şahlanan have remained intact, or, in a few certain cases, have become an even more hostile threat to democracy, whereas others have been eliminated to a great extent, especially with the implementation of the current Act No. 6356. It should be noted that there are multiple features of the current organizational and legal context that hinder union democracy in Turkey in an indirect manner, such as the industry based double authorization barrage, and the check-off method for the collection of dues adopted with the provisions brought by the previous Trade Union Act Nos. 2821 and 2822 of 1983, which are still preserved with some alterations in the Act No. 6356 regime. These have been discussed elsewhere at length (Sipahi, 2017) and only the direct structural determinants of internal democratic conduct will be presented here.

### 3.1. Centralism

Under the 1961 Constitution era and Act No. 274 framework, two different types of unionism co-existed in Turkey: local or workplace unions that joined to form union federations (from bottom to top) and national, “Turkey-type” unions<sup>4</sup> that formed their branches locally (from top to bottom). There is a general consensus that the former, federal type of organization, with its decentralized character, tends to yield more democratic results within labor organizations (Dereli, 1998, p. 25; 2014, p. 14). Concurrently, in Dereli’s pilot study (1977), the polls had indicated that the decision-making processes in local unions that are members of union federations were more inclusive than those in union branches of national unions. National unions had more control and influence over the union branches, who had no legal identity compared to local unions. Since collective labor agreements in Turkey have been centralized on the basis of work branch and workplace, union branches also generally did not possess the right to collective bargaining, contracts, and financial or administrative autonomy. Dereli had suggested that local unions and union branches should also have the right to bargain and make agreements, and that other ways to strengthen locals and branches should be sought. Furthermore, union branch officials could be directly appointed by the central administration, a process Dereli strongly suggested be replaced with elections (Dereli, 1977, p. 193, p. 199). Union laws of the post-1982 era adhered to the latter suggestion, making branch organ elections mandatory by force of law.

The ratification of Act Nos. 2821 and 2822 in 1983 restricted the unionization structure, making Turkey-type unionism the sole method of organization and effectively centralizing the system by eliminating all local and workplace unions and leaving the branches of the national unions as the sole type of local organization. In this system, unions shall organize nationally within a specific branch of activity, they have to fulfill a double barrage by recruiting large quantities of members in that branch to obtain authorization to make collective labor agreements, and branches do not have an independent legal personality or the right to

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<sup>4</sup> *Türkiye tipi sendika*, a term used in the literature to describe the distinct legal structure of union organization in Turkey (Dereli, 1977, p. 68; Şahlanan, 1980, p. 11).

conduct collective labor agreements with employers. They do not possess financial autonomy (Act No. 6356, Art. 11/2) and their administrative rights are limited by the powers of the national organization. Workplace and occupational unionism and their higher organizing, which were practiced in the previous era, were prohibited by law (Act No. 2821 Art. 3/1) for 30 years until the ratification of the new Act No. 6356 in late 2012. These have effectively centralized unionism across the country. The lack of branch autonomy that still continues to exist in the current Act No. 6356 regime is a primary concern of Turkish union democracy, as the members' connection to the central organization is strictly through the branches to which they belong.

The processes explained under the theory of oligarchy (section 2.1.) assert that when union organizations are larger and more bureaucratized, union democracy tends to weaken, and the centralist character of the post-1982 Turkish context boosts these processes. Within this system, branches cannot function as centers of power for potential organized opposition as strongly as local unions do, and therefore cannot contribute to democracy at the national union level. In the current context, the union branch is the only platform that has the potential to create "countervailing powers" as conceptualized by Edelstein and Warner (1979), and fails to do so due to the central administrations' formal and informal means that allow control over their operations, composition, and representation in the central general assembly meetings. Apart from the problems arising from the general bureaucratization process and member apathy explained in the second section, it is also more difficult to support the opposition in a national union through financial and other means. At local unions, face-to-face contact and communication between officials and ordinary members makes it possible for potential contenders to organize an effective opposition to the local leadership. However, in the event that such an opposition emerges in a national union that has to operate by law on the scope of industry (branch of activity that the union belongs to) where the monopoly of power and control of communication is in the hands of the incumbent leaders, the contenders are physically more distant from union members and have few resources to run a campaign that will successfully spread across multiple branches and sway those among the rank and file. Furthermore, the opportunities of a higher



union organization's leader compared to local ones are much greater in terms both of power and status. Leaders of national unions are in most cases full-time professionals who enjoy the privileges of upper classes compared to local unions. This brings us to the issue of the motivation for the leaders to stay in office that has been discussed in section 2.1. The consequences of returning to manual labor for the leader of a national Turkish labor organization is immensely great compared to a local union leader in terms of material and social benefits, hence their willingness to hold onto their seats.

### **3.2. General Assembly**

A basic principle of modern democracy is popular sovereignty. The rule of the union organization by its members, either directly or through their representatives, is an indispensable component of union democracy, and the union general assembly is the convention for its realization, as the supreme decision-making organ of the union. It elects the union administrative board and the other mandatory organs, determines the basic policies of the union, opens or shuts down branches, approves the budget and accounts, and decides on certain issues such as the expulsion of members. The formation and operation of the general assembly is therefore vital for democratic conduct.

The absolute majority of the total number of members or delegates constitutes the quorum for the general assembly meetings (Act No. 6356 Art. 13/1). In the case that the first meeting cannot be held due to a lack of a quorum, the second meeting shall be held within fifteen days. During the Act No. 274 era, second meetings were occasionally conducted by very small minorities. Act No. 2821 as well as the current Act No. 6356 prevented this problem which had anti-democratic repercussions by stating that the second meeting quorum is a minimum of one-third of the total number of members or delegates (Art.13/1). Extraordinary general assemblies shall meet within 60 days when deemed necessary by the administrative board or the board of auditors, or upon the written request of one-fifth of the members or delegates (Art. 12/4). The agenda of the general assembly is primarily set by the administrative board. In the case that the agenda-setting processes both before and during the general assembly is in the total control of the administrators, the rights



and demands of members/delegates attending the general assembly would be limited by the leaders' own preferences. To debate and decide on general policies and specific issues under such conditions would harm democratic conduct. It is mandatory to add issues to the agenda in case of a request by one-tenth of the members (or delegates) participating in the meeting, and the new law explicitly states that the request is to be made in written form (Art. 79). The provisions of Act No. 6356 and related jurisprudence regulating the extraordinary general assembly and other aspects of general assembly meetings with several specific procedures enhances democratic conduct by protecting minority rights against majority domination.

The frequency of general assembly meetings is directly related to union democracy, and short intervals between the meetings are suggested to ensure an adequate decision-making process (e.g., local general assemblies at least once every two years: Dereli, 1977, p. 198). Contrary to such suggestions, Turkish union laws have increasingly lengthened the intervals. Act No. 274 originally required ordinary general assemblies to meet once every two years. During this period of practice, it was claimed that such short intervals caused financial and practical difficulties for the organization. With such justifications, the amendment to Act No. 1317 of 1970 stated that the meetings shall be once every three years. Act No. 2821 of 1983 had originally retained this provision, but the interval was later increased to four years in 1995 with the amendment of Act No. 4101/5. The new Act No. 6356 Article 12/2 has kept the same provisions intact: the ordinary general assembly shall meet at least once every four years. The inadequacy of such long intervals are emphasized in the Turkish union literature (Şahlanan, 1980, p. 133; 1995, p. 63; Deren-Yıldırım, 2001, p. 1720; Esener and Gümrükçüoğlu, 2014, p. 115) and the current union law compared to the former has made no improvement on the issue. The actions of the administration are left unchecked within such long periods. Both ordinary members and delegates are separated from union operations and are potentially left uninformed about union affairs (Şahlanan, 1980, p. 133). Moreover, top office elections have a low frequency and decisions that can only be taken by the general assembly, such as the expulsion of members, are delayed.

Among the decisions that the general assembly is the main authority on, the opening, merging, and shutting down of union branches holds primary importance for the realization of democracy. The union general assembly either takes the related decisions directly, or authorizes the administrative board in this regard (Art. 11/h). As explained in the previous section, due to the current Turkish system of industry-based unionization and the enforcement of authorization barrages that effectively prevent workplace unionism, the role of union branches is essential for democracy. As the first stage of organization, the branch may potentially serve as an autonomous center of power that can produce political rivalry inside the union hierarchy. In the case that the administrative board holds absolute control over the formation of branches, they may alter the delegate quantities of specific branches to their advantage and may even shut down branches that have the potential to politically challenge the top officials or conduct clever mergers to diminish the power of opposition. Under the Act No. 274 regime, administrative boards would freely open or shut down branches or alter the size of their field of activity in order to control the delegates. Although Act No. 6356 allows the general assembly to authorize the administrative boards in these issues, Art. 8/g adds that union statutes shall include the procedures and principles for the establishment, merger, and closure of branches, their functions and powers, procedures and principles of their general assembly meetings, and the method by which they are to be represented in the union general assembly. Thus, the new law has provided formal instruments of control over the functions and formation of the branches should the unions themselves opt for such regulations, which may effectively produce autonomy for branches. However, most large unions continue to grant authorization of all of these powers to the administrative board without any limitations in their statutes, which is open to misuse (Sipahi, 2017, p. 249).

### **3.3. Other Mandatory and Optional Union Organs**

In order to secure individual membership rights and protections, transparency and accountability, union organs shall operate as powers independent of the incumbent leaders inside the organizational structure. According to Act No. 6356 Art. 9/1, apart from the general assembly, the mandatory organs of unions and their branches are the administrative

board, the board of auditors, and the disciplinary board. Also, unions may set up other organs as needed, as a basic aspect of collective union freedom. The functions and powers of the mandatory organs cannot be transferred to these organs (Art. 9/2). Aside from the basic aspect of elections, democracy requires a system of checks and balances, and in their absence, the organization may easily succumb to oligarchy. Under the current Turkish unionism system, checks and balances can be exercised by the union organs, the delegates and the shop stewards, which form the organizational hierarchy over the ordinary members. In the case that a group that holds the majority in the general assembly dominates all union organs, the separation of powers may find no actual practice.

The transparency of union accounts and therefore the auditing process of the organization is a prerequisite for democracy. Although the formal function of the board of auditors is indispensable in this regard, its significance diminishes in the common case experienced in the Turkish system where the administration as a group holds enough power to select the members of other boards by making a single list for elections in the general assembly. Neither the board of auditors nor the disciplinary board is a truly judicial organ that forms under a strict system of separation of powers in the union, because both are elected by the general assembly at the same time the administrative board is elected, resulting in the control of a single group in most circumstances. An external auditing mechanism that enhances transparency is brought back by Act No. 6356. Accordingly, financial auditing of the incomes and expenses of organizations shall be carried out once every two years at least by certified public accountants that have auditing authority (Art. 29/2). In the case that the union administration holds informal control over the board of auditors due to its power in the general assembly, the auditing of the union by an independent, third party provides information on expenses for the members and the state.

The disciplinary board is empowered to apply sanctions provided in the statutes other than expulsion from membership, which is an exclusive right of the union general assembly. Similar to the board of auditors, as an organ elected in the general assembly together with the administrative board, the disciplinary board may also easily fall under

the sway of the incumbent leadership, who may use it as an instrument to punish or eliminate opposing voices or dissident members of the union in an arbitrary manner. In this regard, as an informal extension of the administrative board under most circumstances, the disciplinary board has meager function as a separate institution to secure the protection of opposition and of minorities within the organization.

Turkish unions may also establish other organs apart from the mandatory boards mentioned above, which is an issue seldom discussed in the literature. As indicated above, although the mandatory organs cannot transfer their powers to such organs formed by the statutes, these organs may still have positive or even vital functions in terms of the realization of union democracy. They may provide alternative channels of communication and to a certain extent serve as centers of power, which are institutionalized bases of support for potential leaders. In the case of a well-established formal organizational structure that includes other organs within the union hierarchy, local leaders may derive power not from a single branch organization, but from the functions and composition of the organs. Moreover, problems caused by a lack of a genuine separation of powers in the union may be countered by enabling these organs with various functions, such as empowering them with checks on the implementation of decisions taken by the general assembly. Although the creation of such organs with effective functions in the Turkish context would seem fictitious to many, I have identified two such unions that have established organs possessing formal power over the union administration as stated in their statutes in a previous study.<sup>5</sup> Also, several other unions have established organs of an advisory nature which may contribute positively to democracy to a lesser extent.

### **3.4. Delegation**

The centralized and industry-based unionization system in post-1982 Turkey has forced a great decrease in the number of unions, simultaneously boosting the membership size of the existing ones. Therefore, the delegation method for union general assembly meetings became indispensable for virtually all unions. The formation of the general assembly by all of the members is undoubtedly more democratic

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<sup>5</sup> Güvenlik-Sen and Tes-İş (Sipahi, 2017, pp. 272–280).

than delegation, but a balance between effective decision-making and democracy may be established in the case that the member/delegate ratio is not excessively disproportionate and the delegates represent the interests and demands of the ordinary members. However, it has been asserted that union delegates attending the national union general assemblies can easily fall under the sway of the incumbent leadership and cannot truly represent the members because they lose their ability to criticize and politically maneuver to the advantage of the central administration (Dereli, 1977, p. 43).

Most of the large unions in Turkey use the system of double delegation. Consequently, a large majority of union members do not directly participate in decision-making mechanisms concerning the organization at a level higher than the branch general assembly. The first level delegation appears between workplaces and the union branch general assembly: in general, each union member of a workplace affiliated with the union branch participates in the election of delegates who shall attend the union branch general assemblies. Thus, a limited number of union members may participate in the lower decision-making mechanisms of the union. This hinders union democracy, as a large portion of the membership in the workplace are formally separated from general assembly meetings. The first level delegation further contributes to member apathy in union politics as argued under the theory of oligarchy. Dereli asserted that general assemblies of local unions and union branches should not be formed by delegation, regardless of the size of the local/branch, in order to consolidate union democracy (Dereli, 1977, p. 198). Furthermore, measures should be taken to prevent administrative boards' influence on the election of delegates. Members and delegates should be able to have contact opportunities, and whether or not the officials and delegates have appropriate levels of communication with the members is a direct determinant of democratic conduct. The second level delegation is between the union branch and union (central) general assemblies. Again, a limited number of union branch members is elected to participate in the union general assembly, the highest decision-making organ of the union. Unless a fair number of delegates from each union branch is represented, the ordinary members would effectively be disconnected from the central organization.

The procedures on delegation that were heavily regulated by Act No. 2821 are left mostly to union statutes with Act No. 6356 Art. 10/1, which simply states that the general assembly of the organizations shall be composed of its members or delegates in accordance with their statutes. The new legislation made a massive change by abolishing any quantitative requirements on the delegation system. Thus, all trade unions, regardless of membership size, can now opt for the delegation system. The deregulated delegation system provided by the new law has raised concerns in the literature (Şahlanan, 2013, p. 115; Çelik et al., 2015, p. 627). If unions opt for a huge disparity between member and delegate quantities, union democracy would be immensely hampered. Although it is not possible to come up with an ideal ratio, the member/delegate proportion should be minimal in order to achieve proper representational function (Cook, 1963, p. 228; Dereli, 1977, p. 190).

A vital threat to union democracy arises in the case that “natural delegation” is abused and matches, or even surpasses, the elected delegate numbers due to a disparity of member/delegate proportion. Delegation that is acquired through means other than election is called “natural delegation” in the union literature. The anti-democratic misuses of natural delegation in the pre-1980 era of Turkish unionism prompted the prohibition of delegate appointment by the statutes and administrations. Under the current regime, natural delegation is provided to the members of the mandatory boards of the organization only, as *ex officio* delegates (during their tenure of office) to the general assembly of their respective organizations (Act No. 6356 Art. 10/1). Thus, the new Act retained the natural delegation system of the previous Act No. 2821 and added members of the disciplinary board to it. The addition of disciplinary board members has been criticized as a threat to union democracy on two bases (Şahlanan, 2013, p. 115). Firstly, Art. 9/1 states that the number of union organ members other than the general assembly shall not be fewer than three or more than nine and the members of branch organs other than the general assembly shall not be fewer than three or more than five. In the case of the central organization, the statutes may determine the mandatory union boards with a maximum of nine members. Thus, a maximum of 27 *ex officio* delegates may be provided within the union statutes. Secondly, as mentioned above, the new Act has no quantitative

restrictions on the size of delegation (Art. 10/1). Consequently, it is possible to have more *ex officio* delegates than elected delegates in the general assembly. The implementation of such internal rules would bring a certain end to democratic rule. Although the deregulation of most issues pertaining to union/branch delegation has provided Turkish unions the legal capacity to organize the general assembly in a manner that cripples democratic conduct, none of the sample unions I have examined in a previous study have opted for measures that misuse the natural delegation system to effectively control the top decision-making mechanisms by setting the mandatory union organs to the maximum permissible by law and decreasing the quantity of elected delegates (Sipahi, 2017, pp. 301–304).

A delegation issue that has persistently been a major concern for union democracy in Turkey is based on the procedures on the election of delegates, particularly for union branches. Delegate elections at the workplace is the first stage of democratic participation and decision-making in Turkish unions. For a large proportion of workers that are members of trade unions in Turkey, it is the only stage that the member is presented with a choice which may influence changes in leadership and how the union operates. Therefore, any misconduct or manipulation in these electoral processes would cripple union democracy, and oligarchies are well-known to employ such instruments in order to secure their control over the organization as was done during the first decades of free unionism in Turkey under Act No. 274. In a way that would prevent this, the original version of Act No. 2821 of 1983, Articles 10 and 14 had brought strict regulations on the issue of union branch general assemblies and on the election of delegates who would attend them. Accordingly, these delegates would be elected under the rules of Art. 14 that provides judicial supervision (*yargı gözetimi*) over elections. Judicial supervision that is done directly during the elections is an important safety measure that ensures the full application of electoral procedures and prevents the manipulation of results. As a reaction, incumbent union oligarchs hastily objected to this provision, claiming that the imposed system would cause practical difficulties, delays and burdens for their organizations. In the following months, the article was amended by Act No. 2882, and the new provision (10/2) stated that these elections would be done in



accordance with the principles of free and equal voting, secret ballot, and open counting, and within the regulations of the union statutes, as the reference to Art. 14 was removed. In sum, judicial supervision on union branch delegate elections in accordance with Art. 14 was replaced with a lesser judicial control (*yargı denetimi*) mechanism on the basis of general electoral principles. Although a ruling of the Court of Cassation states that this change aimed to prevent practical difficulties in the implementation of the law and not to remove judicial control,<sup>6</sup> in actual practice, the fate of the elections for delegation was left in jeopardy, as the amendment has effectively reproduced insecurity in these elections. Act No. 6356 has not brought back judicial supervision, but states that objections to the results of delegation elections made within two days of the announcement shall be finally decided by the court of labor. In the case that the election is annulled by the court, the elections shall be repeated in fifteen days (Art. 16/2). The aim with this provision was to ease the drawbacks caused by the absence of direct judicial supervision of the branch delegate elections made in workplaces with a clearer regulation compared to the former act (Dereli, 2014, p. 14). However, the dominant concern in the literature is that this absence will cast a shadow over the union democracy process (Tuncay and Kutsal, 2015, p. 58). In the case that union branches are not formed in accordance with the will of rank-and-file members, decision-making in the branch and the delegates elected by the branch to participate in the central general assembly would have no democratic legitimacy, and the procedural insecurity over these elections continues to reinforce oligarchical control, as indicated in the findings of Demirdizen and Lordoğlu (2013, pp. 236–237).

### 3.5. Workplace Representation

Union members' direct contact with their organization is mostly through their face-to-face communication with the union workplace representatives (shop stewards). In the case that the delegation method is used for union branch general assemblies, the ordinary member has no immediate link to the organization apart from the shop steward, unless other mechanisms are devised by inner regulations. Therefore, the role of the shop steward in forming a link between the rank and file

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<sup>6</sup> Court of Cassation 9.HD., E. 1983/8689., K. 1983/10151., T.1.12.1983, YKD, p. 1984.



and the administration is vital. In the case that the shop steward acts merely as an agent of the central administration and is unresponsive to the expectations of members in the workplace, democracy within the organization would be further distorted.

With Act No. 2821 of 1983, it had become mandatory for shop stewards to be appointed by the administration from among members of the union with authorization for collective labor agreements in the workplace. The new Act No. 6356 made an important addition to this: in accordance with Art. 27/2, union statutes may now provide regulations for the election of shop stewards, instead of direct appointment by the organization. Thus, the new law allows members in the workplace to elect their own representatives if unions adopt the procedure, which is more democratic by definition. Under the new system, a few unions have opted for the election of shop stewards as a general rule in their statutes, reinforcing democratic conduct at workplace level (Sipahi, 2017, pp. 309–312).

#### **4. Concluding Remarks**

It is without doubt that there is more to democracy than the implementation of certain structural and procedural elements and legal provisions. Sociocultural qualities and the perceptions of the ordinary members that determine their behavior and to what extent they shape democratic conduct inside unions cannot be evaluated through structural and legalistic analyses. However, those who cite absences of democratic decision-making, opposition, and electoral contention in unions tend to neglect the structural–procedural problems and shortcomings in the general rules of organization, either dictated through the force of law or by the internal regulations of the unions themselves. In the post-1982 context, Turkish laws and related state regulations have been directly and indirectly defining the organization of Turkish unions through numerous rules of both vague and precise nature. Despite several improvements and protections on individual union freedom and rights, general assembly, auditing, and membership procedures by Act No. 6356, the factors that hinder democratic conduct inherent in the organizational structure set by the previous Act Nos. 2821 and 2822 are mostly intact, preserving the political monopoly of union

central administrations. An organizational structure that accommodates oligarchic control is the default setting of Turkish union organizing in the post-1982 context. Unless unions themselves opt for the implementation of certain features (e.g., the formation and empowerment of other organs aside from those stipulated as mandatory by Act No. 6356, the election of union workplace representatives instead of direct appointment by the central administration, making general assembly intervals shorter than four years) the system imposed by the lawmakers and consolidated in its three decades of practice effectively prevent the emergence of democratic decision-making, opposition, and meaningful contest in top administrative elections.

## REFERENCES

- Cook, A. H. (1963). *Union Democracy: Practice and Ideal*. Ithaca, NY: Cornell University Press.
- Çelik, N., Canikoğlu, N., Canbolat, T. (2015). *İş Hukuku Dersleri*. 28. Bası. Beta Yayınları, İstanbul.
- Dahl, R. A. (1956). *A Preface to Democratic Theory*. Chicago: University of Chicago Press.
- Demirdizen, D., Lordoğlu, K. (2013). Türkiye’de Sendika İçi Demokrasi ya da Bir İmkansızın Arayışı Mı? *Sosyal Haklar Uluslararası Sempozyumu*, pp. 223–241.
- Dereli, B. (1977). *Teori ve Uygulama Yönüyle Türkiye’de Sendika-İçi Demokrasi Sorunu*. Ph.D. Dissertation. Istanbul University.
- Dereli, T. (1998). Sendika İçi Demokrasi. *Türkiye Sendikacılık Ansiklopedisi* (Cilt 3). Kültür Bakanlığı ve Tarih Vakfı, İstanbul, pp. 23–26.
- Dereli, T. (2014). 6356 Sayılı Yeni Sendikalar ve Toplu İş Sözleşmesi Kanunu: Süreçler, Sorunlar ve Öneriler. *Çimento İşverenleri Dergisi*, 28/1, pp. 10–33.
- Deren-Yıldırım, N. (2001). Sendika-içi Demokrasi. *Prof. Dr. Nuri Çelik’e Armağan*. Beta Yayınları, İstanbul. Cilt II, pp. 1698–1726.
- Eaton, J. (2006). Union Democracy and Union Renewal: The CAW Public Review Board. *Relations Industrielles*, 61, 2, pp. 201–220.
- Edelstein, D. J., Warner, M. (1979). *Comparative Union Democracy: Organization and Opposition in British and American Unions*. New Jersey: Transaction Books.
- Esener, T., Gümrükçüoğlu, Y. B. (2014). *Sendika Hukuku*. Vedat Kitapçılık, İstanbul.
- Hurd, R. W. (2000). Professional Employees and Union Democracy: From Control to Chaos. *Journal of Labor Research*, 21, 1, pp. 103–115.
- Levi, M., Olson, D., Agnone, J., Kelly, D. (2009). Union Democracy Reexamined. *Politics and Society*, 37, 2, pp. 203–228.

- Lipset, S. M., Trow, M. A., Coleman, J. S. (1977). *Union Democracy: The Internal Politics of the International Typographical Union*. Garden City, NY: Free Press.
- Michels, R. (1915). *Political Parties: A Sociological Study of the Oligarchical Tendencies of Modern Democracy*. New York, NY: Hearst's International Library Co.
- Sipahi, I. (2017). *Scrutinizing Union Democracy: Organization and Opposition in Turkish Unions of the Post-1982 Context*. Ph.D. Dissertation, 2nd Ed. Istanbul Bilgi University, Ana Basın Yayın.
- Slichter, S. (1947). The Government of Trade Unions. *Challenge of Industrial Relations*. Ithaca: N.Y.: Cornell University Press, pp. 100–101.
- Stepan-Norris, J. (1997). The Making of Union Democracy. *Social Forces*, University of North Carolina Press, 76, 2, pp. 475–510.
- Stepan-Norris, J., Zeitlin, M. (1995). Union Democracy, Radical Leadership and the Hegemony of Capital. *American Sociological Review*, 60, pp. 829–850.
- Strauss, G. (1991). Union Democracy. *The State of the Unions*. Madison Wise, Industrial Relations Research Association.
- Strauss, G. (2000). What's Happening Inside U.S. Unions: Democracy and Union Politics. *Journal of Labor Research*, 21, 2, pp. 211–225.
- Summers, C. W. (2000). From Industrial Democracy to Union Democracy. *Journal of Labor Research*, 21, 1, pp. 3–14.
- Şahlanan, F. (1980). *Sendikaların İşleyişinin Demokratik İlkelere Uygunluğu*. Ph.D. Dissertation. Istanbul University.
- Şahlanan, F. (1995). *Sendikalar Hukuku*. İstanbul: Yılmaz Matbaacılık.
- Şahlanan, F. (2013). 6356 Sayılı Sendikalar ve Toplu İş Sözleşmesi Kanununun Sendikalara İlişkin Hükümlerin Değerlendirilmesi. *Çalışma ve Toplum Dergisi*, 2013/4, pp. 110–142.
- Tuncay, C., Kutsal, B. S. (2015). *Toplu İş Hukuku*. Beta Yayınları, İstanbul.
- Weber, M. (1946). *Essays in Sociology* (eds. Gerth H.H. and Mills C.W.). New York: Oxford University Press.