

The Formation of Constitutional Rule:
The Politics of Ottomanism between de jure
and de facto (1908-1913)

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Abstract

“The Formation of Constitutional Rule: The Politics of Ottomanism between de jure and de facto (1908-1913)”

Bariş Zeren, Doctoral Candidate at the Atatürk Institute for Modern Turkish History at Boğaziçi University and the Centre d'Études Turques, Ottomanes, Balkaniques et Centrasiatiques at the Écoles des Hautes Études en Sciences Sociales, 2017

The dissertation examines the functioning of Ottoman constitutional rule born in 1908 which aimed at forming a new body politic, an Ottoman nation, on the sociopolitical structure inherited from the "old regime." As this Ottomanism, which was officially and publicly referred as "the unity of elements" (*ittihad-ı anasır*), was closely related with the promise of parliamentarianism and the rule of constitutional norms, the dissertation focuses on the legislative and administrative practices starting in Spring 1909 until the outbreak of the Balkan Wars.

To this end, the study follows the enactment and application phases of certain critical laws in creating such a national unification — the martial law and the law on the conscription of non-Muslims to the Ottoman army — with specific emphasis on Macedonian-Bulgarian and Hellenist political networks.

Tracing the development of tensions and strategies among official and civil political actors in Istanbul and Rumelia evolving around these laws, the dissertation demonstrates deviations in the interpretation of the *Kanun-ı Esasi* by various representatives of sociopolitical factions, the heterogeneity of attitudes of central and local political actors, and the effective role of local struggles in the development of constitutional sovereignty.

160,000 words

Özet

“Anayasal Yönetimin Oluşumu: Resmî ve Fiilî Osmanlılık Politikaları (1908-1913)”

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Bu tez, ortak bir Osmanlılık kimliği oluşturma vaadiyle 1908'de yeniden yürürlüğe konan Kanun-ı Esasi'nin devr-i sabıktan devralınan yasal ve idari yapı üzerinde işleyişi incelemektedir. Gerek resmi gerek kamusal söylemde "unsurların birliği" (ittihad-ı anasır) olarak adlandırılan bu Osmanlılık arayışı her şeyden önce parlamentarizm ve anayasal normların egemenliği gibi vaatlere bağlı olduğundan, tezde de Bahar 1909'dan başlayıp Balkan Savaşları'na kadar süren yasal ve idari deneyime odaklanılmıştır.

Bu amaçla, incelemede kritik önemdeki iki yasanın, — İdare-i Örfiyye ile gayrimüslimlerin orduya alınmasını içeren Ahz-ı Asker yasalarının — kanunlaşma ve uygulama süreçleri, Makedonya-Bulgar ve Helenist çevreler üzerindeki etkileri üzerinden izlenmiştir.

Bu tez, İstanbul ile Rumeli'deki resmi ve sivil politik aktörler arasında ve içinde, anayasal pratikle tetiklenen gerilim ve stratejilerin izini sürmekte; Kanun-ı Esasi'nin Bulgar ve Helen davalarının farklı temsilcilerince yorumlanmasında görünen çeşitliliği, merkezi ve yerel aktörlerin çoğulluğunu, anayasal egemenliğin kurulmasında parlamento kadar yerel mücadelelerin belirleyici rolünü sergilemektedir.

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To Deniz

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Glossary of Non-English Terms

Cinsiyet	Race
Divan-ı Harb-i Örfi	Court-martial
Esnaf	Tradesmen
Headman	Muhtar
İdare-i örfiyye	Martial law
Kavmiyet	Ethnicity
Meclis-i Mebusan	Chamber of Deputies
Muhacirin	Muslim immigrants and refugees
Mutasarrıf	Sub-governor
Vali	Governor
Vilayet	Province

Abbreviations and Acronyms

AMAE	Archive de Ministère des Affaires Etrangères.
BOA	Başbakanlık Osmanlı Arşivleri.
CUP	Committee of Union and Progress.
FO	Foreign Office Archives of Great Britan.
h.	Calendar <i>Hicri</i> .
IMRO	Internal Macedonian Revolutionary Organisation
MMZC	Meclis-i Mebusan Zabıt Cerideleri.
r.	Calendar <i>Rumi</i> .
TBMM	Türkiye Büyük Millet Meclisi

A Note on Transliteration

In the transliteration of Ottoman, I choose the simplest form of latinization except for differentiating among “ع” (‘a or ‘i) and “ا” (a) in certain cases to avoid confusion of the meanings. As for the transliteration of Bulgarian, most letters are pronounced as in English, but I preferred to express glide sounds such as я, ю, and the archaic letter ъ with "j" (*ja, ju, je* respectively).

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*Kanun diyoruz; nerde o mescud-i muhayyel?
Düşman diyoruz nerde bu? Hariçte mi, biz mi?
Hürriyetimiz var, diyoruz, şanlı, mübeccel;
Düşman bize kanun mu? Ya hürriyetimiz mi?
Bir hamlede biz bunları, kahrettik en evvel.*

– Tevfik Fikret, *Doksan Beşe Doğru*, 1912

Introduction

... Well, I suppose you've just seen the petition. Ever since the Chamber of Deputies solved the problem of churches in Macedonia, I've been in the doldrums here. No one but the Vlachs knock our door anymore. But before, not a single day passed without the Rums or Bulgarians applying to us to solve a case, after cutting each other's throats in some remote district or village. They used to come us, I mean, they needed us... they were in need of us.

– Hamdullah Subhi, “*Delik Kiremit*” *Türk Yurdu*, 3, no. 29, 13 Kanun-1 Evvel 1328 (26 December 1912)

These are the words of a low ranking fictional Ottoman bureaucrat upon receiving a petition from the Vlachs of a certain village about their conflict with the local Ottoman Greeks. It was excerpted from a story written by Hamdullah Suphi amid the Balkan Wars, a time when the Ottoman Empire experienced a sudden military, territorial, and moral collapse. The story was titled after an anecdote of a roof mender, who, after years of successful busi-

ness, entrusted his job to his son. Nevertheless, his "naive" son would not succeed, because he actually mended broken roof tiles, while his father endured his work by installing the same broken tiles at another house for every repair.

This is an expression of the peculiar approach of a wider scope of Ottoman and Turkish statesmen, intellectuals and politicians vis-à-vis the 1908 constitutional revolution. In contemplating the hows and whys of the bloody ending of a period that started with celebrations of "Ottoman fraternity," this explanation correlates the collapse of the constitutional rule, thus indicating the internal deficiencies of the regime. This aspect gives the short story a distinguished place among those which attributed the "collapse" to various political misdeeds or intrigues, whether by domestic or foreign enemies. This criticism was uttered by various political camps. Hamdullah Suphi was a representative of a Turkist-populist current that flourished after the 1908 revolution. But a similar approach was reportedly shared by Sultan Abdülhamid himself, who, having seen the legislation on churches, exclaimed that Rumelia would definitely be lost. The same view had even been reuttered in various forms, occupying a place in the memory of the constitutional era.¹ Another point is that this argument held a legislation responsible for its voluntarism and even "success" in solving an acute crisis, apart from the debate as to whether the regulation really solved the problem in the eyes of the Christians. The formulation becomes more remarkable considering that it was attributed to an era when the Ottomanism — or to use a more specific term, the unity of elements (*ittihad-ı anasır*) — became the prominent norm. Instead of "unification," the lesson derived from this period apparently praised the persistence of "division." The metaphor of the roof mender not only defined the position of Christians vis-à-vis constitutional rule, but also underscored the position of

1 For instance, Cemal Kutay, a republican historian, related this view of Abdülhamid, expressing his agreement in following pages. See his *Türkiye İstiklâl ve Hürriyet Mücadeleleri Tarihi* Vol. 17, (İstanbul: Tarih Yayınları, 1961), 9582 and 9595-9596. Şevket Süreyya, a classical historian of the Republican era, utters the same perspective that the resolution of the problem of the churches led to a unification against the Ottoman Empire. See his, *Makedonya'dan Ortaasya'ya Enver Paşa*, Vol. 2, (Istanbul: Remzi Kitabevi, 1971), 288-289. Ali Naci, *Ya Hürriyet Ya Ölüm*, (İstanbul: Muallim Ahmet Halit Kitaphanesi, 1934), 82-83.

the Ottoman administration in relation to it. The story implied regret for relying upon constitutional law and devotion to a political mentality playing on crisis rather than remedies, and preferring the authority of a perpetual power distributor to a normative legal frame. Therefore, it could even be seen as a praise of the old regime, being preferable to the "constitutional legalism" of the new regime. According to the writer, the failure of the constitutionalism emanated ironically from its success.

The aim of this study is to explore the functioning and outcomes of a constitutional project that promised to overcome the "old regime," and create a unified Ottoman polity through the rule of law and parliamentary procedures. To this end, I elaborate a set of political and legal practices within the early years of the constitutional revolution, occupying an important place among the constitutionalist revolutions in the beginning of the twentieth century. By examining the socio-political dynamics of this period, we will trace the answers to the most general framework of questions in our study: How did the *Kanun-ı Esasi* —the "fundamental law"— function as a project of unity, on inherited divisions between communities and between the central and local governance? What were the social and political capacities to fulfill an idea of sovereignty that depended upon the constitution? How did the political actors of the new regime, this time including the revolutionary cadres, position themselves, construct their discourses and participate or react in the face of new formal and informal possibilities that the constitution opened? In short, how was the empire constitutionalized?

The answers to these questions will be traced within the policies of the constitutional regime vis-à-vis Christian elements in both the central and local scale. Considering the wide subject in a wide geography of an empire having various ethnoreligious communities and various Christian denominations, I concentrate on interaction of Rumelia with Istanbul, putting specific emphasis on the Ottoman Bulgarian and Ottoman Greek (*Rum*) political networks.² These choices correspond to the developments of the era. Rumelia,

2 Hereafter we will use Ottoman Greek and *Rum* interchangeably, and Hellenism defines political quests encompassing both the Kingdom of Greece and the Ottoman Greeks. More gener-

particularly provinces of Manastir and Thessaloniki on which we focus, were not only the centers of the revolution, but also the geography that posed crucial obstacles to achieving a constitutional frame that would expectedly produce Ottoman fraternity. These were the centers where ethnoreligious rivalries, both between Muslims and non-Muslims and within each community, were intensified and where the promises of the constitutional regime about the unity of elements would be put to the test. Ottomanism in general and constitutionalism specifically were not only about Christians. The Muslim population also occupied an important place in the overall development of the constitutional framework, particularly considering the delicate loyalty of Albanian Muslims. However, the official Ottomanism of the early constitutional era, apart from the Ottomanist quests oriented at Islamist identification, prioritized the Christian population in its idea of the unity of elements, which the literature would define as a liberal pluralist project.³ On the other hand, although in the course of events, the Christians could develop a common political agenda each Christian community had differing orientations and de-

ally, as we will see in the course of our study, neither Ottoman Christians nor specific communities such as Greeks and Bulgarians expressed a homogenous, clear cut ethnic, national, or even religious identities. The fluidity between the churches of both communities aside, in the secular sphere they encompassed many factions from those pursuing pan-nationalist ambitions to those struggling for a common social liberation with Muslims. In such a context, it is crucial not to essentialize any of these identities with a simplistic national identity. Hence except in cases where the language of specific documents are reflected, this study refers to actors with their political networks, with Hellenism/Hellenist and Macedonian-Bulgarism/Bulgarist being the dominant ones.

- 3 The scholar of the constitutional era, Tarık Zafer Tunaya, distinguishes between the early constitutional CUP, which until 1911 was Ottomanist in the sense that it defend the liberal stance of the unity of elements, and the CUP after 1911 which turned into a nationalist, secular, centralist, and statist party that in some cases appealed to Islamism; see his *Hürriyetin İlanı: İkinci Meşrutiyet'in Siyasi Hayatına Bakışlar* (İstanbul: Bilgi Üniversitesi Yayınları, 2004), 24. Not only the project of the unity of elements, but also the quest for a liberal socioeconomic formation dominated almost every sphere of the early constitutional period. Zafer Toprak agrees with this separation adding the economic opening of the regime which was marked by a liberal approach up until 1913. Zafer Toprak, *Türkiye'de "Milli İktisat" (1908-1918)* (Ankara: Tarih Vakfı Yurt Yayınları, 1982), 23-25.

mands depending upon their geographical and legal conditions. In this context, Ottoman Bulgarians and Ottoman Greeks (*Rums*), represented two active and rival, even hostile parties of the constitutional era, which enjoyed different, as well as similar legal status, and which pursued different strategies vis-à-vis the new regime. Indeed, starting with the Chamber of Deputies, it was the Ottoman Bulgarians' and Ottoman Greeks' representatives which led crucial debates, such as the Churches, Schools and Martial Law, as well as the problem of conscription of Christians to the army. Additionally, these two elements were the objects of various extraterritorial ties, not only of Great Powers, but also of a neighboring Balkan state's protectorate in form of legal privileges (as mostly the case with the Ottoman Greeks) or nationalist separatism (mostly concerning the Macedonian-Bulgarians). Thus they provide rich samples to observe how the formal and informal ties of the constitutional era worked on various segments of these communities.

§ 1.1 Categories of Constitutionalization: Convergence of Sovereignty and Law

This study argues that promulgation of Ottoman constitution in 1908 did not mean a reenforcement of a contract that had already been prepared and made available for application. Instead, it was only a beginning of a period in which constitutional understanding and constitutional rule evolved, and the Kanun-ı Esasi would be put into test vis-à-vis actual social context after thirty years of suspension. On the other hand, with the promulgation, Ottoman sociopolitical life as a whole, particularly its legal structure and administration would adapt themselves to a new constitutional framework.⁴ Hence, the revolution marked a history of integration and coalescence changing both the old and the new, a history what can be called constitutionalization.

4 Adaptation of extant Ottoman corpus juris to the constitutional regime was a critical topic that was brought up on the agenda of the Ottoman parliament. İbrahim Vasfi Efendi, Karesi deputy stated that such adaptation would take three of five years, considering that there were regulations comprising three hundred to five thousand clauses. See MMZC, Term 1, Volume 6, Session 123, 13 Haziran 1326 (26 June 1910), 578.

From a positivist, judicial perspective, constitution is typically defined as “an ensemble of regulations concerning the organization of a state.”⁵ On the other hand, the state has certain preconditions, too: A territory, a population and a force to exercise its authority.⁶ At the theoretical level, a modern constitution ensures functioning of this system in the scope of normativism and formality. Connecting an imperative by other imperatives, in a hierarchy of norms — “validation of a norm by superior norms”⁷ — distinguish the order of law from an arbitrary order. In this hierarchy, a constitution is presented as a fundamental law that determines and regulates the integrity of system and guarantees the subjugation of state mechanism to a coherent corpus juris.⁸ In this system, the legitimacy of fundamental law emanates from people as a body politic which is represented in the parliament.⁹

Such a positive representation of constitutionalism in an integrated legal system is an expression of a social and political context in which connections between institutional and legal framework were established. In fact, neither a need for integrity in relation of territories, population nor separation of state functions, the nature and authority of law were given categories of constitution. Particularly after the revolutionary emergence of constitutionalism in Europe, each of these categories were subject to continuous change along with the conception of constitution itself.

As a remarkable example of this change, Joseph de Maistre, who was an ardent monarchist at the beginning of nineteenth century, contradicted to identification of constitution with a coherent jurisdiction and a binding fun-

5 Francis Hamon, Michel Troper et. al., *Droit Constitutionnel* (Paris: Librairie Générale de Droit et de Jurisprudence, 2001), 17.

6 Ibid. 18. The French textbook referred to here uses the term “puissance publique.”

7 Ibid., 12.

8 Dieter Grimm, “The Achievement of Constitutionalism and Its Prospects in a Changed World” in *The Twilight of Constitutionalism?*, ed. Petra Dobner and Martin Loughlin (Oxford: Oxford University Press, 2010), 9.

9 Hamon and Troper, *Droit Constitutionnel*, 168. The friction between popular and national sovereignty starts from this point, where system of representation creates an abstract identity as nation, binding future generations. Ibid., 172-174.

damental law. He insistently included customs and traditions in the constitution and declared that written laws were incapable of representing a country's constitution, as they were products of old periods, they were made "at different periods only to lay down forgotten or contested rights," and on the other hand, "there is always a host of things which are not written."¹⁰ The notion of constitution hidden in these words breaks the relation of constitution with formal jurisprudence. As such, the constitution is not a fundamental law governing the society but rather a prescription of an organism, evolving along with it.¹¹

What de Maistre targeted in this criticism was the materialist form that the constitution had taken after the revolutions. Indeed, a notion of transcendental norms or ideals binding the government had a longer history which considerably altered the perception of law, territories and population. But constitutional revolutions throughout eighteenth and nineteenth century imposed a new set of norms on material, concrete and secular basis, which made modern constitution a strictly political historical product. Historically, constitutionalism was evolved in a political struggle to acquire monopoly "in laying down the basic norms of law-making."¹²

1.1.1.1 *Rule of Law and Sovereignty as an Abstract Form*

Sovereignty in the political philosophy had long been at the center of debates, from those of Enlightenment philosophers to contemporary debates on the nature of imperial governance. Its definition was even mysticized to a degree that it blurred the boundaries of the term, varying according to its examination of historical facts, legal normativism, and discourse.¹³ In theoretical considerations on the term, relation of imperial claim of territorial authority with

10 Cited in Martin Loughlin, "What is Constitutionalisation?" in *The Twilight of Constitutionalism?*, ed. Petra Dobner and Martin Loughlin (Oxford: Oxford University Press, 2010), 49.

11 Loughlin compares the position of such a constitution vis-à-vis body politic with that of a grammar book to a living language. *Ibid.*

12 Cited in Martin Loughlin, "What is Constitutionalisation?" in *The Twilight of Constitutionalism?*, ed. Petra Dobner and Martin Loughlin (Oxford: Oxford University Press, 2010), 50.

13 Jens Bartelson, *A Genealogy of Sovereignty* (Cambridge: Cambridge University Press, 1995), 13.

a new conception of legalism has been a major theme and a focus of dispute. A main divergence appears in explaining the source of legalism with internal or external factors. Explanations on imperial sovereignty fluctuate between the capability to enforce political will of an imperial center or its subordination to superior, binding legal frameworks, above all to a convention between states. The former explanation draws attention to the domestic capabilities of state authority — underlining its “independence” from other political entities — and considers legality as a derivative of new political rule. By extension, the latter explanation emphasizes the “interdependent” characteristic of sovereignty, identifying loyalty to certain transcendental rights and duties, and commitments in interstate treaties, as grounds of conciliation.¹⁴

With a historical stance, the rise of a new form of law was mostly explained with the development of absolutist regimes in the seventeenth century and with the emergence of a concept of “sovereignty” apart from the “sovereign.” While the sovereign indicated the personal power of an individual ruler, “sovereignty” implied an impersonal, abstract form of government. To continue with the typology Giddens derived from various forms of absolutisms, the most general characteristics of this new development were “i) the centralization and expansion of administrative power; ii) the development of new mechanisms of law; iii) alterations in modes of fiscal management.”¹⁵

In this administrative turn toward centralization, the legal philosophy played a major role. The philosophers of natural law such as Grotius endeavored to prove that the legitimacy of sovereign power (of central authority) was based on its application of transcendental, natural laws that were also binding in turn for the sovereign power.¹⁶ Particularly, the rediscovery of Roman pri-

14 For classifications of literature as either legal/political or independent/interdependent, see Hent Kalmo and Quentin Skinner, “Introduction a Concept in Fragments,” in *Sovereignty in Fragments: The Past, Present and Future of a Contested Concept*, ed. by Hent Kalmo and Quentin Skinner (Cambridge: Cambridge University Press, 2010), especially 3-7.

15 Anthony Giddens, *The Nation-State and Violence* (Cambridge: Polity Press, 1985), 94-95.

16 Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: Cambridge University Press, 2004), 41.

vate property law immune from the arbitrary influence of the ruler was generalized as a recognition of the authority of transcendental principles, constituting restraints on the “sovereign” in favor of the normativism of “sovereignty.”¹⁷ As the sovereignty and the personality of the king became more and more separate, rulers were deemed “legitimate” only as far as they could hold up a representation of these principles as formalized and codified laws creating the image of a unified body of state.

Hence, this new form of authority found its legitimacy, so to speak, in its self-limitation. Although in the long history from sixteenth to nineteenth centuries the legal scholars emphasized interimperial agreements’ role in the emergence of legalism, this self-limitation was a produce of actual internal contradictions, which further pushed for the establishment of a “rule of law.”¹⁸ Therefore, not only external, but also internal sovereignty was deeply determined by legitimization through law; it could even be said that external recognition was a derivative of it.¹⁹ Indeed, when Thompson demonstrated that the emergence of the rule of law was directly related to the social struggle for the definition of property rights, it also underscored the role of internal factors, even at the “micro” level, in pressuring for transition to a rule of law.²⁰

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- 17 For a historical survey the and role of the private property law in the rediscovery of the term, see Ben Holland, “Sovereignty as Dominion? Reconstructing the Roman Law Thesis,” *International Studies Quarterly*, 54, (2010), 450; also see Giddens, *The Nation-State*, 99-100.
- 18 Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900* (Cambridge: Cambridge University Press, 2010), 5-6. Yıldızhan Yayla notes the difference between a state which was constrained by interstate agreements and which had a legal personality. See Yayla, *Anayasalarımızda Yönetim İlkeleri*, 11.
- 19 Certain historians focused on internal social struggles of countries, particularly such as peasant revolts that shaped the international context of sovereign states. See Boris Federovich Porshnev, *Narodnye Vosstaniya vo Frantsii Pered Fron DOJ* (Moscow: Izdatel’stvo Akademija Nauk, 1948).
- 20 The contestation over property rights was a crucial point connecting law and land. It was no coincidence that sovereignty was revived in parallel with a private property law that contrasted with the property relations of old regimes. See E. P. Thompson, *Whigs and Hunters: The Origin of the Black Act* (London: Penguin Books, 1990), 261.

Another aspect of the construction of sovereignty was its identification with territoriality. As states approve the right of jurisdiction within internationally recognized borders and the right to exclude foreign intervention, sovereignty gained a territorial character — an outcome identified with the Westphalia Treaty. This also meant geographical enclosure and invention of new definitions representing a turn from “frontiers to borders.”²¹ Enclosure and external recognition were thought to make the jurisdiction of a certain government possible and viable within certain borders. Thus, centralization (particularly of military and fiscal structure), legalism, and external recognition became major concrete elements of this abstract authority.²²

While the emergence of “sovereignty” as the abstract form of authority was explained in terms of interstate recognition within the European context of war and peacemaking, recent studies underscore that notion of sovereignty spread out of Europe through colonial confrontations. Particularly in the nineteenth century, when imperial powers expanded and reshaped their governance in peripheries, the international law became the transmitter of the administrative and legal mentalities that constitute sovereign state.²³ According to recent perspectives, particularly concerning the transformation of Eu-

21 Giddens, *The Nation-State*, 90.

22 In their recent approach focusing empire-type sovereignty, Hardt and Negri problematized the identification of sovereignty with centralization and unification, attributing to empires a type of sovereignty that lacks a center, and which is characterized by fluidity, fragmentation and flexibility. Although this view is helpful in identifying a variety of strategies of governance, it gives us little clue about the shaping force of social struggles for power on legal and administrative formation. Aside from that, they apparently found a potential for liberty in their description of a fragmented social order that opens the way for a “absolute democracy,” as Lipping describes. See Lipping’s “Sovereignty Beyond the State,” in *Sovereignty in Fragments: The Past, Present and Future of a Contested Concept*, ed. Hent Kalmo and Quentin Skinner (Cambridge: Cambridge University Press, 2010), 202.

23 Anghie, *Imperialism*, 32. Anghie examines this process focusing on codification of African colonies by European Powers in Berlin Africa Conference of 1885. See, *ibid*, 40.

European colonialism from the seventeenth to the nineteenth centuries, the sovereignty developed in parallel to other conceptions such as the “protectorate.”²⁴

In this form, in the context of colonial rule, contact of European powers with “native parties” did not produce reciprocal enclosure of territories. Depending upon treaties that defined non-European entities on paper as equal parties having sovereignty, the contact established European criteria as the only justifiable form of authority. It also burdened the “native party” reproducing new political means to apply on its “territories,” — a burden, which would be carried via European states’ power. Through the colonial protectorate, the “external” sovereignty — the recognition of the “native party” by a foreign state — justified the European power to undertake certain crucial tasks in enforcing sovereignty, such as defense of territories, while providing an autonomous space for the protégé authority for the internal sovereignty. Thus, the sovereignty of the native party gained an objectivity and rationality, under the protection of a European power.²⁵ This latter framework will allow to ask, in our Chapter 2, to what degree, the Ottoman rule in Rumelia after the Treaty of Berlin, a replacement of constitutional framework, can be deemed as a common model to control and contain the emerging social struggles, and from a perspective outside the dichotomy explaining the loss of sovereignty by the intrigues of western imperialism and the resisting Hamidian regime.

1.1.2 *Rise of Constitutionalist Thought and Popular Sovereignty*

The beginnings of the theoretical debates on sovereign systems reveal that the transformations of politics and law were simultaneous developments, particularly when they were translated into political programs of social struggles.

24 Isabelle Surun, “Une souveraineté à l’encre sympathique? Souveraineté autochtone et appropriations territoriales dans les traités franco-africains au XIXe siècle” *Annales: Histoire, Sciences Sociales*, no. 2, (Avril-Juin 2014), 316. Also see Anghie, *Imperialism*, 67-68.

25 Unlike the interpretations on the treaties as a means of colonialism in which the native party, as it was defined as the sovereign, disappears paradoxically, Surun underlines the potential the treaties in the emergence of sovereignty within the non-European peripheries, focusing on Africa: *ibid.*, 315-316.

Indeed, constitutionalism emerged from the quests for confining state authority and asserted a perception of law that would replace and undermine transcendental laws as the source of legitimacy of monarchies. This struggle for a new basis of legitimacy dominated the scene with revolutions and produced another legal construction — the people — which became indispensable component of sovereignty.²⁶

The introduction of constitutional thinking was not a mere bureaucratic design, but was accompanied by theoretical intellectual quests, with radicalized polemics that carried the legal premises to their logical consequences. The theoretical formulations of “constitution” were born within these debates, which mostly pursued the answer within a model of reciprocity — a model of contract — as one sees in the efforts of enlightenment philosophers. Starting with Hobbes to Locke in the British Empire or Rousseau in France, an essential theoretical explanation of this new form of legitimacy was the conception of the “social contract.” In a general formulation, this conception assumed that “society” was “constituted” by an original contract, —the constitution itself— that was also the source of the legitimacy of the civilized polity and only way of overcoming the state of disorder, which metaphorically refers to the continuous imperial and religious rivalries in Europe. The contract could either be between the ruler and the people, thus maintaining the position of the king (in the Hobbesian version) or among the people themselves, thereby reflecting popular sovereignty (the version of Locke and Rousseau) but in the end, it established a secular and rational base for norms in the form of “natural rights” and a foundation, determining all the laws and political inclinations in society. Now the typical transcendental norm governing empires — justice — was replaced (or enriched) by equality and liberty.²⁷

26 Loughlin, *Constitutionalisation*, 51. “Hence the contribution of the American and French revolutionaries was to turn the idea from philosophy into law.” Grimm, *The Achievement of Constitutionalism*, 8.

27 For various uses and criticisms of the conception of social contract, along with “constitutional contractarianism,” see David Boucher and Paul Kelly (eds.) *The Social Contract from Hobbes to Rawls* (New York: Routledge, 2005). Justice was a major theme in Grotius’ considerations of natural law, see Antony Anghie, *Imperialism*, 42. In line with universal discourse of consti-

On the other hand, basing legal authority to a contract as the basis of society required the re-definition of legal understanding. First, it urged a transition from a multi-law to a single-law, or as Clavero described it, from “treaties” to a “constitution.”²⁸ In contrast to a fragmented legal configuration marked by various spheres of influence that depend on individual, temporal and conjunctural negotiations (and which was valid to a considerable degree in post-Westphalian absolutism) constitutional thinking required a single binding contract of all contracts, that would regulate social relations based on an impersonal, and permanent contract. Second, as a party of the contract, the individual on the legal plan, was no longer a mere “subject” of the ruler but a “citizen,” part of a legal body as nation, having certain “natural rights” that the government should protect. Accordingly, the individual was defined in a new relation of reciprocal duties and responsibilities with the state. Third, the cadres to implement this legalism —the executive branch— were of utmost importance. Military and civil plenipotentiaries were no longer simply servants of a superior authority, but the agents of “law enforcement” the duty of which was to execute what the legislatures enacted. Executing an unlawful order would otherwise make the official an accomplice. This rupture from mentality of bargaining, and implementation of the constitutional norm was of utmost importance; Rousseau felt the need to emphasize that the plenipotentiaries should not be arbitrators, but the “ministers,” —the performers— of constitutional sovereignty. He underscored the impersonality of

tutional revolutions, the trinity of revolution – liberty, equality and fraternity (*hürriyet, mu-savaat, uhuvvet*) – occupied a central place Ottoman constitutional revolution. But constitutional discourse remarkably added “justice” to this trinity, as Georgeon stated. See his, “Devrimin Sözcükleri: 1908 ve 1909’da Osmanlı Siyasal Kelime Dağarcığına Dair Tespitler” in *Yakın Türkiye Tarihinden Sayfalar: Sina Akşin’e Armağan* (İstanbul: Türkiye İş Bankası Kültür Yayınları, 2014), 102.

- 28 Bartolomé Clavero, “Treaties with Peoples or Constitutions for States: A Predicament of the Americas,” in *Law And Anthropology: International Yearbook for Legal Anthropology*, Vol. 12, ed. by Bartolomé Clavero Salvador, Pablo Gutiérrez Vega et. al. (Leiden: Martinus Nijhoff Publishers, 2005), 1-2.

government, “A People is free, only when it sees, in looking at those who govern, not a ‘man,’ but an organ of the law.”²⁹

Therefore, a constitution was not a mere addition to the extant legal structure but required a substantial reorganization of socio-political relations. The crises of such a requirement started with the confrontation on the notion of sovereignty which accompanied in theory and in practice to historical development of constitutionalism.

Significantly, in the contractual understanding, the “sovereign” is not given but is constituted a posteriori to the original contract, that is, the constitution. So, its legitimacy is identical to the constituting power (*pouvoir constituant*), the people, which is the legitimate source of every government and law.³⁰ However, as this sovereign is now bound with society’s will, is society a priori to the original contract or created by it? The model of a contract creating civilized society implies that people too is created by virtue of constitution-making. A multitude acquires a legal status as people which is the actor of a “reflexive contract.”³¹ The contract provided a legal personality to the population, introducing the notion of popular sovereignty to the scheme.

Popular sovereignty was obviously a rival claim of sovereignty, realization of which needed political struggles and revolutions. The revolutions in Britain, the United States and most influentially in France imposed on extant state mechanism the popular sovereignty represented in parliamentary organs. The novelty in subsequent revolutions was not the introduction of representative

29 Jean Jacques Rousseau, “Huitième Lettre,” in *Lettres Écrites de la Montagne*, Part II (Amsterdam: Marc Michell, 1764), 59.

30 The matter of “constituting power” became a prominent issue in the American revolution and was popularized in the work of French political philosopher Sièyes published in 1789. Grimm, *The Achievement of Constitutionalism*, 9; and Emmanuel Joseph Sièyes, *Qu’est-ce que le Tiers État?* (Paris: Éditions de Boucher, 2002), especially 53.

31 Loughlin, *Constitutionalisation*, 51. Rousseau has a particular place with this respect. In his revolutionary thinking, the people constituted an entity transcending social contract and it is not bound with it. The “general will” does not accept any limitation including the social contract: “... on voit qu’il n’y a ni peut y avoir nulle espèce de loi fondamentale obligatoire pour le corps de peuple, pas même le contrat social.” Jean Jacques Rousseau, *Du Contrat Social ou Principes du Droit Politique* (Paris: Syrenne, 1808), 28.

assemblies or the separation of powers to the system. In fact, both notions had a long history in European monarchies.³² The crucial point was that constitutional revolutions not only aimed at allowing the commons to representative assemblies, but also to give parliaments — and hence people — the power of legislation. Hence, “the constitution is now perceived as providing basis of the legitimacy of legality.”³³ This implied that popular sovereignty was strictly related to seizing this authority, i. e., legislative power by national assemblies, and that the division of authorities between parliament, government and judiciary was not pre-established and was an agenda of constitutional struggle.

Undoubtedly, this was neither a linear nor a smooth history and this normative framework could either be realized immediately nor directly. A further elaboration of the forms constitutionalism had taken remains outside of our study, but it must be said that constitutional revolution in which parliament assumed hegemonic role of popular sovereignty and constituting power became a model for political movements globally until Bolshevik Revolution in 1917.³⁴

This point was crucial to the advent of the Kanun-ı Esasi in 1908, which was dominated by the “aspiration of parliamentarianism,” as Tarık Zafer Tunaya stated.³⁵ The creation of an Ottoman nation (in form of ittihad-ı anasır) was inseparably related with the establishment of parliament.³⁶

However, the struggle of national assemblies to seize the authority of legislation was still in effect by the time of the formation of the constitutionalist

32 The parliament representing different factions of nobility and estates was an effective administrative institution in medieval Europe, which typically functioned in a corporative manner. For a detailed study, see Manfred Orlea, *La noblesse aux états généraux de 1576 et de 1588* (Paris: Press Universitaires de France, 1981).

33 Martin Loughlin, “What is Constitutionalisation?” in *The Twilight of Constitutionalism?*, ed. Petra Dobner and Martin Loughlin (Oxford: Oxford University Press, 2010), 50.

34 François Furet, *Penser la Révolution Française* (Paris: Gallimard, 1978), 19, 25-26.

35 Tarık Zafer Tunaya, *Türkiye’de Siyasal Partiler*, Vol. I (İstanbul: Hürriyet Vakfı Yayınları, 1984), 5.

36 Erik J. Zürcher, *The Young Turk Legacy and Nation Building: From the Ottoman Empire to Atatürk’s Turkey*, (London: I. B. Tauris, 2010), 210.

movement in the Ottoman Empire. In the nineteenth century, the problem of popular sovereignty still remained unsolved in the intellectual centers of constitutionalism in Europe. After the radical appearance of republicanism in 1793 in the French revolution, the constitutionalism undeniably imposed itself to state mechanism, and the ensuing restoration ending with the Napoleonic Empire brought forward a new synthesis, a combination of popular will and imperial authority called “monarchical constitutionalism.”³⁷ While this combination proved effective in Napoleonic conquests, on the theoretical level, it still reflected the ambiguity in attributing the ultimate sovereignty on the ruler, or the nation (which is to say, parliament). In 1896, when Adh mar Esmein, a prominent scholar of law in France, wrote his book of constitutional law from a comparative perspective, he defined constitutional monarchies as a “mixed” form, in which sovereignty was divided between national assemblies of various forms and kings. The question of which power would prevail, remained to actual political struggles.³⁸ In order to overcome this contradiction between national assemblies and monarchs which justified the necessity of political struggle again, the notion of rule of law was once more introduced in theory. As long as the law determined the government, the existence of the king did not imply despotism; by the same token, the existence of parliament did not mean popular will, unless it functioned according to legality.³⁹ This

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- 37 Markus J. Prutsch, “‘Monarchical Constitutionalism’ in the Post-Napoleonic Europe: Concept and Practice,” in *Constitutionalism, Legitimacy and Power: Nineteenth-Century Experiences*, ed. by Kelly L. Grotke and Markus J. Prutsch (Oxford: Oxford University Press, 2014), 69-83.
- 38 A. Esmein considered Charter of France in 1814, and the Prussian Constitution in 1850 in the second type in which the rule of the monarch overweighed, in contrast to the Belgium in 1831 reflecting a relative superiority of the national assembly; see the scholar's * l ments de Droit Constitutionnel*, Vol. 1 (L. Larose, 1896), 4-5.
- 39 For Esmein, the main dichotomy was not between a direct and a representative government, but between despotic and legal government. The former is an arbitrary form that does not consult to any superior legal norm known in advance. See *ibid.*, 9, 13-14.

scheme was adopted by the constitutional ideologues of the Ottoman Empire.⁴⁰

On the other hand, in the nineteenth century, there were times of actual political crisis, during which theoretical elaborations proved ineffective in conciliating the struggle over legality. With the revolutionary crises, the rivalry over sovereignty and legislation reflected in the overlapping roles of state organs of parliament and government. Coherent with theories of a “social contract” the foundation of a social order was governed by parliament which acted as the *pouvoir constituant* — as a national assembly that realizes the construction of the constitutional regime by legislation.⁴¹ Thus, as emphasized Esmein, in constitutional regimes, the legislative branch should have a superior authority over the executive branch. However, the obscurity appears in the times of crisis: For instance, in cases of war, when the parliament does not have time to respond immediately or preemptively. Hence, in such cases, the government and the bureaucracy act in the name of legislators. But what if those who hold the means of power abuse this crucial authority they gained in such circumstances and abolish altogether the position of national assembly? For Esmein, the only way to prevent a return to arbitrary rule is to effectively design the responsibilities of the executive.⁴² Nevertheless, this only repeats the contradiction on a different level, for it conditions the preservation

40 An example was Babanzâde İsmail Hakkı who used the framework of natural law to legitimize monarchical constitutionalism. According to Babanzâde İsmail Hakkı, the existence of a sovereign did not necessarily mean the existence of despotism. "Indeed," he added, "one can see a despotic administration under a republican government." In his definition, a despotic government (*hükümet-i müstebide*) referred to a government, be it of a person or of people, that did not administrate according to established laws. On the other hand, if an organ or center of power (*rükn*) that was constituted as a result of various duties, governed according to laws and general regulations issued by itself, then it should be called absolutist (*hükümet-i mutlak*). See Babanzâde İsmail Hakkı, *Hukuk-ı Esasiye*, ed. Fernaz Balcıoğlu and Büşra Balcıoğlu (Ankara: Erguvani Yayınevi, 2014), 373-374.

41 Since the embodiment of the social contract remained hypothetical, constitutional theorists expressed their assumptions on the nature of original contract in debates on revision and amendment of a constitution. In the nineteenth century's understanding as described by Esmein, theoretically legitimate organ to create a constitution was the national assembly, or parliament: A. Esmein, *Éléments*, 801-804.

42 A. Esmein, *Éléments*, 12.

of the parliamentary rule on the loyalty of those who have the power to eliminate it, which in turn suggests the fragility of parliament described as the base of the constitutional regime and implies law's dependency to force. In trying to close this loophole to arbitrary regime, a conservative approach suggests the supreme authority of the king, or a republican would suggest the right of popular resistance. But whatever the case will be, the parliamentary understanding of sovereignty as the constituting organ of social contract, prove theoretically weak against exceptional situations, in which the actual political power (mostly in form of military) can grasp the authority to represent the norm. Indeed, the nineteenth century proved that this gap was not only theoretical: The revolutions and civil wars in the century proved this weakness in practice as well as the reluctance of authorities to deliver sovereign power back to the legislatures or parliaments. For the mainstream constitutional logic of the epoch, there seemed no solution to the contradiction from within the system and cruciality of government's role was effectively emphasized.⁴³ This rivalry over legislation between state organs (between government and parliament) was fully visible and determinant during the constitutional era as will be seen in Chapter 4.

§ 1.2 The Ottoman Context of Constitutionalism

The constitutionalist movements in the nineteenth and early twentieth centuries, including Ottoman constitutionalism, experienced these theoretical and political problems in their own contexts. Nader Sohrabi, whose recent works have added to our understanding of the constitutional movements, shows that opposition movements against monarchies in the Iranian, Russian, and Ottoman empires were determined by the model of the French revolution. Despite

43 The *fin de siècle* was marked by debates on the inefficiency of parliamentary regimes, and on state crises. Esmein himself engaged in debate with revisionists who demanded a more forceful government by reform of the parliamentary system. Guillaume Sacriste, "Droit, Histoire et Politique en 1900: Sur Quelques Implications Politiques de la Méthode du Droit Constitutionnel à la Fin du XIXème Siècle," *Revue d'Histoire des Sciences Humaines*, 1, no. 4, (2001), 74-78.

various sources of inspiration, the “constitutional political form” dominated the program of such political struggles.⁴⁴

As for the Ottoman constitutionalist movement starting with the Young Ottomans in the 1860s and continuing with the new generation of Young Turks in 1890s, with all its intellectual heterogeneity, the political goal remained consistent: Promulgating a constitution, establishing a rule of law guaranteeing universal rights, and realizing the constitutionalist ideal of an Ottoman nation through parliament. However, Ottoman constitutionalism in the era had certain particular issues to overcome. First, it would have to rise in a society with a high degree of ethnoreligious heterogeneity and the constitution was expectedly reconcile confrontations within such a population (intermingled geographically but divided jurisdictionally and politically) under a new legal framework. Second, it would be enforced over a vast geography which was governed by a simultaneous application of a variety of local administrative systems. Strictly related to the first point, this spatial organization was determined by ethnoreligious and political tensions. Third, while European constitutionalism was developed with relatively clear boundaries provided by the international order which relatively stabilized the territorial sovereignty over populations and geographies, the Ottoman constitutionalism was born in the post-Berlin status quo, depriving the empire of the quasi-Westphalian framework of the Paris Treaty of 1856.

1.2.1 *Constitution and Ottoman Population*

In 1906, on the eve of the second constitutional revolution, the Ottoman population, amounted 20,897,617 people — of which 5,379,139 were non-Muslims — according to Shaw’s estimations from a variety of sources.⁴⁵ As will be seen in the first chapter, beside the Muslims, identifying the non-Muslims is not as easy as one would imagine. Although the Ottoman system put great effort into classifying various non-Muslim communities on a confessional basis, this

44 Nader Sohrabi, *Revolution and Constitutionalism in the Ottoman Empire and Iran* (New York: Cambridge University Press, 2011), 5.

45 Stanford J. Shaw, “The Ottoman Census System and Population, 1831-1914,” *International Journal of Middle East Studies*, 9, no. 3 (October 1978), 334.

identification proved insufficient in the face of growing social and political diversification. Proto-nationalist identity constructions within non-Muslim and Muslim populations broke the official framework, but also, Ottoman government(s) in the reform period became increasingly involved in this play of "nationalism" and, in the case of the recognition of Bulgarian Exarchate in 1871, approved the division of Orthodox populations on a national basis. Therefore, this amalgam of criteria for identifying non-Muslim communities became increasingly complex in the climate following the Treaty of Berlin. When ethno-religious divisions turned into rivalries, and rivalries into armed conflicts, the vectors of problem formed what would be called the Macedonian question. Again, in this atmosphere, attempts to identify and classify non-Muslims mostly depended upon actual negotiations and power relations, rather than transcendental and well-established criteria to describe non-Muslim institutions.⁴⁶

Another factor that determined the population aspect was the unceasing immigration movements from and to the territories of the Ottoman Empire. As a development accompanying to the evolution of Balkan crisis, the Ottoman Empire remained under the pressure of an influx of Muslim communities, as well as an outflow of non-Muslims. The massive exodus of Muslim population from the lost territories of the Empire in Balkans and in Eastern Anatolia, known as the "93 sökümü" in Turkish, exceeded one million people. This would be added to the ensuing population movements, outflow of Armenians and Bulgarians starting with 1890s. Consequently, "the empire's Christian-Muslim balance disappeared."⁴⁷ This mutual displacement was a continuous dynamic flaming ethno-religious conflicts, and especially after the 1908

46 See Chapter 2 for details.

47 Kemal H. Karpat, "The Transformation of the Ottoman State, 1789-1908," *International Journal of Middle East Studies* 3, no. 3 (1972), 272. The influx of Muslims was continuous, and as the Balkan historian Daniel Panzac relates, by 1907 the Muslim population in Istanbul alone was 431,759. Panzac also demonstrates Muslim dominance in Anatolia by 1914. See Daniel Panzac, "L'enjeu Du Nombre: La Population De La Turquie De 1914 À 1927," *Revue De l'Occident Musulman Et De La Méditerranée*, 50 (1988), esp. 49. For a detailed study of immigration and demographic changes in the era, see Kemal H. Karpat, *Ottoman Population, 1830-1914: Demographic and Social Characteristics* (Madison: University of Wisconsin Press, 1985).

revolution, when non-Muslims, who had fled during the Hamidian regime, returned to claim their rights under the scope of the constitution, the regime remained between the Muslim and non-Muslim communities' interests. On one side, was the Muslim social base, as the main source of military and political hegemony, and on the other, were the non-Muslims, who asserted that the enforcement of their rights was a condition of their loyalty to the constitutional regime. While newcomer Muslims consolidated around ardent, anti-Christian sentiments, the Christian political movements consolidated around the problems of the distribution of lands to *muhacirin*, which became their significant criterion of unity.⁴⁸ Thus, the migration issue became increasingly difficult to manage, constituting an undercurrent that manifests itself at various levels throughout this study.

The response of Ottoman constitutionalism to such an amalgam was to consider a common identity called Ottomanity (*Osmanlılık*) or Ottomanism (*Osmanlıcılık*). Studies indicate a quest for an Ottoman identity in the reform (*ıslahat*) period, as well, but this was far removed from the assumptions of constitutionalism. As Vezenkov stated, "It was not 'the nation' or 'the people' but the state and the monarch that were the linking elements in Tanzimat Ottomanism."⁴⁹ On the other hand, since the earlier rise of the constitutional

Resembling the Armenian case, a Bulgarian population, estimated at one hundred thousand, who had left the Ottoman Empire during the old regime started to return just after the constitution was declared, either due to the general amnesty or to "the encouragement by the Bulgarian Principality" as a description implying the menace of this influx. See, BOA., MV., 120/5, 18 Receb 1326 (16 August 1908).

48 Article 9 of the Appeal of the Central Macedonian Committee (Sofia), about the *muhacirin* specifically concerned this issue. The committee complained that the Ottoman regime gave the best lands to Muslim immigrants, but did nothing to improve the situation of Christians. Thus the Young Turks were proving Christians' exclusion from Ottomanness. "An Appeal of the Central Macedonian Committee (Sofia) Revealing the Situation in the Turkish Empire after the Young Turk Revolution, and Calling the Bulgarians to Resume Their Struggle for Autonomy; 1 March 1910," in *Macedonia: Documents and Materials*, ed. Voin Bozhinov, L. Panayotov et al. (Sofia: Bulgarian Academy of Sciences, 1978), 620. Also see chapters 4 and 5.

49 Alexander Vezenkov, "Formulating and Reformulating Ottomanism," in *Entangled Histories of Balkans*, Vol. 1 (Leiden: Brill, 2013), 256. And important breakthrough for this framework

movement, particularly with Namık Kemal, the arguments of combining the whole population, regardless of religion and race, was introduced to the intellectual agenda along with efforts to redefine Ottoman territories as a homeland (*vatan*).⁵⁰ This was among the agendas in the constitutionalist opposition to the Tanzimat which had triggered the communitarian compartmentalization of the population, above all, of non-Muslims.⁵¹

As we will examine in Chapter 2, the 1876 Constitution concretized the Ottomanist view defined in Article 8, as regardless of their faith, all subjects of the empire should be called Ottomans.⁵² The parliament, *Meclis-i Umumi*, also provided a certain foundation for the representation of Ottoman society, particularly in comparison to assemblies in the neighboring empires.⁵³ Indeed, this was not rhetoric but a systemic necessity, revealed in the quests for an "imperial nation," or an "imperial supranationalism" that dominated the imperial space of Austria-Hungarian, Russian, and Ottoman empires.⁵⁴

was the Law on Ottoman Subjecthood, though the law was still far from creating a body politic for the Ottoman population.

- 50 Şerif Mardin, *Yeni Osmanlı Düşüncesinin Doğuşu*, (İstanbul: İletişim Yayınları, 1998), 367.
- 51 Namık Kemal harshly criticized the quests for assigning non-Muslims to official posts with quotas for each *millet* (a regulation which occasionally came to agenda) and argued the only solution was to be blind to confessional affiliations. See Joseph G. Rahme, "Namik Kemal's Constitutional Ottomanism and non-Muslims," *Islam and Christian-Muslim Relations*, 10, no. 1 (1999), especially, 29.
- 52 Düstur, Series 1, Volume 4, (Dersaadet: Matbaa-i Amire, 1296), 4-20; for the version in Latin alphabet, see "Kanunu Esasi, 7 Zilhicce 1293 (1876)," in *Türk Anayasa Metinleri*, ed. Şeref Gözübüyük, Suna Kili (Ankara: Ankara Üniversitesi Siyasal Bilgiler Fakültesi Yayınları, 1982), 27-42.
- 53 İlber Ortaylı underscores the rate of representation of non-Muslims in the parliament (nearly one third) and argues that this plurality constituted a peculiarity of the Ottoman order, unseen in other examples such as the Russian Duma in 1905 or the Austria-Hungarian Empire. He also emphasizes that this plurality did not bring ethnic conflicts into the parliament, and the debates were more local than "national" in character; see his "İlk Osmanlı Parlamentosu Ve Osmanlı Milletlerinin Temsili," in *Kanun-ı Esasi'nin 100. Yılı Armağanı*, (Ankara: AÜSBF yay., 1978), 172. Also see Chapter 2.
- 54 For a study focusing on this perspective, see, Howard Eissenstat, "Modernization, Imperial Nationalism, and the Ethnicization of Confessional Identity in the Late Ottoman Empire," in *Nationalizing Empires*, ed. by Stefan Berger, and Alexei Miller, (Budapest: Central European

However, in all these efforts to describe a common identity, the projects and attempts at the unity of the population had a limit: The interests of the Muslim population. Indeed, with the advent of formal egalitarianism in *Islahat*, the Muslim political and economic actors found themselves increasingly discontented with the visibility and expansion of the influence of non-Muslim communities in social and economic spheres. Particularly considering that non-Muslims enjoyed the advantages of a capitulatory system in addition to *Islahat* egalitarianism. In replacement of a tradition that defined non-Muslims as *zimmi* — the protected — based upon the segregation on a confessional basis, the Muslim population became discontent in the face of the possibility they would lose their dominant status.⁵⁵ This constitutionalists used this contradiction extensively against “Westernist” Tanzimat reformers and addressed Muslims as a social base through a synthesis of constitutional ideology and Islamic discourse, such as identifying the parliament with the *meşveret* (consultation) method of decision-making in the Islamic tradition. Hence, even in the Kanun-ı Esasi and subsequent constitutionalist discourses, a trace of Islam always remained as a symbol (in Kanun-ı Esasi the religion of the state was defined as Islam). Nevertheless, such a reference to Islam created an obscurity of stipulating a dominant element despite all egalitarian discourse. Indeed, to what did this symbol refer? Did the mention of Islam refer to a mere Ottoman past, defining an historical continuity, or to a conception of “dominant millet,” that had real legal effects in contradiction to the logic of egalitarianism? This was apparently an unresolved question, and the degree of Islam's dominance was a dispute among the reformist intellectuals and politicians.⁵⁶ In the constitutional era, this eclectic and pragmatic combination or fusion of Islamic

University Press, 2015), especially 431ff. The volume focuses on synthesis of imperial-nation, as opposed to the literature identifying the nation with nation-states. For the term “imperial supra-nationalism,” different from egalitarian Ottomanism of the Young Turks, see Carter V. Findley, *Ottoman Civil Officialdom: A Social History* (Princeton: Princeton University Press, 1989), 34.

55 Nader Sohrabi, *Revolution and Constitutionalism*, 39.

56 This fluidity and replaceability of Islamist and Ottomanist discourses determined ensuing periods. Constitutionalist Namık Kemal occasionally referred Islam as a dominant identity, and emphasized the unity of Islam, as was referred in Şerif Mardin, *Yeni Osmanlı Düşüncesinin*

emphasis with Ottomanist egalitarianism would determine the limits of maneuvering as far as the universal military conscription was concerned.⁵⁷

Unsurprisingly, the revolt in 1908 that led to the re-promulgation of the constitution broke out in Macedonia where the ethnoreligious rivalries were intensely mixed with and by crosscut political programs. This fact linked the question of a common Ottoman identity with the resolution of these rivalries. In this context, Ottomanism gained a specific meaning, with the term "unity of elements" (*ittihad-ı anasır*). The conditions that pushed this problem to the front, determined the content of the term, and *ittihad-ı anasır* became the code for a unity specifically concerned with the integration of non-Muslims. The "goal of the Ottoman constitutional government," as the Ministry of Justice and Religious Denominations noted, "is to achieve the unity of elements (*ittihad-ı anasır*)."⁵⁸ Unity of elements was not only an intellectual motto, but a common framework of reference in the Chamber of Deputies, dominating the official correspondence, and it was popularized through rituals and certain associations.⁵⁹

Nevertheless, the choice of term elements (*anasır*) involved complications and obscurities which constitutional framework had to face with. The term suggests that idea of Ottomanism envisaged to deprive the communities from any distinction, as implied in the selection of the neutral term "element" (*unsur*). Indeed, apart from the fact that the constitution affirmed their millet status, the Ottomanist motto did not emphasize the "unity of *millet*s." On the other hand, the term — as will be seen in the regulation of İttihad-ı Anasır Cemiyeti — still implied a community. The nation upon which the constitu-

Doğuşu, 367-368. As for Sultan Abdülhamid, despite his ardent oppression against the constitutionalists. along with his suspension of parliament, and despite undeniable emphasis of Islam as a state ideology, he never gave up the banner of Ottomanism. Even after 1890s, with the rise of the de facto alliance of Greeks with the Yıldız Palace, a certain version of Helleno-Ottomanism was developed within the framework of the Hamidian regime; see below, Chapter 2.

57 See Chapter 5.

58 BOA., BEO., 3899/29241, 15 Mayıs 1327 (25 May 1911).

59 See Chapter 3.

tional unity would be established, would be considered a unity of communities, not of individuals.⁶⁰ Moreover, communities' characterization as "elements" reflected the intention to create a neutral (but ambiguous) category that would be filled by constitutional legislation and practice. This need of separation from the framework of the *millet* concerned keeping pace with rising nationalist programs that began with the 1890s. However, reducing the communities to tabula rasa "elements", did not solve the problem of their relation to "Ottomanness."

1.2.1.1 The "Millet" of a CUP Ideologue

The obscurity was all the more significant in the second constitutional period, because, the revolutionaries did not leave the issue of sovereignty unclear, and the "sovereignty of nation" (*hakimiyet-i milliye*) over that of sultan was not only explicitly uttered, but also realized through the 1909 legislations. However, one "small" complication became crucial: The absence of a definition of the Ottoman nation to which sovereignty would be given. Babanzade İsmail Hakkı — one of the leading figures of the Committee of Union and Progress (CUP) — the Minister of Education in İbrahim Hakkı Paşa's cabinet, and an influential columnist in *Tanin*, published a book on constitutional law in the midst of the 1909 events, contemplating on this identity. He qualified *millet* as "one of the three elements that constituted the state," along with land (*arazi*), and the government (*hükümet*).⁶¹ The text primarily defined the term *millet* was in secular terms as the ultimate step of social organization (*Millet en son bir teşkil-i içtimaidir*). This was the identification of millet with nation by separating it from its meaning acquired in İslahat era. But what constituted the nation? According to İsmail Hakkı, the criteria of living under the same government, speaking the same language, being member of the same confession,

60 Although defining a social group as "element" appears problematic, another possible translation of "unsur" as "constituent" is excluded in this study due to the fact that constituent has another meaning referring individuals authorized to elect. More importantly, unsur did not designate a proportionate piece of a whole; the identity of Ottoman included also millets and was thus more than "unsur".

61 Babanzâde İsmail Hakkı, *Hukuk-ı Esasiye*, 125.

and living within the same frontiers, all of which were argued by various contemporary scholars, were insufficient for defining a millet. Social cooperation (*teaviün-ü içtimai*) which he defined as a reflection of philosophers of social contract, was notable, but it was also insufficient (even wishful-thinking), as humanity had not sufficiently matured to demonstrate an excellent sense of cooperation. So in Babanzade's description in which history and philosophy were dismissed, sociology prevailed. For him, what kept any "groupe" or society (*cemiyet*) together were two ties: 1) having common necessities (*ihtiyacat-ı müştereke*) or harmony (*mütevaffika*), which are satisfied by living together; or 2) having different necessities, but eliminating these differences by the exchange of services (*mübadele-i hidemat*).⁶² The correspondence of the neutral term of *anasır* with the neutrality of sociology seems remarkable, as are quests for unity within concepts of political economy such as "exchange." These were the two types of ties of a nation upon which a state could be based on. However, a third way remained. As Babanzade asked, "Is the influence of a state valid only for the individual members of the nation?" The answer was no. So, a third relation was that of a "sujet" who inhabited the colonies. Giving the examples of France, Britain, and Holland, İsmail Hakkı describes the status of colonized subjects living under the influence and power of the same state, though not being a member of nation.⁶³

What path, then, would the emergence of an Ottoman "nation" follow in this new legal framework? Would it be as the first sort, a fusion as centralism implied; an exchange of entities having different interests, as defended by decentralism; or the relation of subordinate as the third type presumed? Although Babanzade İsmail Hakkı did not seem enthusiastic about giving parliament ultimate, sovereign power, as he was still within the boundaries of constitutional monarchism, he was among the intellectuals or politicians who trusted the constitutional ties that enabled the liberal foundation to find the answer. Hence, as will be seen in this study, traces of these three paths became more visible through the enactment and enforcement of regulations and laws.

62 Ibid, 126, 128-129.

63 Ibid, 131.

1.2.2 *The Constitution and the Administration of the Empire*

The aforementioned vast geography of the empire was in certain aspects seen as a handicap for implementing the constitutional rule. This geography presented a high degree of diversification not only in terms of population, but also in terms of administrative systems. Formally, the Ottoman provinces were administrated by the Regulation of Provinces (*Vilayet Nizamnamesi*) adopted in 1871, which was in effect throughout the era until 1913. However, this legal text did not represent the Ottoman administration.

Typically an Ottoman state annual classified the Ottoman administration into two categories: The imperial provinces (*vilayat-ı şahane*) and privileged states (*eyalet-i mümtaze*), the latter of which connoted indirect Ottoman rule.⁶⁴ However, the first category presents a variety, for it mainly included the provinces administrated by a governor, but also some strategic sub-provinces, which were directly subject to Istanbul. The first group consisted primarily of the Empire's capital, Istanbul with its neighboring municipalities, as well as twenty-nine provinces (*vilayet*). Major ones in Rumelia included Adrianople, Thessaloniki, Manastir, Kosovo, Scutari, and Janina, along with the archipelago (*Cezayir-i Bahr-i Sefid*). In Anatolia were Hüdavendigâr, Kastamonu, Ankara, Adana, Trebizond and Konya. In eastern Anatolia, Sivas, Mameratülaziz, Erzurum, Van, Bitlis and Diyarbekir. In Mesopotamia, Mosul, Bagdad, and Basra, Aleppo, Damascus and Beirut. On the Arabian Peninsula, Yemen and Hejaz, and in Africa, Tripoli. The sub groups in this category were the *evliye-i müstakiliye* —the autonomous sub-provinces— namely, Çatalca, İzmit, Biga (the Dardanelles), Jerusalem, Zor and Binghazi, Emaret-i Mekke-i Mükerrerme, whose sub-governors were chosen directly by the Ottoman center, due to their strategic, religious, or administrative significance.⁶⁵

64 Salname-i Devlet-i Ali-i Osmani, 40. Defa'a (Dersaadet: Matbaa-i Osmaniye, h. 1302), 495 and 567.

65 Ibid., 555-560; also see A. Heidborn, *Manuel de Droit Public et Administratif de l'Empire Ottoman*, v. I, (Vienna: C. W. Stern, 1908) 6-7.

The second category, the states with privileged statuses was comprised of North African administrations such as Egypt (*Mısr-i Kahriya*) and the province of Tunisia, along with Balkan provinces that would gradually break from the Ottoman center, such as Eastern Rumelia (*Rumeli-i Şarkî Vilayeti*) and the Principality of Samos (*Sissam Emareti*).⁶⁶

On the other hand, this classification by the Ottoman annuals, which is sufficient by itself to present the variety, cannot give a complete picture of the divisions. Interestingly, a meticulous evaluation in foreign sources such as that of the *Manuel* of Heidborn, which described the Ottoman administration, indicates certain peculiarities. For instance, whereas the Ottoman administration considered district of Lebanon (*Cebel-i Lübnan sancağı*) and the Cretan province within the first category, that is, under the rule of the empire, the *Manuel* indicates they were under in the category of provinces with mediated rule. According to the administrative guide, the “sovereignty of the Sultan in these territories considerably differed in its degree and nature.”⁶⁷

After the regulations of the 1878 Treaty of Berlin, the possessions of the Ottoman Empire on the Balkan Peninsula — that is Ottoman Rumelia, stretching from Adrianople to the western coasts of the Balkan Peninsula, including Thessaly in the south to the line of Scutari, Pristina, Cuma-i Bala, and Rhodope Mountains in the north — underwent many changes in administration due to continuous political crises. Particularly the territories stretching from Thessaloniki to Novi Bazar, and from Kavala to Ochrid, the region which would be called Macedonia, became one of the most contentious parts of the Ottoman Rumelia.⁶⁸ In the Treaty of Berlin, this territory was defined as an area of administrative reform, and with the rise of armed struggle in 1890s, it

66 Salname-i Devlet-i Ali-i Osmani, 40. Defa’a, 567.

67 Ibid, 23. Even for the Province of Crete, the Ottoman annual would not mention a qualification of its “being administered autonomously” (*müstakilen idare olunmaktadır*): Salname-i Devlet-i Ali-i Osmani, 40. Defa’a, 511, and for other examples, in 556. Besides, *Manuel* also drew attention to Ottoman territories under foreign occupation, such as Bosnia-Herzegovina, Ada Kale and Cyprus; see Heidborn, *Manuel*, 27-30.

68 Marion L. Newbiggin, *Geographical Aspects of Balkan Problems: In Their Relation to the Great European War* (New York: G. P. Putnam’s Sons, 1915), 52-53.

was divided into three provinces (*Vilayat-ı Selase*), the provinces of Thessaloniki, Manastir, and Kosovo. However, this distribution was unstable, and as armed struggle continued, an additional measure, the General Inspectorate of Rumelia (*Rumeli Müfettişliği*) was implemented. This measure not only assigned an intermediary between the governors and the sultan, but also handed two most crucial state mandates, that of the gendarmerie and of taxation to the authority of foreign powers.⁶⁹ Ottoman administrative policy post-1878 typically aimed at preventing further breakups in these regions by giving them the form of privileged regions, as was the pattern that neighboring Balkan states followed on their way to independence. However, as we will see, this did not necessarily mean a step toward centralization on the Ottoman side.

Hence, Macedonia, as the center of political tensions and the constitutional revolution, became a test arena of the early constitutional experience, not only through its diverse population which was the object of unity of elements policies, but also as a zone exhibiting subsequent diversification in terms of administration. With the constitutional revolution, the new regime had to reclaim sovereignty in one or the other way in the region, if it had to prove its viability. However, this brought forward the problem of how the sovereignty would be represented: By a recognition of separate statuses or by a demonstration of central authority unifying the administrative apparatus under a homogenous rule abolishing the diversifications of old regime? Closely related to the problem of “nation” the problem of centralism was on the agenda.

Indeed, centralism and decentralism became a major topic both in contemporaneous disputes and in historiography. On the aftermath of the Balkan Wars, in one of his retrospective analyses focusing on public law, the well-known Ottoman Westernist intellectual Celal Nuri complains that in the earlier constitutional era, the parties were divided between centralists and decentralists, in a tone undervaluing this divergence.⁷⁰ Starting with the emerging Young Turk movement, it turned out that there were considerable disa-

69 See Chapter 2.

70 Tarık Zafer Tunaya, *Türkiye’de Siyasal Gelişmeler (1876-1938): Kanun-ı Esasi ve Meşrutiyet Dönemi* (İstanbul: Bilgi Üniversitesi Yayınları, 2005), 202.

agreements within the opposition about this duality, in contrast with the agreement on a single constitutional project, the Kanun-ı Esasi. The impression of a political conflict between centralism and decentralism proved so permanent that it considerably influenced the historiography, too. The history of Turkish reform, or modernization as a whole from the Tanzimat to the Republic, was represented as a linear history of efforts producing administrative centralization. With the influence of a Weberian representation of pre-Tanzimat Ottoman rule as Sultanism, the narrative of reform turned into a narrative of restoring the lost power of the Ottoman center.⁷¹ Hence, centralism implied a story of success in terms of the geographical concentration of power in the capital, and an effective enforcement in the provinces of decisions taken at the center. This perception of centralism, in turn, would support a historical narrative that read the era through state regulations, political decisions within the borders of the capital. Perspectives based on the "state versus society" dichotomy inevitably supported the narration of the "center" as a coherent decision-taking body that imposed new forms on society. The extension of such a view to the constitutional era identified the central authority with the "CUP" as the centralist actor that replaced the authority of sultan, to impose certain policies on subordinates, be they society in general or Christian communities in particular.⁷²

71 For the usage of Weberianism in the Turkish historiography with extensions of revisionist interpretations, see Erdem Sönmez, "Klasik Dönem Osmanlı Tarihi Çalışmalarında Max Weber Etkisi," *Praksis*, 23, (2010).

72 Among many others, see Stanford J. Shaw, and Ezel Kural Shaw, *History of the Ottoman Empire and Modern Turkey*, Vol. 2, (New York: Cambridge University Press, 1977), Roderic H. Davison, *Reform in the Ottoman Empire: 1856-1876* (Princeton: Princeton University Press, 1963), and Bernard Lewis, *The Emergence of Modern Turkey* (Oxford: Oxford University Press, 1968); Kemal Karpat, *Studies on Ottoman Social and Economic History: Selected Articles and Essays* (Leiden: Brill, 2002), especially 502-504; Hüdayi Şentürk, *Osmanlı Devleti'nde Bulgar Meselesi, 1850-1875* (Ankara: Türk Tarih Kurumu Basımevi, 1992). Apart from classical paradigm, the stances, based on the contradiction of the central state versus society, dominates alternative narratives as well. For two prominent examples, see Çağlar Keyder, *Türkiye'de Devlet Ve Sınıflar*, 5th edition, (İstanbul: İletişim Yayınları, 2007), and Erik J. Zürcher, *Turkey: A Modern History*, (New York: I. B. Tauris, 2004). See Benjamin Gourisse, "The Concrete Realities of Public Action in Turkey and the Ottoman Empire," in *Order and Compromise: Government*

At the scale of a "paradigm" and from a teleological perspective, this approach may help us illuminate certain trends. However, in scrutinizing the actual functioning of the regime, its power relations and the dynamics of transformation of the era, mere conceptions of the center, centralism and decentralism — or of the "state versus society (or a certain community)" — seem to overshadow rather than illuminate most of the findings in this study. This view omits the fact that centralism and decentralism did not refer to actual administrative concerns of the era. There were no such terms as centralism and decentralism in Ottoman constitutions.⁷³ Besides, there was not an intellectual or official agreement on the definition of centralism and decentralism, and their denotations were subject to political discourses. De-centralization did not necessarily signify a self-government or federation and centralization did not refer to a concentration of administrative power as is the case in a unitary state.

Particularly for the constitutional era, considering the CUP and liberal opposition as two crosscut camps coherent in their references and ideologies (centralist versus decentralist), would risk an overlooking of certain important details.⁷⁴ Particularly, in terms of administration the boundaries between two camps were ambiguous. For instance, after the revolution, when the debates over various programs became publicized in Autumn 1908, Prince Sabahaddin expressed his views in a speech in the Theatre of Varyete. In the

Practices in Turkey from the late Ottoman Empire to Early 21st Century ed. by Marc Aymes, Benjamin Gourisse et al (Leiden: Brill, 2015); the volume comprises of studies problematizing the acceptance of state as a transcendental, coherent and "unitary whole". Indeed, recent studies indicate that there is much left to discuss about conceptions of centralism and decentralism (even in a narrow sphere such as administration). For the Ottoman debate of centralism/decentralism see also, Cenk Reyhan, *Osmanlı'da İki Tarz-ı İdare: Merkezîyetçilik, Adem-i Merkezîyetçilik* (Ankara: İmge Kitabevi Yayınları, 2007).

73 Neither "merkeziyet" nor "adem-i merkeziyet" had been mentioned in Ottoman and Turkish constitutions until the constitution of 1961. See Yıldızhan Yayla, *Anayasalarımızda Yönetim İlkeleri Tevsi-i Mezuniyet Ve Tefrik-i Vezaif* (İstanbul: İ.Ü. Siyasal Bilimler Fakültesi, 1982), 3.

74 As studies show, the dichotomy between two currents has its roots in debates of 1902s. The study of Şükrü Hanioglu depicts extensively these debates under various titles see his, *Preparation For A Revolution: The Young Turks, 1902-1908* (Oxford: Oxford University Press, 2001), especially 100ff.

speech, he strictly emphasized that his concept of decentralization would not mean an autonomy (*muhtariyet*). Indeed, all he wanted was the application of the Article 108 of the Kanun-ı Esasi and enforcement of the Regulation on Provinces (*Vilayet Nizamnamesi*), which he defined as political decentralization, that is, as the "expansion of privileges that Christians enjoyed, to the Muslim population." As for administrative decentralization, Prince Sabahaddin exclaimed that they like the CUP were against it.⁷⁵ Hence, even a champion of decentralism explicitly stated that he defended administrative centralism. Besides, he clearly referenced Midhat Paşa, who was a prominent character in the CUP, and who is referred as "exact representative of authoritarian-centralist conception of Ottomanism."⁷⁶ As will be seen in the cases of this study, neither the program of the CUP nor the political figures of the era excluded a decentralization. The controversy was obviously in that certain CUP cadres objected the Prince Sabahaddin's proposal of Islahat-type model of extending privileges which would contribute to the compartmentalization of society. Hence, the dispute concerned legal statuses rather than administrative regulations. It was a divergence on whether the constitution would create a body politic and legal personality as an Ottoman nation. This also implied a change in the conception of "sovereignty" as the constitutionalist ideology emerged.

An aspect of the ambiguity is the identification of centralism with bureaucracy. The elimination of local plutocracies — the *ayan* — and introduction of a growing body of bureaucrats appointed by the center were considered as satisfactory signs of a transition to administrative centralization. Assumably, these bureaucrats would not only seize the governmental capacity of local

75 Prens Sabahaddin, *Gönüllü Sürgünden Zorunlu Sürgüne*, ed. by Mehmet Ö. Alkan, (İstanbul: Yapı Ve Kredi Yayınları, 2007), 284-289.

76 Somel bases this assessment of Midhat Pasha on his exclamations rather than his practices. In his theoretical considerations of the issue, Midhat Pasha defends the existence of a strong and assertive state authority given that individuals cannot assess the real requirements of a society. Selçuk Akşin Somel, "Osmanlı Reform Çağında Osmanlılık Düşüncesi (1839-1913)," in *Cumhuriyet'e Devreden Düşünce Mirası: Tanzimat ve Cumhuriyet'in Birikimi*, Vol. 1, ed. Mehmet Ö. Alkan, (İstanbul: İletişim Yay, 2001), 96.

forces, above all tax collection and army, and also would represent the will of the capital city.

However, development of bureaucratic mechanism did not result in a concentration of power. Throughout the nineteenth century, the Ottoman Empire remained dependent on local sources in controlling the provincial territories. Starting with the two major issues of territorial sovereignty, namely the armed monopoly, and the tax collection, the construction of an efficient gendarmerie to preserve public order in the provinces had never been achieved. The empire in the reform age always had to rely on the conscription of locals as irregulars, particularly when the hinterlands were concerned.⁷⁷ For tax collection, although attempts to replace the system of mediators with a tax-collecting bureaucracy (*muhassıl*) became a prominent theme in the narrative of centralism, neither was the system of tax-farming (*iltizam*) be eliminated until the establishment of the Republic, nor the bureaucracy would achieve a full authority in the provinces.⁷⁸ Particularly in Macedonia, these two issues went completely out of the hands of the central government, as the foreign powers intervened into the local scale on the eve of constitutional revolution.⁷⁹

On the one hand, the material capacity of Istanbul to reflect its will on distant areas had always been limited. The crisis of infrastructure, most prominently of roads and railroads continued throughout the reform era and occupied a major place in its overall problems. Even in the Hamidian era, in which communication infrastructures were considerably developed and in which Abdülhamid had ultimate authority in the state administration, the provinces and particularly Ottoman Rumelia were dependent on the local.⁸⁰

77 Nadir Özbek, "Policing the Countryside: Gendarmes of the Late 19th-Century Ottoman Empire (1876-1908)," *International Journal of Middle East Studies*, 40 (2008), 53.

78 The system defines various forms of contracting out the tax collection, allowing local notables to preserve vast authority over a regions. Nadir Özbek's study on taxation, convincingly shows that tax-collection regulations in the reform era are more complicated than the term "centralism," or "centralization" implied. See his *İmparatorluğun Bedeli: Osmanlı'da Vergi, Siyaset Ve Toplumsal Adalet (1839-1908)* (İstanbul: Boğaziçi Üniversitesi Yayınevi, 2015).

79 See Chapter 2.

80 See Chapter 2.

However, the crisis of infrastructure was not the only reason. Indeed, the factors that broke direct correlation of bureaucracy and centralism were deeper. Studies on sovereignty show that lack of concentration of power in Istanbul was derivative of administrative strategies inherent in imperial-type sovereignty. Such a sovereignty depended on procuring “expansive spheres of influence” through adoption of a variety of administrative arrangements.⁸¹ As was seen in the administrative variations of the Ottoman Empire, such arrangements result from actual, major political developments (such as popular unrests, wars and conquests) as well as from geographical formations. Accordingly, bargaining and negotiations at the local scale played crucial role in concluding such administrative arrangements, and by the same token, they were subject to further change and variations in accord with the changes in actual political balance.⁸²

The Ottoman governor was thus not a guarantee of an enforcement of central government’s will, but his existence was crucial in such an administrative method that needed continuous restabilization, bargaining, and manifestation of power. So, the administration of Ottoman Empire was regulated according to terms other than centralization or de-centralization: The bureaucracy was a means to govern provinces in accord with official administrative principles, defined as deconcentration of authority (*tevsi-i mezuniyet*) and division of tasks (*tefrik-i vezaiif*). While the former meant transfer or delegation of authorities by central government to provincial cadres (to appointed bureaucracy), the latter suggests a sharing of authority between central and local (locally elected) administrations. Although both terms remained unspecified in Ottoman intellectual and juridical literature, the division of tasks designates a type of administration resembling contemporary forms of autonomy, as it required a legal status (legal personality) to provincial administration.⁸³

81 Lauren Benton, *A Search for Sovereignty*, 4.

82 *Ibid.*, 2.

83 Yıldızhan Yayla meticulously observes development of these two principles in Ottoman and Turkish constitutions. He describes how Ottoman intellectuals and jurists interpreted these principles in opposite directions both as a sign of decentralism and centralism. Apart from *tefrik-i vezaiif*, the term *tevsi-i mezuniyet* was an administrative principle emerged in post-

While the principle of division of tasks was added to the system in later developments, the deconcentration was a method that can be observed throughout the age of Ottoman reforms. Istanbul appointed an administrator to a province and equipped him with large range of authority. This expansion of authority became more crucial in places and times in which political crises and continuous threats dominated the scene, as was the case in Rumelia.⁸⁴ The enforcement of the principle there involved, on one hand, establishment of a council system in the provinces to bring appointed bureaucrats and local notables together.⁸⁵ On the other hand, it had to equip the governors with authority in various degrees. These authorities could reach such a degree that in the Hamidian and the Second Constitutional eras, governors could almost autonomously perform diplomatic affairs. Focusing on two governors: Tahsin Uzer, an influential governor in Rumelia organized a trip to Austria-Hungary in the wake of boycotts, to develop financial and diplomatic relations, and Hüseyin Kazım, engaged in diplomatic relations to solve the political brigandage problem with the local envoy of the Bulgarian principality, Shopov, contradicting the efforts of the center.⁸⁶ All in all, Ottoman governors had to compromise with local dynamics but in some cases passed beyond “the role of an

revolutionary France. Although there were no agreement among Ottoman jurists on what this principle actually designated, Ottoman reformists adopted it as a characteristic of Napoleonic state structure. However, it is still questionable whether or not the Ottoman reforms could materialize this principle in a Napoleonic way and separate itself from a more ancient method — delegation of authority which resembled deconcentration. As our study suggests, Ottoman central authorities extensively used these two methods of assignment of authority (both deconcentration and delegation) to local cadres in their struggle to establish authority in provinces. So in this study we will use these two terms in order to denote concrete forms of “tevsii mezuniyet.” For the term of deconcentration, see, Yayla, *Anayasalarımızda Yönetim İlkeleri*, see especially, 57; for debates on *tefrik-i vezâif*, see *ibid*, 94-97. Also see below note 88.

84 See Chapter 2 for examples in the pre-revolutionary period and Chapter 4 for cases from constitutional era.

85 Local assemblies were not decision making bodies. They had the authority of control over administration. Yayla, *Anayasalarımızda Yönetim İlkeleri*, 86.

86 Tahsin Uzer, *Makedonya Eşkiyalık Tarihi Ve Son Osmanlı Yönetimi* (Ankara: Türk Tarih Kurumu, 1999), 290-291; Hüseyin Kazım Kadri, *Balkanlardan Hicaza İmparatorluğu Tasfiyesi: 10*

arbiter mundi Ottomanorum,” as İlber Ortaylı formulated it.⁸⁷ In such a scheme of imperial-type sovereignty, appointing bureaucrats and governors brought about a type of decentralization and deconcentration of power, degree of which de facto increased.⁸⁸ For the constitutional regime, territorial sovereignty required transformation (or abolition) of such an administrative heritage and establishment of an administrative network of provinces with legal statuses, in accord with the aforementioned transition in legal mentality from individual treaties to permanent contract.

Was centralism, then, completely an illusion? In which forms did the central government manifest itself? Was there a form of central authority on which constitutional regime could rely in reshaping the empire?

Throughout the history of reforms, the Ottoman central government paid particular attention to maintain its monopoly in certain authorities such as lawmaking, military, and the budget.⁸⁹ However, in practice, Istanbul’s authority in this scheme appeared as a byproduct of the deconcentration and delegation of authority. The space of manoeuvre of an Ottoman bureaucrat, when opportune, allowed him to introduce coercive measures and to impose policies on the local population as a demonstration of power, which led to a confrontation between the bureaucrat’s will and the local dynamics. This tension

Temmuz İnkılabı ve Netayici (İstanbul: Pınar Yayınları, 1992), 94-95. Particularly the activities of the latter governor will be studied in detail in Chapter 4.

87 İlber Ortaylı, *Tanzimat Devrinde Osmanlı Mahalli İdareleri (1840-1880)* (Ankara: Türk Tarih Kurumu, 2000), 80.

88 Ottoman thinkers such as Prince Sabahaddin, Ahmed Nazif, and Muslihiddin Adil emphasized that the principle of deconcentration in the Kanun-ı Esasi meant decentralization. For their opponents, such as Mustafa Şeref or Emrullah Efendi (Minister of Education), extension of authority was a moderate form of centralization. In general, emphases were shaped by actual political confrontations except for Ahmed Nazif who based his argument on certain cases. On the other hand, during the negotiations on the 1924 Constitution, Minister of Interior of Republican regime, Emin Erişirgil, defined it clearly as “decentralization via bureaucrats.” See, Yayla, *Anayasalarımızda Yönetim İlkeleri*, 86-93, 147.

89 Yayla, *Anayasalarımızda Yönetim İlkeleri*, 77-78.

was the base of accusations of administrative abuses.⁹⁰ Remarkably, it was the moment when the authority of central government expressed itself.

Indeed, as a main theme of Ottoman reforms was "rule of law," a just administration and prevention of abuses were closely related with the fact that the legitimacy of local administrators were deeply deteriorated. This meant that the legal reform targeted also the local bureaucracy which was seen as the extension of the central reform. This point is crucial in that it shows exactly where the "sovereign" — the real embodiment of the "rule of law" — emerged. While reform meant the creation of legal body at the center, due to this "centrifugal" record of bureaucracy, the reformist "sovereign" was manifested in the provinces in the form of "inspection" and inspectors who not only supervised and reported administrative abuses to the center, but also participated in the enforcement and determination of long-term decisions. In the Tanzimat, delegations of inspectors played the prominent role of watching the application of reforms in provinces (for our purposes, in Rumelia).⁹¹ When a new reform program was imposed in Macedonia in 1902, the office of the General Inspectorate of Rumelia had a status over that of the governors, and had a wide authority to check the local bureaucracy.⁹² Therefore, Ottoman constitution assumed this role. When the main function of parliament of 1876 Kanun-ı Esasi was defined as "control" or "check" over the state affairs, this was an attribution of sovereignty within the standards of the era, even if it had not yet acquired legislative power, and in terms of legislation and its authority vis-à-vis the sultan the parliament's authority remained limited.⁹³

90 The conflict within the administrative councils was more between the elected locals and the appointed bureaucrats, rather than among the local notables. Additionally, in the first Ottoman parliament, the demand of local notables to remove *Valis* from the head of the provincial councils was often made. Ortaylı, *Osmanlı Mahalli İdareleri*, 70-80.

91 See, Yonca Köksal and Davut Erkan, *Sadrızam Kıbrıslı Mehmet Paşa'nın Rumeli Teftişi* (İstanbul: Boğaziçi Üniversitesi Yayınevi, 2007). For a detailed account of subsequent Tanzimat inspections, see İbrahim Serbestoğlu, "Abdülaziz Ve Teftiş: Ali Rıza Efendi'nin Canik Sancağını Teftişi," in *Sultan Abdülaziz Dönemi Ve Sempozyumu: Ordu Ve Siyaset*, Vol.3, (Ankara, TTK, 2013) especially, 205-210.

92 See Chapter 2.

93 Their authority concerned the budget. See, Yayla, *Anayasalarımızda Yönetim İlkeleri*, 24-26.

In this context of reforms, the Second Constitutional Era, particularly the 1909 legal reforms, represented a rupture by conflating sovereignty and centrality. First, it efficiently constrained the authority of the sultan and determined the Chamber of Deputies, as the source of legislation and of sovereignty. Secondly, despite many constraints, the revolution succeeded in bringing together a range of local representatives in a center and thus indicated a degree of geographical concentration of power. Third, the CUP undertook the role of an inspecting power while executive branch — at the first place the local bureaucracy — underwent substantial changes, with the purges conducted by the CUP that occurred even before the establishment of parliament.

On the other hand, categories of constitutionalization that determined the formation of constitutional regime in the Ottoman Empire — a coherent legal system under a fundamental law and an administrative network ensuring territorial sovereignty — implies a transformation that would be carried out within institutional and formal boundaries. However, one must keep in mind that constitutionalization was a revolutionary course that by definition broke apart political and institutional status quo. Hence, it was a process in which irregularities and informalities played major role. This was particularly true for actors who directly or indirectly participated in the foundation of constitutional regime. For the Ottoman case, as will be seen in the course of the study, these actors varied from statesmen of old regime to revolutionaries including young bureaucrats and illegal partisans. Particularly the “komitacı” culture was located between legal and illegal spheres, and their leaderships were mostly nourished by constitutionalist and nationalist ideologies. These well-educated cadres both Muslim and Christian, who became representatives of their respective political movements after the revolution, were bearers of a culture of legalism translating their political interests into constitutional discourse.⁹⁴ Another irregularity is that these actors creating union of elements in the Ottoman Empire were not only Ottomans, but also beneficiaries of extraterritorial legal and social relations with neighboring Balkan states as well as with Great Powers. Furthermore, the actors included not only educated

94 Benton underscores the role of trans-imperial legal culture in the development of a new legal framework. See, Benton, *Search for Sovereignty*, 3.

generation but also precarious, criminal figures, labor immigrants, politicized common people in short, who ever triggered a legal dispute by using legal loopholes or demanding application of a right in an era of juridical crisis. Accordingly, throughout the study we will observe the formation of constitutional regime and Ottomanist politics by taking this expanded social sphere into account.

Would these be sufficient to create a new loyalty under a common Ottoman identity and consequently overcome the weight of centrifugal tendencies? Could the constitution add to the central power of the empire, and allow it to succeed transcending beyond being a "vernacular state" as Ariel Salzmann, defined the main motif of the "old regime"?⁹⁵ Considering that overcoming the arbitration in administration, concentrating power at the center, establishing popular sovereignty and rule of law as well as enforcement of a law became the crucial titles of a constitutional regime, how did the 1908 revolution actually perform in realizing these norms? In this study these are the points that we will be following through certain cases.

§ 1.3 Scheme of the Study

This study is primarily an examination of constitutional rule in practice, in terms of its capacity to transform or overcome the legal and administrative heritage of the preceding era, shaped by juridical (separating communities) and geographical (separating center and provinces) limitations. Therefore, the strategies evolving around the themes of *ittihad-ı anasır* and centralization/de-centralization will be examined by observing the application of parliamentary and constitutional norms, the processes of enacting, and enforcing laws within central and local dynamics. Particularly the martial law in Rumelia and the law on conscription of Christians, being the ones closely concerning both the issues of sovereignty and the creation of a constitutional nation, will be traced in these terms.

95 Ariel Salzmann, *Tocqueville in the Ottoman Empire: Rival Paths to the Modern State* (Leiden: Brill, 2004), 122ff.

In Chapter 2, the "old regime" (*devr-i sabık*) will be examined. This was a major theme in overall discourse of the constitutional era, mostly as a term signifying autocratic politics (*istibdad*). However, we will shift our focus to the experienced "old regime" — the socio-political relations formed before the revolution of 1908. Such an approach requires passing beyond the limits of the "autocratic" Hamidian era; previous reform history must be included both with its legal-administrative accumulation and socio-political developments. This context will help us to clarify the administrative, legal framework that the constitutional regime had to overcome. In Chapter 3, we will pursue in what ways the new regime sought to create new bounds in the aftermath of the revolution. With an overview of the CUP's central and local links with the agents of non-Muslim communities, we will focus on earlier parliamentary debates on the Macedonian issue to clarify the points of divergences and convergences. Legislative and executive breakthroughs starting in Summer 1909 as a turning point in constitutional reform will be evaluated within this context. In Chapter 4 we will track down the formal and informal repercussions that the 1909 breakthrough created in Manastir, and in Serres, the centers of the revolution. Especially an elaboration of one critical law, namely, the law on brigandage, concerning major Christian political forces, Macedonian-Bulgarists in Manastir and Hellenism in Serres, will allow us to observe how conceptions such as constitutional understanding, legal reform and sovereignty really functioned within the political tensions in provinces. In this chapter, it will be possible to see the constitutional law vis-à-vis the legal heritage of capitulatory jurisdiction, along with a variety of agents such as local administrators, heroes of the revolution, deputies, partisans, and diasporas in neighboring states. This law is crucial in certain aspects. First, it allows us to observe constitutional rule on formal boundaries, since the law stipulated an exceptional regime, reflected both in its enactment and enforcement. Secondly, as it was designed specifically for Rumelia, it revealed the regime's actual perception of this political geography, and the regime's relation with other nationalistic political forces —in our case, the Bulgarian Constitutional Clubs, that were also represented in the Chamber of Deputies. Third, as the law became an object of disputes and subsequently reformulated the authorities of local bureaucrats, it showed how the local and central administrations would interact.

Thematically, this chapter includes the capacity of the constitutional regime to deal with the context of the post-1878 status quo, marked by warfare with armed bands. Standing at the center of a series of crucial issues relating to the *ittihad-ı anasır*, such as the problem of churches and schools, the understanding of sovereignty by local administrators and the demands of a major nationalistic political force — the Macedonian-Bulgarists — this chapter will pass beyond the narrative of a “counter-insurgency” and demonstrate a channel on which the central government and local forces developed rival strategies — a stage on which various interpretations of the constitution were debated — giving us the possibility of observing rival parties in their struggle and action.

Chapter 5 will focus on the functioning of the regime *vis-à-vis* juridical structures inherited from the Tanzimat period. Hence, whereas the previous chapter mainly concerned the informal political means developed by certain nationalistic actors, this chapter aims to trace the formal institutional bodies of Christian communities, and how their existing status, which was seen as one of “privileges” in Ottoman eyes and of “rights” in those of Christian communities, was shaped within constitutionally defined legal framework. In this chapter, after evaluating the local reverberations of this heritage in Rumelia, we will evaluate the development of the military conscription of non-Muslims, which was one of the most crucial agendas within the creation of an Ottoman “nation” realization of which had been put off throughout Ottoman reform history. Military conscription of non-Muslims required a radical re-arrangement relating to the existing “privileges” (or “rights”) of non-Muslims, a junction that drew the existing institutional bodies of Christians into the constitutional crisis. Hence, a last section of this chapter will be an observation of inter- and intra-communitarian alliances through the memorandums of Hellenist and Bulgarist deputies or churches, which were issued following the enforcement of the laws on brigandage and conscription.

This examination will trace the dynamics of the socio-political life of both Istanbul and Rumelian provinces. The localities chosen among the centers of revolutionary action, were in Manastir and Thessaloniki, along with its sub-province, Serres. Two case studies particularly help us in descending toward the tensions in Rumelian provinces: The case of Jovanovich in Manastir related

to the law on brigandage, and the case of Leon Ruspert in Serres concerning the crisis of jurisdiction triggered by the law.

“The murder of Jovanovich” will help us infiltrate the depths of political life in Manastir, the base of the revolution. Through this case, which was closely related to Ottoman Bulgarian constitutionalists in the province, we observe certain mechanisms of local networks, as well as types of state surveillance over schools, churches, and brigandage activity, each of which constituted sensitive points in all Christian political circles. We will not depict the case story as a separate chapter, but within the broader narration of the law on brigandage, since the law itself evolved along with the story. Thus, we will touch upon what kinds of networks and political atmosphere the new regime created in *Rumeli*, as well as how the legislative and judicial organs actually functioned.

This illustration of tensions emanating from the contradiction between the claim of Ottoman sovereignty and the extraterritorial dynamics is supported by the case of a violent confrontation over the loyalty and identity of a certain Leon Ruspert, who was a suspect of a crime. By reconstructing the tensions developed around a “suspect,” we will touch upon how his multiple affiliation as a product of capitulatory system was perceived and criminalized in reference to the new regime. In this case, we again witness the active role of local bureaucracy, mixed with local CUP cadres, as the igniter of a mass mobilization which targeted extraterritorial bounds related to the identification of Greeks and to the capitulatory jurisdiction. The case reveals the bifurcation between local and central governments, which also reflected on divergences within the CUP. Additionally, competition over the imprisonment of Leon Ruspert brought forward the question of constitutional law again. The pressures born around this issue, pushed the Ottoman bureaucracy to a deep reconsideration and adaptation of the existing legal corpus. Indeed, both cases were far from being “local” or “marginal.” Both drew utmost attention from various parties. Both alarmed local actors, led to public mobilizations, sparked reactions in foreign and neighboring countries, both effected the strategies of the central government, and remarkably constituted case laws for certain legal regulations *en vigueur* at the imperial scale.

1.3.1 *Periodization*

The study focuses on the period 1909-1911 although it inevitably extends through 1908-1912, ending with the Balkan Wars. What made the 1909-1911 a focal point was its being a historical *ceteris paribus* which presented envisaged constitutional system available conditions to construct a legal system — a period between the first thrust in reforms depending upon the Kanun-ı Esasi and the official start of the Ottoman-Italian War.

Following the traumatic events of March 1909, the 31 March Uprising in Istanbul, the Adana massacres of Armenians, and the demand by Cretan Rums to be annexed by Greece, state politics took a new shape. Everyone witnessed rapid adoption of a series of laws at the initiative of the CUP. This first wave of legal reforms touched the nervous system of the existing social and political configuration of the Empire. At the top of the list, one should mention the amendments to the Kanun-ı Esasi, which led scholars of constitutional law called it the “1909 *Kanun-ı Esasi*” and according to which sovereignty passed to parliament and hence to “the nation.”⁹⁶ Simultaneously, the laws on associations, on churches and schools, on the brigandage, also on the conscription, along with a purge of the bureaucracy were promulgated. Enactment of these laws had immediate social and political resonances on the objects of the politics of Ottomanism, that is to say, the Christian communities. Following the promulgation of laws, an additional transformation occurred in the executive branch with the establishment of the İbrahim Hakkı Paşa cabinet. The cabinet was dominated by CUP cadres and hence constituted a relative uniformity in the era. İbrahim Hakkı himself was a prestigious statesman, known for his competence in law and had the opportunity to rule the empire in the “first and last year immune from foreign pressures” in Bayur’s view.⁹⁷ The constitutional period was a deviation from a larger international order following the Treaty of Berlin and ended with the Balkan Wars.⁹⁸

96 Orhan Aldıkaçtı, *Anayasa Hukukumuzun Gelişmesi Ve 1961 Anayasası*, Vol. 1 (İstanbul: Hüsnütabiat Matbaası, 1966), 84.

97 Cited in Feroz Ahmad, *İttihat ve Terakki: 1908-1914* (İstanbul: Kaynak Yayınları, 1995), 93.

98 See Chapter 2. Particularly the periodization of historian Hildebrand, in section 2.2.

This was a period in which the opposition was deeply concerned with a return to the methods of the old regime, or in some cases, adoption of a politics of Turkification and assimilation. These concerns inevitably led to a consolidation of different Christian political centers, as well as of opposition in general. By 1911, the relatively peaceful atmosphere of 1908 was lost and with the large-scale Albanian revolt, political violence in Rumelia again dominated the scene. Hence, this period of two-years presented the conditions to show the legal and administrative capacities, along with the constitutionalization of the empire. This sub-period ended in 1911 when the CUP and the government tried one last time to preserve their authority in Rumelia, with amnesty for the Albanian revolts and with the travel of Sultan Mehmed Reşad to Kosovo.⁹⁹ The outbreak of war with Italy definitely marked the beginning of the end for this legal breakthrough of the early constitutional period.

The events of this period led to a sharp break within the Ottomanist ideal and created tendencies that can be traced following the apparent regime change of the 1913 *coup d'état*: The bylaw regime method of rapid legislation, that marked the Ottoman administration during the World War I; the intensifying population politics and property transfers at the expense of the Christians of the empire; and the consolidation of the Christian elements as a precursor of the Balkan alliance of the 1912-13.

1.3.2 *Literature and Sources*

The study stands at the juncture of two literatures: The legal and socio-political histories of the constitutional era. As the focus of historiography shifted increasingly towards intercommunal relations and transnational histories in the 1980s, the representation of non-Muslim political or confessional actors in the history of reforms underwent considerable changes. The forms of integration of non-Muslims communities into the formal body of the reforming Ottoman

99 The visit of Sultan Reşad to Kosovo was the direct result of political concerns about a revival of partisan warfare in Rumelia, after the severe disarmament campaign of Şevket Turgut Paşa. See, Erik J. Zürcher, *The Young Turk Legacy*, 85. For the effect of the disarmament campaign, see Chapter 4.

state, the levels of recognition of non-Muslim institutions by the central government, as well as the compliance of non-Muslims with the new legal frame became major themes that are still in course of development.¹⁰⁰ It should be added that with the convergence of Balkan and Arab studies with the Ottoman studies, other communities' agency in political developments have become more obvious.¹⁰¹

These historiographic turns, described here along general lines, called forth the problematization of the duality of reform vs. non-Muslims — particularly "Christians" — that had been established in the twentieth century historiography. First of all, to what degree can one speak of "Christians" as an entity, particularly in the face of reforms? Indeed, as studies zoom into concrete relations, the divergences within those called as "Christians" became obvious, as well as the fact that attitudes vary according to intercommunal and intracommunal, and even geographical circumstances. With the enrichment of methodology and materials for historiography, the representation of non-Muslims in the reform age has considerably changed, focusing on overlapping processes. And the story of reforms, particularly those of the constitutional

100 Apart from individual studies, one can observe the tendencies, and find the works of prominent scholars on the aforementioned themes in these seminal volumes, see Benjamin Braude, and Bernard Lewis, (eds), *Christians and Jews in the Ottoman Empire*, 2 vols ((New York: Holmes and Meier Publishers, Inc. 1982), and Dimitri Gondicas, and Issawi Charles (eds.) *Ottoman Greeks in the Age of Nationalism: Politics, Economy and Society in the Nineteenth Century* (Princeton: The Darwin Press, 1999). Feroz Ahmad, *The Young Turks and the Ottoman Nationalities: Armenians, Greeks, Albanians, Jews and Arabs, 1908-1918* (Salt Lake City: The University of Utah Press, 2014).

101 The three prominent examples were Gül Tokay, *Makedonya Sorunu: Jön Türk İhtilalinin Kökenleri (1903-1908)* (İstanbul: Afa Yayınları, 1995). Fikret Adanır, *Makedonya Sorunu: Oluşumu Ve 1908'e Kadar Gelişimi*, (İstanbul: Tarih Vakfı Yurt Yayınları, 2001), and Mehmet Hacısalihoğlu, *Jön Türkler Ve Makedonya Sorunu (1890-1918)* (İstanbul: Tarih Vakfı Yurt Yayınları, 2008). Regarding Arab provinces Elie Kedourie, "The impact of the Young Turk Revolution on the Arabic-speaking Provinces of the Ottoman Empire," in *Arabic Political Memoirs and Other Studies*, (London: Frank Cass, 1974), and Hasan Kayalı, *Arabs and Young Turks: Ottomanism, Arabism and Islamism in the Ottoman Empire, 1908-1918* (Berkeley: University of California Press, 1997).

era, became the story of intersections. The scale and geography in historiography started to shift from Istanbul towards the provinces, which inevitably brought the "local" into question.¹⁰²

As for constitutional scholarship, the literature was dominated by the development of classical constitutional law in the Ottoman Empire. The titles of these works typically start with a general definition of constitution and state, then focus on the forms of government, the organization of different branches of the state, the electoral system, and certain categories of political science such as democratic participation, the pressure groups, or political parties.¹⁰³ This scholarship consecrates a certain part of their studies to the historical development of constitutionalism, though a common attitude is to examine the developments from the norms and perspective of twentieth-century paradigms and to judge the period with shortcomings in the realization of national

102 Nathalie Clayer's study on the emergence of Albanian national identity also represented a shift in methodology as it focused on the fluidity in self-identifications and political structures. See her *Aux Origines du Nationalisme Albanais: La Naissance d'une Nation Majoritairement Musulmane en Europe* (Paris: Karthala, 2007). As an example, Vangelis Kechriotis' works on Smyrna showed how heterogeneous could be the local Greek community in the constitutional period; as an example, see his "Experience and Performance in a Shifting Political Landscape: The Greek-Orthodox Community of Izmir/Smyrna at the Turn of the 20th Century," in *Deltio Kentrou Mikrasiatikou Spoudon*, no. 17, (Athens: 2011). Certain recent studies on the connections of various socio-political actors with the Ottoman reforms, including those of the constitutional period represent this tendency to focus on interaction and local relation; François Georgeon (ed.) *L'Ivresse de la Liberté*, (Paris: Peeters, 2012); Hannes Grandits, Nathalie Clayer et al (eds.) *Conflicting Loyalties in the Balkans: The Great Powers, The Ottoman Empire and Nation-Building* (London: I. B. Tauris, 2011); Dimitris Stamatopoulos (ed.) *Balkan Nationalism(s) and the Ottoman Empire*, 3 vols, (Istanbul: The Isis Press, 2015). This convergence is also valid for the individual Balkan historiographies, see Vangelis Kechriotis, "From Trauma to Self-Reflection: Greek Historiography Meets The Young Turks 'Bizarre' Revolution," in *Clio in the Balkans: The Politics of History Education* (Thessaloniki: CDRSE, 2002).

103 For one of the most popular example see, Mümtaz Soysal, *100 Soruda Anayasanın Anlamı*, (İstanbul: Gerçek Yayınevi, 1997). For a different approach, Ergun Özbudun, *Türk Anayasa Hukuku* (Ankara: Yetkin Yayınları, 1998).

sovereignty.¹⁰⁴ However, in terms of focus, one exception was Tarık Zafer Tunaya, who brought together political science and legal history producing studies that still provide clues leading to new questions.¹⁰⁵ However, the area experienced a crucial turn, mixing social history and constitutional developments in the Ottoman Empire. The works of Nader Sohrabi presented the transnational connections and interactions of constitutionalisms in Russian, Ottoman, and Iran empires or underscoring the multiplicity of agents included in the Ottoman constitutional development both in theory and practice.¹⁰⁶ Accompanying the general retreat of twentieth-century paradigms, Ottoman constitutionalism of the nineteenth-century became interesting along with those of Europe, and it was studied with additional themes such as construction of legitimacy, its impact on social inequalities, on various political movements such as nationalism, and on different implementations of power.¹⁰⁷ Hence, this historiographic tendency to combine legal history with social and political histories will guide us, and will be referred to throughout this study.

In order to trace the functioning of the regime at various levels, we will use a variety of primary sources. In considering multiple central and local actors, we will use the minutes of the Chamber of Deputies (*Meclis-i Mebusan Zabıt Cerideleri*) to trace the legislative procedure. In summarizing the arguments, we will focus on how deputies elaborated their arguments and “Ottomanism” in the new organ of the constitution and how they formulated the demands of

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- 104 Certain scholars went so far as to question whether the *Kanun-ı Esasi* of 1876 should be considered a constitution, because parliament did not have full legislative authority. For a criticism of this approach, see Yıldızhan Yayla, *Anayasalarımızda Yönetim İlkeleri*, 21-22
- 105 Among many others, see Tarık Zafer Tunaya, *Türkiye’de Siyasi Müesseseler Ve Anayasa Hukuku*, 2nd Edition (İstanbul: Sulhi Garan Matbaası Varisleri, 1969), and *Türkiye’de Siyasal Partiler*.
- 106 Nader Sohrabi, *Revolution and Constitutionalism*; and Hourı Berberian, “Connected Revolutions: Armenians and the Russian, Ottoman, and Iranian Revolutions in the Early Twentieth Century,” in *L’Ivresse de la Liberté*, ed. François Georgeon, (Paris: Peeters, 2012), 15-26.
- 107 For a comprehensive volume on this issue, see Kelly L. Grotke, and Markus J. Prutsch (eds.) *Constitutionalism, Legitimacy, and Power: Nineteenth-century Experiences* (Oxford: Oxford University Press, 2014).

the sociopolitical bases they represented. Passing to the social sphere; to clarify the strategies of the executive branch, that is to say, of government as well of the bureaucracy, we will use the Ottoman archives of the Prime Ministry (*Başbakanlık Osmanlı Arşivleri*, hereafter, *BOA*) and the archives of French foreign ministry (*Archives du Ministère des Affaires Etrangères*, hereafter *AMAE*). We will descend into the local relations through the re-construction of case-stories by a comparative use of two archives, along with complementary sources such as the Ottoman and Bulgarian press, and memoirs.



The Historical Background: The "Old regime"

In this chapter, we will trace the evolution of general legal and administrative structures that together formed a heritage for the constitutional era. To better observe the mutual development of the political and legal domains, this historical background can be divided into two periods: The Tanzimat, (1839-1876) an era of reform (or *islahat*) marked by the establishment of a new legal mechanism; and Hamidian rule (1878-1908), which is different from the official reign of Abdülhamid (1876-1909), started with the suspension of the first constitution, and ended with the promulgation of the constitution. This Hamidian era was characterized by an amalgam of autocratic and legal governance, deeply influenced by the geopolitical status quo of era after the Treaty of Berlin.

§ 2.1 The Introduction of the “Rule of Law”

The Ottoman reforms established the “rule of law” as the new paradigm of state. The ideology of the “rule of law,” as formal egalitarianism (equality before the law), justice in administration, and cohabitation within a common socio-political identity, accompanied all the steps of the reform. Although the ideology was declared in the form of *fermans*, in both 1839 and 1856, —that is as edicts imposed from above— they were binding documents on the Ottoman Palace, re-defining the position of sultan with some duties vis-à-vis the

society, as the warrantor against abuses in government. Accordingly, a new legal body was constructed producing new institutions in the 1860s such as the State Council (*Şura-yı Devlet*) at the center and *Nizami* courts extending to the provinces. What these legal organs would practice was a new notion of law — rational, abstract and normative — which was alienated from the personality of the sultan, and which brought considerable restraints on the arbitrary exercise of power.¹ It should be noted that the introduction of this principle does not mean that Ottoman policies and its rulers' decisions invariably depended on an ideal of justice. However, with all its components, the “rule of law” was an ideal and a solid organizing principle, that was directly reflected in the structure of the state, particularly in terms of jurisdiction. Additionally, such a reorganization showed effects in the social domain by opening new possibilities for parties, individuals, communities to pursue their self-interests. It was hoped to be a new ground for loyalty, as Vezenkov stated: “[J]ustice appeared as a *raison d'être* for the Ottoman state and at the same time as a reason for its subjects to remain loyal to the empire.”²

A striking step forward in the long age of reforms was the Reform Edict in 1856 — the *Islahat Fermanı* — which was declared right after the end of the Crimean war. In a period when the Ottoman Empire had been accepted into the European entente, the Edict introduced a new balance among communities within the Ottoman Empire. European Powers recognized the empire. With the Entente, the Empire recognized by the European powers as a sovereign state, with the right to exercise its law, and jurisdiction in its own territories. This meant the eventual inclusion of the empire in the Westphalia model,

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- 1 The legal system and ideal was inspired by the Napoleonic Codes. Zafer Toprak, “From Plurality to Unity: Codification and Jurisprudence in the Late Ottoman Empire,” in *Ways to Modernity in Greece and Turkey: Encounters with Europe, 1850-1950*, ed. Anna Frangoudaki and Çağlar Keyder, (New York: I.B. Tauris, 2007). For the role of law and legislation under a sultanic pragmatism, see Robert Mantran, “L’Empire Ottoman: Une Conception Pragmatique du Pouvoir,” *Comptes Rendus des Séances de l’Académie des Inscriptions et Belles-Lettres*, 137, no. 3 (1993), 760-763.
 - 2 Alexander Vezenkov, “Formulating and Reformulating Ottomanism,” 248.

a development that meant the edict would be enforced under convenient international conditions.³ Although the fundamental Islamic fabric of the judicial system did not change, the edict enhanced the judicial position of the non-Muslim communities, guaranteed their participation in the new legal body (mainly the local and central assemblies) and provided a considerable framework for the autonomy of these elements, not to mention the economic rights and opportunities.⁴ As for the communities, the reforms caused changes within the inherited communal institutions, and stipulated a considerable inclusion of secular elements in the administration of the communities diluting their confessional character. These new regulations were the base of development of a new concept of the millet, adapted to the reformed political body of the empire.⁵

However, the relatively autonomous status of non-Muslim communities did not necessarily mean a spatial organization; the Jews were also recognized as a millet which was scattered all through the Empire. Such an organization was undoubtedly contributed to a legal compartmentalization of Ottoman non-Muslim population that indicated the structure of the rule of law in the era, lacking a coherent and centralized body.⁶

The edict constituted a crucial point in the long nineteenth-history of the empire, in which official recognition of Christian communities changed in character. Particularly in the case of Orthodox communities, the Ottoman Empire started down the path of recognizing the Orthodox Church as an abstract institution with its own sphere of jurisdiction in the second half of the nineteenth century, granting rights to it as an institution rather than on an

3 Eliana Augusti, "From Capitulations to Unequal Treaties. The Matter of Extraterritorial Jurisdiction in the Ottoman Empire," *Journal of Civil Law Studies*, 4, no. 2 (December 2011), especially, 286 and 303.

4 Bülent Tanör, *Osmanlı-Türk Anayasal Gelişmeleri*, 96-97; Roderic H. Davison, *Reform in the Ottoman Empire*, Chapter 2.

5 Carter V. Findley, "The Acid Test of Ottomanism: The Acceptance of Non-Muslims in the Late Ottoman Bureaucracy," in *Christians and Jews in the Ottoman Empire*, volume 1 (New York: Holmes and Meier Publishers, Inc. 1982), 360.

6 The term compartmentation was used to define the relations in the era, see İlber Ortaylı, *Tanzimat Devrinde Osmanlı Mahalli İdareleri*, 74.

individual basis. This path of recognition constituted one of the continuities between the era of Tanzimat and Abdülhamid.⁷ Thus, vertical compartmentation, along with the process of recognition on individual basis created an uneven position for Christian communities vis-à-vis the Ottoman government.⁸

2.1.1 *The Capitulatory System*

On the other hand, the reform conception of communitarian equality before the law did not mean an immediate realization of legal equality in Ottoman populations. The recognition of the territorial sovereignty of the empire did not conclude with the full authority of the Sublime Porte as the legal body of the Empire, but its authority was hampered by the persistent, old capitulatory system. In the Treaty of Paris, the Ottoman Empire continuously put forward the demands to abolish the capitulations, but this vast body of extraterritorial law remained *en vigueur* and functioned in favor of Christian communities.

In theory, the old capitulatory system provided certain protections and privileges to foreign subjects, “without [their] becoming the subjects of the sultan.”⁹ The system was the basis of international trade between the Empire and foreign states, in particular Christian European powers. And therefore, beginning with France in the sixteenth century, European states gradually acquired judicial privileges over their merchants in the Ottoman Empire in practice. Significantly, these capitulatory privileges were granted in individual contracts (*ahdnâme*) with certain foreign states. This rendered the capitulatory system a point of negotiation and bargaining among the Ottoman Empire and European powers, but also produced an asymmetry among the jurisdiction and

7 The study of Ayşe Ozil on the transition from the individual recognition to recognition as an abstract, juridical body lists the regulations of the 1860s, the Ottoman Provincial Laws of 1871, the *Mecelle*, and the Code of 1902 as different moments of the recognition of the concept of a legal corporate body, under which the Christian institutions were redefined. See Ayşe Ozil, *Orthodox Christians in the Late Ottoman Empire: a Study of Communal Relations in Anatolia*, (New York: Routledge, 2013) 44, 67-68.

8 This unevenness became a prominent agenda in the debates on military conscription of Christians during the constitutional era. See Chapter 5.

9 Maurits H Van Den Boogert, *The Capitulations and the Ottoman Legal System: Qadis, Consuls and Beratlis in the 18th Century*, (Leiden: Brill Academic Pub, 2005), 24.

privileges of foreign powers in the empire. In other words, granting a privilege to one state did not necessarily mean that the same privilege was equally valid for another, creating a series of separate treaties that produced a hierarchy of privileged states.¹⁰ Given this competition, ambassadors and envoys of foreign powers in the Ottoman Empire became major actors pursuing this complex system of privileges on behalf of their own states.

From the beginning, the capitulary system had always borne a political character. The individual and even personalized process of granting capitulations rendered the issue of judicial privileges a subject of actual relations of power and a reminder of the authority of sultan. However, as the Empire emerged as a competitor for territorial sovereignty, the network of privileges that stretched from commerce to the penal code was increasingly perceived as a legal burden and a political threat. For this reason, in the negotiations of the Treaty of Paris following the Crimean War, the Ottoman Empire radically reconsidered its status vis-à-vis the West, insisting on the abolition of capitulations. The system which had permitted foreign agents to protect their own nationals under their own jurisdiction “constituted a multiplication of governments within governments, and consequently became an insurmountable obstacle to any kind of improvement.”¹¹ Now that European powers were recognizing the territorial integrity of the Empire, this system should be seen as anomalous. However, European states resisted, maintaining their privileges, and the capitulations remained an area of contest even in this optimistic era for the relations of both sides.¹²

In parallel, this capitulary system based on individual, interstate agreements, had filtered down to Ottoman non-Muslims as a trend facilitated by the dominant role of confessional affiliations in the system. Over three centu-

10 As Van Den Boogert shows, there was even a category of the “most-favored-nation” that the system produced. *Ibid.*

11 Frédéric Abelous, *L'Evolution de la Turquie dans ses Rapports avec les Etrangères* (Paris: Librairie des Sciences Politiques et Sociales, 1928), 105-106.

12 Hugh McKinnon Wood, “The Treaty of Paris and Turkey’s Status in International Law,” *The American Journal of International Law*, 37, no. 2 (Apr., 1943), 274.

ries, through these capitulations, European states had procured official protégés within the Ottoman non-Muslim communities who were integrated into the system via statuses such as *dragoman* (interpreters), *hizmetkâr* (sons and servants), or *simsar* (brokers).¹³ *Berats* which were official documents proving the protection of the holder by a foreign power, were granted so as to create a network of foreign protégés among the non-Muslim population. To that end, *berats* were not only given to official workers but also to indirect contacts such as tradesmen with whom the consulate were working.¹⁴ Through this network, certain Ottoman non-Muslim individuals of the Empire enjoyed the privileges of extraterritorial status.

However, the proliferation of the system of protégés kept the non-Muslim communities in a liminal position vis-à-vis struggles to construct the territorial sovereignty of the Ottoman Empire. The place of the non-Muslim communities in the capitulatory system did not only become a point of contest between state centers of the empire and the West. By the reform age, due to the fact that the recognition of Christian communities as relatively equal judicial bodies with the Reform Edict, was built on this uneven base of the capitulations, the reforms became a crucial agenda in the ethnoreligious confrontations in the era. As one pole of this confrontation, Ottoman Muslims became a center of discontent with the order stipulated by the edict.¹⁵ Roughly speaking, the reform edict had mixed two spheres of influence between non-Muslim and Muslim communities. Muslims who had been enjoying a privileged position within the Ottoman bureaucracy, including in the army, would now have to compromise it.¹⁶

13 Boogert, *The Capitulations*, 63-110.

14 Gülnihal Bozkurt, *Gayrimüslim Osmanlı Vatandaşlarının Hukuki Durumu (1839-1914)*, (Ankara: Türk Tarih Kurumu, 1989), 140.

15 Alexander Vezenkov, "Formulating and Reformulating Ottomanism," 246.

16 Şerif Mardin states that with the Reform Edict of 1856, Muslims were deprived of their privileged status of being the "dominant *millet*," — the *millet-i hâkime* — and non-Muslims effectively used this new legal base in their own favor. Hence, he establishes a clear-cut antagonism between Muslim and non-Muslim communities within the sphere of Ottoman bureaucracy. Şerif Mardin, *Türk Modernleşmesi*, (İstanbul: İletişim, 1997), 14. However, to avoid distorted and exaggerated descriptions of the era, it must be recalled that such an explanation of the

On the other hand, it is difficult to argue that non-Muslim communities were unanimously content with the post-*Islahat* paradigm. First, central and local state apparatuses did not seem to adopt the changes with the same pace, and the application and enforcement of reforms became a problem for non-Muslim communities.¹⁷ Second, the schisms among Christian communities, above all, the Christian Orthodox community, which was divided into separate churches was a product of the *Islahat* paradigm. Specifically the Rum Patriarchate, which had traditionally assembled a great part of the Orthodox Christian population under its authority, and had thus deemed itself as a major component of the Ottoman Empire, gradually became discontent with the emergence and separation of other Orthodox Churches, above all, the Bulgarian Exarchate in 1871.¹⁸ Thirdly, as mentioned above, the fact that *Islahat* paradigm recognized the Christian communities as judicial bodies did not mean that these communities remained homogenous coherent institutions.

Although more studies are needed to generalize or ascertain the direct impacts of these reforms on the imperial scale, it can be said that the edict provoked a power shift or provided a suitable atmosphere for the internal transformation of those millets. New actors and new cadres shook the traditional foundations of authority. For instance, in the Armenian community, apart from the confessional authorities, a new generation of Armenian intellectuals,

events is valid only if understood as “relative,” and not as “absolute”. As a matter of fact, official recognition of non-Muslim communities as legal bodies was a gradual, non-linear process, because “throughout the nineteenth century, or for the rest of the Ottoman Empire, the authorities never expressed or explicitly acknowledged an official corporate identity for the Orthodox Church,” as Ayşe Ozil satisfactorily demonstrates. Ayşe Ozil, *Orthodox Christians in the Late Ottoman Empire*, 68. Additionally, before the reforms non-Muslims were undoubtedly in the Ottoman state apparatus, and even after the edict, it is hard to safely speak of a considerable influx of Christian communities in the Ottoman central bureaucracy. One may even say that Christian communities were not so enthusiastic about taking part in it. The study by Findley provides a more detailed analysis that clearly distinguishes between the pre- and post-reform engagement of non-Muslims in the Ottoman bureaucracy. Carter V. Findley, “The Acid Test of Ottomanism,” 360.

17 Alexander Vezenkov, “Formulating and Reformulating Ottomanism,” 246.

18 Fikret Adanır, *Makedonya Sorunu*, 76-77; Şerif Mardin, *Türk Modernleşmesi*, 14.

called the Young Armenians, took the initiative in determining the new position of their communities and immediately after the declaration of the edict, they settled down to prepare a new constitution for the Armenian millet.¹⁹ The Armenian constitution, adopted in 1862, was only one of three constitutions, in addition to Rum and Jewish millets, who declared their own constitutions in 1862 and 1865, respectively.²⁰

2.1.2 *Subjecthood as a Contested Domain*

The new legal status of Ottoman subjecthood was born within this context of reform age as a point of contest in Ottoman efforts to exclude extraterritorial infiltration and to secure territorial sovereignty. The reform age was not a stage on which the European States, the Ottoman Empire, and the liminal position of the Christian communities played. In the era, the emergence of another factor deeply influenced the fate of a considerable number of Christians in the Empire, those living in Rumelia: Nationalism and the newborn Balkan states as political centers in which to pursue this agenda.

The Balkan states were home to political programs with their own aspirations within Ottoman territories, and above all in Rumelia. Particularly with the Greek revolt and the foundation of the Kingdom of Greece in the period from 1812 to 1829, one of the principal, international questions of the modern era — namely the Eastern Question — paved the way to a race of extraterritorial influence among the Balkan states as well as in the empire.²¹ Initially, the

19 A classical work gives detailed information on this generation along with the evolution of Armenian millet in the Ottoman Empire: Vartan Artinian, *The Armenian Constitutional System in the Ottoman Empire (1839-1863): A Study of its Historical Development* (Istanbul: n.m., 1988).

20 Bülent Tanör, *Osmanlı-Türk Anayasal Gelişmeleri*, 131.

21 This example of separation achieved by clear nationalist demands would soon inspire other elements within the empire. Among those, the leading movement, that of the Bulgarians, was initially in conflict with the established Greek elite and with the Muslim center of the empire. It quickly developed into the national renaissance (*natsionalno vyzrzhdane*) accompanied by the Pan-Slavist ambitions of the Russian Tsardom. Beginning in the 1840s, massive peasant uprisings turned into organized armed struggles under the leadership of Georgij Rakovsky. These bands gradually broke off with the religious elite adopting more secular motifs. See S.

newborn states avoided military confrontation with the Ottoman Empire, and instead, their policy of territorial claim was conducted through the imposition of a conception of “nationality.” As these states desired to construct an ideological legitimacy, they became the self-declared representatives of national, confessional identities.

Greek independence was not only a matter of separationism for the Ottoman Empire, but also the first time it faced with the problem of nationality over the population of the Orthodox Christians.²² The Kingdom of Greece adopted a policy to become a center of attraction within the sphere of a broader Hellenic world — defined as *Megali Idea* — and consequently recognized the Greek subjects of the Empire as its own nationals. How would one then distinguish a Greek national of the Kingdom of Greece and from one of the Ottoman Empire? In the initial negotiations between the Kingdom of Greece and the Ottoman Empire, neither side could reach an agreement but with the mediation of Great Britain, France and Russia, a protocol was signed in 1836. The Protocol accepted as nationals of the Kingdom of Greece those populations who resided in Greece and had by cut all formal relations with the Ottoman Empire, while it defined as Ottoman nationals those who returned to the Empire during and after the Greek War of Independence.²³

This protocol, of course, far from ended the conflict between the two states. In the court with its aforementioned aspirations, the Kingdom of Greece in particular did not see any benefit to a clear-cut separation of nationalities while the policy of Ottoman state was to prevent to a certain degree of influence of Greece on the Orthodox population within the empire. However, the competition turned into entanglement after the Crimean War, as the tendency of the Sublime Porte was to approve the Greece’s legal privileges within the Empire. Even though the Trade Agreement of 1855 did not comprise the

A. Nikitin, “Razlozhenie feodal’nikh i razvitie kapitalisticheskikh otnoshenii v Bolgarii. Natsional’no-osvoboditel’noe dvizhenie v kontse XVIII i v XIX v.” in *Istoria Bolgarii*, Vol. 1, (Moscow: Izdatel’stvo Akademii Nauk SSSR, 1954), 252-59.

22 Ayşe Ozil, *Orthodox Christians in the Late Ottoman Empire*, 98-99.

23 İbrahim Serbestoğlu, *Osmanlı Kiimdir: Osmanlı Devleti’nde Tabiiyet Sorunu* (İstanbul: Yeditepe Yayınevi, 2014), 237-238.

article regarding Ottoman nationality, the Greek state and its nationals were remarkably included in the capitulation system.²⁴

The contestation over Orthodox Christians would soon lead to an amalgam of affiliations among Ottoman non-Muslims. For instance, given the crossed jurisdictions and extraterritorial bounds, an Ottoman Orthodox Christian merchant in Ottoman territories could enjoy the advantages of affiliation with both the Patriarchate in the empire and the Greece, avoiding legal obligations accordingly.²⁵ More generally, in case of legal disputes, non-Muslim subjects with extraterritorial legal affiliations could not only declare foreign protection, but also foreign nationality, which they could acquire without additional effort. The rise of the Balkan states, in the example of the Kingdom of Greece, added to the liminal position of the Orthodox population.

An interesting result of the efforts to overcome this confusion was the emergence of term *Yunan* in the official Ottoman documents. Traditionally, the Greek community of the Empire was referred to as Rum, which was also the appellation accorded the Ecumenical Patriarchate in Istanbul.²⁶ However, after the establishment of the Kingdom of Greece, the term *Yunan* started to be used in reference to nationals of Greece, and on the other hand, *Rum* came to refer to Ottoman Greeks under the Patriarchate.²⁷

24 Halil Cemâleddin, and Hrand Asador, *Ecânibin Memâlik-i Osmâniyede Hâ'iz Oldukları İmtiyâzât-ı Adliye*, (Dersaadet: Hukuk Matbaası, r. 1331), 41-43. Prior to this agreement, as a strategy to gain the support of the Orthodox Christian community on the eve of the war with Russia, Sultan Abdülmecid granted new guarantees to the Rum Patriarchate in and explicit and enhanced framework. F. van den Steen de Jehay, *De la Situation Légale des Sujets Ottomans Non-Musulmans* (Bruxelles: Société Belge de Librairie, 1906), 90.

25 Siding archival documents, Serbestoğlu provides many examples of Ottoman Rums declaring Greek nationality; see his *Osmanlı Kimdir?*, 239-247.

26 Jehay, *De la Situation Légale*, 92.

27 In fact, religious affiliations seemed to play a role in this choice of terminology. The term *Yunan* seemed to be a translation of “Greek” referring to a pre-Christian, Hellenic heritage in Asia Minor, while the term *Rum* (*Romiosini*) referred to the imperial past — the attachment to the Greek Orthodox Church. Concerning the separation of the terms “Greek,” “Hellenic” and “Rum” see Dimitrios Stamatopoulos, “Orthodox Ecumenicity and the Bulgarian Schism,” *Etudes Balkaniques*, vol. 51, 1 (2015), 77-78. Thus, apart from spontaneous usage in Ottoman

With these restrictions, the Sublime Porte promulgated a law of subjecthood — the *Tabiiyet-i Osmaniye Kanunu* — in the year 1869, a striking move establishing the Ottoman identity apart from confessional affiliations and apart from the millet system. The official aim of this law was to regulate demands created by immigrating and neighboring Muslim communities that wanted to acquire Ottoman subjecthood.²⁸ But the law’s logic showed that principally it was designed to limit the foreign commercial and political protection of non-Muslim Ottoman subjects, and hence, it was to a degree a response to the Islahat paradigm.²⁹ Indeed, this text in nine articles represented a strict rupture with the mentality of the edict. The law defined Ottoman subjects as “persons who was born from parents or a father living in the Sublime State.”³⁰ It even stated that foreigners (*ecnebi*) who were born within the borders of the Empire or lived there for at least five years would have right to demand Ottoman subjecthood.³¹ According to the text, the only way to relinquish Ottoman subjecthood was an imperial order (*irade-i seniyye*).³² Even the children of those who relinquished or were divested of Ottoman subjecthood would still be legally considered Ottoman subjects, signifying the degree that the regulation adopted the principle of “individuality.”³³ But the last article was the one that most significantly defined the conception of the Ottoman population. The article stated that “every single individual who lives within

bureaucracy, *Rum* designated the traditional Greek Orthodox population under the Rum Patriarchate: Ayşe Ozil, *Orthodox Christians in the Late Ottoman Empire*, 9.

- 28 Cihan Osmanağaoğlu, *Tanzimat Dönemi İtibarıyla Osmanlı Tabiiyyetinin (Vatandaşlığının) Gelişimi*, (Istanbul: Legal, 2004), 212-213.
- 29 Davison states that the law “intended to combat the evils of the foreign protection of native Ottoman subjects ...” More specifically, it took aim at privileges originating from capitulations. Roderic H. Davison, “Turkish Attitudes Concerning Christian-Muslim Equality in the Nineteenth Century,” in *Essays in Ottoman and Turkish History: The Impact of the West* (Austin: University of Texas Press, 1990), 118.
- 30 “Vâlideyni veyahud yalnız vâlidî tâb`iyyet-i devlet-i `alîyyede bulunduğû halde tevellüd iden eşhâs (...)” Article 1 of “Tâb`iyyet-i Osmâniyye Kanunnamesi,” in *Düstur Series 1, Volume 1*, (Dersaadet: Matbaa-i Amire, h. 1289), 16.
- 31 Articles 2 and 3 in *ibid*, 16-17.
- 32 Article 5 in *ibid*, 17.
- 33 Article 8 in *ibid*, 17.

the borders of the property of the sultan, will be treated as an Ottoman subject ... unless he can prove that he was of another nationality.”³⁴ Thus, with this law the Ottoman Empire declared its full authority over its territories, penetrating the privileges of non-Muslim and foreign communities. By defining Ottoman subjecthood solely on an individual and territorial basis,³⁵ the document attempted to cut the traditional, legal ties of individuals both with their millets and even with their families, if necessary. This law represented the correlation between the notion of equality before law, and a centralist tendencies to restrain the foreign penetration.

2.1.3 *Emergence of Constitutionalism within the Reforms*

The first steps toward constitutionalism appeared in this framework of the reform age. In a first concrete sign of constitutionalism, non-Muslim Ottoman communities restructured their legal position with respect to the Ottoman state in accord with the Reform Edict of 1856. Acquiring significant autonomy, they issued “statutes” regulating their internal relations and institutions, covering various religious and educational activities. These “statutes” were called *nizamname* in the Ottoman legal system, but as Aylin Koçunyan showed for the case of the Armenian Patriarchate, the communities themselves perceived them as constitutions and operated accordingly. The hesitancy in Tanzimat terminology to accept the term “constitution” implied the limit on the autonomy granted to the communities in the reforms.³⁶ No matter how the *Tanzimat* sought to restrict the development of a a consciousness of self-government for the Christian communities, their institutionalization reached a degree that they were perceived as self-governing bodies. When in January

34 “Memâlik-i mahrûsa-i padişâhide ikâmet iden her bir şahs, tab`iyyet-i devlet-i alîyyeden m`adûd olub hakkında devlet-i `alîye tâbî mu`amelesi icra olunur eger kendusi tab`iyye-i ecnebîyyeden ise tâb`iyyetini (...) isbât etmesi lâzım gelür.” Article 9 in *ibid*, 17.

35 Davison also remarks this emphasis on territorial basis. Roderic H. Davison, “Turkish Attitudes,” 118.

36 Aylin Koçunyan, “Long Live Sultan Abdülaziz, Long Live the Nation, Long Live the Constitution...” in *Constitutionalism, Legitimacy, and Power: Nineteenth-century Experiences* ed. Kelly L. Grotke, and Markus J. Prutsch (Oxford: Oxford University Press, 2014), 193ff.

1910 in a dispute with the Patriarch Joachim, opponents reminded him that the “Patriarchate is governed by constitutionalism, and not absolutism,” it was more than a metaphor.³⁷

By the same token, the non-Muslim communities had formulated a certain degree of sovereignty, becoming *pour soi* political bodies. As we will see, this difference deeply determined the constitutional mentality, and what was seen as “right” for these communities, would be seen as a “privilege” for the rival (sometimes for Ottoman or sometimes for other) communities.³⁸ As the establishment of the Bulgarian Exarchate demonstrated, once a right of belief was institutionalized, it became an arena in which power brokers by distributed privileges. Tanzimat and the subsequent regimes used this extensively for Christian communities in what would be known as a “divide-and-rule” strategy. The contradiction shows that the Tanzimat legalism was never based on “natural rights,” and solutions to the immediate concerns of governance prevailed in the autonomy a community would acquire. In the second constitutional era, despite their hostility with respect to one another, the representatives of various Christian confessional and political groups were well aware of this strategy. The 1909 legal breakthrough would have to find a balance among these two stances.

Apart from these first traces of the notion of constitutional rights in the millet system, the constitutionalist movement as a program claiming the government of the empire, developed from a different channel, this time addressing Muslim population. A major theme of criticism of the Tanzimat among the first generation of constitutionalists in the 1860s was the arbitrariness of government and corruption within the Ottoman bureaucracy. This was supported by criticisms of cosmopolitanism (or Westernism). As an alternative, the constitutional movement — particularly that of Namık Kemal — asserted a homogenous culture, emphasizing Islam. The emphasis implied an eclecticism on the intellectual plan which combined natural rights doctrine and parliamentarianism with Islamic concepts such as *meşveret* (consultation). Practical concerns such as persuading — if not pacifying — the sultan in the

37 *İkdam*, no. 5518, 15 Kanun-ı Sani 1325 (28 January 1910) pp. 2-3.

38 On the tension this divergence produced in the constitutional context, see the debate on the common memorandum of Churches, in Chapter 5.

struggle for a constitution, and establishing a social base among the Muslim populations of the empire led to this amalgam. These vectors summed up to form a “genuine constitutional discourse” as Sohrabi defined, in comparison with other international movements.³⁹ The discourse was even supported at the expense of the organizational interests of non-Muslim communities, which enjoyed a legal status under the *Islahat* paradigm. This time, the rule of law was taken to its logical end, so as to demand a single legal foundation: A constitution. Namık Kemal overtly criticized the *Islahat* governance of distributing governmental offices between Muslims and non-Muslims, for contradicting the principle of equality, and for triggering communitarian rivalries.⁴⁰ Hence, the discrepancy becomes more obvious when non-Muslims are taken into account. Under *Islahat* reform, non-Muslims organized with a constitutional status that they tended to advance, while for the Young Ottoman constitutionalism, criticism of that very same status played a prominent role in both constitutional propaganda and doctrine.

2.1.4 *The Kanun-ı Esasi and the Place of the Ottoman Nation*

Combined with obvious examples of sovereignty loss, such as the Cretan problem in 1860s and the eventual Eastern Crisis, the constitutionalism gained undeniable support among leading figures in the state apparatus. Starting in 1875, the Empire could not overcome the heavy financial crisis declared bankruptcy, and was deprived of its international alliances. Domestically, it was confronted with two major revolts in Rumelia: The Bosnian and April Uprisings of the Ottoman Bulgarians.⁴¹ The result was a strong international pressure during which constitutionalist opposition took the opportunity to impose constitutional reform. When the first constitutional revolution was carried out in 1876,

39 Nader Sohrabi underscores this discourse and adds that it succeeded in popularizing the constitutional idea. See his *Revolution and Constitutionalism*, 40.

40 Joseph G. Rahme, “Namık Kemal’s Constitutional Ottomanism and non-Muslims,” 28-29.

41 For the April Uprising and its threat to the Ottoman Empire because of its role in the overall rise of separatist and Slavic-nationalist sentiments, see A.A. Ulunyan, *Aprel’skoe Vosstanie 1876 goda v Bolgarii i Rossija*, (Moskva: Izdatel’stvo Nauka, 1978).

the coup that dethroned two sultans was led by army commanders like Süleyman Paşa and “enlightened” bureaucrats like Midhat Paşa, not to mention the ambitious intellectuals like Young Ottomans.⁴² However, the Ottoman constitution, — the *Kanun-ı Esasi* — did not completely reflect these Young Ottomanist’s ambitions and was instead the production of a process of negotiation. The text of constitution combined many constitutional traditions in Europe and was prepared by a committee comprised of almost all influential circles of the era — from Midhat Pasha who headed the constitution committee, to leading figures of the generation of Young Ottomans such as Namık Kemal, to Krikor Odian who was among the authors of the Armenian constitution in 1867, and undoubtedly to conservatives as well.⁴³

First, the center of the constitutional body was determined to be the sultan. Although the sultan was relatively limited in his power, that is to say, he could not issue a law without the consent of the parliament, he was still given a wide scope of authority. Even, the constitution itself was seen as a new *ferman* of the sultan, not as a text prepared by a constituent assembly or a parliament.⁴⁴ And remarkably, the constitution included no clauses, which that established the nation (*Ottoman millet*) as the legitimate source of government.

Second, the constitution projected a degree of equality establishing that all Ottoman subjects (*tebaa*) were “Ottomans” regardless of their religion, sect,

42 For a general account of this era, see among others, Roderic H. Davison, *Reform in the Ottoman Empire*, particularly 172, 308-319, 336.

43 Roderic H. Davison, “The Millets as Agents of Change in the Nineteenth-Century Ottoman Empire,” in *Christians and Jews in the Ottoman Empire*, Vol. 1, ed. Benjamin Braude and Bernard Lewis, (New York: Holmes and Meier Publishers, Inc. 1982), 330. Also see Tarık Zafer Tunaya, *Türkiye’de Siyasal Gelişmeler*.

44 Bülent Tanör, “Anayasal Gelişmelere Toplu Bir Bakış,” in *Tanzimat’tan Cumhuriyete Türkiye Ansiklopedisi*, Vol. 1, ed. by Murat Belge et als. (İstanbul: İletişim Yayınları, 1985), 19.

or origin.⁴⁵ But it did not meticulously define the place of the already functioning millet system within this new legal context that described the relation between the individual and the state.

Third, aside from this obscurity in the constitution, it is hard to say that the introduction of the constitutional process favored the existing millet system. A demonstration of the position of lawmakers on the millet issue occurred in the crucial issue of language, as defined in the Article 18 of the constitution. During the debates in the constitution committee, a proposal permitting all races (*akvam*) to have their own official education systems in their own languages was rejected and excluded from the final text due to efforts of Said Pasha of Eğin on the grounds that such a clause would incite separatism.⁴⁶ Although here a new category of race was introduced to justify the rejection, the decision was primarily related to the confessional authorities, not only because the education system was a crucial function of the institutions of millet, but also because the attitude implies that the confessional institutions were evaluated in terms of ethnic affiliations. That is to say, the lawmakers had certain reserves about the organization of Christian communities as it was inherited from the *Islahat* and the obscurity on the final text might well be seen as a reflection of an underlying conflict.

On the other hand, the crucial constitutional breakthrough was parliament itself, which would be the incarnation of Ottomanity. Although the status of the millets was not elaborated in the Constitution, the General Assembly reflected the plurality of the millets of the Empire to a degree. As a prominent example, İlber Ortaylı underlines the rate of non-Muslim representation in parliament (nearly 1/3) and argues that this plurality was unique to the Ottoman order; it was unseen in contemporaneous examples such as the Russian *Duma* in 1905 or the Habsburg Empire. According to Ortaylı, the distinctive

45 It was Article 8 of the Constitution. See Johann Strauss, "Ottomanisme et 'Ottomanité': Le Témoignage Linguistique," in *Aspects of the Political Language in Turkey (19th - 20th Centuries)* ed. Hans-Lukas Kieser (Istanbul: ISIS Press, 2002), 15; also see Bülent Tanör, *Osmanlı-Türk Anayasal Gelişmeleri*, 145.

46 Ali İhsan Gencer, "İlk Osmanlı Anayasasında Türkçe'nin Resmi Dil Olarak Kabulü," in *Kanunu Esasi'nin 100. Yıl Armağanı*, (Ankara: AÜSBF yay, 1978), 186-187.

characteristic of the first Ottoman parliament was that it did not reflect class differences, but rather ethnic plurality. He emphasizes that this plurality did not bring the ethnic conflicts were brought into parliament; indeed debates were more local than “national” in character.⁴⁷ With the declaration of the constitution and the opening of parliament, the *millets* flourished in an atmosphere that was not theoretically designed for them.

Despite this first impression of parliament as a celebration of pluralism, some crucial points of disagreement expressed themselves. As a precursor of the related problem in the parliament of 1908, when Vasilaki Efendi, a deputy of Istanbul, proposed the enrollment of Christians in the Ottoman army and underscored the importance of such a regulation, he gained no support from other non-Muslim deputies. Such hesitancy continued when another proposal concerning the establishment of a non-Muslim civic guard was also opposed. Christians, as Davison argues, “would prefer paying a tax to serving in the armed forces.”⁴⁸ Thus, it is reasonable to assume that it was the hesitancy of deputies due to the fragile situation of this first parliament as well as its short-life that prevented the national ambitions from coming out in the sessions.

The constitution consecrated a peculiar place for parliament. The document assigned “sovereignty” to neither the “nation” nor the “sultan” reflecting the theoretical eclecticism of constitutional monarchies. However, the weight was undoubtedly in favor of the sultan. As Tanör stated, the system of the constitution indirectly established the sultan as possessing the rights of sovereign power.⁴⁹ The first seven articles of the constitution was devoted to the inalienable authorities of the sultan who, being the eldest son of the Ottoman dynasty, was the ultimate authority over the executive branch. He could elect, appoint and dismiss cabinet, assign ranks and degrees in the state hierarchy, declare

47 İlber Ortaylı, “İlk Osmanlı Parlamentosu,” 172. Bülent Tanör largely cites and seems to share Ortaylı’s interpretation of a peaceful parliament, but both scholars put forward reservations about the sincerity of expressions of “Ottoman patriotism” among non-Muslim members of parliament as well as among the millets outside of parliament. See also Bülent Tanör, *Osmanlı-Türk Anayasal Gelişmeleri*, 157.

48 Roderic H. Davison, “The Millets as Agents of Change,” 329.

49 Bülent Tanör, *Osmanlı-Türk Anayasal Gelişmeleri*, 134.

war and peace, “execute” (*icra*) military operations, enforce civic as well as *shar’ia* law, prepare regulations for administrative offices, and mitigate or grant amnesty for various penalties. The role of the sultan was determinant on parliament, too; Article 7 included within the rights of the sultan, the authority of suspend and abolish parliament.⁵⁰ This authority was used by Sultan Abdülhamid who suspended parliament for a thirty years.

From a formal point of view, the main concern of the text of the *Kanun-ı Esasi* was not “parliament,” but problems inherited from the *Tanzimat* period. The composition of the text, which Yayla aptly drew attention, reflected the hierarchy of issues that *Kanun-ı Esasi* addressed.⁵¹ After fixing the status of the sultan, the text touched on the rights of Ottoman subjects, then on the status of state officials and the bureaucracy, and only after these, the constitution specified the role of parliament. Although the position of the parliament vis-à-vis the sultan, and its place in the general scheme of the constitution, cast doubt on the importance of this essential organ of constitutionalism, the *Kanun-ı Esasi* still gave it a significant role.

What was this role of parliament, then? This issue became the most controversial aspect of the constitution, considering that the constitution did not give parliament a full legislative authority. The Ottoman parliament was designed as an elected body with a two-phase electoral system, according to which the deputies represented not their electoral district, but all Ottomans (*umum Osmanlıların*), as stipulated in Article 71. Significantly, due to this electoral system, the formation of parliament was the only space outside of the sultan’s intervention.⁵² On the other hand, its law-making authority was considerably constrained. The parliament could participate in the law-making process indirectly, and through three steps. To make a legislative motion, parliament (both the Chamber of Notables and the Deputies) first needed the permission of the sultan. The draft of the law would then be prepared by the State Council, and after the draft was approved by parliament, the law was put

50 Düstur, Series 1, Volume 4, 4-20.

51 Yıldızhan Yayla, *Anayasalarımızda Yönetim İlkeleri*, 23.

52 Bülent Tanör, *Osmanlı-Türk Anayasal Gelişmeler*, 137.

into force, again, with an edict of the sultan.⁵³ A significant detail is that the sultan finally approved it, the text was still a “draft” and not a “law.”⁵⁴ Nevertheless, in this legislative procedure, a mutual connection occurred between the sultan and parliament: Neither the sultan nor parliament could enact a law without the participation of the other.⁵⁵ While the constitution urged a mutual initiative, though favoring the sultan’s side, parliament had the authority to prevent the direct intervention of sultan in various commissions and control administrative procedures — above all, the state budget. Accordingly, parliament was designed as an organ that participated in legislating with strict constraints, but it was also an organ of “control” or “inspection” over the administration. The control over the administration and openness of state procedures became the main principles of parliament in the first constitutional era.⁵⁶

This role of parliament, along with the mentality of the composition of the text, suggests that a prominent guarantee provided by the *Kanun-ı Esasi* was to regulate existing relations between the administration and the people, targeting the arbitrariness of administration — the cause of many complaints on the eve of 1876, from the Lebanon crisis, to the Cretan crisis, and lastly to the Bosnian and Bulgarian uprisings of 1875-76. In 1875 and 1876, in the face of harsh allegations from Europe about “Bulgarian atrocities” committed by Ottoman authorities, the constitutionalists made a tactical and preemptive move to prevent a possible European intervention similar to that in Lebanon. By this act, the separation between the administration and the state was established. Parliament occupied an in-between position as an utmost form of “inspector.” While the administrative sphere became open and controllable, at least in theory, the definition of the sovereign remained a blur.

The Islahat reform paradigm — the compartmentation of non-Muslims into confessional millets — crossed with timid efforts to create an “Ottoman

53 Articles 53, 54 and 55 of the *Kanun-ı Esasi*. See *Düstur*, Series 1, Volume 4.

54 This feature would be amended in the 1909 legislation. See Chapter 3.

55 Yıldızhan Yayla, *Anayasalarımızda Yönetim İlkeleri*, 24.

56 “(...) 1876 Meşrutiyeti, bu anlayış içinde, yasama işini çok sınırlı ve bağlayıcılığı ancak olumsuz (negatif) yönde olan, buna karşılık memurları ve para sarfını denetlemek yetkisine sahip bir ‘Heyet’i öngörmüştür.” *Ibid*, 26.

nation” under a constitutional monarchy, one which would recognize the nation as an inspector in the name of sovereign. However, when Sultan Abdülhamid suspended parliament in 1878, the Treaty of Berlin remained as the highest legal text replacing the constitution as the supreme legal framework. However, with all its deficiencies and gaps as a coherent legal corpus, the Treaty of Berlin left wide space for political struggles on the ground and for local power relations, which, particularly in Rumelia, would create a *bellum omnium contra omnes* similar to what constitutional theorists of the Enlightenment defined as pre-constitutional order.

§ 2.2 Status Quo of Eastern Crisis: From "Rule of Law" to the Rule of Fait Accompli

Another heritage of the old regime was the political and social structure following the Treaty of Berlin in 1878. The first constitutional period in 1876 was born during the crisis of 1875-1878 and did not survive the period of unceasing rebellions, the devastating 1877-1878 Russo-Ottoman war (93 *Harbi*) and the subsequent internal and external status quo established by the 1878 Treaty of Berlin. It was eventually suspended by Sultan Abdülhamid, yielding what would be called an era of autocracy (*devr-i istibdad*). After its victory in the 1876-77 Russo-Ottoman War, Russia imposed the Treaty of San Stefano in March 1878 as a realization of both the pan-Slavic aspirations and the idea of a Greater Bulgaria extending from Dobrudja in the North to the Aegean Sea and Macedonia in the south, including most of Thrace. The Bulgaria envisaged in San Stefano immediately triggered a reaction among the Balkan nations, as well as among Western European powers, concerned about a decisive Russian influence over this critical region. Hence, on 13 July 1878, the Treaty of Berlin rearranged the Balkan geography confining “Greater Bulgaria” by dividing it into three parts: One in the south — the entity called as Eastern Rumelia — would remain under Ottoman political and military control; the northern one,

the Principality of Bulgaria, would become a vassal state paying tribute to the empire; and lastly, Macedonia would be restored to the Ottoman Empire.⁵⁷

Thus, closely related to the collapse of the first constitutional order, the Treaty of Berlin formed one of the negative memories and one of the main factors affecting political concerns after the re-establishment of the constitution in 1908. In a sense, the constitution was seen as an opportunity to liberate the empire from the status quo that was formed after the Treaty of Berlin. In a period marked by the first problems faced during the constitutional era in the international arena — namely, the annexation of Bosnia-Herzegovina by the Austro-Hungarian Empire and the declaration of the independence of the Principality of Bulgaria, as well as the Crete Christians' demands to be annexed by Greece — the international order of the Treaty of Berlin became a major topic in the Ottoman public opinion. Against these political attacks, the constitutional regime resorted to the signatories of the Treaty of Berlin with a demand to protest.⁵⁸ A high-profile philosophical and politics journal of the time, *Şehbal* emphasized this fact saying that “as the unceasing disputes between the Ottoman State and Austria-Hungary, as well as Bulgaria directly violated the resolutions of the Treaty of Berlin, everyone directed their attention to this topic.” However, *Şehbal*'s columnist, writing under the nickname “F.” was not optimistic about resorting to the Berlin framework; the Ottoman Empire had no response from the Great Powers that would qualify as condemnation: “Here is the justice that weak states can ever expect from the powerful states!”⁵⁹ Indeed, this difference of stress corresponds to a turn from a perception of sovereignty dependent on international treaties, i. e. from external sov-

57 Luigi Albertini, *The Origins of the War of 1914*, Vol. 1 (New York: Oxford University Press, 1952), 20; and Shaw and Shaw, *History of the Ottoman Empire and Modern Turkey*, 190-192; R. J. Crampton, *A Concise History of Bulgaria* (Cambridge: Cambridge University Press, 2005), 83-84.

58 Shaw, and Shaw, *History of the Ottoman Empire and Modern Turkey*, 277.

59 F., “Paris ve Berlin Kongreleri: Bazı Malumat-ı Tarihiye,” *Şehbal*, 1, no. 2, 15 Mart 1325 (28 March 1909), 30. The disinterest of the Great Powers was also mentioned in, Shaw, and Shaw, *History of the Ottoman Empire and Modern Turkey*, 277.

ereignty to internal one. This mistrust to international legal bounds was a perception or lesson derived from the complex evolution of old regime's relation with the Treaty of Berlin.

The constitutional regime in 1876 inherited an Empire the footings of which was de facto demolished. In the first place, in terms of diplomacy, the Empire's long-running network of alliances was bankrupt and its international position had deteriorated difficulty. In the preceding period starting in 1856, after the European alliance of the Treaty of Paris, the Ottoman Empire was confronted mainly with the Russian Empire and was a member of the European Entente. In comparison with the Treaty of Paris, in the Treaty of Berlin the empire had to face a variety of enemies, including Balkan states. Britain on which the Ottoman regime had relied since 1856, was now reluctant to support the territorial cohesion of the Empire.⁶⁰ On the other side, Bismarck, the de facto leader of the Berlin process, also did not seem concerned about Ottoman interests.⁶¹

By 1878, the Ottoman Empire's reform age was marked by a relative success in terms of international recognition, which provided a support for the Sublime Porte in establishing internal sovereignty and reforms. This attitude formed the discourse of Western interventions during the Eastern crisis, "[a]s in 1839 and 1856, in the 1870s too the intervention of Powers accompanied the sultan's reforming initiative."⁶² So, in the Treaty of Berlin, the empire sought

60 Roderic H. Davison, *Essays in Ottoman and Turkish History, 1774-1923: the Impact of the West*, (University of Texas Press, 2011), 178.

61 Indeed, Bismarck explicitly iterated that all he wanted was peace and that he did not care Ottoman territorial integrity. Sutherland Menzies, *Turkey Old and New: Historical, Geographical and Statistical* Vol. 2, (London: W. H. Allen, 1880), 255.

62 Eliana Augusti, "1869-1878: Towards the Reorganization of the Balkan Area," in *Konflikt und Koexistenz: Die Rechtsordnungen Südosteuropas im 19. Und 20. Jahrhundert, Band 1: Rumänien, Bulgarien, Griechenland*, ed. Michael Stolleis et. al. (Frankfurt am Main: Vittorio Klosterman, 2015), 35. Ferozee A. K. Yasamee describes divergences among Ottoman statesmen on the priority of internal and external sovereignty. For Sultan Abdülhamid, it was vital to maintain peace among European Powers, although he expresses that Ottoman Empire should "maintain a real measure of independence." It was this "measure" which would define actual Ottoman manoeuvres. See, Ferozee A. K. Yasamee, "European Equilibrium or Asiatic

to reestablish a similar international balance. After all, Berlin conference was a relative improvement over the even more destructive Treaty of San Stefano and thus remained as the only international framework by which the Ottoman Empire could protect what remained of its sovereignty.

With the Treaty of Berlin, the Ottoman Empire lost two-fifths of its territory. All the parties to the Berlin status quo became "predatory states," as Mazower put it.⁶³ On the other hand, the result of the treaty was not the same for Great Powers and for Balkan states. While the treaty did not satisfy emerging Balkan nationalists, the gains of the Great Powers were more strategic. Russia, in addition to gains in the Eastern Anatolia — such as Batumi, Ardahan, and Kars — acquired some strongholds in Rumelia, such as Southern Bessarabia. Also now Russia had the opportunity to take the lead as the protector of Orthodox Christians in the Empire, particularly of the Armenians. Britain, through various diplomatic maneuvers, forced the Ottoman Empire to capitulate control over the island of Cyprus. The Habsburg Empire strikingly gained the strategic territory of Bosnia and Herzegovina, although it had not even participated in the 1877-78 war.⁶⁴

However, approach of the Great Powers' towards the territorial integrity of the empire was not the only critical issue addressed by the treaty. The originality of the treaty was the double-sided relation of its system with nationalistic ambitions rapidly arising in the Balkans. As the German historian Novotny states, in terms of its diplomatic aspects, the Congress of Berlin was the last of a classical type interstate congress in the sense that it was oriented to

Balance of Power?: The Ottoman Search for Security in the Aftermath of the Congress of Berlin," in *War and Diplomacy: The Russo-Turkish War of 1877-1878 and the Treaty of Berlin*, ed. M. Hakan Yavuz, and Peter Sluglett (Utah: University of Utah Press, 2011), 76.

63 Mark Mazower, *The Balkans: A Short History* (New York: Modern Library Chronicles, 2002), 79.

64 Barbara Jelavich, *History of the Balkans*, Vol. 1, (New York: Cambridge University Press, 1983), 360-361. For a general account of Austria-Hungarian aspirations vis-à-vis Bosnia and Herzegovina after the Treaty of Berlin; see *Taming Bosnian Nationalism: The Habsburg 'Civilizing Mission' in Bosnia, 1878-1914* (Oxford: Oxford University Press, 2007), esp. 143-175.

solve the new issues between the rising powers through old, unproven methods.⁶⁵

The essential divergence in the Congress of Berlin was the amendment of borders in the Balkans, last reorganized by the Treaty of Paris ending in a region-wide Russo-Ottoman war. On the other hand, the perspective of the Western Powers gave little much room for the "principle of nationality" in the redrawing of the borders, sometimes at the expense of confronting with their domestic oppositions. For instance, the British government insisted on excluding the "principle of nationalities," although the opposition pressured to determine the settlement in the Balkans on the basis of a principle of nationality, not on "dynastic arrangements or geographical puzzles."⁶⁶

Moreover, in his confidential report on the Congress of Berlin — almost unique in its delicacy — Henry Munro states that it was not only the Western publics, but also Russian and Ottoman empires favored the principle of nationality. The famous diplomat and Russian representative to the congress, Gorchakov, deemed the "majority of populations" as the only "equitable and rational" principle of government. Ottoman representatives, on the other side, held a similar position, for they were sure that the disputed areas were populated by a majority of Muslims.⁶⁷ This aspect, in particular, suggests that the Ottoman Empire was not only the victim of rising nationalisms, but also one of the actors that sought to benefit from it.⁶⁸

65 Alexander Novotny, "Der Berliner Kongreß und das Problem einer europäischen Politik," *Historische Zeitschrift* 186, no. 2 (1958) 287. Hobsbawm also mentions the collapse of the notion of interstate equilibrium via treaties, although he does not analyse it further: "Up to the 1870s -perhaps even up to the Congress of Berlin of 1878- it could be claimed that one nation-state's gain was not necessarily another's loss." Eric Hobsbawm, *The Age of Empire: 1875-1914*, (London: Abacus, 1997), 159.

66 Henry F. Munro, *The Berlin Congress* (Washington: Government Printing Office, 1918), 30.

67 *Ibid.*, 31, and note 2.

68 However, Ottoman Empire's recourse to the criterium of nationalism lacked the revolutionary energy existing in the Balkan nationalistic movements. See below the part on the formation of Hamidian regime within the Berlin status quo.

Given that the “high politics” of Bismarck’s and Britain’s efforts were directed at preserving a balance of power depending on Great Powers, nationalist aspirations in Balkans were inevitably excluded to a degree from the peace process in Berlin, as they were sources of destabilization. The main actors of a stable Europe would be Western powers, and enthusiastic, nationalistic demands were to be checked as much as possible. As a sign of this attitude, Greeks, Serbians, Romanians, and Armenians were represented. Except for the Armenian delegation, even these “small nations” had words in the conference, while Bulgarians, Muslims, and Catholic Albanians were excluded to various degrees. Despite their obscure existence in the conference, these nationalistic ambitions were subjected to protection of Western powers, which by no means prevented tensions among rival nationalisms.⁶⁹

En passant, an overall view suggests that logic of the Treaty of Berlin corresponds to the judicial paradigms of the era. In the nineteenth century, when European powers engaged in colonial rivalry and hence confronted with people having quasi-state formations, the relation of international law with sovereignty became an arena of dispute. In these disputes, although non-European political entities were excluded from a system of sovereigns, there were certain ways to theoretically justify a deal between a European power and colonial one. In one way or another, treaties as means of recognition became a transmitter of sovereignty to peripheric areas.⁷⁰ As for the Treaty of Berlin, the strategy was to govern the disputed region through a network of quasi-protectorate system. Local actors were granted a territorial integrity under the recognition of European powers, which would in turn guarantee stabilization and foundation of sovereign statuses in Balkans.⁷¹

69 Novotny, “Der Berliner Kongreß,” 287-288; also see Munro, *The Berlin Congress*, 30.

70 In these disputes, the positivist paradigm was reconstructed through the concept of “recognition”. For an overview and on the reconstruction of positivism, see Anghie, *Imperialism*, 98.

71 The diffusion of sovereign system toward non-European geographies through protectorates was described in relation with French diplomatical relations in Surun, “Une souveraineté,” 316. Also see Anghie, *Imperialism*, 67-68

On the other hand, such a containment of nationalist aspirations by the Great Powers was not guaranteed, as the developments showed. “Balkan people were tired of being a simple object of international powers,” within a status quo that was far from being satisfactory.⁷² Even for the Balkan states that were given independence, the partial gains of the treaty were in contrast to what they had propagated all through their histories of national struggle.

Romania, Montenegro, and Serbia were independent. But Romania could not accept a status quo that demanded the surrender of Silistra to the Bulgarians;⁷³ likewise, Bulgaria was disappointed by the surrender of Dobrudja to Romania. Moreover, the retreat from Macedonia, Western Thrace, and the division of Bulgaria into two states — namely the Principality of Bulgaria and Eastern Rumelia, both of which were still dependent in certain degrees upon Istanbul — considerably added to the disappointment of the Bulgarians. Montenegro's reach to the Adriatic on the other hand, was confined to a single port, and it was dissatisfied of the territorial gains too. The Kingdom of Greece, which intervened in the last phase of the Russo-Turkish war,⁷⁴ was highly alerted by the victorious pan-Slavic sentiments which represented a rival, nationalist and confessional current. Besides, Article 14 of the treaty strictly limited the territorial claims of Greece, to those negotiated with the Sublime Porte.⁷⁵ As a result of this general picture of dissatisfaction, the Balkan nationalists of both maximalists (those with irredentist and expansionist ambitions) and minimalists (those opted for a gradual national construction within moderate frontiers) found ways to impose their own agendas, by either bypassing or finding bowls in the status quo imposed by the treaty or by making use of rivalries among the Great Powers.

Obviously, a strategic invention of the congress was to wedge the inter-European contradictions into the Balkan region. As Hildebrand observes in a

72 Novotny, “Der Berliner Kongreß,” 289.

73 Robert W. Seton-Watson, *The Rise of Nationality in the Balkans* (New York: Howard Fertig, 1918), 116.

74 Jelavich, *History of the Balkans*, 358.

75 In the case of the persistent of disagreement between two states, the Great Powers would have the authority to intervene as mediators; *ibid.*, 360.

more recent study, after the Treaty of Berlin the vivid social and political tensions in Europe shifted from the western to the eastern part of the continent. While the Bismarckian balance among the Great Powers in this period was shaken more than once and ended in 1904-1906, the Balkan nationalists demonstrated an autonomous, independent pursuit of their own maximalist political agendas. Hildebrand, citing the French *charge d'affaires* in St. Petersburg, states that the culmination of this trend was the Balkan Wars in 1912-1913, wherein nationalisms pursued diplomacy and engaged in war relatively independent of the Great Powers.⁷⁶

Indeed, because this eclectic structure was designed to not satisfy any parties, the status quo of the treaty was all the more fragile. The clauses of the treaty were violated by various signatories. Among violations by the main parties before 1908 as listed by Miller: Russian Empire's closure and militarization of Batumi violated the article 59 and the Ottoman Empire ignored the Articles 23 (reforms for Macedonia) and 61 (reforms for Eastern Anatolia) by not realizing the envisaged reforms. As for the newly-founded Balkan states, with its persecution of the Jews, Romania disregarded Article 44. The Montenegrin frontier was amended after a military demonstration. Although the treaty above all concerned Ottoman territories in Balkans, these regions were scene of the significant changes. In a short period Greece took Thessaly in 1881 in a diplomatic course led by European powers. In this context, violations of the treaty after 1908 — that is to say, the Austria-Hungarians' annexation of Bosnia-Herzegovina and the declaration of independence by the Principality of Bulgaria, along with the occupation of Tripoli by Italy — were the last phases of the disintegration of this eclectic status quo that was long in coming.⁷⁷

76 Hildebrand notes that by 1897, with the emergence of the Cretan problem, the European balance was practically finished, with Britain's decision to end its isolation; see Klaus Hildebrand, "Europäisches Zentrum, Überseeische Peripherie und neue Welt. Über den Wandel des Staatensystems Zwischen dem Berliner Kongress (1878) und dem Pariser Frieden (1919/20)," *Historische Zeitschrift*, 249, no. 1, (August 1989), 75. For the view of the French *charge d'affaires*, *ibid.*, 83-84. The interpretation of the Balkan wars as a definite rupture of the Berlin status quo was first expressed even earlier by a contemporaneous analyst, Miller, but not in detail. William Miller, *The Ottoman Empire, 1801-1913*, (London: Cambridge Univ. Press, 1913), 396.

77 *Ibid.*, 396-397.

In this panorama, a remarkable breach in the Berlin status quo triggered an even wider scope of change: The expansion of the Principality of Bulgaria towards Eastern Rumelia. Although the spirit of the Treaty of Berlin was to limit aspirations of a Greater Bulgaria, the international balance did not remain strong enough to stop its push for further territorial gains. The Principality of Bulgaria, since the establishment of its first constitution, unceasingly sought independence, and the first constitution of the principality explicitly expressed irredentist intentions.⁷⁸ Consequently, in 1885, in a *coup d'état* deposing the Ottoman governor of *Rumeli-i Şarki*, these intentions passed beyond the Balkan Mountains separating the two countries. With the annexation of Eastern Rumelia, the *syedinenie* of Bulgaria was proved successful, despite the counter-efforts of Russia and Britain.⁷⁹ This annexation proved weakness of Great Powers in protecting the balance they created. And as for the Ottoman Empire, remarkable for our context is the unwillingness of the Ottoman government for a counter-action. With this bold step towards unification, the principality expected an attack by the Ottoman army. A reaction from the Ottoman government seemed so certain that the Bulgarian army was concentrated along the Ottoman frontier, but the eminent attack that never took place; instead, Bulgaria was caught defenseless against the Serbian army at the other edge of the country. The reluctance of the empire in interfering with the annexation in a convenient international atmosphere suggests that the empire had alienated itself to a degree from the territories in question, although the

78 Neculaï Iorga, *Histoire des Etats Balkaniques Jusqu'à 1924* (Paris: J. Gamber, 1924), 396.

79 As Bernard Lory states in his general account on the Bulgarian nationalism at the turn of the century, the national Bulgarian program was to erase the international decisions taken in Berlin and it could indeed find favorable conditions: "Le Programme national bulgare visait à effacer de la carte les décisions internationales prises à Berlin. Le rattachement de la Roumélie Orientale à la principauté de Bulgarie, effectué par le putsch pacifique de Plovdiv, le 18 septembre 1885, en fut la première étape. La Bulgarie bénéficia de circonstances favorables et remporta là un succès facile." Bernard Lory, "Quelques Aspects du Nationalisme en Bulgarie: 1878-1918," in *Les Balkans: De La Transition Post-Ottomane À La Transition Post-Communiste* (Istanbul: Isis Press, 2005), 210.

Treaty of Berlin returned them to it.⁸⁰ It also shows how blur was the perception of territorial sovereignty in the contemporaneous Ottoman government.

The nationalistic push that shook the envisaged status quo of Berlin was so strong that the Great Powers had to readapt themselves to the undercurrent at various times through secret and open agreements. In June 1881, the *Dreikeiserbund* between Russia, Austria, and Germany was an attempt to re-divide the Balkans into spheres of influence. In 1882, with a secret agreement, another Triple Alliance was formed by Germany, Austria, and Italy, but the increase in nationalist struggles did not permit a "peaceful" balance which was the goal during the Berlin negotiations. Hence, by 1885, the interstate balance of power hampered the authority of treaty instead of guaranteeing it.⁸¹

However, a remarkable international attitude developed in December 1900. When the situation in Balkans again deteriorated due to Albanian unrest, the Austria-Hungarian Foreign Minister Goluchowsky engaged in secret diplomacy with Italy at the Castle of Monza. He agreed with his Italian counterpart to maintain the status quo in the Balkans as long as possible, but if in course of events proved this proved impossible, "modifications should be

80 A detailed account on the diplomacy and politics of the annexation period, confirms the international expectation of a military intervention on the part of the Ottomans. The unwillingness of the Ottoman regime was striking, considering that it would even have acquired a certain international support in case of its military response. "The tsar's disapproval was promptly expressed, and Bismarck then recommended the sultan to move a strong force to the Macedonian frontier, if he were not strong enough to quell the revolution in Eastern Rumelia. To Salisbury he suggested that a good impression would be created if the British government showed its support to sultan by sending the Mediterranean fleet eastwards, not to Besika Bay, but perhaps to the Piraeus. He believed that the tsar would probably be more ready to give assistance to the sultan if he thought that Salisbury was offering it to him also." W N. Medlicott, "The Powers and the Unification of the Two Bulgarias, 1885: Part I." *The English Historical Review*, 54, no. 213 (January 1939), 68.

81 Despite the efforts to preserve the *Dreikeiserbund*, — the alliance of the Habsburg, Russian and German empires — in the face of a possible annex of Eastern Rumelia, the Habsburgs had to declare that they would act in case of an occupation by Russians. See Albertini, *The Origins of the War*, 50.

made in the direction of autonomy."⁸² This last condition specifically concerned the Albanian population, but can be considered an inevitable or logical consequence of the Berlin status quo, which proposed a flimsy framework by which the Great Powers would contain nationalistic ambitions. This view not only proved the inability of Great Powers in imposing a structure, but also their readiness to yield to nationalist programs in case of a crisis.

This fragility and the relative weakness of inter-state politics which became more visible by 1900, in turn, brought about another result related to the strategies of the respective parties: The increasing weight of local politics. Indeed, as the *fait accompli* proved effective in imposing a new situation to European order, local scale became a microcosmos — a realm of contestation for high politics in a nutshell. Indeed, as Iorga stated, the "local diplomacy was soon left for corruption in its own games of rivalry,"⁸³ and hence the local scale became increasingly crucial in determining the political fate of any program. This dynamique was soon seen in the Macedonian problem.

2.2.1 *The First Administrative Project: Regulation of Ottoman Provinces*

An early move of the Hamidian regime after the treaty was to reorganize Rumelia. Article 23 of the treaty on reforms in Macedonia connected the sovereignty of the Empire with the implementation of the 1868 organic laws designed for Crete in Macedonia. In this context, the treaty required a substantive representation of "the native element" — that is, of the Christian population.⁸⁴ Nevertheless, on the other side, it created a considerable legal

82 A classical work depending upon primary sources cites the interview titled as "Document no. 19: *Austro-Italian Agreement Concerning Albania, 1900*," in Alfred Franzis Pribram, *The Secret Treaties of Austria-Hungary, 1879-1914*, ed. Archibald Cary Coolidge, Vol. 1 (Cambridge: Harvard University Press, 1920) 197-207; cf. F. R. Bridge, *From Sadowa to Sarajevo: The Foreign Policy of Austria-Hungary, 1866-1914*, Vol. 6 (London, Routledge, 1972), 420.

83 Neculaï Iorga, *Histoire des Etats Balkaniques Jusqu'à 1924* (Paris: J. Gamber, 1924), 393.

84 The Law of the Cretan Province (*Girit Vilayet Nizamnamesi*) defined the population of the island as Christians and Muslims (at the beginning of the first chapter). It envisaged an administrative division accordingly. For the original text of the regulation, see Düstur, Series 1, Volume 1, 652-687.

gap, leaving the settlement of new laws in each province to local commissions yet to be founded. But given the power gap for constituting these commissions, this clause served as a space of maneuver giving the Ottoman government a certain initiative.⁸⁵

Indeed, on the initiative of the Ottoman government, Article 23 would almost be legalized soon after by the Law of the Rumelia Provinces (*Rumeli Vilayat Kanunu*) in August 1880. The text was initially prepared within the ranks of the Ottoman administration and then presented to the European powers. Hence, it can plausibly be regarded as a text reflecting an acceptable framework for the empire.⁸⁶ On the other hand, although the draft law was negotiated and approved by the European Commission, it was never enforced.⁸⁷ Nevertheless, along with the memory of the Treaty of Berlin, the draft would overshadow Ottoman politics until 1912, and just before the Balkan wars, it would be revived again as a proposal of the Ottoman state.

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- 85 Also, the result of the negotiations and the organizations emerged from them would be subject to the examination of the Sublime Porte, which, in turn, would consult the European Commission founded for Eastern Rumelia. "Treaty between Great Britain, Germany, Austria, France, Italy, Russia, and Turkey for the Settlement of Affairs in the East: Signed at Berlin, July 13, 1878," *The American Journal of International Law*, 2, no. 4, Supplement: Official Documents (Oct., 1908), 412.
- 86 For the initial proposal by the Ottoman Empire, see BOA., İ. DH., 794/64458, 24 Za 1296 (09 November 1879). Engelhardt emphasizes that preparation of the law at the initiative of the central administration contradicted with the clauses of the Berlin Treaty. Eduard Philippe Engelhardt, *La Turquie et le Tanzimat; ou Histoire des Réformes dans l'Empire Ottoman depuis 1826 jusqu'à Nos Jours*, Vol. 2 (Paris: Librairie Cotillon, 1884), 249. On the other hand it was coherent with the actual context of the logic of the treaty.
- 87 Although there were claims that a law called as *Rumeli Vilayat Kanunu* was partially enforced in the province of Edirne, there are no concrete details about this enforcement process: Nizam Önen, and Cenk Reyhan, *Mülkten Ülkeye: Türkiye'de Taşra İdaresinin Dönüşümü (1839-1929)* (İstanbul: İletişim Yayınları, 2011), 273, note 62.

A detailed analysis of this draft law is beyond our scope, but it would be appropriate to describe it in general lines, focusing on the envisaged administrative scheme and spatial organization in the text.⁸⁸ The Law of the Rumelia Provinces reflected and concretized the administrative mentality that followed the treaty,⁸⁹ however, although the treaty held up the regulation of Crete as a model, this draft substantially diverged from the model in that it did not define a general governor for the region in question. In that respect, it was also different from the regulation of Eastern Rumelia, which was also the direct result of the treaty. This absence suggests the traces of the influence of the Ottoman government, as it was a mixture of the previous provincial laws of 1864 and 1871 and designed as their replacement.⁹⁰

The draft law deeply followed the separation between two decentralizing capacities: The division of tasks (*tefrik-i vezaiif*) and the deconcentration of authority (*tevsii-i mezuniyet*). The hierarchy descended from the governors of provinces (*vilayet*), to *mutasarrıfs* of sub-provinces (*sancak or liva*), *kaymakams* of the local districts (*kaza*), to head of communes (*nahiye müdürü*), and to the headmen (*muhtar*) of villages (*karye*). According to the text, high-ranking appointed officials primarily undertook executive authority, but shared their rule with a system of councils and counsellors or secretaries, corresponding to the level in the hierarchy. Councils at the level of provincial administration were divided into two. The first was the administrative provincial council, consisting of non-Muslim ecclesiastical authorities, along with mid-

88 The details of the law have been studied in the scope of a master thesis. See Ayşe Çavdar, "Baptizing Territory: Reconstituting Rumeli After 1878," (M. A. Thesis, Boğaziçi University, 2004).

89 Article 127 explicitly mentions that the regulation is an extension of the Treaty of Berlin. *Rumeli Vilayati Kanunu: Layiha* (İstanbul: Matbaa-i Amire, r. 1328), 67.

90 *Encümen-i Mahsus*, Karar no: 1, Esas no: 1/862 "Muhtelit Encümen Mazbatası," 21 Mart 1929, pp. 5-6; annex to the TBMM Zabıt Ceridesi, Term 3, Cilt 10. The document, which is the report of a special commission preparing a new law for the provinces in 1929 on behalf of Republican Turkey, also includes a brief history of the 1880 regulations.

level bureaucrats.⁹¹ The other council as, the General Provincial Councils (*Vilayet Meclis-i Umumileri*) which met once a year, at the beginning of October under the chairmanship of the governor, was the largest ensemble of elected locals, including notables, both Muslim and non-Muslim religious authorities, and appointed local bureaucrats. It was as a type of general congress that addressed the major problems of a province.⁹²

In addition to the councils, there was also a cadre of counsellors that cooperated with governor in his decisions and practices. Remarkably, the issues concerning population registers were depended on these counsellors.⁹³ The system of counsellors was preserved at the local level, too, through the *muavin* — the secretary to the heads of communes (*nahiye*),⁹⁴

The distribution of authority favored the local administration to a degree.⁹⁵ In this general scheme, the effect of the status quo after the Treaty of Berlin can be spotted in the determination of the duties of these posts — points where ethnoreligious affiliations were established as criterion. These posts were determined by the selective application of two criteria, first, the religious

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- 91 Concerning administrative councils of the provinces, Article 49 stipulated that they consist of members from the following cadres: the governor himself, his counsellor (*müsteşar*), the heads of the local bureaucracies of education, justice, the provincial treasury; head of construction, commercial, agricultural works; confessional authorities of Muslims and non-Muslims; and eight representatives selected by the General Provincial Council among its own members; see *Rumeli Vilayati Kanunu*, 10.
- 92 See Part 4, *ibid*, 16-24. Elected members would be elected by the commune councils (*nahiye meclisleri*) through secret voting, and another cadre would be selected by the governor from among the “most respected” owners of property, tradesmen, and merchants, along with the masters of certain sciences (Articles 69 and 72 respectively, page 16).
- 93 The counsellor would stand at the top of the local bureaucracy related to the registration of the population; see article 52, *ibid.*, 11.
- 94 *Encümen-i Mahsus*, Karar no: 1, Esas no: 1/862 “Muhtelit Encümen Mazbatası,” 21 Mart 1929, pp. 5-6; annex to the TBMM Zabıt Ceridesi, Term 3, Cilt 10.
- 95 Indeed, for example, as a trace of the Tanzimat, the *nahiye* system was defined in the 1871 Regulation of Provinces, and the general regulation of the provinces did not subject to any essential change during the Abdülhamid period. İlber Ortaylı, *Tanzimat Devrinde Osmanlı Mahalli İdareleri*, 71 and 99.

affiliation of the administrative unit, and second, confirmation by the Ottoman center. For instance, governors of the provinces, as the deputies of the sultan in the locality, would be appointed by sultan for a five-year period.⁹⁶ *Mutasarrıfs* were assigned by the *Dersaadet*, too, while *kaymakams* could be elected from among members of the General Provincial Council.⁹⁷ However, the authority to determine administrators was hampered by clear requirements related to the confessional status of the population. For instance, Article 21 defined this amalgam in a vague, contradictory way. At the beginning of the article, it states that any individual, who possessed the required capacity and qualifications, “regardless of ethnic and confessional affiliation (*cins ve mezhebe bakılmıyarak*)” could be employed in governmental service, including the governorship. This sentence guaranteed the availability of official posts to the Christian population, because the article imposed a confessional criterion: The religious majority would determine the *kaymakams* and *mutasarrıfs*. In sub-provinces and local districts with a Muslim majority, the head of the local administration would be Muslim, and in those with Christian majority, the head would be assigned from among non-Muslims.⁹⁸ However, the counsellors of *mutasarrıfs* were selected from among religious groups other than that of the *mutasarrıf* himself, as was also the case for the *kaymakams*.⁹⁹ This criterion was observed at the *nahiye* level which was described as the essential of the administrative division of the Rumelia.¹⁰⁰ The draft law stipulated that the head of the *nahiyes* should be determined according to the confessional majority of the commune.¹⁰¹ By establishing a system of counsellors and basing the communes on the criterion of confessional affiliation, the draft extended the Islahat paradigm and reflected the mentality of the 1876 Regulation of

96 Article 27, *Rumeli Vilayati Kanunu*, 6.

97 Article 292, *ibid*, 61.

98 Article 21, *ibid*, 5.

99 For the *mutasarrıfs*, article 108, *ibid*, 26; for the *kaimakams*, article 132, *ibid.*, 33.

100 Article 101, *ibid*, 24.

101 Article 154, *ibid*, 38.

Communes (*Nevahi Nizamnamesi*), which was also suspended by the Ottoman government.¹⁰²

Indeed, the fate of the 1880 Law proved same with the 1876 regulation: Sultan Abdülhamid never applied the law. As mentioned above, the 1880 law represented the initiative of the Ottoman Empire to some extent, when compared to the regulations for Crete and Eastern Rumelia. The solution was neither directly dictated by the Treaty of Berlin nor was it a clear imposition by the central authority of Yıldız Palace. Instead, it reflected a strategy of readiness to share sovereignty and to give local administrations a substantial authority. In this equilibrium between the international order the Ottoman Empire, the central government reserved itself the legislative authority and did not give provinces the authority to promulgate laws as well as to organize local military. Instead of legislation, the 1880 law promised a vast range of executive authority — the authority to control and inspect the administration through councils in a way resembling the constitutional framework.

The regulation seems to reflect a reflex of responding secessionist tendencies by a form of decentralization, as a pattern repeated in the General Inspectorate of Rumelia, which we will touch on below. However, Abdülhamid regime assumably decided to suspend this framework of negotiation altogether, particularly in a period evolving to the rupture of Eastern Rumelia.

2.2.2 *Governing Strategies and Jurisdiction of Hamidian Regime Within the Status Quo of Eastern Crisis*

The law on the Rumelia provinces is particularly meaningful as an expression of certain characteristics of the Hamidian regime. Indeed, how can we understand and locate the characteristics of the regime in the light of the status quo after the Treaty of Berlin in the Ottoman Rumelia? And how did these tensions reflect to the perception and status of non-Muslim Ottoman subjects?

The regime had to shape in many ways according to the developments in Rumelia. The Rumelia region after the treaty constituted the center of gravity

102 İlber Ortaylı, *Tanzimat Devrinde Osmanlı Mahalli İdareleri*, 103. See also Önen and Reyhan, *Mülkten Ülkeye*, 243.

of Ottoman geography which served as a model for other movements and ambitions.¹⁰³ Certain contemporary accounts posit that the Ottoman Empire was the victim of the post-Berlin status quo, but leaving this classical interpretation aside, it is worth asking to what extent the Hamidian regime can be interpreted as a beneficiary, constituent or actor in this system, and in which ways they were integrated into it. As Sohrabi states, Abdülhamid's "novel policies were not a reflection of the personal idiosyncrasies that are favored in some accounts, but one logical response to the multiple and contradictory challenges facing the empire."¹⁰⁴ It was true that with the Treaty of Berlin, Western powers created a new balance of power, which could shift easily to the benefit of "enemies" of the Ottoman State. On the other hand, the Berlin status quo did not necessarily work at the expense of the Hamidian regime. Redefining the boundaries of Ottoman authority in Rumelia, the treaty left for the Hamidian regime to maneuver, too.

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- 103 A remarkable example was the movement of Sheikh Ubeydullah, who later became the ally of Sultan Abdülhamid. In the Eastern Anatolia, where the Ottoman state promised similar reforms and Armenian Christians had acquired the protection of the Russian Empire, the concerns of Muslims about a possible Armenian threat were peaking. The Sheikh Ubeydullah movement was an expression of this concern. He gathered Muslim Kurds around himself and targeted local Christian population. Sheikh Ubeydullah was inspired by events in the Balkans, and propagated "an autonomy similar to what the Bulgarians enjoy today." François Georgeon, *Abdülhamid II: Le Sultan Calife* (Paris: Fayard, 2003), 109. The same applied to Arab regions, too, particularly in Hejaz, the Sharif of Mecca started to make use of the weakness of the empire, and sought support of Britain. *Ibid.*, 110.
- 104 Nader Sohrabi, *Revolution and Constitutionalism*, 33. Various studies evaluate the Abdülhamid regime within the international context. Selim Deringil considers that the "Ottoman state was in tune with the world trends." Selim Deringil, *The Well Protected Domains: Ideology and the Legitimation of Power in the Ottoman Empire, 1876-1909* (New York: I. B. Tauris, 1998), 67; Huricihan İslamoğlu, from the world-system perspective, questions the concept of Oriental Despotism as a sign of particularity of the Ottoman Empire, see Huri İslamoğlu-İnan, "Introduction: 'Oriental Despotism' in World-System Perspective," in *The Ottoman Empire and the World Economy*, ed. Huri İslamoğlu-İnan (Cambridge: Cambridge University Press, 1987), 1-24, especially, 22-23.

As aforementioned, the Treaty of Berlin guaranteed a foundation of sovereignty in Balkans through a network of protectorates under control of European powers. Although in rhetoric Sultan Abdülhamid opposed a de facto protectorate over the empire, for Rumelia provinces he obviously resorted this model as was seen in the draft law and in General Inspectorate in Rumelia.¹⁰⁵

In its early years, the treaty provided an international framework for the autocratic regime of Abdülhamid as the authority to manage the delicate balance in Rumelia, as executer of the reforms.¹⁰⁶ Hence, the Hamidian regime initially found its *raison-d'être* in the post-treaty atmosphere as the party responsible to conduct reforms in Rumelia (as well as in Eastern Anatolia). By occupying such a crucial position, Sultan Abdülhamid gained an international legitimacy.¹⁰⁷

A view from Rumelia towards the Hamidian regime suggests that the regime's peculiarities substantially match with the status quo of eastern crisis, if they did not altogether emerge from it. As a prominent feature, autocratic methods and the concentration of sovereignty in the hands of the sultan played a major role in actual governance in an international political atmosphere, the legal guarantees of which remained inefficient, leaving initiative to the local struggles and political methods of *fait accompli*.

105 Yasamee, *European Equilibrium*, 76. The scholar adds that Sultan Abdülhamid was against “any measures of reform and decentralization that might facilitate Christian separatism.” Although it is true as far as separatism is concerned, the two regulations on Rumelia suggests that de facto (and de jure) decentralization was not excluded in Hamidian regime. For the General Inspectorate of Rumelia, see below.

106 The treaty stipulated that the Ottoman government should conduct the reforms of Article 23. Thus, the sultan, having established a power monopoly in Istanbul, would occupy a critical position. “Treaty between Great Britain, Germany, Austria, France, Italy, Russia, and Turkey,” 412; and Mehmet Hacısalihoğlu, “Muslim and Orthodox Resistance against the Berlin Peace Treaty in Balkans,” in *War and Diplomacy: The Russo-Turkish War of 1877-1878 and the Treaty of Berlin*, ed. M. Hakan Yavuz, and Peter Sluglett (Utah: University of Utah Press, 2011), 128.

107 It can also be assumed that this international legitimacy also contributed to Sultan Abdülhamid's decisive victory against the constitutionalist opposition.

The Hamidian regime sought to compensate for shortcomings in territorial sovereignty by promoting personal sovereignty.¹⁰⁸ The regime was not only the object of foreign or irredentist threats to its Ottoman territories, but was itself appeared as an active agent, seeking extraterritorial influence. The re-introduction of the title of “caliphate,” and the invitation to Cemaleddin Al-Afgani to the palace to establish relations with Indian Muslims was a clear expression of this attention beyond the borders of the Empire.¹⁰⁹ This attempt to establish connection with the external Muslims was a unidirectional policy, for the regime was alarmed by an influence coming in opposite direction, that is, from external Muslims into the Empire.¹¹⁰ On the other hand, the Empire’s sovereignty and control over the Balkans had been considerably diminished, but the Hamidian regime paid particular attention to maintaining its religious authority over these regions.¹¹¹ This claim of religious authority was so striking that some observers compared it to the ecumenical authority of the Greek Patriarchate.¹¹²

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- 108 François Georgeon points out this compensation in the context of Abdülhamid’s propaganda regarding the caliphate: “Ce que le sultanat a perdu en fait, le califat permet de conserver en théorie” (“The caliphate allowed to maintain in theory what the sultanate had lost in practice”). Georgeon continues by arguing that with the Hamidian regime, particularly with the reassertion of the caliphate, two Ottoman Empires emerged: One was the real empire through which the Ottoman state actually exercised its power, and the other was fictive and depicted on the geographical maps prepared in Istanbul. François Georgeon, *Abdülhamid II*, 198.
- 109 For the pan-Islamist ambitions of Abdülhamid, see Niyazi Berkes, *The Development of Secularism in Turkey* (London: Hurst & Company, 1998), 261-270, especially 267.
- 110 For instance, in his policies regarding Hejaz, the Hamidian regime actively hindered the influx of external Muslim influence into the region, in form of land ownership. See Selim Deringil, *The Well Protected Domains*, 57-63.
- 111 The Ottoman Empire posed itself as the protector of the Muslim population in these regions. During the Austria-Hungarian occupation in Bosnia Herzegovina, the *hutbe* of the Friday prayers were still in the name of Sultan; the judges for the Islamic courts were assigned by the Ottoman Empire. François Georgeon, *Abdülhamid II*, 197.
- 112 Selim Deringil, *The Well Protected Domains*, 55.

As a typical form of politics of the post-treaty atmosphere, the regime resorted to irregular tactics organizing guerrilla groups of Muslims against Bulgarian influence.¹¹³ However, in contrast to what the “pan-Islamism” connoted as a term popularized in the western world in the 1880s, in practice, this influence of Abdülhamid worked in the direction of not provoking an Islamic revolt, but on the contrary, of preventing revolts.¹¹⁴ In this context, it can be said that the perception as a victim of the treaty (repeated also by the constitutional era as mentioned above) implied a disappointment from being the only side that remained loyal to the status quo.

All this addressing beyond its borders was aimed at consolidation within the Empire, rather than being an expansionist campaign: The capacity of the regime could not support such maximalist ambitions.¹¹⁵ The regime demonstrated a certain peculiarity as far as domestic structure was concerned. When Abdülhamid decided to suspend the *Kanun-ı Esasi* along with the parliament, the Ottoman army had suffered a decisive defeat, and the capital was being threatened by the Russian army at the gates. The suspension of the constitution and the repressive politics that marked regime’s birth were based upon this exceptional condition. In formulating his administration, Sultan Abdülhamid openly stated that it was the rule of Mahmud II, which he took as a model, rather than that of his father Abdülmecid, who wrongly believed in persuading the people in the determination of policies. Sultan Abdülhamid decided to rule by force to protect his subjects.¹¹⁶

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- 113 Particularly events that occurred around the annexation of Eastern Rumeli into the Principality of Bulgaria were marked by a considerable irregular military confrontation in the 1880s; Bernard Lory, “Problèmes du Brigandage en Bulgarie,” in *Les Balkans: De la Transition Post-Ottomane à la Transition Post-Communiste*, (Istanbul: ISIS Press, 2005), 135-138.
- 114 François Georgeon, *Abdülhamid II*, 208 and 211. In this respect, Hamidian policy resembles the Macedonian policy that the Kingdom of Greece adopted after the 1897 war (see below in this chapter).
- 115 For Niyazi Berkes, pan-Islamist propaganda overshadowed the development of the internal opposition; see his *The Development of Secularism*, 270.
- 116 Carter V Findley, *Bureaucratic Reform in the Ottoman Empire: The Sublime Porte, 1789-1922*, (Princeton: Princeton University Press, 1980), 221.

On the other hand, if there was any peculiarity in the nature of the Abdülhamid regime, it was its dual relation to the overall reform history of the Empire, in terms of legalism, state centralization, and bureaucracy. The duality was, in a sense, a conflict between theory and practice. Sultan Abdülhamid did not change the general administrative heritage of the Tanzimat, but he consistently bypassed formal procedures replacing them with his personal dispositions. At a formal level, Sultan Abdülhamid had the constitution republished each year at the front of the state annuals, despite his open withdrawal from the constitutional framework.¹¹⁷ Theoretically, laws were to be promulgated through a procedure that included the Council of State, the Council of Ministers, and then imperial decree, which would reflect the confirmation of the sultan. In practice, these councils functioned only as consultative offices that could be bypassed by Abdülhamid.¹¹⁸ Formally, governors were to be appointed by the Ministry of Interior, but in practice Abdülhamid took over this authority and assigned governors without asking to the ministry.¹¹⁹ As long as the image of an “enemy at the gates” of 1878 was maintained, Abdülhamid concentrated power in Yıldız Palace, retaking it from the bureaucracy of the Sublime Porte. This was a deviation from the Tanzimat paradigm in which the bureaucracy had the upper hand in the administration of the country. But the government had also maintained certain continuities with the preceding era, for Abdülhamid extensively developed the bureaucratic mechanism inherited from *Tanzimat*, even though he used its capacity against itself by organizing a vast system of coercion and control. Due to Sultan Abdülhamid’s policy of reward and punishment, the quantity of local bureaucrats rose and the gaps in salaries were enlarged.¹²⁰

117 M. Akif Aydın, “Kanun-ı Esâsî,” in *TDV İslam Ansiklopedisi* Vol. 24 (Ankara: TDV, 2001), 330.

118 François Georgeon, *Abdülhamid II*, 148.

119 *Ibid*, 176.

120 Erkan Tural, *Son Dönem Osmanlı Bürokrasisi: II. Meşrutiyet Dönemi’nde Bürokratlar, İttihatçılar ve Parlamenterler* (Ankara: Türkiye ve Ortadoğu Amme İdaresi Enstitüsü, 2009), 53; Cavit Bey, a prominent CUP figure and the Minister of Finance in the constitutional era, described these cadres as superfluous and considered the policy their dismissal to be the most crucial problem of the Ottoman state; see, *ibid*, 79.

As Findley aptly described, Sultan Abdülhamid's enthusiasm in founding institutions to educate the new, capable civil official class was accompanied with a high degree of patronage in terms of controlling upward mobility within the bureaucratic hierarchy. His "interest in legislation" and his moves to develop a rational-legal mentality clashed with his understanding of loyalty and his demand for full obedience to a "sovereign" above the law. The body of the bureaucracy considerably and ineffectively enlarged, but its morality and discipline was continuously hampered through coercive methods, surveillance and an infamous network of informants that controlled fidelity to the sultan. The result was a "hybrid" of traditional and modern forms of government: A "neopatrimonial" state apparatus.¹²¹

§ 2.3 The Macedonian Problem and the Hamidian Regime

As the only comprehensive, formal regulation concerning the Rumelia provinces had been suspended, the tendencies dominating the post-Berlin status quo and determining Ottoman policy came to surface with events in Macedonia. The absence of a normative framework determining the administrative practices in Rumelia, created the features of the Hamidian regime. As we will see below, these two factors developed mutually in a way that created the complexity of what would be come to known as the "old regime."

Typically, in the framework of the Treaty of Berlin, the space of conflicts had to be purified from any traces of ethnoreligious connotation, which can be described as the "de-nationalization" of geography. In the partitioning of "Greater Bulgaria" as depicted in the San Stefano Treaty, this principle was observed also in the appellation of the territories given to Ottoman rule. The term Eastern Rumelia, along with Macedonia, implied neutrality in terms of national affiliations. The name Eastern Rumelia was agreed upon as a result of

121 Findley uses the terms "neopatrimonialism" and "hybridity" to describe the regime, adding that Abdülhamid's system was "the clearest indication of the extent to which the patrimonial tradition could survive into the era of modernisation and assume new forms." Carter V Findley, *Bureaucratic Reform in the Ottoman Empire: The Sublime Porte, 1789-1922*, (Princeton: Princeton University Press, 1980), 227-236; for the citation, see 228.

intensive negotiations between Britain and Russia, and it was accepted as a replacement of “Southern Bulgaria.”¹²² On the other hand, the adoption of an historical term — Macedonia — was a sign of similar concern for the promotion neutral appellations. A term from antiquity, which had only been a memory in the first half of the nineteenth century, now gained political content. The term rapidly dominated international public opinion, replacing the appellation of “Southeastern Europe.”¹²³ As for the perspective of the Ottoman government, the term Macedonia was a considerably novelty, for it had never been used in its long history of administration on the Balkan peninsula and the Balkan territories of the Empire had been referred as *Rumeli*.¹²⁴ However, these two regions, which signatories of the Treaty wished to deprive of national affiliations, would not escape from being the scene of harsh ethnoreligious rivalries. Such rivalries gradually determined the content of the term, and the term acquired a “nationalistic” character; although there was no official ban, the usage of Macedonia could lead disputes for its nationalist connotations and could be deemed as rival to Ottoman appellations.¹²⁵

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- 122 During the Congress of Berlin, the Russian and British empires agreed upon the division of Bulgaria into three regions. Britain convinced the Russian Empire about the appellation and status of Eastern Bulgaria by conceding on other frontier questions. Luigi Albertini, *The Origins of the War*, 20-21. On the other hand, the press of the principality referred the region as Southern Bulgaria (Juzhna Balaria); see for example, the organ of the Democratic Party, *Prjeporets*, no. 114, 4 October 1908, p. 1.
- 123 The region called Macedonia was “invented by geographers and ethnographers in the nineteenth century,” and “the ‘Macedonian Question’ was a creation of European diplomacy after the Treaty of San Stefano of 1878.” İpek K. Yosmaoğlu, “Counting Bodies, Shaping Souls: the 1903 Census and National Identity in Ottoman Macedonia,” *International Journal of Middle East Studies*, 38, no. 1 (2006), 59-60.
- 124 Daniel Panzac, “La Population de la Macédoine au XIXe Siècle (1820-1912),” *Revue Du Monde Musulman Et De La Méditerranée*, no. 66, (1992), 114.
- 125 As for the Ottoman Empire, by the beginning of 1909 there was still no agreement on the term. When Christo Dalchev, the Bulgarist deputy in the Ottoman parliament used “*Makedonya*” to refer to the region, other deputies, including CUP leader Halil Bey objected and proposed *Vilayet-i Selase* instead. MMZC, Term 1, Year 1, Volume 1, Session 21, 17 Kanun-1 Sani 1324 (30 January 1909), 374-375; also see Chapter 3.

As far as the “Macedonian” geography was concerned, it was not only the criterion of ethnoreligious majority that constituted the problem. The problem was that the criterion remained ambiguous, because ethnoreligious affiliations were not given for certain. On the contrary, the disputed areas were inhabited by populations with complex affiliations, expressing a high degree of communal, and linguistic variations. Mazarakis, a contemporaneous writer, summarized this complex picture of ethnoreligious and political identifications:

Macedonia was inhabited by 1. Greeks who speak Greek language, 2. Slavophone Greeks, 3. Greeks speaking the Vlach language, 4. Slavophone locals who are pro-Bulgarian, 5. Slavophone locals who are pro-Serbian, 6. A local population that speaks Vlach, and is pro-Romanian, 7. local Slavophones of the Uniate Church and who are Pro-Bulgarian, 8. Muslims who speak Turkish, 9. Muslims who speak Greek (Grebena), 10. Muslims who speak Bulgarian (Pomaks), 11. Muslims who speak Vlach (Karadzova), 12. Albanian Muslims, Albanian Orthodox (in the regions of Skopje and Manastir), and Albanian Catholics, 13. and Jews in Thessaloniki.¹²⁶

This amalgam, which Mazaraki only partially described, reflected upon post-war regulations that principally aimed at covering or delaying conflicts rather than solving them. No sooner than the Treaty of Berlin was signed, Macedonia became a geography redefined by Serbian, Greek, and Bulgarian nationalist rivalries. Moreover, these ambitions aside and as a reaction to them, new political currents claiming a separate Macedonian national identity emerged starting with the 1890s, ironically nationalizing an appellation that would expectedly to be neutral in the face of nationalisms. The quests for a Macedonian identity was first seen in early 1890s in Slavophone intellectual and political circles.¹²⁷ This view resonated on an international scale, as is clear in the famous proclamation of William Gladstone, the former British Prime Minister:

126 A. Mazarakis-Ainian, *Mémoires*, (Thessaloniki: Institute for Balkan Studies, 1979), 35.

127 According to the comprehensive study by Tchavdar Marinov, the first formulation of this program may have been an article published in the journal *Makedonija* in Ruse (Rusçuk) in 1889.

“Why not Macedonia for Macedonians, as well as Bulgaria for Bulgarians and Servia for Servians?”¹²⁸

On the other hand, aside from external interventions, this diversity in itself was an obstacle for nationalistic ambitions which required a homogenization of the population. In Macedonia, it was common that the same local population became the object of different nationalisms imposing their own identities into this amalgam. Initially, a vivid arena of the competition among various irredentist programs was the intellectual sphere, which sought to create or “revive,” a national consciousness within the target population, for “[i]t was not necessary for individual members of the nation to be conscious of their membership, or even to want to be included. Intellectuals and politicians defined who were members of the nation.”¹²⁹

The mobilization of intellectuals to make claims on behalf of the population of Macedonia reached a degree to shape even linguistics, cartography, and historiography. Almost every schism, every ideological fraction, and every change in the balance of power corresponded to a particular intellectual paradigm. Wilkinson demonstrates this harsh intellectual competition between rival political poles in the region. In his scheme, the conflict over cartography entered a new era in 1870-78, with the schism of the Patriarchate and the Exarchate Church, was empowered through the 1890s by Serbian claims, and gained impetus with the participation of Macedonian-Slavs in the 1900s.¹³⁰

The author used the signature of “Edin Makedonec” (a Macedonian) and supported a common struggle of the whole Macedonian community against Ottoman rule. According to the author “poor” Macedonia, had become the victim of the various ambitions of Greeks, Serbians, Romanians, and Austro-Hungarians, as well as of the Bulgarians because of the resolutions of the Treaty of Berlin. Tchavdar Marinov, “L’Impasse Du Passé: La Construction De L’identité Nationale Macédonienne Et Le Conflit Politico-Historiographique Entre La Bulgarie Et La Macédoine,” (Ph.D. Dissertation, Ecole des Hautes Etudes en Sciences Sociales, 2006), 91.

- 128 William Gladstone’s letter to the President of Byron Society, published in *The Times* (London), 6th January 1897, p. 12.
- 129 Justin McCarthy, *The Ottoman Peoples and the End of Empire* (London: Hodder Arnold, 2001), 40.
- 130 H. R. Wilkinson, *Maps and Politics: A Review of the Ethnographic Cartography of Macedonia*, (Liverpool: Liverpool University Press, 1951) especially Chapters IV, V and VII; also, in his

The statistics were far from being certain registers; instead they varied in proportion to the number of groups which had vested interests in the region. All the neighboring nationalisms claimed a different picture of the region in terms of demography and boundaries. As proved in later partitions, the ethnographic maps constituted an important element in the peace-making processes, and in evaluating the self-determination criterion.¹³¹

2.3.1 *The First Institutions of Rivalry: Churches and Schools*

Initially, these ambitions found their tools and methods of struggle within the given legal structure inherited from the Islahat paradigm. Denominational institutions had enjoyed a considerable degree of autonomy since the Islahat period and constituted the intellectual core of the Christian communities. Hence, each nationalist movement sought popular support for its propaganda within the network of institutions consisting primarily of churches and schools. The extant school system combined with the churches of respective Christian communities again became the bases of nationalistic indoctrination.¹³²

periodization, the new wave of cartography occurred between 1903-1910, replaced by another after Balkan Wars, see *ibid.*, 150-159.

131 Following the Balkan Wars, the “Carnegie Report” investigated wartime atrocities clearly underscoring inconsistencies in information produced by nationalisms; Marinov, “L’Impasse Du Passé,” 87. See also, Wilkinson, *Maps and Politics*, 228-233, and Chapter 10.

132 The war on statistics applied to the statistics about schools and education produced by competing parties as well. The Bulgarians claimed 700 Bulgarian schools in the Ottoman Empire, while Greeks argued they had 1400. See Justin McCarthy, *The Ottoman Peoples*, 49. These were apparently exaggerated numbers, and scholarly works provide a more reasonable picture. In the Ottoman Balkans, by the end of 1890, the statistics for each community were as follows: in schools of the Greeks, there were thirty-seven teachers, for 1345 students in four primary schools for boys, for four girls, and one high school for each sex; in schools of Vlachs there were seventeen teachers for 160 students in one primary school for boys, one for girls and one high school for boys; the schools of Bulgarians claimed nearly fifty teachers for 1318 students in five primary schools for boys, three for girls, and one high school for each sex; the schools for Serbs, one primary school was established in 1897; there was one catholic school, a primary school for each sex; there was one protestant school, a boarding school with three teachers and twenty students; schools of Jews, were comprised of three primary schools and 1 gymnase;

Especially two rivals — Bulgarism and Hellenism — played major roles in the scene. Tensions that had started in the Tanzimat, were transferred to the post-Berlin period. After the acquisition of Thessaly in 1881 by the Hellenic kingdom and of Eastern Rumelia in 1885 by the Principality of Bulgaria, both Balkan states became neighbors of Macedonia. In this manner, Exarchists and Patriarchists in the Ottoman territories, who had a continued rivalry for influence at least since the establishment of the Exarchate in 1870, could acquire a considerable support from neighboring Balkan states.

Remarkably, the rising Balkan states' official connections with the Ottoman Empire, along with the educational "privileges" of non-Muslim communities, provided a fertile ground for developing such extraterritorial affiliations. For instance, teachers in Exarchate schools were chosen from among the subjects of the principality, an understandable policy, considering that the principality was officially still under Ottoman suzerainty. Not only teachers, but the general administration of Bulgarian schools was supervised in a cooperative effort of the Bulgarian Exarchate and the principality. On the other hand, the Greek Patriarchate, which was directing schools in Macedonia and Asia Minor, was supported by various facilities provided by the neighboring Kingdom of Greece. The Greek government, for instance, provided stipends for students in Macedonia to study at the University of Athens and propagated Hellenic culture in coordination with Greek consulates in the Ottoman Empire.¹³³ Particularly this policy represented by the University of Athens became a widespread stable network, and during the parliamentary sessions concerning the military conscription law in the constitutional period, CUP cadres sought ways to use the conditions of military postponement to sever the ties of local Ottoman Greeks with the kingdom's educational institutions.¹³⁴

schools for the Turkish population included six primary schools, two *idadiyes*, and two *rüşdiyes*; see Daniel Panzac, "La Population de la Macédoine," 122.

133 Roumen Daskalov, "Bulgarian-Greek Dis/Entanglements," in *Entangled Histories of Balkans*, Vol. 1 (Leiden: Brill, 2013), 235; Justin McCarthy, *The Ottoman Peoples And the End of Empire* (London: Hodder Arnold, 2001), 49.

134 MMZC, Term 1, Year 3, Volume 2, Session 25, 3 Kanun-1 Sani 326 (16 January 1911) 166-167, for details also see Chapter 5.

2.3.2 *The Hamidian Regime's Response: Divide-and-Rule*

On the ideological level, there is an established idea in the historiography that as a result of the Empire's loss of sovereignty in the Rumelia provinces, the regime adopted a defensive, proto-nationalist stance that promoted and protected the Muslim population of the Empire.¹³⁵ Not only on the ideological level, but on the administrative level and in actual politics, the Hamidian regime relied heavily on the sentiments of the Muslim population. Indeed, the discontent of Muslim population from losing ground to non-Muslim communities in the Islahat regime was being compensated for by the Hamidian regime's emphasis on the Muslim element of the empire.¹³⁶ By referring to Islamic identity as a common, constitutive ground for the empire, the Hamidian regime consolidated mass support, achieving a goal that had long been pursued by the constitutional opposition before 1876 revolution.¹³⁷ Despite the high degree of traditionalism in official discourse, the regime paved the way for a modern state. It organized the Islamic population around sentiments of solidarity by reviving the Islamic *waqf* system and creating a vast network of

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- 135 Selim Deringil lists various scholars, such as Duguid, Hourani, and Huri İslamoğlu İnan, who emphasized that the events of 1878 deeply influenced the ideological orientation of Abdülhamid toward a "proto-nationalist" interpretation of Islamism and the caliphate. See his *Well-Protected Domain*, 45-47. According to another interpretation, the vision of the Palace shifted "from liberalizing Westernization to 'Oriental despotism'." See Frederick F. Anscombe, "On the Road Back From Berlin," in *War and Diplomacy: the Russo-Turkish War of 1877-1878 and the Treaty of Berlin*, ed. M. Hakan Yavuz, and Peter Sluglett (Utah: University of Utah Press, 2011), 535-536. This volume is one of the rare and comprehensive compilation of studies on the Berlin status quo.
- 136 In Mardin's view, the unrest of Muslims was a reaction to Tanzimat Ottomanist policies that levelled the legal status of Muslims to that of non-Muslims. See Şerif Mardin, *Türk Modernleşmesi*, 14.
- 137 Since the 1860s, constitutional opposition had vastly relied on Islamic discourse to vulgarize constitutionalist ideas, which was also an attempt to gain the political support of Muslims discontent with the Islahat regime. For a detailed account of the ideas of earlier constitutionalist opposition, see Şerif Mardin, *Yeni Osmanlı Düşüncesinin Doğuşu*; also see Nader Sohrabi, *Revolution and Constitutionalism*, 40-41.

philanthropic institutions.¹³⁸ But as for territorial control, Islamism served to produce new alliances with local notables in remote provinces of the Empire: In Eastern Anatolia, in remote Balkan territories, and in Aleppo and Hejaz.¹³⁹

The attempts to organize the Muslim population as an active social base obviously worked at the expense of Christian communities of the empire. Indeed, from Sason in Eastern Anatolia to the western edge of the Balkan peninsula, cases of violence between Christian and Muslim communities marked the reign of Sultan Abdülhamid. These violent events were not marginal in terms of their frequency, scale and outcome.¹⁴⁰ Both in the east and the west of the empire, violence occurred as a part of a demographic war in which the Hamidian regime participated in degrees. The Ottoman Armenians in Eastern Anatolia fled to the Russian Empire and various Christian communities in Rumelia took refuge in neighboring Balkan states, creating a considerable refugee problem for Ottoman Christians. These Christian refugees were an essential problem for the relationship of the constitutional regime with its Christian communities, too. As will be seen below in the example of the Ottoman

138 For a comprehensive study of philanthropic policies and their relation to the modern state, see Nadir Özbek, *Osmanlı İmparatorluğu'nda Sosyal Devlet: Siyaset, İktidar Ve Meşruiyet, 1876-1914* (İstanbul: İletişim Yayınları, 2002).

139 Apparently, this policy of Muslim alliance did not ensure the legitimation of the Hamidian regime. Stephen Duguid, in his evaluation of the regime's approach to Kurdish tribes, states that the regime had relative success in strengthening its local influence, although the struggle of the center against local notables did not end and was far from being won; see "The Politics of Unity: Hamidian Policy in Eastern Anatolia," *Middle Eastern Studies*, 9, no. 2 (1973) 146, and 152. On the other edge of the empire, bureaucrats of the regime convinced Sultan Abdülhamid to depend upon Albanian muslims as the pillar of the state for the region. Nathalie Clayer also confirms a relative, albeit uneven, success of the penetration of the state into remote regions of Rumelia. Nathalie Clayer, *Aux Origines du Nationalisme Albanais*, 262 and 344-345. Selim Deringil describes how the Islamist symbolism of the regime functioned in Aleppo and Hejaz; see his *Well-Protected Domains*, 60-67.

140 The violence took various forms from defaming sacred places (such as leaving dead pigs in the mosques), to boycotts, to kidnapping members of the rival community. Nathalie Clayer, "The Dimension of the Confessionalisation in the Ottoman Balkans at the Time of Nationalisms," in *Conflicting Loyalties in the Balkans: The Great Powers, The Ottoman Empire and Nation-Building* (I. B. Tauris: London, 2011), 90.

Bulgarians, these groups constituted a political force in neighboring countries, actively formed public opinion, and were ardent opponents of the Ottoman regime. Additionally, when the refugees returned, they constituted an even bigger problem, as they reclaimed their rights over properties they left behind. The problem was not only resistance of the Muslim population that had appropriated these properties by various ways, but also the extempore legal framework inherited to Meşrutiyet which was to solve the radical issue.

However, in terms of the place of Christians in theory and practice, the Hamidian regime demonstrated the same pattern of governance described above. On the theoretical level, Sultan Abdülhamid avoided the promises of two major documents that directly affected the regime's relation to Christians. The Kanun-ı Esasi was suspended, and the Law of the Rumelia Provinces of 1880 was set aside. On the other hand, the Hamidian regime did not change the overall status of Ottoman Christians. The community's "privileges" — the religious and institutional space recognized by the regime — were retained more or less as before in the Islahat era.¹⁴¹

In practice, though, retaining privileges did not mean a solid normative foundation, and no "privilege" of Christian institutions was guaranteed by extant regulations. Parallel to the epoch's political framework that promoted locality and *fait accompli*, the application of the privileges of a given Christian community was subject to contingencies: In addition to possible violations of the rules by local administrators, the relation of the Empire to a rival Christian community or the compliance of the community with Palace's actual politics. It was common that Yıldız Palace responded to the appeals of ecclesiastical authorities as an arbitrator correcting extreme violations by local administrators such as the closing of a church.¹⁴² However, following the Ottoman-Greek War, Sultan Abdülhamid remarkable made use of victory over the Kingdom of Greece to re-shape the extraterritorial privileges of Greeks and partly abolish them.¹⁴³ Furthermore, the Hamidian regime also leaned towards the rival

141 André Mandelstam, *Le Sort de l'Empire Ottoman* (Paris: Librairie Payot et C., 1917), 5.

142 Ibid.

143 Kechriotis, Greeks of İzmir at the End of the Empire, 58-60, cited by Michelle Campos, *Ottoman Brothers: Muslims, Christians, and Jews in Early Twentieth-Century Palestine*, (Stanford:

Christian community — that is towards the Ottoman Bulgarians — facilitating their propaganda activities against the Patriarchate. Especially the palace's grant of three *berats* to the Bulgarian bishops of Debar (*Debre*), Manastir, and Strumica (*Ustrumca*) was a blow to the influence of Patriarchate.¹⁴⁴

This was an example of the well-known tactic of divide-and-rule, which would soon ensure Hellenist alliance with the Hamidian regime and turn against the Bulgarians.¹⁴⁵ However, the interests of Patriarchists were not guaranteed despite their demonstrations of loyalty to Yıldız Palace. In 1905, when relations between the Patriarchate and Yıldız Palace were again strained, the Vlachs obtained *irade* from Sultan Abdülhamid defining them as a non-Muslim community with a separate status and “privileges,” enormously threatening the Patriarchate's influence in Macedonia.¹⁴⁶ Hence, the Hamidian regime seemed to rediscover its old tactic using its authority to grant privileges to govern Rumelia. At least in case of Hellenist network, the tactic was so fruitful that even on the eve of the constitutional revolution, the kingdom used its influence to prevent Ottoman Greeks allying with the CUP and it played major role in the hesitation of Greeks vis-à-vis the revolution.¹⁴⁷

The Hamidian strategy had effects in terms of demonstrating the power of the Ottoman state, creating alliances, and weakening enemies in a panorama

Stanford University Press, 2011), 72-73; and Mehmet Arif, “Memleketimizde Teba‘a-i Yunanistan’ın Mevki-i Kanunileri,” *İlm-i Hukuk Ve Mukayese-i Kavanin Mecmuası* 1, no. 1 (r.1326; c. 1908), 191.

144 “F.O. 371/202. Enclosure in Despatch from Sir G. Buchanan, No. 1 of January 1, 1907,” in *British Documents on the Origins of the War*, 100.

145 For the alliance of Hellenism and the Hamidian regime see, Hasan Ünal, “Ottoman Policy during the Bulgarian Independence Crisis, 1908-9: Ottoman Empire and Bulgaria at the Outset of the Young Turk Revolution,” *Middle Eastern Studies*, 34, no. 4, (Oct., 1998), 136; also see above in this chapter.

146 It was Romania that engaged in intense diplomacy in Yıldız Palace to acquire this recognition, and *irade* was given directly to the Romanian delegation in Istanbul. According to the *irade*, the Vlach community would be able to elect its own village headmen, send their own representatives to Provincial Administrative Councils, and have their own school inspectors and teachers. Sultan Abdülhamid also gave a verbal promise ensuring full liberty to use the Vlach language in schools and churches. “F.O. 371/345. Enclosure in Dispatch from Mr. G. Barclay, No. 43, of January 18, 1907,” in *British Documents on the Origins of the War*, 172.

147 M. Şükrü Hanioglu, *Preparation for a Revolution*, 249–251.

of ethnoreligious rivalry. Nevertheless, no matter how effective it was, the uneven sets of “privileges” and regulations that the divide-and-rule strategy produced, were confronted with a more violent strategy of struggle on the political plane. And on the legal plane, this unevenness that gradually developed by negotiations and bargainings, became a major obstacle in the transition to an even and uniform legal framework required by a constitutional sovereignty.

§ 2.4 The Factor of Political Brigandage

Despite the aforementioned features, it would still be questionable how much the Hamidian era would represent a rupture with the preceding eras, if the political struggle in Rumelia did not take a new form: The emergence of organized violence by irregular armed groups at the beginning of the 1900s. Indeed, although usually lost in the narrative of the Hamidian era, this phenomenon of partisan warfare, which reached its peak in the twenty-fifth year of Abdülhamid’s reign, influenced the course of events, prepared the regime’s end by contributing to the constitutional revolution, and became a major issue to be dealt with in the constitutional era.¹⁴⁸

148 We need a disambiguation of the terminology to separate a group of terms — *çete*, *komitacı*, and *eşkiya* — all of which were subsequently and interchangeably used to refer to this phenomenon. According to Şemseddin Sami, the term “*çete*” is originally Albanian and referred simply a group of people led by a certain chef (*reis*); see “*çete*” in Şemseddin Sami, *Kamus-ı Türki* (İstanbul: Çağrı Yayınları, 2009). For Redhouse this Albanian origin is doubtful, see “Chete” in Sir James Redhouse, *A Turkish And English Lexicon* (Beirut: Librairie du Liban, 1890). Redhouse proposes the term of “raider” — a *çapul* — as an ancestor without giving further details, hence emphasizing its criminal aspect. However, struggles in the Balkans might have brought about certain changes in the connotations, as Hacıoğlu traced in other Balkan languages: According to him, the term which took the forms of *cheta*, *cheti* (in plural), and *chetnik* (signifying an individual member) in Bulgarian, Serbian and Croatian, designated simply partisan groups and irregular armed bands of volunteers; see Mehmet Hacısalihoğlu, *Jön Türkler Ve Makedonya Sorunu*, 47, note 50. On the other hand, *komite* or *komita*, according to Sami, originated from the French “*comité*” and designated “the groups with malicious intentions” — that is, “conspirators” as defined in the *Kamus-ı Türki*. However, as *çete*, in time it came to mean the armed groups themselves, indicating their revolutionary and rebellious political culture. Thus to a certain degree it was purified from pejorative meanings. Lastly, in

The emergence of partisan warfare was a byproduct of the Treaty of Berlin, particularly, in the earlier times due to the framework that enflamed irredentist policies. The competition for influence over the Rumelia had always a violent tone. For instance, if not earlier, with the weakening of Sultan Abdülhamid's international credibility in 1890s following the Armenian massacres in Eastern Anatolia, the Kingdom of Greece planned a general revolt in Macedonia. Its efforts, combined with the Cretan crisis, led to a Greco-Ottoman war in 1897, resulting in the decisive defeat of the kingdom's armies.¹⁴⁹ After the treaty, the rapid escalation of rivalries would inevitably take on a violent character. By the beginning of the twentieth century, the struggle took the form of brigandage activity. Typically, the armed groups were extensions of neighboring Balkan states to pursue political interests across the Ottoman border. However, brigandage activity did not always remain under control of such formal centers.

Armed struggle ceased to be a complementary method for imposing nationalist demands, and in many cases became an autonomous factor. The members of *komitas* created their own informal networks, infiltrated into and possessed existing formal institutions, such as schools and churches. In moments where they could meet with the local population, they brought about organized mass mobilization. This mass mobilization occasionally reached a degree where popular revolts were attempted that considerably required the re-adjustment of the international balance of power. What we can observe

addition to *çete* or *komita*, the official Ottoman documents referred these groups as *eşkıya* — bandits — defining their activities as *şekavet*, meaning banditry. But this last term, as we will see in Chapter 4, this last term was deliberately chosen to emphasize criminal aspect of these armed groups that had merged with the political aspect. This ambiguity between criminal and political intentions for taking up arms became crucial in parliamentary debates over the conditions for declaring martial law; see, MMZC, Term 1, Sene1, Volume 6, Session 123, 13 Haziran 1326 (26 June 1910), 579-580. Hereafter, in our study, except for passages directly reflecting the discourse of a document, we will use the term “brigandage” for *çete*, as given in the Turkish-Ottoman Redhouse dictionary dated 1890; see *New Redhouse Turkish-English Dictionary by Sir James Redhouse*, (Istanbul: Redhouse Press, 1890), reprinted by Redhouse Yayınevi, 13th Edition, 1993.

149 F.O. 371/202: “Enclosure in Despatch from Sir G. Buchanan, No. 1 of January 1, 1907,” in *British Documents on the Origins of the War*, 100.

form this phenomenon is that armed struggle was a striking expression of a wider political culture of *komitacı*. These illegal fractions included layers of actors, with a core group bearing the political agenda or constructing the ideological framework, and organized irregular militias with various degrees of loyalty. The elasticity of linkages and loyalty toward the outer lines of the organization obscured the clear limits between political militants and criminal figures, as well as between partisan war and banditry.

These organizations were not necessarily marginal or limited to their illegal factions. Following a pattern in the overall structure of irregular forces, *komitacı* groups were not only active in moments of mass mobilization, but in their usual activities they interacted, intermingled with various social organizations. In certain moments, seen as actors contradicting state sovereignty, they could well assume state tasks such as “locally organized law enforcement agencies”, as Davis notes — occupying a liminal position between the legality and illegality.¹⁵⁰

This ambiguity was reflected in the corresponding counteraction by the state to contain such activities. The legal measures vis-à-vis these groups — whether they would be subject to a political or criminal accusations — strictly depended on contestation over definition of their specific action (either it should be accepted as a result of a political cause or as a result of criminal intention) and hence the legal procedures to be followed were an object of political struggle. Therefore, the liminal position of the phenomenon of *komitacı*s was another factor pushing the limits of formal legitimacy and became a pretext to arbitrary measures.¹⁵¹

The birth of partisan warfare in the Ottoman Empire can be dated to the 1880s, with a real development in the mid-1890s. To start with, the Armenian

150 Diane Davis, “Contemporary Challenges and Historical Reflections on the Study of Militaries, States, and Politics” in *Irregular Armed Forces and Their Role in Politics and State Formation*, ed., by Diane Davis and Anthony W. Pereira, (Cambridge: Cambridge University Press, 2003), 4.

151 See Chapter 4, for a clear example of the competition over the definition in parliament and in the field; and Chapter 5 for an example of brigandage network, an individual member typology, and the confrontation of the network with formal measures.

armed movement entered the scene via political parties such as *Dashnaktsutiun* and *Hnchaksutiun* which symbolized a fervent opposition to the Hamidian regime. The Armenian committees conducted effective armed operations such as the raid of the Ottoman Bank in Istanbul and an attempted assassination of Abdülhamid. Attacks in Istanbul particularly triggered a reaction among the Muslim population, transferring the ethnoreligious conflict into the middle of the imperial capital.¹⁵²

In Macedonia, the formation of Bulgarophone brigandage in 1893, signified the introduction of this new method of politics in the region. The pro-Bulgarian partisan activity, loaded by disappointment with the treaty, triggered a dramatic increase of armed struggle in Macedonia. As a significant addition to the national intellectuals such as teachers and merchants of Bulgarian origin, the “liberation” committees were constituted by the principality in various regions along with internal armed groups conducting guerrilla war against the Ottoman Empire. The Supreme Committee (*Verkhovist*, as it was called at the time) was affiliated with the Bulgarian government and had direct contacts with the army of the principality. The revolt of Melnik in 1895 was a manifestation of this movement and drew international attention despite its quick defeat.¹⁵³

Perhaps nothing represents the chain reaction better than the establishment of the Hellenist guerrilla band, *Ethniki Hetaireia* (National Society) in 1894, almost simultaneously with the Bulgarist guerrilla bands. Similar to the policy of the principality, the armed group was directed by military officers of the kingdom and constituted the main body of Hellenist activity in the region.¹⁵⁴ Since the strategies of rival parties shifted according to their enemy’s position, the aim of the Hellenist armed movement underwent certain changes, too. With defeat in the 1897 Greco-Ottoman War and its subsequent loss of influence in the region, Hellenist cause transformed from expansionism to a more defensive stance on the side of the Hamidian regime. If times of crisis differentiate merely rhetorical from real strategies, then it can be stated

152 Regarding the foundation of Armenian nationalist movements, see Louise Nalbandian, *The Armenian Revolutionary Movement* (Berkeley: University of California Press, 1963).

153 Mehmet Hacısalıhoğlu, *Jön Türkler Ve Makedonya Sorunu*, 48.

154 Roumen Daskalov, "Bulgarian-Greek Dis/Entanglements," 236.

that the Hellenist movement passed the test of "sincerity," so to speak, in the chaotic time of the Ilinden Uprising. During the Ilinden events, Hellenists — or more specifically, the Patriarchists of the region — became targets of Macedonian-Bulgarist bands, as their rivalry with Bulgarism pushed them into cooperation with the Ottoman army as spies and informants.¹⁵⁵ The strategy proved successful, and with the defeat of the Internal Organization and the temporary withdrawal of the Supreme Committee, Greek guerrilla activity increased, and took the upper hand over Macedonian-Bulgarian factions, especially in the southern and central parts of the region.¹⁵⁶

The first signs of Albanian nationalism were seen after the Treaty of Berlin when the Central Committee for the Defense of the Rights of the Albanian Nation was established in 1878 to defend against Serbian and Montenegrin claims. Sultan Abdülhamid supported the Albanian League's mobilization of the southern Albanian population, but it lost the support of Abdülhamid when it demanded autonomy for the provinces of Janina, Scutari, Kosovo and Manastir.¹⁵⁷ As the brigandage activity of Bulgarists and Hellenists were accelerated, a clandestine Albanian network and the *çete* organizations appeared in 1905, while certain Albanian elements acted jointly with the CUP organization of Resneli Niyazi.¹⁵⁸ In the same period, the brigandage of Vlachs, supported by Romanian and Serbian guerrilla activity and directly managed by the Principality of Serbia would participate in this increasing trend in the first years of

155 "F.O. 371/202: Extract from the Annual Report for Bulgaria for the Year 1906; Enclosure in Despatch from Sir G. Buchanan, No. 1, January 1, 1907," in *British Documents on the Origins of the War*, 105.

156 Roumen Daskalov, "Bulgarian-Greek Dis/Entanglements," 236.

157 François Georgeon, *Abdülhamid II*, 109. Hacısalihoglu's article directly touches on the link between the Treaty of Berlin and the Albanian movement, along with other nationalist claims. Hacısalihoglu, "Muslim and Orthodox Resistance," 127-130. On the other hand, in her classical work on the origins of Albanian nationalism, Nathalie Clayer mentions that the historiography distinguishes three dates for the development of nationalism among Albanians — birth —1878, 1905, and 1912-13 —and adds that the claim for 1878, namely the foundation of the League of Prizren was "very mythified," though "it was the first public manifestation of the Albanian nationalism". Nathalie Clayer, *Aux Origines du Nationalisme Albanais*, 8-9.

158 *Ibid.*, 567-572.

the twentieth century, as they felt ignored by the Great Powers or the Yıldız Palace.¹⁵⁹

2.4.1 *The Emergence of Macedonian-Bulgarist Brigandage*

The foundation of the MRO, the Bulgarian-Macedonian Revolutionary Organization which would soon acquire its famous appellation, — the Internal Organization, was a turning point. The partisan struggle that defined itself as “Macedonian” was not only an addition to extant rival parties, but a good example of the dynamics determining this form of struggle.

The Internal Organization was founded in Thessaloniki in November 1893, under the leadership of Gruev, Batachiev, Tatarchev, Dimitrov and Hacinkolov, and aimed to implement the articles of the Treaty of Berlin that they interpreted as granting the full autonomy of the Macedonian region.¹⁶⁰ The local, Bulgarophone intellectuals who constituted the leadership of the movement became proponents of a separate Macedonian identity increasingly opposing the annexation to the Principality of Bulgaria. Hence, while generally other brigands had irredentist characters, the Internal Organization worked in the opposite direction, to prevent the foreign infiltration. In this context,

159 The Serbian Government was discontent with Austria-Hungarian and Russian involvement in the Macedonian affairs and proposed a general congress of European powers, expanding the geographical scope of the reforms. The Serbs, having been rejected both by the Great Powers and by the Ottoman Empire, started a guerrilla war in Macedonia; see Gül Tokay, *Makedonya Sorunu*, 63.

160 Marinov notes that the Internal Organization was founded in October 1893 and specifies that in Macedonian historiography, the Organisation is referred to by various names over time, such as BMORK (*Balgarski makedono-odrinski revoljucionni komiteti / Macedonian-Adrianople Revolutionary Committee of Bulgarians*) or TMORO (*Tajna makedono-odrinska revoljucionna organizacija / Secret Macedonian-Adrianople Revolutionary Committee*): Tchavdar Marinov, “L’Impasse du Passé,” 94-95. Gruev openly refers to the Treaty of Berlin as the aim of founding the organisation: “Damyán Gruev on the creation of a Revolutionary Organisation in Macedonia,” in *Macedonia: Documents and Materials*, (Sofia: Bulgarian Academy of Sciences, 1978), 551.

they challenged the program of the Supreme Committee (*Vyrkhoven Makedonskij Komitet*) also called the External Organization, which was founded soon after the Internal Organization.¹⁶¹

This fragmentation of the Macedonian-Bulgarian cause was neither temporary nor exceptional. On the contrary, the programs and aims of the two factions became separate and increasingly antagonistic. The Internal Organization evolved more radically, promoting a local Macedonian identity with the slogan “Macedonia to Macedonians.” The group became increasingly an ardent opponent to any kind of external intervention in the Macedonian struggle for full autonomy.¹⁶² Consequently, as its program crystallized, the Internal Organization became an actor contradicting to the actors of the post-Berlin *status quo*. As Khristov stated, while other groups based themselves upon Article 23 of the Treaty of Berlin and invited foreign intervention, the Internal Organization separated itself from this framework, and even took an antagonist position to it.¹⁶³

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- 161 At the beginning, annexation by Bulgaria was to a certain degree a common strategy for both organizations. Hacısalıhoğlu cites from Christo Tatarchev’s memoirs that leaders of the Internal Organization, initially supported the program of autonomy for a transition to unification with Bulgaria. Mehmet Hacısalıhoğlu, *Jön Türkler Ve Makedonya Sorunu*, 46-47; see also C. Psilos, “From Cooperation to Alienation: an Insight Into Relations Between the Serres Group and the Young Turks During the Years 1906-9,” *European History Quarterly*, 35, no. 4 (October 2005), 542.
- 162 For instance in the article 2 of the amended *ustav* of the organization in 1906 mentioned that “the Organization opposes any other country’s interventions to divide and conquer these regions.” This 2nd article was absent in the 1902 version of the statute. See *Macedonia: Documents and Materials*, 551-6.
- 163 “Protivopolozhno tem, kto printsip avtonomii osnovyvaivat na ispolnenii st. 23 Berlinskogo dogovora i ozhidajut reshenie makedonskogo voprosa s pomoshch’ju interventsij velikikh sil, Vnutrennjaja organizatsja podnimaet ego na stepen’ osnovnogo programmnoogo printsipa zaveovanija natsional’noj svobody i osvobozhdenija putem revoljutsii, obshchenarodnogo vostanii.” (In contrast to those who based the principle of autonomy on the Article 23 of the Treaty of Berlin and expected resolution of the Macedonian problem with the intervention of Great Powers, the Internal Organization raised the achievement of national freedom and liberty through revolution, through a overall popular uprising to the level of an essential programmatic principle.) Aleksandr Khristov, “Printsip Avtonomnoj Makedonii v Programme Vnutrennej Makedonskoj Revoljutsionnoj Organizatsii (VMRO),” in *Macédoine: Articles*

Not only the claim of a separate identity but also the scope of the term “external power” constituted a counter-weight against Bulgarist irredentism, for the term also included the Principality of Bulgaria. The divergence became so decisive that despite a short-lived convergence with the “External Committee” under the leadership of Sarafov in 1899, the Internal Organization refrained from supporting the 1902 uprising organized by the External Committee. Instead, it organized its own revolt, the well-known 1903 Ilinden Uprising, which much more successfully mobilized the local peasantry and is still celebrated in Macedonia and Bulgaria as a turning point in the national revival.¹⁶⁴

With the uprising, partisan warfare proved an effective and autonomous method of struggle that could mobilize public sentiments through the narration of patriotic heroism. It was proved that Bulgarism and Hellenism had a viable new rival. Despite its defeat in October 1903, the Ilinden Uprising raised the Internal Organization higher degree than the other political actors of Bulgarist propaganda in Macedonia. The sentiments aroused around the revolt even seemed to alarm the government of the Principality of Bulgaria. When the uprising was suppressed by the forces of Sultan Abdülhamid, the military of the principality attempted to prevent partisans from crossing the principality’s border; nevertheless, in the face of public sympathy for the insurgents, they had to tolerate the passage of armed fugitive bands. The memory of the decisive Greek defeat in the face of the Ottoman army in 1897 were still vivid yet, and the next year, in 1904, the principality signed an agreement with the Ottoman Empire promising to cooperate in preventing the armed activity in Macedonia.¹⁶⁵

d’histoire, ed. Aleksandar Matkovski, Krste Bitovski et al, (Skopje: Institut d’Histoire Nationale, 1981), 203. The organization had even broken with the rightwing of the MRO on the same grounds of rejecting Bulgarian involvement in the Macedonian question.

164 “Ilinden Uprising,” in *Historical Dictionary of the Republic of Macedonia*, ed. Dimitar Bechev, (Toronto: Scarecrow Press, 2009) 96.

165 “F.O. 371/202: Extract from the Annual Report for Bulgaria for the Year 1906; Enclosure in Despatch from Sir G. Buchanan, No. 1, January 1, 1907),” in *British Documents on the Origins of the War*, 105. As for the agreement of 1904; the Ottoman Empire also had an interest in refreshing relations with its formal vassal, as it was under the pressure of the Mürzsteg Reform

2.4.2 *New Social Dynamics: The Political Fragmentation of Ethnoreligious Movements*

Although initially organized simply as a new method of extra-territorial nationalist movements, the partisan militancy quickly met with new social dynamics, which challenged and transcended the existing institutional, and political frameworks for dealing with ethnoreligious rivalry in the post-Berlin status quo. The period starting in the early 1900s, the culmination of which was the Ilinden Uprising, marked a turning-point in that it triggered the emergence of new programs and also revealed new social dynamics that would radically affect the ensuing history extending to the constitutional revolution.

In our example, the fragmentation of the Bulgarian cause had its roots in changing class relations. Being well-educated members of an emerging middle class, the leaders saw themselves as representatives of certain social bases and took political positions accordingly. In the observation of a prominent figure of the Macedonian-Bulgarian movement, Gyorche Petrov, the reason for the fragmentation was that Bulgarian intervention in Ottoman Rumelia drew the reaction of the young, new “Macedonian” middle class, which had gradually flourished. The emerging new trend was an opposition to an establishment represented by the Exarchate and the principality. This new generation of young people and guildsmen increasingly reacted to the status quo whereby the Exarchate and the principality, with the participation of the Ottoman Empire, determined the heads of the local councils, and school administrators, along with those of other community institutions. The protestations of the members of this new dynamic was the base of the movement stigmatized by the *Verkhovists* as the “Macedonian separatism.”¹⁶⁶

For a complete picture, it must be said that the same phenomenon could be observed on the western frontiers of the Balkan peninsula, as Nathalie Clayer demonstrated in the construction of the Albanian identity. While civil

program. The empire granted the Principality certain concessions regarding trade and commerce; see *ibid*, 108, and Dragonoff, *La Macédoine et les Réformes* (Paris: Librairie Plon, 1906), 119.

166 “Spomeni na Gyorche Petrov,” in *Materialy za Istorijata na Makedonskoto Osvoboditelno Dvizhenie*, vol. 8 (Sofia: Pechatnntsa P. Glushkov, 1927), 10-12.

offices in the province of Janina were formerly constituted of the sons of *ulemas*, along with various local notables, the composition of provincial administrations changed in favor of new generations with more modest social origins in the new period. Remarkably, these were also well-educated people, who studied outside their hometowns, and in the system of education provided by the Hamidian regime. They were a new intelligentsia, problematizing not only the Ottoman government, but also older generations and established institutions.¹⁶⁷

The emergence of a new generation can be observed in the Hellenist movement, too. The Hellenic nationalist propaganda spread in Ottoman Europe, as well as on the Aegean Islands and in Smyrna. The Hellenic movement increasingly expressed a divergence of political inclinations, related to the social diversification. On the one side of this divergence, there was the traditional Greek establishment, constituted of the Phanariote elite, of high-level members of the Patriarchate, and of rich tradesmen who inherited a traditional policy of collaboration with the Ottoman palace; on the other side, a new generation of secular educated class and popular segments of the society who acted as intellectual and political builders of Greek national identity. In the Hamidian times, this latter part of Hellenist network was more inclined to side with the nationalist politics.¹⁶⁸ The generation born in the last quarter of the nineteenth century, created new political programs, such as the socialists' Balkan question, which impacted Venizelos' nationalist political considerations.¹⁶⁹ However, when Ion Dragoumis founded the Society of Constantinople (*Organosis Konstantinoupoleos*) it was a sign that the Hellenist cause,

167 Nathalie Clayer dedicates a part of her work to the development of this “local elites and new ‘middle classes.’” Clayer, *Aux Origines du Nationalisme Albanais*, 359-366. This alienation of the new generation from the traditional institutions and notables, became an apparent theme among the Albanian intellectual sympathizers of the constitutional revolution, as was the case of Namik Delvina, see *ibid.*, 341-343.

168 Richard Clogg, “The Greek Millet in the Ottoman Empire,” in *Christians And Jews in the Ottoman Empire: The Functioning of a Plural Society*, ed. Benjamin Braude and Bernard Lewis, Vol. 1 (New York: Holmes and Meier, 1982), 196-197.

169 Vangelis Kechriotis, “Greek-Orthodox, Ottoman Greeks or Just Greeks? Theories of Coexistence in the Aftermath of the Young Turk Revolution,” *Études Balkaniques*, no. 1, (2005), 57.

despite its ostensible unity, would be represented by new actors along with the confessional authorities. Studies focusing on the local scale confirm that a flow towards Greek nationalism occurred at the time among the Ottoman Greek population.¹⁷⁰

Finally, we should mention the emergence of the Young Turk movement parallel to this development of a new generation with komitacı culture. Following the same path as other movements, the initial, underground organization of Young Turks in late 1890s, which took place in respected military schools such as *Tıbbiye*, would manifest itself more clearly after the further fragmentation in 1902. The *komitacı* culture crystallized in this period and rapidly spread among the young educated (*mektebli*) officers in the civil and military bureaucracy who were increasingly discontent with the Hamidian regime.¹⁷¹ The branch that would become the Committee of Union and Progress was, in a sense, a reaction against the existing elite: The older generation that could not accord itself to the scientific, and philosophical developments of the era.¹⁷² While the Paris group of Young Turks were in their early thirties, the army officers' average age was twenty six, having posts within the state bureaucracy.¹⁷³ Hence, as the movement evolved, the old and established opposition represented by figures such as Mizancı Murad became the target of political attacks.¹⁷⁴

When the movement separated into two in the 1902 Congress — into the decentralists of Sabahaddin and centralists of Ahmed Rıza — a significant point of conflict was the adaptation of the administrative system of the empire to the post-Berlin status quo. The liberal-conservative ideology of Prince Sabahaddin deemed that decentralization was the proper solution to the Eastern

170 Ryan Gingeras, *Sorrowful Shores: Violence, Ethnicity, and the End of the Ottoman Empire 1912-1923*, (New York: Oxford University Press, 2009), 21.

171 Sohrabi, *Revolution and Constitutionalism*, 189-190.

172 Hanioglu, *Preparation For a Revolution*, 309-310.

173 Erik J. Zürcher, *The Young Turk Legacy*, 100.

174 Berkes, *The Development of Secularism*, 306-309.

Question, while the other branch, to-be-CUP cadres argued this imperialist agenda would destroy the unity of the empire and thus Ottomanness.¹⁷⁵

Fragmentation within the various parties of this political scene deepened the problem of Macedonia making difficult for the Hamidian regime to contain the revolutionary situation. On the other hand, the emergence of this new dynamic did not necessarily mean a consolidation of extant threats vis-à-vis the Ottoman Empire. Instead, the new revolutionary dynamic reshaped the configuration of extant ruling actors and in certain cases pushed them to ally with each other.

As a remarkable example, the aforementioned Hellenist alliance with the Hamidian regime was not only against Bulgarist ambitions but it was also to contain this new social dynamic. Indeed, the strategy of cooperation with the Ottoman Empire was reflected in the general structure of the Hellenist movement in Macedonia, too. As mentioned above, the Greek side of the rivalry paid particular attention to maintaining the delicate balance with the Empire, and to this end, the kingdom became careful not to permit any uncontrolled, factious movement within the armed struggle. Because the kingdom, as the center of attention of the new generation of nationalism, preferred to side with the Hamidian regime, the Hellenist movement could preserve its political unity to a certain degree. The Kingdom, in accord with the Patriarchate, increasingly imposed a monopoly on Hellenist ambitions. By the year 1906, the Kingdom's efforts to prevent the multiplication of Hellenist guerrilla activities proved effective, and as far as British reports stated, crimes of Hellenist armed groups were reduced to minimum the next year.¹⁷⁶ By 1908 the "Greek state gradually took control of the private irredentist organizations until all were put under direct control of the Foreign Ministry."¹⁷⁷

175 Hanioglu, *Preparation For a Revolution*, 89-90. Although Sabahaddin, a relative of Sultan Abdülhamid, was typically called "liberal," he was deeply influenced by conservative sociological thinkers such as Le Play; see Berkes, *The Development of Secularism*, 310.

176 "F.O. 6413/6413/08/19: Extract from the Annual Report for Greece for the year 1907; Enclosure in Dispatch from Sir F. Elliot, No. 21, February 19, 1908," in *British Documents on the Origins of the War*, 119.

177 Daskalov, "Bulgarian-Greek Dis/Entanglements," 236.

However, the story of containment does not apply to the rival Macedonian-Bulgarist movement. This movement became increasingly factional with an increasing antagonism. Accordingly Bulgarian ecclesiastical institutions lost credibility in the eyes of the Hamidian regime as they became bases of *komitacı* cadres.¹⁷⁸ Indeed, the fragmentation of the Macedonian-Bulgarian movement did not remain just between the Internal and External Organizations; the struggle caused further schisms. With defeat in the Ilinden Uprising, radical disagreements occurred within the Internal Organization. In a series of regional congresses held in various parts of Macedonia following the defeat, the movement began to divide into right and left wings, each of which pursued different programs in terms of cooperation with the Principality of Bulgaria, insistence on an independent Macedonian movement for the Macedonian people.¹⁷⁹ The left faction was represented by the famous guerrilla leader, Jane Sandanski and mostly dominated the northeastern parts of Macedonia, stretching from Serres to Strumica. On the other hand, the right faction, led by influential Bulgarian intellectuals such as Dame Gruev, Christo Tatarchev and Christo Matov, had considerable influence in south-west centers such as Manastir.¹⁸⁰

A point of divergence was the relation of the Internal Organization to the Principality of Bulgaria. In fact, Sandanski had, since the 1890s, continuously opposed the intervention of the principality in what he saw as Macedonian territory, and wanted to preserve the independence of the Internal Organization. For the right wing, the defeat of the insurgency proved that the Ottoman “yoke” could not be removed without the help of the principality. Hence, the right wing approached to the principality and the *Verkhovists*, though in rhet-

178 Selçuk Akşin Somel, “Christian Community Schools During the Ottoman Reform Period,” in *Late Ottoman Society: The Intellectual Legacy*, ed. Elisabeth Ozdalga, (London: Routledge, 2005), 266.

179 Psilos, “From Cooperation to Alienation,” 543; Mehmet Hacısalihoglu, *Jön Türkler Ve Makedonya Sorunu*, 117.

180 Mehmet Hacısalihoglu, “Yane Sandanski as a political leader in Macedonia in the era of the Young Turks,” *Cahiers Balkaniques*, 40, (2012), p. 2 (version online: <http://ceb.revues.org/1192> accessed 19 February 2014); also see Chapter 3 and 4.

oric it still defended the independence of the Macedonian movement. Another seemingly radical point of divergence was the programmatic orientation of the left wing, which became clearer in the Congress of Serres in 1905. In the congress held in Pirin, the Sandanski faction emphasized the class dimension of the struggle in Macedonia focusing on the problems of the lower-class peasantry against with the agricultural relations favoring big landowners. With such a definition, the left faction added the class dimension to their divergence with the “Sofia-based Bulgarian bourgeoisie.”¹⁸¹ Although a class stance did not altogether contradict the views of some leaders in the other wing, the latter was prone to emphasizing the national unity of Macedonian-Bulgarians rather than class differences that would divide the national unity.¹⁸² As reflected in the journals of the related movements, following the Ilinden Uprising, particularly in the years 1905 and 1906 the left wing ardently supported a Balkan revolutionary program with the main goal of a Balkan federation in which Macedonia would be an equal component.¹⁸³ As early as the 1890s, the Macedonian movement generally had an inclusive approach vis-à-vis other communities and emphasized territorial bounds at the expense of ethnoreligious ones, resulting in a quasi supra-national program. As divergence in the movement increased, the left wing adopted a sharpened, “internationalist” stance, while the right wing increasingly shifted towards the principality and the *Verkhovist* movement which were underlining the idea of the national unity of Bulgarians.¹⁸⁴

181 Psilos, “From Cooperation to Alienation,” 543; Mercia MacDermott, *For Freedom And Perfection: The Life of Yané Sandansky* (London: Journeyman, 1988), 202-207.

182 The class dimension of the divergence between the two fractions was relatively latent among the problems about nationalism. Roughly speaking, as we will see in the case on Jovanovich in Chapter 4, the right-wing, which later adopted the name Bulgarian Constitutional Clubs, had considerable influence and organised among Bulgarian tradesmen in Manastir, who represented the middle strata and were linked with the diaspora in the principality.

183 Hacısalihoglu, “Yane Sandanski as a political leader in Macedonia in the era of the Young Turks”.

184 MacDermott, in her biographical work on Sandanski extensively describes the divergence focusing on the polemics between the two fractions. She uses the contemporary term “Serres

On the eve of the constitutional revolution, this diversification of the opposition to the Hamidian regime expressed itself in the development of two ideologies: Nationalism and constitutionalism.¹⁸⁵ It would only be later that these different currents would act in alliance against the Hamidian regime and become governing and competing ideologies.

2.4.3 *The Administration of the General Inspectorate of Rumelia*

Within this political atmosphere which was becoming more and more threatening, the Hamidian regime undertook new administrative measures in Rumelia. The introduction of the inspectorate regime in 1902 and the introduction of the Mürzsteg Reform Program by foreign powers were remedies to this development that significantly altered Ottoman sovereignty in the region.

The institution of the General Inspectorate in Macedonia can be considered as a turning point in the administrative orientations of the Hamidian regime. The idea to form of a general inspectorate with exceptional authority in certain regions initially manifested itself in the aftermath of the treaty on the occasion of the Reform Project for Anatolia (*Anadolu Islahat Projesi*). Again, inspection and control over administration became a major theme of reforms, critically determining the status of the parliament in the first constitutional experience. Reflecting this tendency, Şemseddin Sami, a prominent Ottoman Albanian intellectual, proposed the establishment of inspectorates comprising several provinces.¹⁸⁶ However, the office of an inspectorate as an enduring form of administration was founded for Ottoman Europe on 2 December 1902 with Abdülhamid's appointment of Hüseyin Hilmi Paşa as the

internationalism" in contrast with right-wing views: MacDermott, *For Freedom And Perfection*, see especially 249-253. On the other hand, with the Rila Congresses in 1905, a unified Internal Organization was re-established, but only temporarily, and the left-wing demonstrated its weight by giving an ultimatum to the *Verkhovist* movement that General Tsonchev halt the armed struggle. Ibid., 221-222; for the program of federation and supra-national identity trends, see Psilos "From Cooperation to Alienation," 546.

185 Berkes, *The Development of Secularism*, 276-280.

186 Önen, and Reyhan, *Mülkten Ülkeye*, 285-286.

General Inspector of Three Provinces (*Vilayet-i Selase Müfettiş-i Umumisi*).¹⁸⁷ With this new unit, the *Rumeli* was divided in three major provinces, the provinces of Kosovo, Thessaloniki, and Manastır, with Thessaloniki being the administrative center.¹⁸⁸ Ten days later, Sultan issued the Instructions on the Provinces of Rumelia (*Rumeli Vilayetleri Hakkında Talimat*) elaborating the status of the inspectorate.¹⁸⁹

The initial step for a General Inspectorate was taken by the Hamidian regime and not by foreign powers. There was always a threat of foreign intervention as a sword of Damocles. But foreign powers, particularly the Austria-Hungarian and Russian Empires, to which Britain had delegated the affairs of Macedonia, only intervened later on, in 1903 by participating to the Ottoman inspectorate program. Hence, despite the overall constraints of the era, the General Inspectorate, recalled the 1880 Law on Provinces of Rumelia, reflecting the initiative of Yıldız Palace against the brigandage in the region. On the other hand, it diverged from the 1880 Regulation in that it consolidated the Rumelia provinces under a single authority, or in other words, it constituted another administrative body above the provinces.

What were the characteristics of this body? The General Inspectorate was primarily responsible for “inspecting” and “checking” the administrative

187 Hüseyin Hilmi Paşa (1855-1923) was a reformist Ottoman bureaucrat. He was influenced Namık Kemal, whom he met personally. After being gradually promoted within the bureaucracy of the Abdülhamid regime, he was appointed as General Inspector of Rumelia in 1902. After the revolution, on 27 November 1909 he became the Minister of Interior in the Kâmil Paşa government, and after that *Sadrızam* on 13/14 February 1909. Although he had to quit the post upon the 31 March events, he again became *Sadrızam* on 5 May 1909. He was distant from the CUP to a degree and tried to remain above factional divergences in the constitutional era. “Hüseyin Hilmi Paşa,” in *Yaşamları Ve Yapıtlarıyla Osmanlılar Ansiklopedisi*, vol. 1, 2nd ed. (Yapı Kredi Yayınları: İstanbul, 2008), 583. See also Hans-Jürgen Kornrumpf, “Hüseyin Hilmi Pascha, Anmerkungen zu seiner Biographie,” in *Beitraege zur Osmanische Geschichte und Territorial Verwaltung*, (Isis Verlag: İstanbul, 2001) 125-129.

188 The following study describes this administrative network through archival documents: Mustafa Alkan, “Hüseyin Hilmi Paşa’nın Rumeli Müfettişliği (1902-1908),” *Sosyal Bilimler Dergisi*, 13, no:1, (Mart 2015), 248.

189 Önen, and Reyhan, *Mülkten Ülkeye*, 286.

practices, as implied in its appellation. Abdülhamid equipped the General Inspector with the rank of a vizier and authority over the governors of the three provinces. The outcomes of these controls should be reported to Istanbul in form of reform projects. In this task, the inspector would be supported by a delegation of military and civil consultants working in the field. However, the inspector's authority was not limited to that of surveillance of administration; and this highest-ranking official could exercise executive power. The task of the inspector was defined as the "execution" of the reforms envisaged in the Instructions on the Provinces of Rumelia, and he could manage the dismissal and prosecution of officials in consultation with governors. He would also play a major role in assigning officials in consultation with Istanbul. While the bureaucratic procedures of the Inspectorate would be dealt with through a special commission in Istanbul, the Inspector answered directly to the Imperial executive authority — that is to the Council of Ministers and, in effect to the sultan.¹⁹⁰

As much as this project seems to lean toward centralism in the provinces, a wider look suggests that the foundation of a superior authority was a compensation or cover for decentralist tendencies lying underneath. Indeed, the new instructions gave governors in Rumelia considerable authority. According to the instructions in scope of the inspectorate reform, the governors in the three provinces had the authority to use the regular army and to organize the construction of a gendarmerie and a police force from Christian and Muslim elements. The establishment of judicial organs was under his authority, too, for he was obliged to found *nizamiye* courts in towns where they were absent, and to supervise the election of their members on an equal basis from among Christians and Muslims. Along with these tasks, the governor was to ensure the development of infrastructure by providing budget for construction work, and significantly, he had to increase the number of the educational

190 Alkan, "Hüseyin Hilmi Paşa'nın Rumeli Müfettişliği," 249. A contemporary Hellenist account defines a wider scope of authority for the Inspectorate, such as the authority to resort to the army without asking the government and directly commanding the governors. However, this book did not depend on primary sources, concentrating instead on elaborating Hellenist arguments. V. Colocotronis, *La Macédoine et l'Hellenisme: Étude Historique et Ethnologique* (Paris: Berger-Levrault, 1919), 573-574.

institutions, which would soon come to characterize the Hüseyin Hilmi Bey government. Last but not least, local administrations in Rumelia would have the authority to deal with the issues of foreigners, as well as with foreign councils through the establishment of directorates of foreign affairs (*umur-u ecnebiyye müdürlükleri*). Significantly, the instructions made it clear that in relations with foreigners, it would be the governors who would have the “responsibility.”¹⁹¹

With these characteristics, the General Inspectorate brought about an exceptional regime in the territories defined as Macedonia. Increasing the degree of delegation of authority, the Hamidian regime supplied governors with a considerable responsibility of policymaking, with which they could more elastically respond to local struggles. Developing such an administrative apparatus indicates that growing political brigandage pushed Hamidian regime to further localize conflicts, and the bureaucracy of Rumelia in the constitutional era, inherited such a deconcentrated formation of local policy.

The ensuing events were in line with this tendency of compromising administrative centralism. The introduction of the exceptional regime faced severe reaction from guerrilla groups and paved the way for the Ilinden Uprising in 1903. In this phase the Austrian and Russian Empires presented reforms known as the Müritzsteg Program, named for the castle near Vienna where Tsar Nicholas and Emperor Francis Joseph met and formulated the plan. This program did not remove the office of General Inspectorate, but integrated foreign officials into it. In this arrangement, Macedonia was to be policed by a gendarmerie under international control. The country was divided into spheres of influences, each of which was assigned to one of the five powers, with Austria and Russia responsible for the general supervision of the program. Foreign infiltration was seen in the appointment of consultants for Hüseyin Hilmi Paşa, which included a Russian and an Austrian civil agent.¹⁹² The Müritzsteg

191 The articles 2, 3, 4, 5 of the *Talimatname*; see Alkan, “Hüseyin Hilmi Paşa’nın Rumeli Müfettişliği,” 248; and Önen, and Reyhan, *Mülkten Ülkeye*, 286.

192 The spheres were assigned as follows: Kosovo to Austria-Hungary, Serres to France, Manastir to Italy, Drama to Great Britain, and Thessaloniki to Russia. Germany refused to participate

Program claimed a further share from the sovereignty of the Ottoman Empire; one addition to the program was the development of a financial control apparatus over the Ottoman administration, assigning the Ottoman Bank as the central institution which would inspect the financial practices.¹⁹³ On the other hand, as an indirect, favorable consequence, a considerable gain was that the Yıldız Palace could consolidate its alliances with the Greek and Serbian governments. In light of new international regulation that compromised the Ottoman Empire with Bulgarist ambitions, the other two Balkan states sounded the alarm of an Ottoman collapse after which Bulgarism could achieve its territorial goals.¹⁹⁴

With the integration of foreign power, the overall administrative landscape reached its ultimate form before the constitutional revolution. With the introduction of the Inspectorate, the Hamidian regime intended to produce a system of governors that could deal with the local dynamics in the field. Since local administrators were granted broad authority, the political responsibility for the conflict remained on their shoulders. To what degree governors were capable of dealing with their new tasks is debatable,¹⁹⁵ But it would be the in-

in the police program, not wishing to offend the Porte or imperil plans for the Bagdad Railway; see Wesley M. Gewehr, *The Rise of Nationalism in the Balkans, 1800-1930* (Archon Books, 1967), 81-82.

- 193 Financial control extended from town administration budgets to the overall system of tax-farming of *aşar*. Donald C. Blaisdell, *Osmanlı İmparatorluğu'nda Avrupa Malî Denetimi: Osmanlı Düyun-u Umumiye İdaresi'nin Anlamı, Kuruluşu Ve Faaliyeti*. (İstanbul: Doğu-Batı Yayınları, 1979), 145-146.
- 194 Christo Silyanov "Predgovor" in *Kostursko Vy Makedonskata Revoljutsija: Originalni Dokumenti iz Tajnitje Turski Arkhivi Na Velikoto Vezirstvo i Na Khilmi Pasha*, ed. Pancho Dorev, (Sofia: Izdava Kosturskoto Blagotvoritelno Bratstvo, 1937), 16-17.
- 195 Although there are not enough studies to permit a generalization of the situation, certain accounts focused on the local level indicate a high degree of compromise by the governors in their relations with foreign envoys. See Hasip Saygılı, "Hüseyin Hilmi Paşa'nın Rumeli Müfettişliği Döneminde (1902-1908) Rus Diplomatik Misyonlarının Bulgar Komitacıları ile İlişkileri," *İstanbul Gelişim Üniversitesi Sosyal Bilimler Dergisi*, 1, no. 2, (2014). On the other hand, as was the case of Russian envoy Alexandr Rostkovskij in Manastır, foreign representa-

spectorate regime that would pursue and persecute local officials in their practice. While the vilayets were reduced to units constituting one side in local conflicts, the palace claimed a superior authority, attempting to distancing itself from the local conflict in the role of arbitrator. On the other hand, after the incorporation of foreign officials to the system, the office of General Inspectorate became an external platform of collaboration for managing the overall atmosphere of revolt in the three *vilayets*.

2.4.4 *Chaos Within the “Principle of Status Quo”: The Inspectorate and the Problem of Identification in the Christian Population*

The actual functioning of the Inspectorate and the strategies implemented in the field, has yet to be studied due to divergences between the text and the action — between theory and practice — in this era. However, it seems that within the overall Hamidian context, Hilmi Paşa was as a well-educated bureaucrat who paid attention to rationalized government. During his office, Hüseyin Hilmi Paşa produced considerable information on the contemporary situation of the region. In reports sent to Istanbul, he described various shortcomings — above all, educational problems in the region — and tried to organize the budgets of provincial administrations in order to finance Ottoman education. In this respect, Hüseyin Hilmi Paşa divergence from the policies of Yıldız Palace. In his report about the Kosovo province, for instance, he proposed that Yıldız Palace give all educational taxes back to the province to allow the provincial administration to finance local educational institutions. For him, leaving the funding of education particularly *ibtidai* schools) to the local

tives expanded their attitudes to an arbitrary degree, such as one attempt to whip a gendarmerie in line of duty: Hasip Saygılı, “1903 Makedonyasında Reformlara Tepkiler: Manastır Rus Konsolosu Aleksandır Rostkovski’nin Katli,” *Karadeniz Araştırmaları*, 39, (Autumn 2013). As for administrative consequences of the Müritzsteg Program, from his Bulgarist point of view, Draganoff was of the opinion that during the rule of the inspectorate nothing had been done in terms of administrative promises, which had included division of the region into smaller units in order “to group more regularly the different nationalities.” Thus, he returned to the 1880 Law on Rumelia Provinces as a solution. Dragonoff, *La Macédoine et les Réformes*, 114-115.

population would be useless. He believed the Ottoman state “must show some activity in the field of education, no matter how small it was.”¹⁹⁶ In this context, whatever is the official authority, Hüseyin Hilmi Paşa was not simply an official of Abdülhamid. He tried to change the role of Ottoman government to a representative of a normative hegemony rather than a perpetrator of arbitrary practices.

With the establishment of the General Inspectorate, Ottoman governance in Macedonia intensified in new channels. The Inspectorate had to prevent the acceleration of armed struggle and had to develop new methods of administration to his end. Therefore, starting in 1903, the General Inspectorate put forward the principle of *status quo* (*statüko kaidesi*) with regard to the issue of churches and schools. The principle of status quo meant that until the resolution of the issue of brigandage, no collective conversions of villages were allowed.¹⁹⁷ Accordingly, the state would not recognize changes in the confessional affiliation of churches and schools. The intent of this regulation was to deprive militant movements of their main ethnoreligious goals. For understandable reasons, such a decision particularly hit the Macedonian-Bulgarist brigandage, the actual aim of which was to expand Exarchate’s influence at the expense of the Patriarchate. In parliamentary debates after the implementation of the constitution, the principle of status quo constituted one major divergence between Hellenist and Bulgarist networks.¹⁹⁸

On the other hand, the principle of status quo expectedly produced another outcome, which was to freeze the identities and transitivity between communities. Such a measure was possible by drawing an accountable ethnoreligious map of the region. To that end, Hüseyin Hilmi Paşa organized a

196 Emine Önhan Evered, “An Educational Prescription for the Sultan: Hüseyin Hilmi Paşa’s Advice for the Maladies of Empire,” *Middle Eastern Studies*, 43, no. 3 (May 2007), 444-445.

197 During his speech in the early days of the parliament, explaining the principle of status quo Hüseyin Hilmi Paşa said that individual conversions were allowed, but petitions by village councils to convert to another church were left unanswered and set aside until the problem of brigandage was solved; see MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-1 Sani 1324 (30 January 1909), 371. Also see, İpek K. Yosmaoğlu, “Counting Bodies, Shaping Souls: the 1903 Census and National Identity in Ottoman Macedonia,” *International Journal of Middle East Studies*, 38, no. 1 (2006), 65.

198 For details, see the parliamentary debate in Chapter 3.

new census in the *Vilayet-i Selase*. The guidelines prepared by Hüseyin Hilmi Paşa for census officials and the practices of counting the population revealed the various identity constructions in the region, considerably deviating from the traditional Ottoman classification system.

As seen in the guideline, the identification of the population in Ottoman Rumelia transcended the boundaries of millets and even confessional categories. Instead, both in the guidelines and in correspondences among census officials, the term *cinsiyet* occupied a critical position. According to the guideline, those who were affiliated to the Exarchate or Patriarchate before 1903 should be registered accordingly. Those who declared themselves Rum or Serb, though they had been followers of the Exarchate, should be classified as “Orthodox, member of Exarchate.” Those affiliated to the Patriarchate who demanded the registration of their nationality — as was demanded by Serbs, Vlachs and Albanians in Kosovo and Manastir — should be registered as Serb, Vlach, or Albanian members of the Patriarchate. For members of the Patriarchate, whose self-identification as Serb, Vlach, Albanian, or Bulgarian was disputable, would be registered nearly as “Orthodox member of Patriarchate.” All disputable declarations of “nationality” would be certified “after the disturbances [we]re over.”¹⁹⁹

The census was one prominent example of the degree to which the production of knowledge and information in the region was determined by actual political orientations. Yosmaoğlu, in a detailed study of the census, underlines how the General Inspectorate at first omitted the term “Bulgarian” in the guideline. The requests and demands of local officials, as was the case of the sub-governor of Serres who asked for permission to accept the “*Bulgar cinsiyet*,” opposed the stance of the Inspectorate. However, it was not certain that the local Ottoman bureaucracy in the provinces could comply with the orders of the Inspectorate. The census produced many complaints from the Christian population. As the office to which address the local population could address their concerns, the governors and inferior officers of the provinces ignored the rules the guidelines in various cases, using their initiative in

199 Yosmaoğlu, “Counting Bodies,” 65.

the registration. Particularly in the determination of *cinsiyet*, local officials went as far as using their own criteria.²⁰⁰ In such cases, the dimensions of the struggle went deeper and revealed the struggle over the criteria defining identity.²⁰¹ Despite the bifurcations and diversions, as a general line, Yosmaoğlu observes that in the census practices of the General Inspectorate, the official identification of the Ottoman Christian population gradually lost its confessional character. Meanwhile the confessional institutions were sub-divided further: "After the official recognition of the Vlachs as a millet that would be acknowledged in the census register in 1905, the term millet no longer corresponded strictly to denominational affiliation."²⁰² Therefore, before the promulgation of the constitution, the Islahat framework of the millet broke down with pressure from below, and confessional identifications fell a step back behind national ones.

In the following years ethnoreligious rivalries in the region were intensified. Neither conflicts between Muslim and non-Muslim populations nor enmity among neighboring irredentists and Macedonian movements could be ended. Although the Mürzsteg Program gave considerable authority to foreign powers, these powers rapidly lost their harmony due to conflicts of interest. The railway project in Macedonia led to a rupture between Russia and Austria-Hungary. On 3 March 1908, the British cabinet proposed a stricter reform program to overcome the so-called inertia of Yıldız Palace. However, in a short period of time, rising revolutionary sentiments in the Ottoman center produced results. With the constitutional revolution, the reform program of the Great Powers was postponed.²⁰³ Now it was the constitutional regime's turn to handle the reforms, and the issue of Ottoman sovereignty.

200 The inhabitants of Kavaklı village were registered as "Bulgarian" by the governor, though they had never demanded the affiliation with the exarchate. Apparently, the official used a linguistic criterion to define the population. *Ibid.*, 68

201 Following the same path of resistance to Ottoman registration, Bulgarians took up the linguistic criterion. Hellenists insisted on the cultural influence of the Patriarchate, with Serbians insisted on the extension of Slavic dialects. Daskalov, "Bulgarian-Greek Dis/Entanglements," 233-234.

202 Yosmaoğlu, "Counting Bodies," 65-66.

203 Joseph Aulneau, *La Turquie Et La Guerre*, (Paris: Librairie Félix Alcan, 1915), 182-184.

§ 2.5 Concluding Remarks

The so-called “old regime” preceding the 1908 revolution was not confined to the Hamidian era, but was the result of a complex and overlapping set of problems that had accumulated in the reform period. The “*islahat*” represented a radical change in the mentality of state administration, connecting it to a transcendental norm of rule of law, as was seen in natural law. But this neither meant that it could overcome problems in practice, nor that it could transform institutions with a similar radicalism.

The legal framework defining the relationship of the regime to non-Muslim communities was the millet institutions of 1856. While the Tanzimat brought about a notion of the rule of law, the *Islahat* paradigm institutionalized the community-based fragmentation of society, as a defining the framework of millet system. With this system, the Ottoman Empire recognized non-Muslims as communities having certain (not geographical, but judicial) self-administration in their social organizations starting with churches and schools. As an important detail, these institutions — although defined in terms of denominations — included secular segments of the community and thus had a diluted confessional character. Within this framework, Christian communities developed a certain self-identification, which would contribute to the creation of national consciousness. As ecclesiastical authorities were officially connected to the administration of non-Muslim schools, the institutional network of schools and churches became the centers of national causes.

Therefore, the legal egalitarianism of *Islahat* did not function as practical equality. The violations of “rights” by the bureaucracy had always been the subject of intense complaint. But, a deeper crisis was that in the eyes of the Tanzimat regime, these millets were mere community institutions with restricted authority that functioned according to certain regulations (*nizamname*), while in the eyes of the communities the same documents were “constitutions.” Hence, for the Ottoman statesman, what communities acquired in terms of self-governance were mere “privileges,” but in the eyes of the millets, they were extensions of “natural rights.” Moreover, the equal ground promised by the legal reforms was based on an extraterritorial protectorate system of capitulations. Although the 1856 Treaty of Paris recognized

the territorial sovereignty of the Ottoman Empire, the Great Powers insisted on preserving their age-old extraterritorial jurisdiction in the empire, which included the active populations of Ottoman non-Muslim communities. The disproportionality in the status of non-Muslim communities that enjoyed foreign protection and Muslim populations that were aligned with the state bureaucracy created a separation of interests. Another factor that increased the disproportionality was the Tanzimat regime's needs of enforcing the Islahat paradigm. Based on the promise of religious freedom, the Tanzimat statesmen figured out a useful strategy for managing the communities by provoking schisms and rivalries, as demonstrated by the foundation of the Bulgarian Exarchate. Within this strategy, the Tanzimat regime became the superior authority answering the demands of rival communities, a strategy which would be called as divide-and-rule.

The first constitutional experience in 1876 did not totally eliminate the existing Islahat paradigm, but was an attempt to incorporate it into a new social contract. The contract described the Ottoman nation, as a participant in the state government. While sovereign remained obscure within the system, and despite the preservation of the sultan's control over government and legislation, the parliament still represented a piece of sovereignty taken from the sultan. The authority given to the organ of the Ottoman nation — the parliament — was not concretized through legislative activity, but rather through the "inspection of administration." This aspect would determine the sphere of reformist action in the whole system.

With the Ottoman defeat in 1878 and Sultan Abdülhamid's suspension of the constitution, only the international order of the Treaty of Berlin remained as a binding legal framework. The Ottoman Empire endeavored to reestablish its international pillars in the European system by which it had been able to create an internal legitimacy and power. However, the Treaty of Berlin was prone to create a system of local protectorates by oppressing nationalist ambitions and demands in points of crisis, most prominently in Rumelia. As the international balance of power functioned in a way to hamper the application of treaty instead of maintaining the guarantees, the status quo established by the treaty became more uncontrollable.

The early Hamidian regime attempted to organize a new administrative system under the Treaty of Berlin as seen in the 1880 Law of Provinces for Rumelia, which significantly showed the preparedness of the regime to accept decentralized administration in the Ottoman Balkans. The law envisaged a deconcentration of authority in which European powers could participate. It even allowed a division of tasks in the administration of Rumelia provinces. However, as was the case in other legal texts, the authority of law collapsed in a political environment dominated by a politics of *fait accompli*. The loose framework of the treaty and the ensuing politics highlighted the local scale in determining the fate of rivalries. The local scale became determinant factor in international politics, and by the same token, in various administrative regulations.

The Hamidian regime initially preserved its formal legalism implementing a hybrid model of government both referring to legal procedures and to personality of the sultan. But as the rivalries in Macedonia unfolded, the sultan resorted to the autocratic rule dependent on the arbitrary administrative methods. In the face of growing threats of ethnoreligious rivalries, and irredentism of neighboring Balkan states, the regime responded by increasing the delegation of authority to the local bureaucracy, in order to strengthen their hand.

A major step in the course of events was the General Inspectorate of Rumelia which was designed to confront the partisan warfare that was gaining considerable support among local populations. The Inspectorate implied a further deconcentration of authority in Rumelian provinces through a general inspector who had considerable tutelage over the region. In essence, it was a reformist apparatus led by a reformist statesman, Hüseyin Hilmi Paşa, acting as the direct extension of the palace to put pressure on local administrators, particularly the governors. The foundation of the inspectorate, considered in light of the 1880 Law of Rumelia Provinces, suggests that the immediate response of the palace vis-à-vis the crisis in Rumelia was to promote a version of decentralization that depended on the deconcentration allowing local authorities considerable use of force and space for maneuvering. This was a strategy for coping with local dynamics that proved their weight in the status quo following the Treaty of Berlin.

What prompted this additional regulation was a new factor that shaped the balance of power in Rumelia: The introduction of the partisan warfare. Partisan warfare was a turning point in many aspects. It not only pushed the Ottoman government to implement an exceptional regime, but also infiltrated into the existing institutional structures of Christian communities — namely the churches and schools — radicalizing them to various degrees. Partisan warfare reflected revolutionary enthusiasm and the rise of a new generation of political activism that also confronted the traditional actors and institutions that the Ottoman Empire used in managing the Christian communities. This new generation among various ethnoreligious communities would comprise the cadres of the constitutional revolution in 1908.

By July 1908, the Ottoman Empire had a fragmented legal and administrative system on hand on its way producing a coherent, abstract, and unified constitutional framework. While the vertical divisions between communities created a communitarian system, the horizontal divisions between the central and provisional administrations became critical in the implementation of central reforms in scope of the constitution.

New Ties and the *İttihad-ı Anasır*

Macedonia, as the region where conflicts culminated, became the center of the 1908 Revolution. When the Reval negotiations on the partition of the Ottoman Rumelia triggered the militant uprising of CUP officers in Macedonia, the constitutionalists were backed by a strong revolutionary wave that had gradually developed in the previous years. As described in Chapter 2, the revolutionary action was nourished in the late 1890s and early 1900s by clandestine networks in which the ideologies of constitutionalism and nationalism went hand in hand. As social unrest increased over a geography stretching from the Balkans to Iran, the revolutionary movements began to construct a set of alliances, which gave the revolution both supra-national, and international character.

Indeed, the wave of constitutional revolutions in the two neighboring Empires, in Iran and Russia, along with the Japan victory over Russia, strikingly influenced the revolutionary and constitutional ambitions in the Ottoman Empire.¹ Meanwhile, the domestic political atmosphere was characterized by

1 Sohrabi discusses this wave and the circulation of revolutionary ideas in various studies; see his, *Revolution and Constitutionalism*, 74-84. For the Japanese influence on the Young Turks, also see, Renée Worringer, "'Sick Man of Europe' or 'Japan of the near East?': Constructing Ottoman Modernity in the Hamidian and Young Turk Eras," *International Journal of Middle East Studies*, 36, no. 2 (May, 2004), especially 213.

the consolidation and solidarity of Muslim and non-Muslim opposition parties against the Hamidian regime. The constitutional opposition addressing Muslims did not hesitate to collaborate with non-Muslim revolutionary organizations, as was the case in the 1902 and 1907 congresses of Ottoman opposition parties in Paris. All opposition were also engaged in organizing revolts against the Hamidian regime. In this context, Şükrü Hanioglu underscores the Eastern Anatolian revolts in 1905-1907, in which the Armenian Dashnaksutiun, the CPU, and the league of Prince Sabahaddin actively participated. Following the Russian and Iranian revolutions and with the efforts of Dashnaksutiun, revolutionary propaganda in the region of Erzurum caused a multi-ethnic revolutionary atmosphere in which Dashnaksutiun organized a Turkish party (the Turkish Allied Party), and published Turkish journals (*Sabah-ül Hayr*) as well as some bilingual journals (Turkish-Armenian) which called upon people to create committees like the Iranians did.²

On the other hand, between 1902 and 1907, and particularly after 1905, the other wing of the Ottoman constitutionalist opposition, — elements, more inclined toward the views of Ahmed Rıza — represented a reaction against the “imperialist ambitions” over the empire, which resonated with the left wing Sandanski group. Initially, the young military officers of the CUP were impressed and inspired by the *komitacı* culture with which they had long been in conflict.³ On the other hand, one of their enemies in the field, the Sandanski party became all the more ardent opponent of foreign intervention, as its antagonism with the right-wing Macedonian-Bulgarists and the *Verkhovists* grew further. Despite hesitation, and internal struggles, the Sandanski group was convinced on the eve of the revolution to collaborate with the CUP, and it

2 Hanioglu, *Preparation for a Revolution*, 99-101. Hanioglu quotes the following declaration proposed by Sabahaddin’s league in the Second Congress of Ottoman Opposition Parties in 1907 on the occasion of the Erzurum Revolt, mentioning that it used a similar discourse with the declaration of Dashnatsutiun: “Armenian compatriot[!] The Turk who would defend our common rights against the aggressors is not far away. From now on he will attack the butchers and face them together with you. Turkish compatriot[!] Do not think that you are alone in this great gaza of justice. Be sure that your Armenian compatriots, who would sacrifice their lives for you, are behind you. Bravely present a helping hand to them (...)” Ibid, 103.

3 Mandelstam, *Le Sort de l'Empire Ottoman*, 9.

became an ardent supporter of the constitutional revolution. At the end of Serres-Strumica Congress, Sandanski declared a manifesto to “all nationalities of the empire,” asking them to join the “revolutionary call to arms of our fraternal Young Turk revolutionary organization.”⁴ On the eve of the revolution, even the Hellenist movement, which maintained a relatively loyal alliance with the Hamidian regime, established contact with the CUP and started negotiating on the possible strategies to follow in the upcoming events.⁵

Although the coup was eventually carried out by military officers of CUP, the constitutional revolution occurred as a result of mass unrest. Not only pre-revolutionary political affiliations and alliances but increasingly popular uprising, in form of tax revolts and military mutinies determined the post-revolutionary atmosphere leaving in the aftermath of the revolution a landscape of mass politics, wherein different segments of society expressed themselves through various ethno-religious, gender, and class identities. Hence, it was no coincidence to see manifestations of the sentiment of Ottoman unity along with revolutionary enthusiasm that dominated the accounts on the Constitutional revolution.⁶

William Miller, in describing the situation in Macedonia following the declaration of the revolution states, that “[f]or some days Macedonia seemed to have become a Utopia.”⁷ Enver Bey, the leader of the revolution, declared in his first public speech in Köprülü that “we are all brothers. There are no longer Bulgarians, Greeks, Rumens, Jews, Muslims; under the same blue sky we are all equal; we glory in being Ottomans.”⁸ Miller continues by describing

4 Hanioglu, *Preparation for a Revolution*, 246-247; also see Psilos, “From Cooperation to Alienation,” 546-547.

5 A. J. Panayotopoulos, “Early Relations Between the Greeks and The Young Turks,” *Balkan Studies*, 21 (1980) 89-90.

6 Aykut Kansu, *1908 Devrimi*, (Istanbul: İletişim Yayınları, 1995).

7 William Miller, *The Ottoman Empire and Its Successors: 1801-1922*, (Cambridge: Cambridge University Press, 1923), 470.

8 Ibid, 470. This discourse reported by Miller cannot be completely affirmed in other sources. In the biographical work of Şevket Süreyya on Enver Pasha, we read a similar idea, though not identical: “Mamañih bundan böyle, Müslim, gayri Müslim (...) bütün vatandaşlar elbirliğı ile çalışarak, hür milletimizi, varanımız, daima yükselmeye sevkedeceğiz. Yaşasın millet!”

the joy of all nations in the empire, “At Serres the president of the Bulgarian Committee embraced the Greek Archbishop; at Drama the revolutionary officers imprisoned a Turk for insulting a Christian; in an Armenian cemetery a procession of Turks and Armenians listened to prayers, offered up by their respective priests, for the victims of Armenian massacres.”⁹ From the centers of Rumelia to Anatolia from Palestine to Tripoli, many other accounts describe a complete scene of fraternity.¹⁰

As a sign of the radicalism of the change, the perception of brigandage groups in the Ottoman bureaucracy considerably transformed. Partisan groups ceased their operations descending from the mountains with their arms. In August 1908 in Serres, the scene of the most intense fighting among various partisan groups, observers record that separatist dreams of the Kingdom of Greece or the Principality of Bulgaria were drowned by a sentiment for unification among various “races and religions under the Ottoman flag.” Three leaders of Hellenist partisans, — Sterio, Alexandros and Douka — were surrendered to Ottoman authorities. It was expected that others would follow.¹¹ The commander of the Russian mission of the Rumelian gendarmerie, General Shostak, was perplexed by the sudden change in a period when the brigands — the *komitacıs* that had been pursued by the army and the government — were declared all of a sudden as “the liberators of people, and the desired friends of the army.”¹² The group of Sandanski in particular “was received like a prodigal son.”¹³ *Yeni Asır*, the pro-CUP newspaper in Thessaloniki, hailed Sandanski as a hero, and when he came down from the mountains, he was met by a delegation of high-profile local authorities as well

Yaşasın vatan!” Şevket Süreyya Aydemir, *Makedonya’dan Ortaasya’ya Enver Paşa*, Vol. 2: 1908-1914, 3 vols. (Istanbul: Remzi Kitabevi, 1971) p. 17. The memoirs of Enver Bey does not contain the discourse, but expresses his honour of gaining the Bulgarian “compatriots”. Halil Erdoğan Cengiz ed., *Enver Paşa’nın Anıları* (Istanbul: İletişim Yayınları, 1991) p. 123.

9 Miller, *The Ottoman Empire and Its Successors*, 470.

10 For the enthusiasm of the “*al-hurriya*” in the Palestine territories: see, Campos, *Ottoman Brothers*, 27-34.

11 AMAE, Turquie, 154, II, Serres, “Colonel Baumann” no: 18, 08 August 1908.

12 Report of General Shostak, Annex to *ibid.*

13 Miller, *The Ottoman Empire and Its Successors*, 470.

as thousands of people.¹⁴ On July 1908, the Thessaloniki branch of the CUP demanded that the government produce and distribute memorial of photographs of the “Bulgarian revolutionaries (*Bulgar erbab-ı ihtilaliye*) who fell for the revolution,” as well as to erect a monument for “all the revolutionaries who gave their lives to revive *hürriyet*.”¹⁵

§ 3.1 The CUP and Extending Towards the Local Politics

In this atmosphere, the immediate problem was to create the new form of government that could preserve of this solidarity or unification. The slogans of the revolution — equality, liberty, fraternity, and justice — were more than mere words to improve the image of the movement. As the course of events showed, they were ideals that were concretized in action by various ethnoreligious and political groups, and thus they had material effects.

Along with the obvious state of war, *bellum omnium contra omnes*, the “ancient regime” (*devr-i sabık*, as it was often referred in constitutional era) left a background of considerable structural problems for the administration. Particularly in Rumelia, it was urgent to guarantee the loyalty of non-Muslim political groups given the possibility of foreign intervention. However, the thirty-years of struggle for hegemony — dominated by the divide-and-rule strategy, by distribution of political and legal advantages according to political needs, and the practices of local governments within a controversial bureaucratic mechanism — came to create a fragile balance, a balance that could be preserved by an exceptional order: The exceptional practices emerging from local administrators as well as the exceptionality brought by the regime of the Inspectorate of Rumelia. Thus, any step forward toward unification would have to overcome this fragmentation and create a new state mechanism that would answer expectations of the revolution.

In such a context, the role of the CUP as the revolutionary party became crucial, as it was the generator of the revolutionary atmosphere and had the

14 Hacısalihoğlu, “Yane Sandanski as a political leader” § 6.

15 BOA., A. MTZ (04), 169/57, dispatch of the *Bulgaristan Komiserliği*, 17 Temmuz 324 (30 July 1908).

upper hand in the game of politics as a fresh Ottoman being political center. How would the organization administrate the revolutionary process and its aftermath? Although the CUP gave the impression of a coherent and powerful initiative, the course of events would prove its fragility vis-à-vis the turbulence of the era. The party was well-organized for a revolutionary action, but it was unprepared to bring about a “constitutional” order. Indeed, the early constitutional era of until 1913 was marked by factionalisation within the CUP. Sitting inside preceding disagreements, starting with the Lynch case in 1909, the CUP was exposed to continuous friction in 1910 and 1911, from which emerged hostile parties consolidating in the opposition Liberal Entente.¹⁶

The CUP adopted a solemn attitude toward transition. The committee (or *Cemiyet* as it was commonly known in the public opinion) remained a pressure group.¹⁷ Confining itself to the initiatives to found a new Ministry of Councils and a transitory government with a CUP opponent Kamil Paşa at the head, the CUP left the gradual reorganization of the state to the emerging parliamentary process. This choice of the CUP to guard the formation of the new regime and to respect constitutionalism drew the suspicions of its opponents, which increased the pressure to dissolve the secret organization. The CUP, on the other hand, was confident of its influence over the political apparatus and considered the taking of power an easy act.¹⁸

This attitude reflected on the organizational structure of the CUP, and became obvious in decisions by the first congress in Autumn 1908, wherein the CUP assumed a dual role, dividing its organizational structure into two. The organization would remain an underground center of power carrying out its

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- 16 Among various sources, see Aykut Kansu, *Politics in Post-Revolutionary Turkey: 1908-1913*, (Leiden: Brill, 2000); Feroz Ahmad, *İttihat Ve Terakki*, 89-118.
- 17 François Georgeon and Paul Dumont, “La mort d’un Empire (1908-1923),” in *Histoire de l’Empire Ottoman*, ed. Robert Mantran (Paris: Fayard, 1989), 593. This was what Sina Akşin termed “power through surveillance” (*denetleme iktidarı*). Akşin attributes particular significance to this concept in his study of the CUP, see Sina Akşin, *Jön Türkler ve İttihat Terakki* (Ankara: İmge Yayınları, 1998), particularly 115ff.
- 18 Nader Sohrabi, “Illiberal Constitutionalism: The Committee Union and Progress as a Clandestine Network and the Purges,” in *L’Ivresse de la Liberté*, ed. François Georgeon, (Paris: Peeters, 2012), 112.

congresses in secret. On the other side, the party (*Fırka*) was an open organization that would pursue the interests and views of the secret organization in the Chamber of Deputies.¹⁹

The same congress provided clues as to how the CUP planned to make use of the atmosphere of mass politics flourishing in the era. The final declaration of the congress suggests that the CUP paid particular attention to extending local politics. Therefore, the congresses allocated considerable time addressing the means of organization for the provinces. The organization decided to construct a network of journals and newspapers in the administrative centers under the authority of an editor-in-chief; however, interestingly, it was stated that the CUP would have no responsibility on the acts of these publications, and the necessity of preventing any perception that the content of these publications was commanded by the CUP was emphasized. Accordingly, the publications would depend on local dynamics in terms of financing and other support.²⁰ This was an activity of education and “progress” (*terakki*), as mentioned in the text, but also a political initiative to establish local contacts by stimulating the local political agendas. This tendency to penetrate into the political life of provinces would be consolidated in the second, secret congress held in Thessaloniki in 1909. In this congress, the CUP envisaged the foundation of a network of “clubs” reaching out to *kazas* and *nahiyes*. The clubs would function as semiofficial cultural centers, but unlike the network of publications, they would be directly connected to the CUP to the degree that during election campaigns they would lobby for the candidates in accordance with the commands of the organization.²¹

In line with the organizational scheme, the CUP took immediate action in local politics, in contrast to its the hesitation about taking state power in the capital. This attempt to reach the local scale started immediately after the revolution, fueled by a new decision adopted in the congresses, stipulating the establishment of professional cadres paid by the center. These new cadres were

19 “1908 Kongresi Kararları,” in Tarık Zafer Tunaya, *Türkiye’de Siyasal Partiler*, 64. The volume contains the text of the final decisions of the 1324 Congress.

20 Ibid.

21 “Osmanlı İttihat Ve Terakki Cemiyeti’nin Nizamnamesi 1325-1909,” in Tarık Zafer Tunaya, *Türkiye’de Siyasal Partiler*, 70-71.

apparently the envoys (*murahhas*) of the CUP replacing the elected, local cadres of the CUP. Their task was to create networks among local notables, organize local meetings, and supervise the overall political and cultural activity of a local area. This, as Emmanuilidis notes, provided the discipline and elasticity necessary to address mass mobilization. For Emmanuilidis, this organizational scheme permitted salaried cadres to open clubs, start charity campaigns, and thus get in touch with almost every segment of society.²² On the other hand, Kazım Karabekir, an ardent militant of the CUP, counterbalanced to this disposition of the center about the envoys, complaining that the cadres of local branches in Rumelia were falsely expanded by an influx of sycophants.²³ The case on Serres in Chapter 4 will review how effective these CUP envoys were in local CUP networks.

Meticulous studies on post-revolutionary local politics show that the forms of “grasping power” at the local scale were as varied as the social, and administrative fragments of the empire. Elie Kedourie indicates that in Arab provinces, the local authorities were not fond of the revolution and became the targets of the members of the secret committees. The revolution not only shocked the political establishment, but also the social hierarchy. In Arab-speaking areas, CUP cadres consolidated power by eliminating local notables.²⁴ On the other hand, this would not be the case in the context of “Albanian provinces,” where the CUP created a sphere of influence by integrating local notables into their committees.²⁵ As for Manastir and Thessaloniki, the CUP effectively intervened the local politics. Thessaloniki was the administrative center of Rumelia and also of the CUP. Apart from well-known figures of

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- 22 Emmanuil Emmanuilidis, *Osmanlı İmparatorluğu'nun Son Yılları*, (İstanbul: Belge Yayınları, 2014), 34. Sohrabi gives a similar panorama of succesful CUP organisation in the provinces. 106 provincial centres identified themselves with the CUP in the earlier period, while the number reached 360 one year later, according to Dr. Şakir. Sohrabi, “Illiberal Constitutionalism,” 113-114.
- 23 Kazım Karabekir, *İttihat Ve Terakki Cemiyeti*, (İstanbul: Yapı Kredi Yayınları, 2011), 238.
- 24 Kedourie, “The impact of the Young Turk Revolution,” 135 ff.
- 25 Nathalie Clayer, “Le temps de la liberté, le temps de la lutte pour le pouvoir : la révolution jeune-turque dans les provinces albanaises,” in *L'Ivresse de la Liberté*, ed. François Georgeon, (Paris: Peeters, 2012), 280.

the Central Committee, such as Dr. Nazım, other local leaders such as Rahmi Bey were in charge of organizing the CUP in the *vilayet*. CUP's actions as a pressure group was oriented to shape the local administration in a way to consolidate the organization in the official posts. The secret organization "advised" about of local civil officials to be appointed to posts in the civil administration and thus attempted to take control in the local bureaucracy. For instance, in the immediate aftermath of the revolution, the Thessaloniki branch of the CUP sent a note to the General Inspectorate of Rumelia recommending Inspector Hamdi Bey to the Post Office Directorate of the province.²⁶ This was a strategic governmental post, where leaders like Tal'at had worked before the revolution, and this attempt showed the CUP's paid particular attention to controlling the information network.

Throughout the early years of the constitutional era, the CUP was actively involved in appointments to local bureaucracies. Less-educated bureaucrats of the Hamidian era were replaced by the graduates of the School of Civil Administration and the circulation of appointments of local bureaucrats exceeded the Hamidian era.²⁷

Although there is no enough information about the degree this policy succeeded, there were no obstacles to such a strategy given the reputation the CUP enjoyed. Considering the vast campaign to purge officials remaining from the Hamidian era, the activity of the CUP must have been especially intimidating. It is reasonable to think that many preferred to "howl with the wolves," as a phrase attributed to Sultan Abdülhamid, who, facing the revolutionary wave, immediately assumed the role of a constitutionalist. The CUP, with such an authority over Yıldız Palace, became a center of attraction. The purges triggered a wave of espionage among those who were dismissed in the Hamidian era or simply wanted to be appointed to a post by bringing about the dismissal of the current official. Nevertheless, after fueling the purges with the terms "superfluous" and "corrupt" to describe cadres of the Hamidian bureaucracy, the CUP had to stop at a certain point and declare its reliance on

26 BOA., TFR. I. M., 22/2101, 23 Temmuz 1324 (05 August 1908). Also see Clayer, "Le temps de la liberté," 263.

27 Sohrabi, "Illiberal Constitutionalism," 116-117.

civil officials of the old regime who “would work with goodwill” under the constitutional government.²⁸ Even in a crucial sector such as police reform, the CUP had to rely on certain cadres of the Hamidian era and protected them from ex-convicts released through the amnesty, even while exercising waves of purges among them.²⁹

In addition to the “natural limits” of the purge campaign, the post-revolutionary reputation did not necessarily mean absolute, guaranteed influence for the CUP. In a center of the CUP like Manastir, the organization had the capability to force the replacement of certain local notables who were against the revolution, but, in turn, Hüseyin Hilmi Paşa actively hampered the appointment of the CUP “candidate” to the inspector of police corps.³⁰ Resistance continued within the bureaucracy to more or lesser degrees. For instance, the journal of *Memurin* (civil servants) more than once published about opposition of bureaucrats to the CUP maneuvers regarding crucial issues in various periods. They objected to parliamentary debates about the adoption of local languages on the grounds that it was impossible for an official to know all the languages of the empire, and they challenged the CUP policy of proposing Rum and Armenian candidates to provide the “unity” of anasır.³¹ Indeed, in addition to the fact that the CUP could not preserve its own unity, a substantial number of officials challenged CUP politics.

In the end, the CUP’s rise to power was an act of infiltrating the administrative mechanism at the local scale rather than a revolutionary taking of power at the level of the central government. Clayer’s opinion that the CUP

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- 28 The process of purge started on the initiative of the General Inspectorate of Rumelia. Tural, *Son Dönem Osmanlı Bürokrasisi*, 53-60. Tural’s study describes the process of *tensikat*, and the purge of Hamidian cadres in detail.
- 29 Noémi Lévy-Aksu, *Ordre et Désordres dans l’Istanbul Ottomane (1879-1909)*, (Paris: Karthala, 2013), 170-171.
- 30 Clayer, “Le temps de la liberté,” 280. The CUP demanded the appointment of commissar Fahri as the inspector, until Hüseyin Hilmi Paşa refused. BOA., TFR. I. M., 31/3073, 30 Teşrin-i Evvel 1324 (12 September 1908).
- 31 Respectively, *Memurin* no. 12, 15 June 1910, and no. 69, 25 March 1911, cited by Tural, *Son Dönem Osmanlı Bürokrasisi*, 51-52.

constructed a parallel network to the existing state network in “Albanian” regions, is more or less valid for centers such as Manastir, Thessaloniki, and in Istanbul too.³²

3.1.1 *Toward the construction of Parliament: Political Programs and the Re-Positioning of Actors*

What about the configuration of the central government? In accordance with the perspective of *İttihad-ı Anasır*, the formation of the central government concerned the participation of non-Muslim confessional and political factions. As mentioned before, in the immediate aftermath of the revolution, the central administration was left to a transitory government, but only until the parliamentary system was established. Loyalty to the “rule of law” as the norm for forming the central government required that legislation — therefore elections and a whole political life shaping around the parliament — was considered as the constructive mechanism of the new regime. Indeed, it would soon be understood that the CUP’ reliance on local influence was a political investment in the upcoming elections, rather than a set to provoke a revolutionary transformation.

In the meantime, various currents and networks in the Macedonian question engaged in internal debates to define and determine their position vis-à-vis the new regime. As a general rule, each current established its relation to the regime through the conception of “Ottomanness” (*Osmanlılık*). The efforts to find and create a place for their respective identities would be determined by their distance from or affinity for this new identity which was being propagated by the constitutional regime.

Nevertheless, parliamentary was essential ground for this new relationship between the state and confessional or political platforms. The CUP integrated almost all factions in this process and had its leaders intervene in person. In

32 Clayer, “Le temps de la liberté,” 280-281. Tural quoting various memoirs, consolidates the argument of the influence of the *Nuruosmaniye* (the Istanbul centre of the CUP) in politics, paralyzing the functioning of the state: Tural, *Son Dönem Osmanlı Bürokrasisi*, 41. Nevertheless, as this criticism presupposes a functioning state apparatus before the formation of the CUP network, this argument is doubtful.

addition to their collaborative relationship with Sandanski, the high-profile CUP leaders such as Enver Bey, Cemal Bey, and Hacı Adil Bey, as well as (in a second meeting) the artillery major Hasan Rıza Paşa, came together with leaders of the right-wing Internal Organization to overcome their suspicions.³³ When Sandanski decided to boycott the elections saying that the electoral system was unfair, Enver Bey again visited him in person convincing him to in participate.³⁴ In order to overcome the suspicions of the Ottoman Greeks, the CUP sent a representative, Fazıl Bey, to Patriarch Joachim in September 1908; remarkably Fazıl Bey was known for his sympathy for the faction of Prince Sabahaddin.

In August 1908 and the following autumn, each faction declared its political program to be followed in the new legal sphere. However, this process did not evolve linearly in a way in which these factions could bring their arguments to maturity and presenting them as coherent, synthesized programs. As we shift our focus from the visible political domain to the depths of political life — to the internal relations of each ethnoreligious groups — it is possible to ascertain that the revolution, along with its promises of “equality,” “liberty,” “fraternity,” and even the “rule of law” were understood quite differently.³⁵

The association of a certain “element” varied in accordance with the internal, socio-political configuration of each community, as well as in accordance with immediate political interest and their relations with the CUP. Particularly

33 Christo Matov, Petko Penchev, and the apostle Dimitrov participated in the meeting. Pancho Dorev, *Vynashna Politika i Prichin na Nashitja Katastrophi* (Sofia: Ropodi, 1924), 18.

34 As an example that support and opposition to the CUP were not static, the Clubists decided to take part in the elections, unlike Sandanski; for information on both, see MacDermott, *For Freedom And Perfection*, 380-381.

35 The contemporaneous actor and observer of the revolution, Hüseyin Cahid Yalçın, was one of the first to draw attention to the different perceptions of revolution and “liberty” as one went into the provinces; see Hüseyin Cahit Yalçın, “Taşralarda,” *Tanin*, no. 19, 6 Ağustos 1324 (19 August 1908) p.1. However, he apparently resorted to exaggeration by saying that the population in Rumelia was content with the peace that the *Kanun-ı Esasi* brought. As Nathalie Clayer described, at the local level there was a great deal of confusion in perceiving the “liberty.” Nathalie Clayer, “Le temps de la liberté,” 268-269.

the latter condition functioned as one dynamic surpassing the limits of ethno-religious identification.

An early effect of the Young Turk Revolution on the Albanist network was the attempt to consolidate the movement. Albanist clubs were founded in various centers of Rumelia, with those in Manastir, Thessaloniki, and Istanbul being the leading ones. On the initiative of the Manastir club, a congress was organized in 1908 to settle the question of Albanian alphabets; the second congress in 1909 was also the product of the Manastir club of Albanists. Debates revolving around Latin versus Arabic alphabets were more than cultural policies, but political steps setting the position of Albanism in the new regime. Along with the political representation of Albanism, the status of Albanian education in the empire depended on debates in these congresses.³⁶

On the other hand, these debates were not necessarily a sign of winning loyalty of "Albanians," for the Albanian identity construction underwent further bifurcation with the promulgation of the Kanun-ı Esasi. The three most prominent clubs had distinct attitudes with respect to questions of decentralization, autonomy, and the question of alphabet, debates in which the CUP also intervened through its own Albanian initiatives in a way to hamper discourses that could cause the Albanian separatism to develop. In this context, Midhat Frashëri was in the CUP network, for above all, he shared its opinion concerning the intervention of foreign powers. This alliance would remain until 1910.³⁷ On the other hand, another Albanist, Ismail Kemal Bey — a deputy in the Chamber who was a leader of the Liberal Party (*Fırka-i Ahrar*) being a fervent CUP opponent — put effort to mobilize the network of Albanian clubs to organize an opposition to the CUP.³⁸ On 31 March, he planned a resistance with the troops brought from Albanian territories to counter the Army of Action, which was comprised of a considerable amount of Albanians.³⁹ While some Albanists were against Austro-Hungarian or foreign intervention, others planned to draw on the Habsburg Empire's or Italy's support to advance

36 Clayer, *Aux Origines du Nationalisme Albanais*, 616 ff.

37 Ibid., 616-620.

38 Clayer, "Le temps de la liberté," 622-625.

39 Hacısalihöğü, *Jön Türkler Ve Makedonya Sorunu*, 297.

their interests, not to mention the programs relying on the support of the Balkan states. Still, and despite their variety, actors in the Albanist networks started to describe their affinity for the new regime through the terms Ottomanism (*Osmanlıcilık*) and Otomanness (*Osmanlılık*). Remarkable intellectual effort was expended on defining their Albanian identity in relation to this new connection.⁴⁰

As for particularly the Macedonian-Bulgarist and Hellenist movements, these networks and factions underwent a similar process, although they participated in the flourishing political life through different forms of organization. Unlike Arabists or Albanists, Macedonian-Bulgarist and Hellenist intellectual-political networks had to take an additional factor into account: The actions of the neighboring Balkan states — that is, the Kingdom of Greece and the Principality of Bulgaria.

Due to their affinity with the Hamidian regime, the relation of the Ottoman Greek network to the CUP was initially based on suspicion. Although the Greek population celebrated the revolution, authorities of the Ottoman Greeks on the advice of the kingdom, kept a certain distance from the developments. Indeed, the revolution's first days were marked by polemics in the press appeasing the concern of Ottoman Greeks that they would lose their community privileges (or rights) under the new regime. The concerns were not limited to legal sphere, and as an indication of close relation of legal sphere with critical political problems, the rumors of mass massacres was another major theme of concern.⁴¹

The studies of Anagnostopoulou and Kechriotis show that despite its ostensible uniformity in expressing the political views, the Hellenic network underwent further factionization, and the revolution forced given boundaries within the network. For example, the Society of Constantinople, the aim of

40 Clayer, *Aux Origines du Nationalisme Albanais*, 617, 650-657. A similar efforts to articulate self-identity in relation with Ottomanism was valid for Arab provinces of the empire. See, Hasan Kayalı, *Arabs and Young Turks: Ottomanism, Arabism, and Islamism in the Ottoman Empire, 1908-1918* (London: University of California Press, 1997).

41 Hasan Taner Kerimoğlu, *İttihat-Terakki Ve Rumlar 1908-1914* (İstanbul: Libra Yayınevi, 2009), 57-58.

which was to coordinate Hellenist action and which was considerably opposed the CUP, became incapable of controlling the affinity of Greeks for the Young Turk regime. While the Hellenist movement had to reformulate the Helleno-Ottomanism of Hamidian era, new currents — for instance socialists — shared the enthusiasm of the revolution.⁴² In some centers, the consuls of the kingdom had hardly controlled the mobilization of the Rum community in the election process. At the intellectual level, the position of “Greek” identification in the constitutional era became a prominent subject.⁴³

Against all odds, the Patriarchate preserved its leading position in the overall Hellenist network. On August 1908, the program of the Rums was prepared and submitted to the Central Committee of the CUP in Thessaloniki. When submitting the program the Patriarchate more than once expressed that these were “the demands of all Rum people without exception.”⁴⁴ The weight of the program concerned the preservation of their existing status in terms of both education and religion. Moreover, concerning the universal conscription system of the army, they demanded the compartmentalization of military squads into homogenous confessional units. The program also had a decentralist character: It demanded financial autonomy for the provinces and permission to use the language of the majority in each province’s official correspondence. The decentralization went so far as to require the formation of local militia, and the authority of ecclesiastical cadres to impose and collect taxes. The Rum program also demanded that Ottoman subjects be able to be employed in any government post.

The formation of the Macedonian-Bulgarian movement constituted a clear model that expressed tendencies that were more or less latent in other

42 Kechriotis, “From Trauma to Self-Reflection,” 98-99. Sia Anagnostopoulou, “La Macédoine des Jeunes-Turcs et l’hellénisme à travers la presse grecque : 1908-1910,” *Cahier Balkaniques*, 40, (2012).

43 Kechriotis “Greek-Orthodox, Ottoman Greeks or Just Greeks?”; and “Experience and Performance in a Shifting Political Landscape: The Greek-Orthodox Community of Izmir/Smyrna at the Turn of the 20th Century,” *Deltio Kentrou Mikrasiatikon Spoudon*, no. 17, (Athens: 2011).

44 The text of the memorandum of Rums is in an appendix in Hacısalıhoğlu, *Jön Türkler Ve Makedonya Sorunu*, 454-455.

currents. The Sandanski group, which obviously cooperated with the new regime, was quickly legalized in 1908, and it gradually turned into the People's Federative Party (*Narodna Feredativna Partija*) in 1909. On the other hand, the right wing of the Macedonian-Bulgarist network led by Karayovov, became the Union of Bulgarian Constitutional Clubs or simply "clubists" (*Syjuz na Bylgarskite Konstitutsionni Klubove*) in September 1908.

The pre-revolutionary stance vis-à-vis established national institutions was reflected in the atmosphere of 1908, too. The Sandanski group had an obvious leftist tone. The faction issued the Serres program in August 1908, the clauses of which would be reflected in the program of the People's Federative Party. Taken together, the Serres group adopted a republican position, declaring that sovereignty should belong to people. Ministers should be elected from among the members of parliament, and parliament could be abolished on the protestation of the people. Military service should be obligatory for every citizen of the empire. As Psilos noted, the program demanded the abolition of "privileges," an aspect further distancing the Sandanski group from the principality and the Exarchate. Indeed, the program promised to put an end to the religious interference of the Bulgarian Exarchate and the Greek Patriarchate in Macedonia. In this context, the Serres group set forth a uniform school system for all nationalities in the empire, promising the abolition of these religious institutions as community authorities. The administration would be secularized and become a federation of self-governed units, leaving only key sectors such as defense and infrastructure to the central government. Accordingly, knowledge of the official language would be obligatory, although internal correspondence within each self-governed unit would be in the language of the majority. The criterion of nationality played a role in the system which proposed that the sub-governors, prosecutors, and members of the court would reflect the proportion of nationalities in the region and be appointed by their respective councils.⁴⁵ As Psilos mentioned, the Ottoman state would be concretized in the Ottoman parliament which would become the supreme legislative organ, controlling the executive branch, the Council of Ministers. In line with pre-revolutionary negotiations held with the CUP, the Serres group

45 Articles 13 and 14.

demanded agrarian reform, the expropriation of large estates (*çiftlik*) and the confiscation of the properties of religious foundations (*vakıf*). In the program, the Serres group did not omit to warn the Slavic-Macedonians to avoid the intentions of the Principality of Bulgaria in Macedonia.⁴⁶

The rival Bulgarian Constitutional Clubs, on the other hand, declared a program with different characteristics. After specifying that the clubs were based on the principle of the unity of the empire, they proposed a program underscoring the preservation of national rights and preventing the “assimilation” politics. This was obviously thought of as a defense against possible Greek claims. Indeed, in the declaration, “the language, and therefore nationality” was “the broadest expression of identity” and “one of the main elements of progress.” By putting forth the criterium of language as the definition of nationality in their declaration, the clubists imported the problematic of the old regime into the new era. However, the program of the clubs importantly emphasized that Turkish was the official language of the empire, adding that every Ottoman subject had the right to use the mother tongue in official procedures. Along with this, the Constitutional Clubs demanded the regulation of the Kanun-ı Esasi in a way that would empower the principle of the people’s sovereignty, which they saw a reformation of the electoral system. As for agrarian issues, the clubists differed from the Serres program in that they did not demand the confiscation of properties, but their classification as private or *vakıf*.

An essential position of the Constitutional Club was decentralization. The emphasis on nationality was the ideological groundwork for proposing a new administrative system. Arguing that actual administrative divisions did not correspond to the “geographical, economic, cultural, and administrative requirements,” the clubists demanded the restructuring the administration into separate ethnic elements (*etnichni elementi*) each having the authority of self-government. The program did not elaborate how such a re-administration

46 For the program see, Ang. Tomov, “Makedonskite Partii Sled Mladoturskie Prevrat: 2. Narodnata Federativna Partija (Bylgarskata Sektsija)” in *Makedonska Misył*, Vol. 2-3, ed. Jordan Anastasov (Sofia: Khudozhnik, 1946), 135-139, and Psilos, “From Cooperation to Alienation,” 548-549.

would correspond to the actual *vilayet* system though it specified this as “the peak point of the program.” The self-government (*samoupravlenie*) was a dominant demand asserted as the solution to various administrative and cultural problems, and importantly, the clubists based their claim of decentralization on Article 108 of the Kanun-ı Esasi.⁴⁷

A comparison of the two programs — in general terms and in terms of their understanding of decentralization — suggests that there were radical political differences lying under the proposals of factions. In the program of the Serres group, the division of administration closely resembled the Swiss cantonal system, as Psilos also underscored.⁴⁸ On the other hand, the Bulgarian Constitutional Clubs represented pre-revolutionary claims and envisaged the separation of the region in accordance with ethnic majorities, reflecting a nationalist mindset. Accordingly, the Bulgarian Constitutional Clubs prioritized preserving national institutions, language and further inclusion of the Exarchate in the empire, while for the Serres group, the land reform dominated twelve articles of its program.

The program of the CUP was the last to be declared in October 1908, after the programs of other movements were assembled. Apparently, this implied its superior authority over that of other programs, due to CUP’s prestige as the leading party of the revolution. Thus, it was no coincidence that the Ottoman Greek network reacted to this delay in the declaration of the CUP. As the camp that kept the utmost distance from the CUP, the Ottoman Greek authorities objected to this latent imposition of hierarchy. However, this did not prevent the CUP from the Clarion its program as the “compromise program” implying a synthesis of all the other programs.⁴⁹

In such an amalgam, the CUP included certain radical demands such as land reform, which was a prominent point of the Sandanskists.⁵⁰ They also accepted that in the first round of elections, every male who was at least twenty

47 Ang. Tomov, “Makedonskite Partii Sled Mladoturskie Prevrat: 1. Syjuzyt na Bylgarskite Konstitutsionni Klubove v Turtsija,” in *Makedonska Misył*, Vol. 1-2, ed. Jordan Anastasov (Sofia: Khudozhnik, 1946), 58-59.

48 Psilos, “From Cooperation to Alienation,” 548.

49 Hacısalihoglu, “Yane Sandanski as a political leader,” § 21.

50 Ibid.

years old could vote regardless of his possessions, which was a partial response to the Sandanskist program. The CUP program accepted the employment of any Ottoman in governmental posts and assured that existing “privileges” would be preserved. In this context, every “element” could open its own schools on the condition that all were bound to the central regulation of the government. On delicate point, the CUP accepted the complete adoption of Article 108 of the Kanun-ı Esasi, which was the basis of decentralist demands, adding that parliament would eventually decide. However, the CUP promised the “deconcentration of authority” implying that the organization rejected demands for the wide authority to create local “governments.” Indeed, the program conditioned any new regulations on their conformity to the existing administrative relations.⁵¹

3.1.2 *Alliances of Macedonian-Bulgarist Movement*

These characteristics determined the respective alliances of various parties, and deepened the schism in the Macedonian-Bulgarist movement. As opposed to the alliance of the Serres group and the CUP, the Bulgarian Constitutional Clubs had an affinity for the Principality of Bulgaria and the Exarchate. In a period where the paths became more clear, the Sandanskist journal published an article in 1909 titled “Two Tactics” criticizing the clubs for their “distrust of constitutional reforms” and for being mostly “foreign agents.” According to the article, the People’s Federative Party too had reserves about the Young Turk regime, but the attitude of “wait and see” would bring no benefits. Instead, landless peasants and small landowners — that is, the popular strata of Bulgarians — had to work to realize the constitutional dream and collaborate with constitutional forces of other nations.⁵²

51 “Osmanlı İttihat ve Terakki Cemiyeti’nin 1908 (1324) Senesinde Kabul Edilen Siyasal Programı,” in Tunaya, *Türkiye’de Siyasal Partiler*, 65-66.

52 *Narodna Volja*, no. 1, 17 January 1909, in *Macedonia: Documents and Materials*, ed. Voin Bozhinov, L. Panayotov et al. (Sofia: Bulgarian Academy of Sciences, 1978), 592-593. Apparently the strategy of the Sandanskists was inspired by that of the Bolsheviks, as suggested the allusion to Lenin’s work written during the 1905 revolution of the same title, *Dve Taktiki*, and almost the same criticism of the opposition.

However, these divergences would not constitute obstacles for engaging in common action. This was valid for almost all communities, as much as for the two Macedonian-Bulgarian factions.

Indeed, at the beginning of the revolution, the Macedonian-Bulgarist circles were faced with a challenge testing their connections with the constitutional regime. This challenge was the declaration of independence by the Principality of Bulgaria, and reaction to the arbitrary decision for the Austria-Hungarian annex of Bosnia and Herzegovina.

The group of Sandanski strictly opposed the independence of the Principality of Bulgaria, which they declared "a temporary and falsified democracy," and they thus faced the harsh reaction of the Democratic Party of the Principality. Sofia, and hence *Verkhovists*, on the other hand, declared that the Sublime Porte had severely insulted the principality and they blamed Sandanskists for distancing themselves from a development that excited all Bulgarian people.⁵³ However, in 1909, the Sandanskists would reiterate their opposition to the nationalist, secessionist policy of the principality, on the grounds that foreign intervention brought destruction to the Ottoman Bulgarians and pushed Muslims into the arms of reactionaries. As stated in the first issue of the Sandanskist publication, annexation to the principality, the ruin of another, neighboring state, and the superiority of any nationality over others, were not a solution. The only solution for the Sandanskists was the establishment of an Eastern Federation.⁵⁴ The Bulgarian Constitutional Clubs also officially condemned the declaration of independence, and actors of the clubs gave

53 The Sandanski group accused principality of threatening the peace in Balkans. On the other hand, Sofia argued that the Sublime Porte proved its malevolence by not recognising Mr. Gushov as the legitimate representative of the principality government in Istanbul, and by not permitting the construction of railroads at the initiative of the principality. "Otgovori na Razni Adresi," *Prjeporets*, no. 113, 2 October 1908, p. 1, and "Za kakvo bila sjerdnjata!," *Prjeporets*, no. 114, 4 October 1908, p. 2.

54 *Narodnaja Volja*, no. 1, 17 January 1909, in *Macedonia: Documents and Materials*, ed. Voin Bozhinov, L. Panayotov et al. (Sofia: Bulgarian Academy of Sciences, 1978), 591-592.

speeches in public protest of the declaration.⁵⁵ . As for the Exarchate, the platform of which would be expected to parallel that of the Bulgarian Constitutional Clubs, it reflected a diplomatic discourse: A middle way appeasing public as well as official reactions of Ottoman Turks to the independence of the principality. According to the discourse of the Exarchate, if the constitutional regime realized its promises for all its subjects, then there would remain nothing to concern about, because the relations between the Ottoman Empire and the Principality of Bulgaria would be nothing other than that of good neighbors.⁵⁶

3.1.3 *The Process of the Elections*

As for formal parliamentary process, given the composition of different ethno-religious networks in various political forms, the election process in the field would be complex. Despite initiatives to create common, national camps, the confessional and political differentiations that divided the social base would be still in effect in the election process.⁵⁷

The legal procedure on the elections was framed by two bodies of laws — first by the 1876 regulation, and second the Bylaw on the Election of Deputies (*İntihabat-ı Mebusan Kanun-ı Muvakkati*) — along with another instruction for its enforcement, both dated 2 August 1908.⁵⁸ As a whole, this legal framework envisaged a two-stage electoral system: In the first stage, every Ottoman subject who fulfilled the necessary requirements (who had been lived there for

55 Tasos Kostopoulos, “Entre Vote et Marchandage: Partis Nationaux et Groupes Ethniques aux Élections Parlementaires de 1908,” in *Cahiers Balkaniques*, 40, (2012), note 17. For the public protest: “Miting v Solun,” *Nov Vek*, no. 1365, 3/16 October 1908, p. 3.

56 “Turtsija i v Prjeporets,” *Vjesti*, no. 91, 1 September 1908, p.1.

57 Tasos Kostopoulos gives a detailed analysis on the realization of Ottoman elections, see his “Entre Vote et Marchandage: Partis Nationaux et Groupes Ethniques aux Élections Parlementaires de 1908,” in *Cahiers Balkaniques*, 40, (2012), (online version, accessed on 23 May 2014). The Principality of Bulgaria issued a dispatch to combine forces in the elections disregarding the divergences in the Bulgarian cause; see Hacısalıhoğlu, *Jön Türkler Ve Makedonya Sorunu*, 270.

58 Kenan Olgun, *1908-1912 Osmanlı Meclis-i Mebusanı'nın Faaliyetleri Ve Demokrasi Tarihimizdeki Yeri* (Ankara: ATAM, 2008), 56.

a year, who was over twenty-five years old, male, paid taxes directly to the Ottoman state, and had knowledge of Turkish) could be an elector and could determine the second-stage electors.⁵⁹ As a rule, every 500 first-degree electors would determine a second-degree elector, but this rate could change according to the population of a commune (*nahiye*). If the population of a commune was between 250 and 750, they would elect one second-degree elector; if 750-1250, then two; for 1250-1750, three; and if the electoral population was between 1750 and 2250, then four second-stage electors would be elected. Deputies in the parliament would be elected by these second-stage electors.⁶⁰

This distribution was not desirable for ethnoreligious and political factions. For ecclesiastical and nationalist authorities, this system not only meant the exclusion of representation in ethnoreligious terms, but also that no ethnoreligious or political group could project its goals on parliament even if it achieving a uniform voting within the community. The "Greek party" pressured for an electoral system taking the proportion of Christian communities within the empire into account. The ambassador of the Kingdom of Greece uttered the clearest criticism, saying that Greeks who constitute 6.5 million people in the Ottoman Empire, should occupy one quarter of the Chamber of Deputies. For Sandanski, the essential problems were the exclusion of propertyless peasants and proletarians from being deputies, the two-stage electoral

59 The CUP, the Liberal Entente and Sandanskists and the Clubists commonly declared in their programs that the electoral age should be decreased to 20. Ibid, 63; Ang. Tomov, "Makedonskite Partii Sled Mladoturskie Prevrat: 2. Narodnata Federativna Partija (Bylgarskata Sektsija)," in *Makedonska Misyl*, Vol. 2-3, ed. Jordan Anastasov (Sofia: Khudozhnik, 1946), 135-139, and Ang. Tomov, "Makedonskite Partii Sled Mladoturskie Prevrat: 1. Syjuzyt na Bylgarskite Konstitutsionni Klubove v Turtsija," in *Makedonska Misyl*, Vol. 1-2, ed. Jordan Anastasov (Sofia: Khudozhnik, 1946), 58-59.

60 The electoral region of the second-stage was *sancak*, and the number of deputies would be determined as every 25.000-75.000 one deputy, for 75.000-125.000 two deputies, and 125.000 to 175.000 three deputies etc. In organising the electoral region, certain changes were made in the administrative division; the Tasos Island was added to the Limnos *sancak* for its population was less than 25.000. The privileged regions such as Sisam and Lebanon were not included in the elections. Olgun, *Osmanlı Meclis-i Mebusani'nin Faaliyetleri*, 57-58; also see Kostopoulos, "Entre Vote et Marchandage".

system, and the determination of the Chamber of Notables through appointment. On the other hand the clubs reached an agreement with the CUP to participate in the elections, Sandanski initially decided to boycott, though he later lifted it.⁶¹ This panorama proved that the collaboration between the Sandanskists and the CUP or the contradiction between the Constitutional Clubs and the CUP were not pre-established and consistent positions.

The electoral system set a total of twenty-six deputies apart for the eight *sancaks* of Macedonia (six for Thessaloniki, four for Serres, two for Drama, four for Manastir, two for Görice, two for Serfice, and two for Debra [*Debre*], and four for Üsküb [or Skopje]). Hence, for a Christian political faction to get the upper hand in representation, relations with the Muslim population became crucial. In other words, the CUP, which concentrated its efforts on organizing at the local scale, would occupy a critical position in the elections. As there were no quotas, Christian communities and political parties could be swept out by an organized Muslim vote, or they could lose essential ground in the case of a Muslim alliance with the rival Christian party.⁶² It was time for the CUP to reap the fruits of its efforts to organize at the edges of the provinces of the empire.

Indeed, as Kostopoulos described, the CUP benefited from this balance and actively intervened with to determine candidates from different ethnoreligious and political circles. In this determination, the CUP was in a rivalry with neighboring Balkan states. In Manastir, against a dragoman named Gogos — the candidate of the Kingdom of Greece and the Patriarchists — the CUP insisted on the candidacy of Trajan Nali, a lawyer, Slavophone patriarchist, and it succeeded in the efforts to that end. Similarly, the famous leader of the clubs, and the candidate supported by the Bulgarian principality Karajovov of Skopje stepped aside on the initiative of the CUP, which refused to vote for him. He was replaced by Todor Pavlov, another member of the Bulgarian Constitutional Club.⁶³

61 MacDermott, *For Freedom And Perfection*, 380-381. As mentioned above, Sandanski would be convinced to participate in the elections by the efforts of Enver Pasha in person: *ibid.*

62 Tasos Kostopoulos "Entre Vote et Marchandage," § 9-10.

63 *Ibid.*, § 13-14.

We must add in passing that the elections enflamed discussions and disagreements within the fractions, too. For instance, in determining the candidates of the left-wing IMRO, a considerable dispute occurred between Sandanski and Christo Dalchev, a well-known lawyer who was more acquainted with legal forms of political struggle. Sandanski consequently withdrew in favor of Dalchev, whom he considerably disliked.⁶⁴

Not only the determination of the candidates but the voting process itself became a scene of intercommunal connection through negotiation and cross-voting. In Smyrna and its neighboring region — a locality where the Greek community had the power to act independent of the CUP — the process of elections witnessed a stiff negotiation between the CUP and the local Greek community, the latter of which consolidated around the leadership of the Hellenic envoy and the Patriarchate. The Greek community was successful in the first elections, having constituted committees to register every voter. When the local administrator in Bergama objected to the results claiming of fraud voting, Enver Bey, the hero of *hürriyet*, appeased the Greek reaction. Eventually, the Muslim and Greek parties agreed upon a distribution of votes and upon voting for each other's candidates. The consequence was disappointing for the local Greek community, since while Greeks kept their promise and voted for the Muslim candidate, the Muslim population allegedly did not, resulting in a decreased number of Greek deputies.⁶⁵ Similar bargaining in elections, the "cross-voting" happened in Serres, where the Bulgarian population voted for Greek candidates in the sub-district of Petritch and the Greeks voted for Bulgarians in Melnik and Petritch, but the Muslims did not vote for the Greek candidates.⁶⁶ Remarkably, according to an investigation of the Bulgar-

64 Dalchev was the candidate of the Serres Constitutional Club. The Sandanskists hampered his rise, though they accepted his candidacy later on: MacDermott, *For Freedom And Perfection*, 381.

65 Kechriotis explains this attitude of the Muslim population of rising tensions vis-à-vis the Greeks as being due to the Cretan events. Vangelis Kechriotis, "Experience and Performance," 74-75.

66 Kostopoulos "Entre Vote et Marchandage," § 18.

ian consulate, the voting of Bulgarians was considerably varied: The Sandanskists swept the ballots in Cuma-i Bala, Serres and Demir Hisar, while in centers such as Nevrekop, the “nationalist” voters overwhelmed.⁶⁷

As a result of an electoral process whereby politics had gained a considerable intercommunal character, the Chamber of Deputies was established with 281 deputies, (future variation in the numbers was due to deaths, resignations, etc).⁶⁸ Of the Muslim vote, the CUP took the overwhelming majority on account of its organization at the local scale; the Liberal Party had only one deputy in the beginning. But Muslim deputies who had deputies gathered under the CUP would soon start disperse into opposition groups. National identities contributed to this divergence as the Albanian problem played a major role in the division of the CUP group in the Chamber of Deputies. As for non-Muslims, their representation in the Chamber of Deputies was not official, because in formal terms, deputies represented not their ethnoreligious identities, but their electoral regions. Certain deputies were well-aware of their formal status and emphasized it in their discourse.⁶⁹ Again non-Muslim deputies were formally divided among parties; there were Rum deputies positioned in and out of the CUP, as exemplified by Yorgos Boussios and Kozmidis Pandelakis: The former being an ardent opponent of the CUP and the latter a member of parliamentary group of the organization. Although non-Muslim deputies’ informal actions and de facto attitudes in the course of parliamentary debates expressed a coherent, communal action, it was relative. For instance, when a Rum group was founded in 1910 under the leadership of the deputy of Smyrna,

67 Ibid § 19.

68 Olgun, after examining the different numbers of various scholars, arrived at the number 281 with reference to the records of the chamber: Olgun, *Osmanlı Meclis-i Mebusanı'nın Faaliyetleri*, 103.

69 At some point the Macedonian-Bulgarist deputy Dalchev felt the need to express its “official” position saying that he should not be considered the defender of Bulgarians since he was in a deputy of the Ottomans and the law. “Kaldı ki, bendeniz umum Osmanlıların vekili olmak dolayısıyla Bulgarları müdafaa ediyor zannı hâsıl olmasın. Bendeniz kanunen müdafaa ediyorum.” MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-ı Sani 1324 (30 January 1909), 377.

Aristidis Paşa, only sixteen of twenty-two deputies were involved. Macedonian-Bulgarist deputies, as will be seen, manifested a common action in a series of memorandums by 1911, though a prominent figure, Pancho Dorev occasionally stayed outside. The deputies also represented various political inclinations; Vlahov was a socialist with no nationalist ambitions whatsoever, according to the Russian envoy.⁷⁰ Thus, considering their subjective positions, non-Muslim deputies did not represent a coherent, homogenous nationalist consciousness, let alone a non-Muslim party.⁷¹ On the other hand, in tensions urging the limit of ethnoreligious concerns, certain non-Muslim deputies came to the fore as political representatives of their political networks.

In spite of the fact that the preparations and practices of parliamentary process produced a political sphere that transcended the communitarian and political boundaries, it is doubtful to what degree it could solve the inherited points of conflict and overcome the compartmentalization of the old regime. Although there were remarkable examples — such as the partisans relinquishing their weapons — the atmosphere of tension still reigned in Rumelia.

The concerns of the Ottoman Greek population about their existing “privileges” and rumors of an imminent massacre mixed with complaints from various Bulgarist centers.⁷² Brigandage activity appeared at the top of the list of complaints. In Autumn 1908, the Bulgarist press in Sofia listed instances of Greek brigands attacking Bulgarian villages in Macedonia.⁷³ Hüseyin Hilmi

70 Tasos Kostopoulos “Entre Vote et Marchandage,” § 27.

71 Olgun, representing classical, nationalist historiography, identifies a pre-established, non-Muslim party, that was insincere about Ottomanism. According to his final account, the total number of non-Muslims was forty-five, consisting of twenty-two *Rum* deputies, ten Armenians, six Serbian, and three Bulgarians, and four Jews; see Olgun, *Osmanlı Meclis-i Mebusam’ının Faaliyetleri*, 106-109. However, there is a mistake with respect to the “Bulgarians,” as there were four of them. Christo Dalchev from Serres and DMITAR Vlahov from Thessaloniki being the representatives of the left wing, along with Pancho Dorev (Manastir) and Todor Pavlov (Skopje) from the Constitutional Clubs; see MacDermott, *For Freedom And Perfection*, 381.

72 Kerimoğlu provides examples of such rumours in the Ottoman press; see his *İttihat-Terakki Ve Rumlar*, 57-58.

73 *Prjeporets*, no. 113, 2 October 1908, p. 1.

Paşa would eventually state that representations of the events were exaggerated, as there was no large number of murders.⁷⁴ However, the problem was noted in Ottoman state correspondence, and in Janina in particular, the Ministry of War took certain military measures to reinforce the regular army against Greek brigandage. According to local information, the *Yunan* brigands attempted to provoke the local Rum population, but the latter did not respond.⁷⁵

However, the target of criticism in Bulgarist publications was the constitutional regime as much as the Greeks. According to *Vjesti*, discontent of the population of Macedonia with the Ottoman constitutional regime started to increase and spread because the regime was incapable (*nesposobni*) of defending its essential promises of freedom and equality.⁷⁶ The Exarchist organ defined this situation as crucial, saying that the danger was that the current constitutional regime would share the fate of the collapse of that of the 1876 constitutional revolution, but “now that the Ottoman people had their constitution, they would not let that happen.”⁷⁷ The complex problems revolving around the brigandage problem would soon be brought to the agenda of the Chamber of Deputies, as the first platform of Ottomanist fraternity. In the next section, the positions of the actors from various factions will be demonstrated.

§ 3.2 First Confrontation of the “Ottomans”: The Parliamentary Debate

It was under these circumstances that the *Meclis-i Mebusan* gathered to negotiate the vital problems being encountered in the Empire. Unsurprisingly, the prominent problem that was the source of many others — the problem of Macedonia — became the agenda in the early days of parliament in January 1909. Concerning our context, a parliamentary questionnaire on reviving brigandage activity triggered a flourishing sociopolitical debate stretching to

74 MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-1 Sani 1324 (30 January 1909), 370.

75 BOA., DH. MKT., 2642/94, 17 Teşrin-i Evvel 324 (30 October 1908).

76 *Vjesti*, no. 3, 1 October, 1908, p.1.

77 *Vjesti*, no. 1, 26 September 1908, p. 2.

the issue of churches, schools, and Ottoman identity.⁷⁸ Executive power was still in the hands of the Kamil Paşa government that was appointed right after the revolution in which Hüseyin Hilmi Paşa, the General Inspector of Rumelia was the Ministry of Interior, in addition to maintaining his former office. Hence, the meeting of deputies with Hüseyin Hilmi Paşa meant not only the meeting of the elected representatives with the appointed bureaucrats, but a meeting of opposing sides on a nearly twenty year-old conflict that had influenced the empire as well as international politics. Perhaps it was the first time that the various sides and opinions that had been washed during the old regime would share the same platform established by the constitutional regime.

On 30 January 1909, the Ottoman parliament witnessed the first confrontation between the representatives of different political factions in the Empire.⁷⁹ In the afternoon session, Hüseyin Hilmi Paşa was present in the chamber to answer the parliamentary questionnaire posed three days earlier by Hasan Bey the deputy of Pristina of Albanian-origin who would later pass to liberal camp; a Macedonist and a figure prestigious both for Sandanskists and the clubists, Christo Dalchev the Serres deputy; a left-wing Macedonian-Bulgarian, Dmitar Vlahov, the Thessaloniki deputy; and Abdullah Azmi Efendi,

78 MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-1 Sani 1324 (30 January 1909), 368 ff. The debate was also summarized in Hacısalihioğlu, *Jön Türkler Ve Makedonya Sorunu*, 280-292 and in Anagnostopoulou "La Macédoine des Jeunes-Turcs et l'hellénisme," § 3-25. In our context, we touch on it to observe the functioning of parliament and to elaborate the positioning of the representatives of the Greek and Bulgarian communities. After all, it was not a law in question, as was the case with the laws on Brigandage or publications. Deputies could demonstrate their general attitude vis-à-vis the *ancien régime* and the constitution, The Greek and Bulgarian attitudes are the focus point, as they became major actors of the Macedonian issue. Another confrontation was of course between liberal and CUP affiliated Turkish deputies. The Vlachs who had long challenged Bulgarian and Greek claims to the region, and most Muslim communities, except for Arabs, Kurds, Laz, Circassians and Pomaks supported the Turkish issue. Even the Albanians, who were alienated by CUP's centralist efforts, were on Turkish side in the question of Macedonia; see Hacısalihioğlu, *Jön Türkler Ve Makedonya Sorunu*, 289-291.

79 MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-1 Sani 1324 (30 January 1909), 368.

the Kütahya deputy of the CUP.⁸⁰ The questionnaire concerned the re-emergence and increase in brigandage activities in the whole of the Ottoman Balkans after a quiet period. Hasan Bey's mentioned activities of Greek (*Rum*), Bulgarian, Vlachian committees; the two Macedonist deputies, Dalchev and Vlahov mentioned the disorder (*asayışsizlik*) in the provinces of Kosovo, Manastir and Thessaloniki; and Abdullah Azmi Efendi drew attention to the general chaos in the Rumelia. The debate triggered by the questionnaire would occupy the chamber for approximately three days. Although at first glance, the questions were limited to the chaotic situation, it quickly turned into an ardent conflict with the participation of the representatives of different parties and communities.

3.2.1 *Hüseyin Hilmi Paşa's Views: The Stance of the Ottoman Reformist Bureaucracy*

As top administrator of the region before the revolution and the acting Interior Minister, Hüseyin Hilmi Paşa represented the official approach to the Macedonian issue. Hilmi Paşa's discourse reflect an Ottoman historical narrative of the Macedonian problem. According to Hilmi Paşa, the first brigandage in Rumelia started circa 1895. After this date, ethnic conflict considerably escalated and even reached a degree where brigands became considerable powers in their regions. Hilmi Paşa openly admitted the despair of the Ottoman regime about the brigandage activities before the revolution — namely, its virtual loss of sovereignty. He related that the *çeteler* whose "organizers were foreign countries" divided the Rumelia into different regions. Though the number of brigand groups considerably differed in different times and places, according to Hilmi Paşa's account, they amounted to 110 Bulgarian, 80 Greek (*Rum*), 30 Serbian, and 5 Vlachian groups, five or six months before the date of the parliamentary session. In the old regime, Ottoman forces launched several campaigns of "pursuit and destroy" (*takip ve tenkil*) but decisive victory

80 Information on the number and inclination of deputies varies from study to study. In this study in specifying the political inclinations of the deputies, we have chosen to follow Kansu's work considering his comparative approach between various sources: Kansu, *1908 Devrimi*, 357ff.

was impossible due to the quick replacement and recovery of the losses by the brigand groups. He also admitted that by the eve of the revolution, the Ottoman army had been worn out by brigandage activities, while the latter ceased fighting after the revolution and descended from the mountains to urban centers.⁸¹

In the Minister's narrative, the lack of a central authority following the revolution was clear for everyone. According to him, right after the revolution, the brigand leaders could freely travel around the villages. In the new regime the martial law had been abolished and even if bands were armed, the gendarmerie could do nothing more than seize their weapons.

In Hilmi Paşa's view, the fluidity of ethno-confessional confrontation in the region added to the difficulties of taking full control. After all, conflicts were not confined to those of between the Ottoman center and nationalistic brigandage, but between different nationalisms and even — as Hüseyin Hilmi Paşa pointed out — within each national struggle. Citing the example of Bulgarian brigandage, he mentioned the *çetes* of the *Verhovists* and *Santralist*s, underscoring that these two brigands part one other more violently than they fought against Greek (*Rum*), Serbian or Vlach brigands. Hilmi Paşa then drew a general picture of the Rumelia conflict, presenting a list of crimes committed after the Revolution by the brigands in the provinces of Manastir and Kosovo. The Interior Minister assured parliament that every measure was taken to stop ethnoreligious violence in the region, and contrary to some publications of the period, none of the conflicts could be described as "blood baths."⁸²

Thus, in classifying the criticism of growing brigandage activity in the region as exaggeration, Hüseyin Hilmi Paşa put forth his own position on the origins of the Rumeli problem. In his view, the Rumeli conflict, which was

81 MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-1 Sani 1324 (30 January 1909), 368.

82 According to his account, the total number of victims of the events in two *vilayets* of Manastir and Kosovo, over a one and a half month period were two *İslams*, two Rums, four Bulgarians and one Vlach dead, and one Muslim, nine Rums, one Bulgarian and five Vlachs injured. "Karaferiye maddesi hakikaten bir Ulah'ın bir Rum'u katletmesinden sonra da Rumların da 2 Ulahı cerh etmelerinden ibarettir. Gövdeleri kan götürececek derecede vakayı ne Karaferiyede ne başka mahallerde vuku bulmuştur." For the account and the citation, MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-1 Sani 1324 (30 January 1909), 370.

expectedly end with the revolution, was essentially born from the issue of churches. This issue, he believed, was of such importance that "unless it was solved in a way that could satisfy all the four elements, even the most efficient security measurements would not be able to quell the angry conflicts."⁸³

Being the former chief inspector of Rumeli, Hüseyin Hilmi Paşa saw the origin of the brigandage problem in efforts to convert the Greek-Orthodox population to the Bulgarian Orthodox Church. In the earlier phases of events, Hüseyin Hilmi Paşa emphasized that the struggle between the members of different churches had been confined with a war of petitions.⁸⁴ The Ottoman government, — which, in his official view, recognized the confessional liberty of its subjects — thus remained the main arbitrator in disputes over churches.

However, this arbitration was changed by the imposition of "Bulgarian" brigandage in the year 1903 after the end of the *ihtilal* September.⁸⁵ In accordance with their irredentist ambitions, for Hüseyin Hilmi Pasha, Bulgarianists desired to deceive foreign powers by manipulating the population census (*harici işfal etmek ve müddeâlarını berâhini ihsâiyye ile ispat edebilmek için*) resorting to violence to force villages affiliated with the Patriarchate to adopt the Exarchate.⁸⁶

As coercion turned into violence, Hüseyin Hilmi Paşa continued, the Ottoman government adopted a measure referred to as "the principle of status quo" (*statüko kaidesi*) in Rumelia. Although originally a temporary measure, considering the fluid, wayward, and volatile character of brigandage, the principle became a permanent measure that endured by the revolution.

However, the revolution far from offered a satisfactory solution to the problem. Although, in the Interior Minister's terms, the recent increase in

83 MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-1 Sani 1324 (30 January 1909), 370.

84 MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-1 Sani 1324 (30 January 1909), 371.

85 Hilmi Paşa refers to the Ilinden Uprising after which the IMRO took the lead in the Macedonian political struggle. Hence, Hilmi Paşa recognized that the uprising gave a considerable, additional importance to the brigandage issue.

86 MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-1 Sani 1324 (30 January 1909), 371.

brigandage activity was negligible, news of coercion by the Bulgarians for others to convert continued, confirming that the church issue should be solved as soon as possible.⁸⁷

3.2.1.1 Hilmi Paşa's Solution to the Macedonian Problem

As to the steps to be taken, he mentioned three ways to solve the problem. The first was to continue the rotation method, whereby religious communities used the churches alternately; the second was to consecrate the church to a peculiar community on the basis of its population; and the third was to permit every community to build their own church in a village. Stating that the first two would not prevent tensions, Hüseyin Hilmi Paşa opted for the third solution and based this view on his experiences as the chief administrator of the region. However, before any action was taken, a commission of deputies from different “elements” (*anasır*) should be created to gain the sympathy of the people and show the government’s goodwill. Remarkably, Hilmi Paşa’s proposal defined almost no active role to any Ottoman constitutional institution which could take a judicial and legislative step. Instead, the calling the *heyet* methods prior to the revolution, he emphasized that the commission should resort to propaganda of Ottomanism by addressing their respective community that they, as deputies, were “above all Ottomans, and all should arise as Ottomans, as the Ottoman nationality (*Osmanlılık*) was the necessary path to salvation.” For him, the prioritization of Ottomanism propaganda was an obligation to ensure a solid solution.⁸⁸

87 Indeed, the Interior Minister’s denunciatory language vis-à-vis the Bulgarian efforts is remarkable. Apparently distinguishing between the Bulgarian and Greek political attitudes, Hüseyin Hilmi Paşa emphasized that the Bulgarians took a one-sided position in case of partial conversions of village populations: If the conversion took place in a Patriarchate-affiliated village, Bulgarians demanded use of the village church in rotation with the Greek-Orthodox population, while in the converse case, they rejected sharing their church with converts of the Patriarchate. MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-1 Sani 1324 (30 January 1909), 372.

88 MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-1 Sani 1324 (30 January 1909), 372.

3.2.2 *The View of a CUP Deputy*

In response to the minister, the deputy of the CUP, Abdullah Azmi Efendi from Kütahya took the floor. This deputy was known for his career as a lawyer,⁸⁹ and expressed hardline language regarding brigandage activities, stating that these impalpable groups were obliged to come down to the cities “like flocks” and plead for refuge after the revolution, an act proving the inevitable submission of the force to the justice.⁹⁰

Abdullah Azmi saw Rumelia as the central problem to ensure the territorial sovereignty of the empire. He emphasized that the constitutional regime should hold on to Rumeli with all its might, as the region was the only basis for the empire to assume a position among European states. The government had not taken sufficient initiative. In contrast to Hüseyin Hilmi Paşa, Abdullah Azmi Efendi pointed out that the church issue was not the true reason, but an ostensible one — a cover — allowing the brigands to deceive the population. After dealing with this ostensible aspect of the problem, the government should implement its policy.

It should be added that the CUP deputy expressed a similar attitude to that of Hüseyin Hilmi Paşa regarding the function of the parliament in such a problem. He was even more radical than Hüseyin Hilmi Pasha in excluding the initiative of parliament. In his view, parliament had done what it could do; in no other province of the empire has such purges and reorganizations (*tensikat*) been undertaken as in Rumelia. It was the government’s turn to take action and show itself with all its compassion and potency. This demand for the state to assume power in Rumelia was complemented by a request of advising extraordinary ways (*tarik-i fevkalade*) to take the scene. In Abdullah Azmi Efendi’s discourse, this did not mean unlawful practices, but extraordinary practices within the framework of law to achieve goals that could not be done in “ordinary” ways. He criticized the government for its lethargy: “The fact

89 *TBMM Albümü: 1920-2010*, ed. by Selma Yıldırım and Behçet Kemal Zeynel (Ankara: TBMM Basın Ve Halkla İlişkiler Müdürlüğü Yayınları, 2010), 29.

90 “(...) bu eşkıyaları ilan-ı Meşrutiyet üzerine koyun sürüsü gibi taraf taraf kasabalara, şehirlere gelerek istimana mecbur etmişti.” MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-1 Sani 1324 (30 January 1909), 372.

that the government had not fulfilled its duty after the revolution was obvious in the Minister's own speech." He concluded that his parliamentary group did not want to witness this vicious situation anymore and that the government should show its whole power, whole its oppressiveness, and its whole force.⁹¹

With this discourse, Abdullah Azmi Efendi expressed the aspiration of a new government capable of implementing exceptional politics, emphasizing the role of the executive authority rather than that of the chamber in solving the problem. It is unclear to what degree he distinguished this demand from the exceptional politics of the old regime, but his proposal shows clearly that the paradigm of the law on brigandage had been on the agenda in CUP circles one year before it was promulgated.

3.2.3 *Christo Dalchev's Intervention: The Macedonian-Bulgarist Stance*

When Christo Dalchev, the Serres deputy, stood up and interrupted the discourse, the discussion was dragged into a deeper level of Ottoman politics. Dalchev, a well-known lawyer in the Bulgarist network,⁹² defined the mutual aversion between nationalities (*münaferet-i milliye*) as the remnant of an "era of despotism," namely of the Hamidian regime. With moderate, diplomatic language that acquitted Hüseyin Hilmi Pasha, Dalchev strongly complained that the Hamidian regime had protected and supported Greek bands against Bulgarians. Referring to cases where Ottoman courts clearly favored Greek bands, he argued that many imperial orders (*irade*) admitted that the *Rum* brigands emerged in order that they pursue the Bulgarian bands. In his view, some local Ottoman military police (*inzibatiye*) as well as other officials made use of central orders and encouraged the propagation of *Rum* brigandage in the region. The problem with the new regime was that these local, mid-ranking officials still held their posts, which had led to the reemergence and growth

91 "Biz orada artık fenalık görmek istemeyiz. Biz buralarda bu gibi fenalığın devamını istemeyiz. Hükümet bütün kuvvetiyle, bütün şevketiyle kendisini göstermelidir. Hükümetten bunu isteriz." MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-1 Sani 1324 (30 January 1909), 373.

92 MacDermott, *For Freedom And Perfection*, 380.

of brigandage activity in the region. Dalchev stated that had the officials of the old regime been dismissed, and replaced with “patriotic and serious” (*vatanperver ve ciddi*) officials, the unfortunate events would not have existed.⁹³

Apparently, Dalchev did not find the purge of the officials and bureaucrats in the region satisfactory, and he put the blame on the structure of old regime — stretching from the despotic government to the local bureaucrats — which exploited the orders in favor of Rum brigandage.

In the course of his speech Dalchev touched upon his position on the enforcement of the constitution when defining the problem of churches, too. Dalchev was as an ardent, clear opponent of the *statüko kaidesi*. He elaborated on his opposition in terms of a constitutional framework. Referring to rights, above all to the confessional freedom established by the Kanun-ı Esasi, the deputy argued that Constitutional rights were not subject to the decisions of parliament. Dalchev defined himself as the first-eye witness of the fact that many villages that spoke Bulgarian, defined themselves as Bulgarian, and wanted their children to be educated by Bulgarian teachers were restrained because of this “principle of status quo.” In this context, Dalchev defined the implementation of the principle as unconstitutional. In his criticism of the church issue, Dalchev explicitly defined Bulgarian affiliation with reference to language and self-identification; for him, a people’s right to adopt a church emerged from their adoption of the language and Bulgarian identity, an overall argument justified by constitutional rights. After all, constitutional liberty of conscience demanded that everyone adopt any denomination they wished, speak any language they adopted, and practice in their own churches.⁹⁴

In addition to discord over the concept of confessional freedom, a second problem in Dalchev's view was that the principle of *status quo* was still managed by the executive power (*kuvve-i icraiye*), even though a parliament had already been established. As such, the persistence of the *kaide* expressed the superiority of executive measures over the legislation, which as he would subsequently emphasize, was against the spirit of the constitution. In his view, the

93 MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-ı Sani 1324 (30 January 1909), 374.

94 MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-ı Sani 1324 (30 January 1909), 375.

essence of the problem was the unfair and injustice policy of an executive body that ignored the legal framework of rights. In his conclusion Dalchev accepted that a rapid solution was impossible, and strictly conditioned his support to Hüseyin Hilmi Paşa with the removal of local officials.⁹⁵

3.2.4 *Narli Bey's Speech: The Helleno-Ottomanist Stance*

The discussion in parliament deepened as Narli Bey, the Gelibolu deputy of *Rum* origin took the floor.⁹⁶ At the beginning of his talk, he strongly affirmed Ottomanist discourse by rejecting the term *Makedonya* in his words “In the Ottoman country, there is no place such as *Makedonya* and all is part of the whole Ottoman country.” For Narli Bey, whose speech drew occasionally support from Aristidis Bey,⁹⁷ another deputy from İzmir, one should seek the birth of the Rumelia problem in the Russo-Turkish war of 1877-78. After describing in details the boundaries of the newly-born Principality of Bulgaria, he concluded that “it is no exaggeration to say that the invention (*ihdası*) of the Macedonian problem depended on the Saint Stephano Treaty,” as this treaty, “the idea of Pan-Slavism was put in the minds of the Bulgarian people.”⁹⁸

Though later with the Treaty of Berlin, the Principality of Bulgaria was reduced to a confined geography, Bulgarians did not give up their plans and chose to take advantage of the weakness of the “old autocratic regime.” In this

95 MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-1 Sani 1324 (30 January 1909), 374-375.

96 Information on the political inclinations and affiliations of the *Rum* deputies in the Ottoman parliament vary. In contrast with parliamentary minutes, studies on the parliament do not mention Nali Bey from Gelibolu. Kansu’s comprehensive work names this as Stephan Narli; another study describes the same person as “Traian” Narlı Bey. Feroz Ahmad and Dankwart A Rustow. “İkinci Meşrutiyet Döneminde Meclisler 1908-1918,” *Güney-Doğu Avrupa Araştırmaları Dergisi*, no. 4-5 (1976), 268; on the other hand, the latter source mentions that Traian Narli Bey was Armenian, a fact corrected by Aykut Kansu, in *1908 Devrimi*, 372, note 65. According to Kansu’s work, Traian Nali Bey was a different person, a deputy of *Rum* origin representing Manastir; see *ibid.* 266. Both sources describe Narli Bey as an “independent” deputy.

97 Aristidis Bey was one of the *Rum*-origin deputies affiliated with the CUP. *Ibid.*, 383.

98 MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-1 Sani 1324 (30 January 1909), 381.

context, Narli Bey declared the foundation of the Bulgarian Exarchate as an “enormous error of the Turkish politics” that undermined both the Patriarchate and the Ottoman state. The main and perhaps only object of criticism in the Gelibolu deputy’s discourse was Pan-Slavism as the supporters of the Pan-Slavist ideas had triggered the Rumelia problem, as they sought to increase the Exarchate’s spiritual influence in Macedonia. Remarkably, Narli Bey quoted Resneli Niyazi Bey’s memoir to demonstrate that these Pan-Slavists were mainly Bulgarian and Russian officers who organized of an armed upheaval in the year 1903. On the other hand, Narli Bey added, the Ottoman government was aware of these desires but insisted on its policy, which was consistent with the “divide and rule” strategy (*tefrika ile icra-ı hükmetmek*).⁹⁹ Narli Bey proposed the Constitutional regime to give up the “divide and rule” strategy.

3.2.4.1 The Historical Narrative of Helleno-Ottomanism

In his speech, Narli Bey repeatedly referred to the common destiny of the Patriarchate and the Ottoman state, and thus he expanded his arguments toward a historical narrative. For him, the Exarchist activity that was undermining the Patriarchate was also undermining Ottoman sovereignty. According to the deputy, this association did not emerge merely from contemporary conditions but was historically connected as far back as Fatih Sultan Mehmet’s policy regarding the Patriarchate. Thus, “the existence of the Patriarchate was only possible with the existence of the Ottoman government.” Rejecting accusations of “Hellenism,” Narli Bey described his view with terminology clearly Ottomanist: He defined the annex of the Eastern Rumelia to the Principality of Bulgaria as “our *vilayet* of Eastern Rumelia,” and did not hesitate to use words like intrigue (*fesat*) and “civil agent-provocateurs” (*ajan siviller*) in reference to brigandage activities. Furthermore, Narli Bey did not abstain from clear, anti-western rhetoric. For him, European Powers also proposed Hellenism, since they did not want the revival of the Byzantine Empire. For this reason they did not oppose the Mürzsteg Program imposed by the Austria-Hungarian and

99 MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-1 Sani 1324 (30 January 1909), 382.

Russian Empires.¹⁰⁰ In Narli Bey's view, the government had been incapable of coping with the problem. Although the Patriarchate had appealed to the Ottoman government many times, the government failed short of providing security for its villages. Rums had waited in vain for years for government intervention, and at last, they had resorted to counter-activities, as a self-defense (*müdafaa-i meşrua*).¹⁰¹

Narli Bey's ardent anti-Bulgarian narrative of the Macedonian problem continued in his description of the constitutional era, too. He listed many local incidents of coercion by Bulgarians after the revolution. Thus, the general picture he drew was of a Bulgarian brigands undermining the Patriarchate and the Ottoman state with the aid of external powers. His whole history of events was anti-Bulgarian and its goal of aligning with the Ottoman state was overt. The first session of the discussion ended with the demonstrations of major actors with regard to the Macedonian problem.

Main lines of distinction became more or less clear on the first day of the debate. In the following sessions and on succeeding days, important figures representing different tendencies took the scene to consolidate and articulate these lines.

In the next session, Rıza Paşa, the Karahisarlı deputy of CUP affiliation took floor and gave a provocative speech.¹⁰² In an acrimonious style, he opposed those trying to confine the problem with confessional confrontations. He repeated Abdullah Azmi's argument that the church issue was merely a cover for political aims. Rıza Paşa advanced his argument by characterizing Hüseyin Hilmi Pasha and Narli Bey's historical narrative of Rumelia problem as a "lie" (*yalan*). On the contrary of this narrative, which stated that there

100 Apparently, this view was an extension of a broader "Helleno-Ottomanist" discourse that had emerged in the revolutionary atmosphere. Expressed in the Greek press and in the Ottoman Parliament, the idea had its origins in Athens. A clearer version of this idea proposed uniting Ottoman population with diverse affiliations under two major religious authorities — the caliphate and the Patriarchate — thus reviving an earlier, traditional Ottoman form of institutionalization. See Anagnostopoulou, "La Macédoine des Jeunes-Turcs et l'hellénisme," § 14-16, also see Chapter 2.

101 MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-1 Sani 1324 (30 January 1909), 383-386.

102 For Rıza Paşa's affiliation, Kansu, 1908 *Devrimi*, 378.

were no brigandage activities existed prior to 1890s, Rıza Pasha recalled the period of the unification of Eastern Rumelia with Bulgaria, in which Bulgarian and Russian officials, organized various brigandage activities along with merchants. Hüseyin Hilmi Pasha, interrupted at this point and responded to Rıza Pasha; he said that he was talking about the Rumelia problem, not about Bulgaria. He drew a clear distinction between Bulgarian unification and the “*Rumeli*” brigandage saying that “I do not know when exactly the bands were established in Eastern Rumelia, but my duty is to comprehend the events occurring in Rumelia.”¹⁰³

The confrontation between the representative of the CUP and Hüseyin Hilmi Pasha expressed a disagreement among the actors of the new regime concerning the Balkan status quo after the Treaty of Berlin. If the brigandage problem in Ottoman Rumelia was an extension of a continuous policy targeting Ottoman territoriality, as Rıza Pasha’s definition suggested, then its solution would depend on the rejection of international status quo in the Balkans which had operated at the detriment of the empire. Hüseyin Hilmi Paşa on the other hand, reflected a conservative attitude recognizing the status quo established under the old regime. His approach was free of any kind of irredentism, as Bulgaria and Eastern Rumelia were discarded from Ottoman Empire’s internal issues. As a high-ranked official of the old regime, despite his reformist tendency, he considered the international balance designing exact frontiers between the states as a guarantee of a precondition of preserving Ottoman sovereignty.

The next speaker, the Thessaloniki deputy Rahmi Bey was also a prominent figure in the CUP. Without significantly opposing ongoing arguments, he wanted an equilibrium between Greek and Bulgarian demands, and in conclusion, he asserted that in order that the Constitution take effect, a reform of the official cadres in the region was indispensable. On the other hand, the

103 It is also remarkable that the Minister of Interior, in order to strengthen his argument, kindly advised to refer to a work published by the Internal Organization (*organizasyon enteriyör*). MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-1 Sani 1324 (30 January 1909), 387-388.

speeches of Pavlos Karolidis Efendi,¹⁰⁴ the İzmir deputy, and Kozmidis Efendi,¹⁰⁵ the Istanbul deputy, who were both Rum in origin, were important in that they consolidated the overall Greek stance. For Pavlos Karolidis Efendi, there was no *ihtilâl* in *Makedonya*, but one could safely speak of foreign provocation. First, “the appellation *Makedonya* existed neither in the history of the Ottoman Empire nor in the history of the Eastern Question, and hopefully, it will be hereafter erased from history hereafter.” The Macedonian issue was “transmitted [from outside], and was not an internal problem,” but the only state that could solve the issue was the Ottoman State. In accord with Narli Efendi, he also argued that the problem emerged with the Saint Stephano Treaty and the ambition of “Bulgarians” to expand their borders, an argument that drew a warning from the chairman not to repeat the views of the former Greek deputy. In the end, Pavlos Karolidis Efendi demanded that the parliament take the initiative and establish control over the region in question; to do otherwise would mean “our parliament has no real viability.”¹⁰⁶

What Kozmidis Efendi, the next deputy, added to this framework was that the churches issue was divided into political and administrative aspects. In reference to Hüseyin Hilmi Paşa and Abdullah Azmi Bey, who had expressed a relatively more hardline stance, Kozmidis Efendi underscored that the political aspect consisted of the presentation of Bulgarian ambition to European powers.¹⁰⁷ The rhetoric resembling the official Ottoman discourse was obvious. Kozmidis Efendi explained his aim as “protecting the territorial integrity of our state.” However, he put forward a specific type of Ottomanism that every element (*anasır*) constituting the whole of Ottoman identity

104 Pavlos Karolidis was an “independent” deputy and notably a historian from the University of Athens: Kansu, *1908 Devrimi*, 384.

105 Kozmidis Efendi was one of the Rum deputies who stayed out of the CUP. He was from the *Fırka-i Ahrar*, and the owner of a newspaper close to this party. Ibid., 376; see also Olgun, *Osmanlı Meclis-i Mebusanı'nın Faaliyetleri*, 106.

106 MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-1 Sani 1324 (30 January 1909), 392-393.

107 “Zannedersem Hükümetin elinde mahiyet-i asliyesi, kuvveti inkar edilemeyecek bir suver sùbutiye vardır ki, onda Bulgarlar tarafından vuku bulan bazı ilcââtın Avrupalılara karşı orada Bulgarların takaddüm ettiğini göstermek niyetine müsteniden yapıldığı anlaşılır.” MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-1 Sani 1324 (30 January 1909), 394.

(*Osmanlılığın tamamı*) was the owner of this territory. The deputy decisively denied the concept of the dominant nation (*millet-i hâkime*) saying “no one, by no degree, can claim the ownership of this territory, else we remove the eyes of those who dare.” The Istanbul deputy stated that the ban of metropolitan bishops from traveling to villages should be lifted and in conclusion, he expressed support for Hüseyin Hilmi Paşa and proposed giving him time to correct these deficiencies.¹⁰⁸

3.2.5 *The Stance of the CUP Core as Exemplified by Rıza Tevfik*

In the same session, another important speech was delivered by Rıza Tevfik, the Edirne deputy and a well-known figure in the CUP.¹⁰⁹ Rıza Tevfik was more direct and clear in defining the problem than his predecessors. For him, the problem with Greeks and Bulgarians was not confessional, since both were orthodox and had the same religious identity.¹¹⁰ In Rıza Tevfik's words, “the problem is a problem of language,” which extended to political and social rights. He further warned that no one should confuse the problem of *ırk* (race) with that of *din* (religion).

Objecting to Narlı Efendi's attribution of all “pan-” ambitions to Bulgarians, Rıza Tevfik recalled that these ambitions influenced “our *Rum* brothers,” as well. However, neither Pan-Slavism nor Pan-Hellenism were the main point in his mind; instead the CUP leader emphasized that the issue became demographic — a “minority and majority” issue that was important not only for foreign relations but also for internal politics, such as elections. In comparison with the demographic, the issue of churches remained only as a pretext. Now,

108 MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-1 Sani 1324 (30 January 1909), 395. His words on the *millet-i hâkime* undoubtedly opposed some ideological quests of CUP intellectuals at the time. A clear expression of this was Hüseyin Cahit's earlier argument that the Turks should be the majority in the parliament and that this was a vital issue. Hüseyin Cahit Yalçın, “Millet-i Hakime,” *Tanin*, no. 97, 25 Teşrin-i Evvel 1324 (7 November 1908) p. 1.

109 Rıza Tevfik was a highly influential ideologue and organizer in the CUP. He was called as “the philosopher” and was a leader of the militant cadres in Istanbul. He would separate from the CUP and join the ranks of the opposition in 1911. Kansu, *1908 Devrimi*, 371.

110 MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-1 Sani 1324 (30 January 1909), 396.

under a constitutional government, Rıza Tevfik approved the right of a population to worship in their own language. For him, if a person of Rum origin expressed that "Hereafter I want to be a Bulgar," the government to do nothing except approve it. The CUP leader declared his opposition to any government intervention in such confessional issues. After all, he stated, according to his first-eye testimony in the region, and his direct connections with the brigandage activities, he understood that churches meant nothing more than a simple, 25-*lira* buildings made of mud-brick.

Rıza Tevfik saw no point in criticizing Hüseyin Hilmi Paşa for being passive; as the Interior Minister had pursued a policy of appeasement and had acted to decrease tensions in the region. Instead, Rıza Tevfik was sure that the next step was to provide justice and protect rights. But, unlike the former speakers, he did not simply propose administrative reform aimed at the public officers in the region. Elaborating on the speeches of the other pro-CUP speakers, Rıza Tevfik pointed out that justice and civil rights could only be secured by force — that is by the army.¹¹¹ Although he did not formulate this attitude theoretically, his view was a resonation of that of certain constitutional theorists of the time who stated that lack of a figure of "pouvoir constituant" as the main deficiency of the Constitutional regime — a concrete state power that could subjugate the whole population to the constitutional framework.¹¹² His speech drew applause from the audience.

After Rıza Tevfik's, all the views in the parliament were clear. Among the following speakers, Todor Pavlov Efendi¹¹³ of Skopje and Yorgos Boussios Efendi¹¹⁴ from Serfice added new emphasis to the arguments of their respective parties. Pavlov Efendi recalled that freedom of confession, which for him

111 MMZC, Term 1, Year 1, Volume 1, Session 20, 17 Kanun-1 Sani 1324 (30 January 1909), 396-397.

112 A clear example of such theoreticians was Nicolaidas as profoundly described in the Conclusion.

113 Pavlov Efendi was a Slavophone deputy with liberal affiliations. He would later become one of the leaders of the *Hürriyet ve İtilaf Fırkası*. Kansu, 1908 *Devrimi*, 359.

114 Yorgo Boşo — or Yorgos Boussios was described in Olgun's study as the "leader" of the Rum deputies who were not in the CUP group in the Ottoman parliament. According to a recent study on the Ottoman parliament, he was held favorably in Muslim public opinion with regard to his reaction against the Sublime Porte's dealings with Bulgaria. But soon he became the

was the main characteristic of the constitution, remained only on paper due to the continuation of the principle of status quo of 1903. He demanded the immediate abolition of this status quo along with the "policy of *depyot kiraka*," — the divide and rule strategy. Remarkably the Skopje deputy added that although the Bulgarian population "of more than one million people" was not satisfied by their representation by only four deputies, they still defended Ottoman unity. Stating that the population of Macedonia and Adrianople was mainly peasants who would only understand concrete developments, Pavlov Efendi proposed the immediate realization of rights provided by the Kanun-ı Esasi. The "children of the homeland" would thus unite, and participate in the revolutionary enthusiasm as the French peasantry did during the French Revolution.¹¹⁵

As for Yorgos Boussios Efendi, he became involved in the debate by stressing the importance of the question. Unless the problem was solved immediately, the unity of the Ottomans would be broken at several points. As a matter of fact, one could already testify to the accusations of Bulgarians, *Rums*, Serbians, Turks and Vlachs against one other. Indeed, Yorgos Boussios Efendi himself, in the course of his speech, could not avoid arguing with a Vlach-origin deputy, Philip Mishe Efendi from Görice vis-à-vis his criticism of Vlach schools.¹¹⁶ After all, the Greek-origin deputy was an ardent supporter of the authority of the Patriarchate, which extended to the Vlach population. According to his claims, all who were demanding confessional autonomy for the Vlach population were in the pay of the Romanian state. He advanced his arguments on the language issue, putting forth that neither the Vlach nor the Bulgarian language in Rumelia had any independency, and were merely comprised of "Serbian language with a mixture of Turkish and Greek (*Rumca*)

object of criticism for an article in *Neologos*, an influential Greek newspaper, where he was accused of arguing that their homeland was not the Ottoman Empire, but Greece; see, Olgun, *Osmanlı Meclis-i Mebusanı'nın Faaliyetleri*, 106-108.

115 MMZC, Term 1, Year 1, Volume 1, Session 21, 19 Kanun-ı Sani 1324 (01 February 1909), 404-407.

116 The tension between the two deputies rose to such a degree that Yorgos Boussios Efendi threateningly invited the deputy of Vlach-origin to meet outside of the parliament. MMZC, Term 1, Year 1, Volume 1, Session 21, 19 Kanun-ı Sani 1324 (01 February 1909), 408.

words.” Thus, for him, an approach from the language angle undermine the unity of the Ottomans.¹¹⁷

“What is, then, the problem called as the Macedonian problem” asked Boussios Efendi, who claimed that it was not Pan-Slavism, Pan-Hellenism, or brigandage, but above all, a problem of “our bad governance.” Both the local bureaucracy — from mid-ranking public officers to army officers — and the local notables (*bey, paşa, yerli çorbacı, mütenebbizan ve mütegalibeden*) had destroyed Ottoman unity pushing different millets into their respective national states. He added that while the activities of the CUP hampered the administrative hierarchy in the region, there were no non-Muslim officials in administrative cadres; unsurprisingly his assertion drew considerable opposition from the chamber. The debate flared with the interruption of Hüseyin Hilmi Paşa, who stated that any non-Muslims demanding a position in the public services were accepted.¹¹⁸

Another Greek-origin deputy and member of *Fırka-i Ahrar* Yorgos Honeus Efendi from Thessaloniki presented a more sophisticated framework of the demands of Rums.¹¹⁹ Yorgos Honeus Efendi agreed with the idea that the problem was essentially political, but was covered by confessional and religious demands.¹²⁰ To justify his arguments, he referred to the pre-Ottoman past — to when the Roman-Catholic and Orthodox Churches split, respectively adopting the Latin and Greek languages. Since then, Greek was the common language of all Orthodox Christians regardless of their ethnic identity (*kavmiyet*). However, the Bulgarian element (*Bulgar unsuru*) diverted a sectarian issue to an ethnic aspect, and the Ottoman state, by allowing Bulgarians to develop their own church, undermined its own sovereignty. If, as the Rum deputy asserted, the Bulgarians constituted a different sect, like the Armenians, there was no problem. But the Ottoman State, in order to divide (*nifak*),

117 MMZC, Term 1, Year 1, Volume 1, Session 21, 19 Kanun-1 Sani 1324 (01 February 1909), 409.

118 MMZC, Term 1, Year 1, Volume 1, Session 21, 19 Kanun-1 Sani 1324 (01 February 1909), 410-414.

119 Kansu, *1908 Devrimi*, 369. He was an ex-dragoman: Kostopoulos, “Entre Vote et Marchandage,” § 16.

120 MMZC, Term 1, Year 1, Volume 1, Session 21, 19 Kanun-1 Sani 1324 (01 February 1909), 413.

accepted that the Bulgarians remain within the Orthodox sect but implement a different religious practice, which was the essence of the problem.

On this point, Muslim deputies objected that Yorgos Honeus had diverged into "religious issues," but the Thessaloniki deputy continued. It was these confessional demands — passing through 1876 uprising, the 1878 Treaty of Berlin, the 1903 Ilinden Uprising, and the Mürzsteg program — that enflamed the problem of autonomy due to the establishment of the criterion of the majority.¹²¹ Yorgos Honeus openly supported the continuation of the principle of status quo, which prevented forced conversion to the Exarchate and demanded the disarmament of the region.¹²² For the deputy, the Bulgarian argument that the old regime protected the Rum community was wrong: It clearly supported the organization of Vlachs with their own church and schools, which undermined the authority of Patriarchate in the region.

Yorgos Honeus Efendi's approach to the problem emphasized the role of the executive authority in the solution. He asserted that the church issue had nothing to do with the Ministry of Justice and Religious Denominations (*Adalet ve Mezahip Nezareti*), but it directly concerned control (*inzibat*) and administration (*idare*). It was an issue of the state, since, as he strikingly expressed: "What is called the church issue is an issue of gaining property (*temellük*) — an issue of ownership (*zilyedlik*)." Thus, churches were among the property of endowments (*emlâk-ı mevkufe*) and this statute of property should be protected. However, according to him, the Ottoman government acted contrary to its own and to older laws. Interestingly, the speech of Yorgos Honeus Efendi was interrupted by the other participants — by Hüseyin Hilmi Paşa as well as by Christo Dalchev — and he could only conclude by calling the government to realize its duty of sovereignty.¹²³

121 MMZC, Term 1, Year 1, Volume 1, Session 21, 19 Kanun-1 Sani 1324 (01 February 1909), 413.

122 MMZC, Term 1, Year 1, Volume 1, Session 21, 19 Kanun-1 Sani 1324 (01 February 1909), 414. This campaign of disarmament, which reinforced by the law on brigandage, became one matter that triggered the Bulgarian and Albanian revolts.

123 MMZC, Term 1, Year 1, Volume 1, Session 21, 19 Kanun-1 Sani 1324 (01 February 1909), 414-417.

By the end of the debate, parliament could not adopt any particular measure, not even the proposal to create a commission to deal with the brigandage problem in Rumelia.

A common criticism of the government was its incapacity to actively deal with brigands, which was now causing a re-emergence of the brigandage activity in the region. However, this common ground immediately splintered into various demands, and proposals (extending from public security issues to property problem) that paralyzed the discussion and, in turn, parliament.

Notably deputies of various communities tended to act coherently with their co-nationals. Community relations dominated over party affiliations, which were considerably obscure at the time. This is especially clear in the case of Rum deputies who were accepted as a single Rum party no matter what their political affiliations were.¹²⁴ The Bulgarian deputies, too, adopted a more or less common attitude with respect to their demands, despite their more violent fractional disputes. They all demanded that the principle of status quo should be abolished at once. The deputies from Bulgarian community were also more prone to refer to the natural rights brought about by the constitution, namely, freedom of confession, and this was what they expected government to provide. On the other hand, deputies from Greek community adopted the strategy of taking the side of the Ottoman state to convince it to suppress the Exarchate in favor of the authority of the Patriarchate. Instead of referring to the constitutional rights, the Greek-origin deputies referred to Ottoman history and the decrees of Fatih Sultan Mehmet to evoke the history of the

124 Hacısalihioğlu relates a vast literature confirming the uncompromising nationalisms of Greek deputies, see his *Jön Türkler Ve Makedonya Sorunu*, 284 and note 201. However, beyond nationalistic enthusiasm, the homogeneity of their attitudes is disputable. For example, when sixteen Rum deputies founded an unofficial Rum group under the leadership of Aristidis Paşa toward the end of the year 1910, teight Greek deputies remained outside. In addition, with respect to other parliamentary issues, Greek deputies' attitudes were bifurcated between the CUP and the liberals. Katerina Boura, "II. Meşrutiyet Döneminde Mebus Seçimleri, Rum Mebuslar (1908-1918)," *Toplumsal Tarih*, no. 56 (August 1998). 24-25; and by the same historian, "The Greek Millet in the Turkish Politics: Greeks in the Ottoman Parliament (1908-1918)," in *Ottoman Greeks in the Age of Nationalism: Politics, Economy and Society in the Nineteenth Century*, ed. by Dimitri Gondicas and Charles Issawi (New Jersey: The Darwin Press, INC., 1999), 197-201.

Ottoman-Greek alliance. For the deputies of the Hellenist network, the key to the solution of the problem was strengthening the Ottoman state in the region, and they attributed no crucial role to constitutional organs. Finally, both communities as well as Muslim deputies demanded a reformation in the middle-ranked officials in Rumelia region. In their rhetoric, the deputies of both the Greek and the Bulgarian communities were Ottomanist and proposed strengthening Ottoman unity vis-à-vis the threat posed by brigandage. However, they proposed realization of their own political agendas revolving around churches issue as a precondition to achieve this unity.

However, the address of these demands seemed obscure. There were considerable divergences in the ranks of the regime, too. While the representative of the government, a powerful figure like Hilmi Pasha, cast responsibility on parliament, CUP deputies tended to call on the executive organ to take action. Hüseyin Hilmi Pasha maintained the position of Hamidian era to defensively accord with international balance. On the other hand, the reconstruction of Ottoman sovereignty in Rumelia did not bring about an alliance of the Hellenist and the CUP networks, because the CUP members recalled Hellenist ambitions in Rumelia to underscore their mistrust with regard to such approaches.¹²⁵

The overall course and conclusion of the debate showed that any side of the Rumelian conflict did not give up their pre-revolutionary positions and imported their agendas to parliament instead. In this very first critical issue the Ottoman parliament, as the main organ of the constitutional regime could not perform any function other than being a forum.

Undoubtedly, this “forum” and the progress of the debate were under focus of public and of other contemporaneous actors. The envoy of France in İzmir, without hesitation stated in a report to the ambassador of France that

125 This tension rose from the general Greek political attitude toward the new regime. Hacısalihoglu mentions that the Rums advocated for the *ancien régime*, triggering tension between them and the CUP. Hacısalihoglu, *Jön Türkler Ve Makedonya Sorunu*, 292. However, this picture merely reflects the “high politics,” i.e. to the Ottoman parliament, and in public opinion one could see different Greek Ottomanisms existed, which sought different paths to follow in the constitutional regime: Kechriotis, “Greek-Orthodox, Ottoman Greeks or Just Greeks?”

the inflammatory debates in parliament over the Macedonian issue demonstrated the desperate situation of the parliament, which had turned into a scene of “irreducible animosities.” Accordingly, considering that “the deputies of the elements were so disparate and so hostile to one other,” agreement seemed impossible. For the French envoy, the fact that the debate ended in such a regrettable, “grotesque” way proved the government’s incapability of developing a solution. It contributed to a loss of credibility of the new regime whose “power of sovereignty” was confined to a parliament that was “so divided, and heterogeneous.” Citing examples of cases of ethnoreligious violence, he predicted that the parties to these tensions would soon led a “search for or creation of a new power capable to assuring peace and maintaining the union of Turkey.”¹²⁶

As can be seen, the legal reforms of 1909 would be an initiative of this kind, an attempt to realize Hüseyin Hilmi Paşa's solution to the churches issue or Abdullah Azmi Efendi's proposal of an exceptional regime in *Rumeli*.

§ 3.3 Incorporation through Popular Mobilization

On the other hand, it will be inadequate to investigate the interaction between various political factions only within the limits of the parliament. Along with parliament, there were certain other channels of interaction between various ethnoreligious and political networks under the new regime. These channels were constituted of common political mobilizations, the creation of new platforms to promote the “Ottomanness,” and the integration of actors in school and brigandage networks into the local Ottoman administration.

Indeed, unlike the gradual, deeper interactions in parliament mass mobilizations around certain agendas became the visible aspects of Ottoman unity from the start of the revolution. In the first year of the Constitutional era, despite hesitation and suspicion concerning the new regime, different networks acted in common for particular agendas. The boycott of Austro-Hungary was one widespread pro-Ottoman action that attracted considerable segments of

126 AMAE, Turquie: Politique Intérieure, “Consulat Général de France à Smyrne” 9 February 1909.

these communities. Non-Muslim communities participated in the boycott to certain degrees and in some cases organized common, public meetings to manage the course of the activities. The CUP branch in Thessaloniki organized a public meeting declaring the end of the boycott, at which speeches in Turkish, Albanian, Greek, and Bulgarian were given.¹²⁷ Similarly, when the local branch of the CUP in Thessaloniki organized a protest against the declaration of independence by the Principality of Bulgaria, nearly ten thousand people gathered to protest the Sofia government. Apparently, the local CUP network, which organized the protest, paid particular attention that the demonstration reflect the ideology of *ittihad-ı anasır* and ensured that speeches were made in different languages of communities in the empire. The Turkish speech was made by Rahmi Bey, the CUP member from Thessaloniki and deputy in the Chamber; the Greek speech was made by certain Risos; and the Bulgarian speech was by Svetoslav Dobrev, the Manastir delegate of the Constitutional Clubs in Thessaloniki. The Romanian was made by Georgi Chunga, the Hebrew one by Kazes Efendi, and lastly, a French speech was given by a certain Bessaria. Mr. Dobrev's speech which aroused the most enthusiasm since it fervently accused the principality of usurpation of and sedition against the Constitutional regime.¹²⁸ However, the culmination of such mobilizations was the foundation of the Army of Action (*Hareket Ordusu*), a volunteer army to suppress the anti-CUP and anti-Constitutional 31 March uprising in Istanbul. In the case of the Army of Action, CUP leaders in Thessaloniki called all political groups to arms to defend the Kanun-ı Esasi. Christians and Jews in Rumelia, and above all the Sandanskists, responded immediately and played a role in retaking Istanbul from the counter-revolution. It was a truly Ottomanist coalition, which included almost all the *komitacı* groups along with leaders of the CUP and prominent army officers.¹²⁹ At a

127 Doğan Çetinkaya, *1908 Osmanlı Boykotu*, (İstanbul: İletişim Yayınları, 2014), 170; the writer emphasises that the CUP dominated these actions. Also see *ibid.*, 222. Especially the Albanians, feeling the threat of the Austro-Hungarian Empire were a solid ally at this early date. Clayer, "Le temps de la liberté," 273.

128 "Miting v Solun," *Nov Vek*, no. 1365, 3/16 October 1908, p. 3.

129 Hacısalihoğlu, *Jön Türkler Ve Makedonya Sorunu*, 296.

certain point in the course of events, even associations in Istanbul formed a common central delegation in support of constitutional rights.¹³⁰ These examples of mobilization, — particularly the suppression of the 31 March — were markers of loyalty to the constitutional regime. For instance, in 1910, amidst operations implementing the law on brigandage, local Greek authorities sought to prove the loyalty of prosecuted Greek notables by referring to their participation in the Army of Action.¹³¹

Secondly, as an alternative to the individual networks of separate communities, a superior delegation that unified elements (*İttihad-ı Anasır-ı Osmani Heyeti*), was founded on the initiative of the CUP. The date of the establishment of this initiative was well-thought out: 10 Temmuz 1325 (23 July 1909), the first anniversary of the revolution.¹³² According to Article 2 of its charter, the goal of the delegation was to work for the homeland (*vatan*) regardless of denomination (*mezheb*), political party (*fırka*), ethnicity (*kavmiyet*), personality (*şahsiyet*), or race (*cinsiyet*) (article 2). The delegation positioned itself outside the sphere of politics except for the matters of justice, equality, and liberty, values which, according to the charter, would serve the unification (*vahdet*) of Ottomans. The delegation was thought to operate as a civil pressure group: The fifth article of the charter defined its mission to expose in the press any individual from any “element” who attempted to violate the principles of justice (*adalet*), equality (*musavat*), and fraternity (*uhuvvet*). If necessary, governmental officials would be notified about the person in question.¹³³ The delegation also undertook cultural tasks. It envisaged a scope of activity in support of education, founding schools and improving culture and even industry and commerce. A remarkable point was its classification of members. As specified in the Article 12, the ordinary members (*aza-yı tabiiyye*) of the delegation

130 The delegation in Istanbul consisted of representatives of the CUP, Liberal Party (*Fırka-i Ah-rar*), Dashnaktsutiun, Hellenic Political Society, Democratic Party (*Fırka-i İbad*), Albanian *Başkim* Club, Kürd Taavün, Çerkes Taavün, Bulgarian Clubs, Graduates of *Mülkiye*, and the Association of Ottoman Medicine School; see Ahmet Bedevi Kuran, *Osmanlı İmparator-luğunda İnkılâp Hareketleri ve Mili Mücadele* (İstanbul: Türkiye İş Bankası Kültür Yayınları, 2010), 517.

131 See Chapter 4.

132 *İttihad-ı Anasır-ı Osmaniyye Heyeti Nizamnamesi* (Konstantiniyye: Matbaa-i Ebuziyya, 1328).

133 *Ibid.*, 4.

would consist of deputies i) chosen by the leaders of the *millet*s recognized by the government ii) sent by the leaders of community organizations or clubs of the *anasır* which did not have a confessional organization (*teşkilat-ı ruhaniye*), and iii) chosen by four or five notables from those elements without a club. On that basis, the board of the delegation was comprised of the following: Three Turks, four Rum Orthodox, one *Rum Melkit*, two Armenian Catholics, one Armenian, one Albanian, one Bulgarian, two Latins, one Chaldean, one Circissian, one Assyrian Orthodox (*Süryani Kadim*), one Assyrian Catholic, one protestant, and two Jews.¹³⁴ The delegation was designed as a council that was superior to the clubs, and in the case a member resigned from a club, the membership in the delegation would also be annulled.¹³⁵

Though the organization was not an official institution exemplifying state formation, it was still a legal entity, had governmental support, and reflected the mindset revolving around the quests for an Ottoman identity. Thus, it is interesting to see how an organization expected to embody the *ittihad-ı anasır* ideal classified the identities of its members. Apparently, the charter envisaged an initiative above identifications of any kind. The *ittihad-ı anasır* was neither a combination of confessional or secular authorities; the charter identified its members on different criteria — sometimes very particular denominational (Assyrian Catholic or Orthodox), or ethnic (as was the case in *Türk*, *Çerkez*, or *Arnavud*) characteristics. Additionally, the charter paid no attention to institutional cadres, levelling the old and new institutions, as well as non-institutional bodies. It did not give priority to the age-old institutions of *millet*s, and the clubs of the new regime, as well as other community organizations and even notables all had a vote in the organizational structure.

Although the activities of the delegation need further research, there are traces of an identical initiative with the same people pursuing the exact goals of the charter in certain centers of the Empire. According to available documents, the delegation sought to establish private schools for girls and boys in

134 Article 12, *ibid.*, 6. Other classes of members — such as elected members, complementary members, assistant members, and honorary members — would be determined by this superior delegation; *ibid.* 6-8.

135 Article 41, *ibid.*, 16.

Istanbul, and it succeeded in Haydarpaşa. In the first application to obtain the hostel for the *muhacirin* on behalf of the school, the Council of Ministers — the top executive body — responded that it was consecrated to students of the Veterinary School. The demand was then transmitted to the Ministry of War.¹³⁶ Apparently, the school was established in the training center of the army, but on 7 November 1911, in the early days of the Said Pasha government, the military demanded the building back, perhaps due to the extraordinary conditions of the Italian-Ottoman War.¹³⁷ Likewise, the building of a CUP club in Kasımpaşa was transformed into a school of *ittihad-ı anasır*, on the application of Hacı Salih Efendi, a civil servant in the Beyoğlu Post Office.¹³⁸ In August 1910, the Sofia press reported on the establishment of an *İttihad-ı Anasır* school in Serres.¹³⁹ Soon, the Sublime Porte would receive news that the Serres village headsmen of Bulgarians, Vlach, and Muslim populations along with municipal administrators were satisfied with the initiative.¹⁴⁰ In September 1911, the delegation was honored by a special invitation of the sultan in appreciation of their patriotic (*vatanperverane*) efforts.¹⁴¹

The observations of the French envoy in Skopje on the Democratic Clubs, evaluated them in the scope of “efforts of unifying the races.” From the point of view of the report, these clubs were promoted by the CUP and the government “in order to melt all nationalities into a single one, the Ottoman.” To include Christians, the clubs adopted an enhanced liberal program, promising the freedom to use one’s mother tongue, the separation of church and state, and an entente between the Ottoman Empire and the Balkan states.¹⁴² In fact, these were probably the branches of the Ottoman Democratic Party (*Fırka-i İbad*), which held a line between the Liberal Party and the CUP. Led by İbrahim Temo, the founder of the CUP, the party had a certain resonance with

136 BOA., BEO., 3703/277690, 1 Şubat 325 (14 February 1910).

137 BOA., DH. İD., 19-1/63, 25 Teşrin-i Evvel 327 (07 November 1911).

138 BOA., İ. MF. 16/16, 20 Haziran 326 (03 July 1910).

139 *Rech*, no. 1078, 18 Avgust 1910, p. 3.

140 BOA., MF. MKT., 1161/21, 9 Eylül 326 (22 September 1910);

141 BOA., BEO., 3921/294018, 5 Eylül 327 (18 September 1911).

142 AMAE, Turquie, 196, supplement X, “Le Vice-Consul de France à Uskub”, no 1, 5 January 1910.

the revolutionary party.¹⁴³ Although the envoy seems to share a vague impression about the relation of the Democratic Clubs with the CUP with local sources, the report remarkably reflects the stance of certain Christians vis-à-vis efforts at *ittihad* in the local sphere. According to the report which was written in January 1910, the local Christian population transferred their suspicion of the CUP and the government to these clubs, despite the Democratic Clubs adopted a liberal understanding and were independent of the CUP. Even the admission of certain Bulgarian directors did not create much positive impression. Evidently, concerns about the upcoming operations following the law on brigandage overwhelmed attempts at unification.¹⁴⁴

Thirdly, the integration of the actors of school and brigandage networks into various lower posts in local administration constituted an important part attempt to incorporate these revolutionary cadres to the new regime. In fact, Hüseyin Hilmi Paşa's clear objection in the parliamentary debates to Yorgos Boussios, who complained about the policy of keeping non-Muslims out of the administration in Rumelia, implied that such an integration process was ongoing in the region.¹⁴⁵ On the other hand, the debate suggested the vague character of this strategy, too, because it was uncertain to what degree these posts had a formal or informal character. Indeed, our case study of the scope of the law on brigandage suggests that these actors were left in a precarious position.

The initiative emanated from the government, and in January 1909 the Ministry of the Interior conveyed its proposal to eliminate the political menace posed by Bulgarian schools. In the statement, it was clearly argued that teachers in Bulgarian schools in Rumelia had served as agents of partisan groups. If they were to be directly put on the government's salary, they would

143 İbrahim Temo envisaged a party independent of the CUP which he alleged had abandoned its founding principles, but he was ready to collaborate with it in any case, see Gökhan Kaya, *II. Meşrutiyet Dönemi'nin Demokratları: Osmanlı Demokrat Fırkası (Fırka-i İbad)* (İstanbul: İletişim Yayınları, 2011), 111. The party planned to form a club network, see *ibid.*, 118-120.

144 AMAE, Turquie, 196, supplement X, "Le Vice-Consul de France à Uskub," no 1, 5 January 1910.

145 MMZC, Term 1, Year 1, Volume 1, Session 21, 19 Kanun-1 Sani 1324 (01 February 1909), 410-414.

probably refuse to serve the agitators. The Council of Ministers deemed the proposal appropriate both in terms of preventing intrigues and in terms of regulating education policy, and it initially ordered that the teachers of more than twenty schools would receive their salaries from the central budget of the Ministry of Education.¹⁴⁶

Indeed, in the heat of the revolution, the measure was taken to admit brigands to certain civil offices at the local level. The governor of Thessaloniki noted that after giving a statement that they would give up *komitacı* activity, such people were employed as commune directors (*nahiye müdürü*), in the police or gendarmerie, or as members of the court.¹⁴⁷ On the other hand, as a remarkable practice, these figures were included in the educational system as school inspectors or school directors, too.¹⁴⁸ Within this concession, the government established a special connection with Sandanski and decided to pay him. Correspondence from March 1909 shows that the Ministry of the Interior deemed it appropriate to seek the loyalty of the leader bandits (*rüesa-yı eşkiya*) who chose to keep their distance from Sofia, and it thus ordered Sandanski and Chernopeev be paid eight hundred *kuruş* starting that month.¹⁴⁹ This collaboration with the regime would be the basis of later accusations against Sandanski.

Indeed, there were certain complaints of favoritism with respect to Sandanski, which led to an investigation of the government. The response of the governor of Thessaloniki to the allegations that he behaved non-Sandanskists as traitors, suggests much about the character of relations. In his reply, the governor definitively denied claims that he considered Bulgarians not belonging to the Sandanski Party as traitors. On the contrary, he added, they paid particular attention to act cautiously with respect to these points. For example, governor İbrahim continued, some members of the Sandanski Party in Serres were appointed as commune directors (*nahiye müdürleri*) and made use of

146 BOA., MV., 124/70, 20 Muharrem 327 (11 February 1909).

147 BOA., BEO., 3779/283412, 6 Teşrin-i Sani 326 (19 November 1910).

148 BOA., DH. MUİ. 34-1/68, dispatch of *Vali İbrahim*, 8 Teşrin-i Sani 325 (21 November 1909).

149 BOA., TFR.I.MKM., 34/3370, 15 Mart 325 (28 March 1909). There are also other orders to pay Sandanski, BOA., DH. MUİ., 13/1, 27 Eylül 325 (10 October 1909).

their position as civil officials to propagandize for their own party. Upon learning this information, the governor of Thessaloniki immediately went to Serres in person and summoned the pro-Sandanski civil officials to warn them about their duties and responsibilities. İbrahim Bey told that the rumors may be the product of the *Verkhovist* faction which had become desperate given the recent campaign of pursuing and banishing the Bulgarian armed bands.¹⁵⁰

We will see certain details on how and on what basis such outlawed personages were employed in these posts in our chapter on the application of the law on brigandage. For now, it should be noted that it was not the type of administrative employment of non-Muslims that Yorgos Boussios or other deputies had demanded. This relationship of the regime with brigand leaders was by no means stable; indeed, it was subject to the fluidity of relations and identifications in the region. The allocations of posts had no formal standards and were not the product of a legal decision. Instead, they were conducted secretly and local administrators and authorities had considerable initiative.¹⁵¹ This suggests that these posts were subject to the disposition of these authorities. This fragility may have prevented further development of reciprocal relations of trust. On the other hand, when the brigandage activity was revived in the region, these informally employed brigands were at the first place to collaborate with the *komitacıs*, as was the case with a member of the gendarmerie — an ex-brigand called Kara Mita — who released a certain convict of brigandage from prison.¹⁵²

§ 3.4 The 1909 Breakthrough: Legislative and Executive Restructuring

As mentioned in the chapter on the discussions in *Meclis-i Mebusân*, the problems in the new regime intensified on four closely interconnected points: I) the status of Greek and Bulgarian churches, ii) the problem of school teachers

150 BOA, DH. MUİ. 34-1/68, “Dahiliye Nezareti: Selanik Vilayetine Şifredir” 21 Teşrin-i Evvel 325 (3 November 1909).

151 See Chapter 4.

152 BOA., BEO., 3779/283412, 6 Teşrin-i Sani 326 (19 November 1910).

for non-Muslim communities, iii) the solution to brigandage activity, and iv) the misdeeds of local bureaucracies.

Approximately one year into the constitutional period, an alarming atmosphere had been produced that became impossible to ignore by summer 1909. Along with the increasing demands to annex Crete to Greece and the after-shock of the independence of Bulgaria, the 31 March counterrevolution and the Adana massacres of Armenians not only proved the fragility of the constitutional regime, but also marked the revival of inter-communal conflicts. This wave of crises cost Sultan Abdülhamid his reign, and he was dethroned by the Army of Action which raided Yıldız Palace. As Sultan Mehmet Reşad ascended to the Ottoman throne, the same Army of Action would take the Ottoman capital under martial law, *idare-i örfiyye*, as a precaution to put aside essential constitutional rights.¹⁵³

Particularly concerning Rumelia, complaints following the revolution gained momentum, and with the stall of parliamentary process due to the 31 March events, pressure to answer these demands fell on the executive organ. In June 1909, the Exarchate wrote directly to the Grand Vizierate instead of through the Ministry of Justice and Religious Denominations complaining about their “Yunan” and Serbian opponents, who targeted the communitarian privileges (*imtiyazat-ı mezhebiyyelerini*), ethnicity (*kavmiyetlerini*) and language (*lisanlarını*) of the Bulgarian Orthodox *millet*. According to the Exarchate, the Bulgarian Orthodox community had hoped and expected with the declaration of the Constitution that these attacks against their ethnos and language would come to an end and that the attackers would be punished. But, the petition continued, “unfortunately” assaults against the “Bulgarian community” had even increased even in comparison with the period of autocracy (*devr-i istibdad*), and Bulgarians were being urged to become Rums. Thus, the Exarchate asked “in the name of Kanun-ı Esasi and for the sake of Ottoman state,” to put an end to these violations.¹⁵⁴

A high level of mistrust and suspicion could be felt everywhere. Around the same time, at the top echelons of government, the Special Council (*Meclis-*

153 See Chapter 4.

154 BOA., BEO., 3582/268612, 8 June 325 (21 June 1909).

i Mahsus) had to respond to rumors and information. According to the rumors reported by the Inspectorate of Rumelia, which had not yet been abolished, the *Yunan* military was to intervene to Crete on 26 June and a general revolt of the *Rum* population was being plotted through *Yunan* consulates and *Rum* religious leaders. In reply to these claims, the central council of the Hüseyin Hilmi Paşa government responded that an intervention of Greece seemed impossible, for the Great Powers (*Düvel-i Muazzama*) were against it. Neither was a general revolt of the *Rum* population reasonable. However, the Special Council took one aspect of the rumors seriously, excepting that the possibility of provocation by Greece could not be excluded. Hence, the Special Council ordered the Inspectorate of Rumelia to warn *Rum* religious leaders (*rüesa-i ruhaniye*) that in the case of action on the part of either local (*yerli*) *Rums* or partisan groups from Greece, martial law (*idare-i örfiyye*) and strict measures would be inevitably declared. In this situation, the role of the *Rum* religious leaders and notables was to inform the government if any sign of revolt occurred in their communities.¹⁵⁵ The suspicions of the Ottoman Greek population, the perception of *Yunans* and *Rums* as the same threat, and the resort to *idare-i örfiyye* foretold the determinants of the process to come.

The dilemma was obvious. The year that had passed with expectations of gradual improvement of the legal framework, gradual closing of the gaps in the Kanun-ı Esasi, along with gradual construction of the parliamentary mechanism, ended with another wave of crisis. A lesson from this experience was the necessity of a rapid solution to the problems. Hence, following the recess of spring 1909, the *Meclis-i Mebusan* became a scene of a legislative process that touched on the most delicate points of the constitutional regime. It was a legal breakthrough starting with amendments in the Kanun-ı Esasi and followed by a series of laws enacted starting from May 1909: Laws on public

155 BOA., BEO., 3594/269479, from *Meclis-i Mahsus* “19 Cemaziyülaher 327 tarihli zabıtname suretidir” (08 July 1909). The rumors and information had come from Thessaloniki: BOA., BEO., 3594/269479, from the *Vali Daniş* “Selanik Vilayetinden Alınan Şifre” 17 Haziran 325 (30 June 1909). In addition, they spread toward Janina in the days that the Special Council was negotiating them: *Ali Rıza* “Yanya Vilayetinden alınan şifre” 26 Haziran 325 (09 July 1909).

gatherings, on the press on strikes, along with laws on associations, churches, schools and brigandage. Each addressed a Gordian knot of the new regime.¹⁵⁶

Before describing the legislative history, it should be noted that the configuration of the executive body underwent important changes after the suppression of the 31 March events. In this period, the executive was not dependent on the relatively passive government of Kamil Paşa, which had tried to manage a soft transition that excluded the CUP as much as possible. Instead, the executive in May 1909 was led by a government with Hüseyin Hilmi Paşa at the helm.¹⁵⁷ But it was not only the reformist *paşa* of the Abdülhamid era who was crucial; the CUP increasingly influenced the bureaucracy and the government. Another important factor was Mahmud Şevket Paşa, the commander of the Army of Action, who had acquired exceptional authority after the victoriously suppressing the 31 March. The Hüseyin Hilmi Paşa government promised to enhance and prolong the *idare-i örfiyye* in Istanbul and Adana giving the military, — which is to say Mahmud Şevket Paşa — a lasting influence in government. Neither Hüseyin Hilmi Paşa nor Mahmud Şevket Paşa were extensions of the CUP; on the contrary, they had considerable points of conflict with the organization. First, involvement of military cadres of the CUP in the civil politics deeply disturbed Mahmud Şevket Paşa.¹⁵⁸ Hence, as legislative actions started in the parliament, these background forces — that of the army and Mahmud Şevket Paşa, the government and Hüseyin Hilmi Paşa, and the CUP network, all of which could be described as a governmental coalition — can be traced.

156 Feroz Ahmad provides the list of these laws and defines this period as “*meşrutî islahat dönemi*” see his *İttihat Ve Terakki*, 80 and 85.

157 For Hüseyin Hilmi Paşa cabinet and its program see İhsan Güneş, *Meşrutiyet’ten Cumhuriyet’e Türkiye’de Hükümetler: Programları Ve Meclisteki Yankıları (1908-1923)*, (İstanbul: Türkiye İş Bankası Yayınları, 2012), 89-104.

158 Ahmad, *İttihat Ve Terakki*, 77-78.

3.4.1 *The 1909 Amendments in the Kanun-ı Esasi and Re-configuration of State Power*

The discussions on the need to amend the Kanun-ı Esasi had been prominent on the agenda since the reestablishment of the Chamber of Deputies. In December 1908, when Albert Vitali Feraci Bey, an independent Istanbul deputy of Jewish origin who was born in Serres, read the motive for a proposal to amend the Kanun-ı Esasi and touched on three points that needed regulation: I) the responsibility of the cabinet to the Chamber of Deputies, ii) the issue of appointments to the Chamber of Notables in conformity with the principle of national sovereignty (*hakimiyet-i milliye*), and iii) the protection of civil rights (*hukuk-u medeniyye*) and liberties against attack.¹⁵⁹ Hence, it was obvious that initial discussions did not confront the authority of the sultan, even as they expanded the authority of the Chamber of Deputies.

The August 1909 amendments to the Kanun-ı Esasi targeted the authority of the sultan vis-à-vis the parliament, which was the heritage of the 1876 period. As opposed to a mentality preserving the superiority of the sultan over parliament — which Abdülhamid had used to eliminate the first constitutional order — the sovereignty of the sultan would now be subject to his devotion to the ideals embodied in the constitutional regime, and as specified in Article 4, the sultan was obliged to repeat an oath in front of the Chamber of Deputies before his ascension to the throne.¹⁶⁰ Furthermore, the sultan was deprived of all political dispositions and practices, too; in these amendments, the responsibilities fell on the cabinet.¹⁶¹

Along with this general framework, the improvement of parliamentary authority could be seen in the details. What the Chamber of Deputies presented to the sultan would no longer be defined as a “draft law” (*kanun layihası*) but as the “law” as such. This meant that parliament was taking the upper hand in

159 *Türk Parlamento Tarihi: Meşrutiyete Geçiş Süreci, I. Ve II. Meşrutiyet*, Vol. 1, ed. İhsan Güneş et al (Ankara: Türkiye Büyük Millet Meclisi Yayınları, 1997), 412. For Feraci (Fraggi) Bey, see Kansu, *1908 Devrimi*, 375.

160 For a comparison of the former and latter versions of the articles, see, *Türk Parlamento Tarih*, 424-450.

161 *Ibid.*, 425.

the legislation and that the only source of the legitimacy of a law was parliament. The approval of the sultan was nearly a procedure in the realization of the law. In the new procedure, the sultan's rejection of a law would only have a delaying effect. Although a new law could be separately proposed by the Chamber of Notables and by the ministers, as well as by the Chamber of Deputies, the latter organ had the ultimate word. Indeed, the authority of the parliament, particularly of the Chamber of Deputies was enhanced in comparison to the executive body, too. With the amendments, the government — that is *Sadrizam* and ministers — would be responsible to the Chamber, instead of to the sultan. The government would answer to the chamber regarding general policies, and the ministers would answer for their individual spheres, and both could be dismissed by a parliamentary interpellation.¹⁶²

On the other hand, in contrast with this picture in which the Chamber of Deputies acquired a superior position vis-à-vis other state organs, there seemed two loopholes through which the executive authority could dominate the state power, including legislation. These were amendments to Articles 36 and 113 of the former Constitution. Both concerned extraordinary situations, and Article 36 in particular stipulated that the government (i.e. the council of ministers), could issue orders with the approval of the sultan in situations where there was no time for the Chamber of Deputies to convene. These orders should not contradict the *Kanun-ı Esasi*, as they possessed the quality and power of law only until their approval in the Chamber. In the amendment, the authority of the Chamber was emphasized in a clause stating that such laws should be presented to the Chamber by the government in the next session.¹⁶³ This allowed the government to promulgate orders having the force of a law, by-passing legislative procedure. Despite the requirement for parliamentary approval, the executive had a vast gap of time in which to enforce these orders bringing about the bylaw (*kanun-ı muvakkat*) regime. We will see the actual functioning of this type of government.

The other problem concerned the *idare-i örfiyye* which permitted the government to declare martial law in places under threat of revolt (*ihtilal*). Martial

162 Shaw, and Shaw *History of the Ottoman Empire*, 284.

163 *Türk Parlamento Tarihi*, 433.

law should be localized, covering only the place of a “potential” revolt and meant the suspension of administrative law and regulations. According to the 1876 Constitution, under martial law, the sultan had the power to ban and expel anyone, whom the police proved guilty of violating public order. The 1909 amendment maintained that the part of the article concerning the authority of the government but removed the sultan’s authority in it along with the punishment of banishment.¹⁶⁴

3.4.2 *The Law on Associations*

The legal extensions of reform in the Kanun-ı Esasi was managed almost simultaneously. A major first step taken was the Law of Associations (*Cemiyetler Kanunu*) enacted on 16 August 1909 (r. 3 Ağustos 1325).¹⁶⁵ The draft of the law was a direct product of the governmental coalition mentioned above. The CUP leader Tal’at Bey initiated the preparation of the law, and Mahmud Şevket Paşa applied pressure to accelerate the enactment. After the considerations of the State Council (*Şura-yı Devlet*), the draft law with 21 articles was presented to the government on 6 May 1909. After certain changes, the government, brought the project to the agenda of the Chamber of Deputies in May 1909.¹⁶⁶

During parliamentary negotiations on the law, the controversial article turned out to be the fourth one, which banned the establishment of associations on an ethnic (*kavmiyet*) or racial (*cinsiyet*) basis, or with names suggesting such a quality. In the first round of negotiations, given ardent opposition of a wider range of deputies — Muslim as well as non-Muslim — the chamber voted to remove the article from the law.¹⁶⁷ It was a crush to the plan of the

164 Ibid., 448. Also see Shaw, and Shaw *History of the Ottoman Empire*, 284.

165 For the text of the law, see *Düstur*, Series 2, Volume 1 (Dersaadet: Matbaa-i Osmaniye, 1329), 604-608.

166 *Türk Parlamento Tarihi*, 456.

167 The Muslim deputies opposing the article included Lütfi Bey, a Dersim deputy, and an ardent opponent of the CUP. His interventions in the article gained the support of Pancho Dorev, the deputy of Manastir affiliated with the Bulgarian Constitutional Clubs; see MMZC, Term 1, Year 1, Volume 4, Session 96, 6 Haziran 1325 (19 June 1909), 473. Another opponent to the

government, as can be understood from the insistence of the Ministry of the Interior, Ferit Paşa, that the article not be removed, even after voting was had ended. But his objections proved to be in vain.¹⁶⁸

In accordance with procedure, after negotiations in the Chamber, the draft of the law was sent to the parliamentary commission, which in turn returned the text in July 1909, with one addition: The controversial Article 4 was again added to the draft.¹⁶⁹ Expectedly, in the next session, tensions rose, with harsh criticism by opposing deputies. Johannes Varteks Efendi openly accused the government of reviving the autocracy. For Pancho Dorev, the intent of the government's re-imposition of this article was to unify elements in an Ottoman identity. But, Dorev continued, unification could be achieved through laws, while the government wanted to achieve this by force and coercion, despite the reassurances of Rahmi Bey, the CUP leader.¹⁷⁰ The CUP and the government apparently took the issue more seriously, and Adil Bey, the advisor of the Ministry of the Interior, intervened in the discussion. For him, unification under the Ottoman identity was inherent in the *Kanun-ı Esasi*, and he expressed his doubts about insistence to establish "political" associations on ethnicity or race.¹⁷¹ He apparently based his argument on Article 120 of the

article was İsmail Mahir Efendi, a CUP deputy who had pledged loyalty to the committee before the revolution. He had a religious background, and stuck with the CUP in the ensuing legislative periods, see *Türk Parlamento Tarihi*, 423. Another opponent was Mustafa Arif, who was the Kırık Kilise deputy of the CUP. He then became independent, as the leader of the *Hizb-i Terakki* group, the liberal faction split from the CUP. For information about Mustafa Arif, see Kansu, *1908 Devrimi*, 373; and *Türk Parlamento Tarihi*, 348

168 MMZC, Term 1, Year 1, Volume 5, Session 101, 13 Haziran 1325 (26 June 1909), 27.

169 The *Kudüs-ü Şerif* independent deputy Sait warned that the reassertion of an article that had already been rejected by the chamber, was illegitimate, so he proposed including the idea of the article in another clause. MMZC, Term 1, Year 1, Volume 5, Session 115, 7 Temmuz 1325 (20 July 1909), 467.

170 For both arguments, see: MMZC, Term 1, Year 1, Volume 5, Session 115, 7 Temmuz 1325 (20 July 1909), 448.

171 MMZC, Term 1, Year 1, Volume 5, Session 115, 7 Temmuz 1325 (20 July 1909), 450.

constitution, which banned associations “that served the aim of politically dividing the Ottoman elements.”¹⁷²

The negotiations continued amidst rising tensions revolving around these positions, and the controversial draft provoked the preparation of many alternative proposals from various deputies. In the end, the head of the chamber put the article to a vote again, and it was accepted ninety votes to sixty-nine.¹⁷³ The minutes of the voting indicate that deputies affiliated with almost any non-Muslim factions in Rumelia voted against the article, while some deputies, such as Pancho Dorev were absent. Particularly in critical places such as Thessaloniki and Manastir, Hellenist and Bulgarist deputies voted in tandem, and remarkably, even Emmanuel Karasu, a Jewish-origin deputy of Thessaloniki and ardent CUP supporter, voted against the motion.¹⁷⁴

As the law passed from the chamber, the CUP enjoyed its wide majority which it ensured as a result of the electoral system. But despite these advantages, the coalition of the CUP, Hüseyin Hilmi Paşa and Mahmud Şevket Paşa managed to pass the draft only in a he second session and with certain defections among the ranks of the CUP. The result was disappointing for certain factions. The law would authorize the closure of many influential organizations such as the Bulgarian Constitutional Clubs, the Dersaadet Bulgarian Constitutional Club, the Başkim Association (of the Albanian network), and the İha el-Arabi.¹⁷⁵

The adoption of the law opened an era of a suspicion of the constitutional regime, for the opposition deemed the law a direct attitude against ethnoreligious activities in the legal domain. As could be seen in the discourse of the Kozan deputy Hamparsum Muradyan Efendi, who was also a member of an Armenian organization, political representatives of various ethnoreligious and political factions considered the Law of Associations to be a of the route

172 Zafer Toprak, “Cemiyetler Kanunu” in *Tanzimattan Cumhuriyete Türkiye Ansiklopedisi*, vol. 1, (İstanbul: İletişim Yayınları, 1983), 206.

173 MMZC, Term 1, Year 1, Volume 5, Session 115, 7 Temmuz 1325 (20 July 1909), 466-468.

174 “Cemiyetler Kanununun 4’üncü Maddesi için İstimat Olunan Reylerin Neticesi” in MMZC, Term 1, Year 1, Volume 5, Session 115, 7 Temmuz 1325 (20 July 1909), 469-470.

175 Toprak, “Cemiyetler Kanunu,” 208.

of the constitutional regime — to foresee whether it went towards the liberty or towards tyranny.¹⁷⁶

The rapid adoption of the law within three months was an alarming development, but the Bulgarian Constitutional Clubs for example found ways to adapt to the situation and continue their activities. In November 1909, in accord with the Law of Associations, the Bulgarian Constitutional Clubs became illegal, and its branches in Manastır and Thessaloniki were closed. In the name of the Bulgarian *millet*, *Andon Kefarof* sent a telegram from Manastır to the Grand Vizierate stating that the Law of Associations violated the freedom of expression and thought, and was contrary to the spirit of the age and the constitution. "In the name of the law," he asked for a reevaluation and the immediate abolition of the related articles.¹⁷⁷ Following public protest near the Bulgarian Church in Manastır, a similar telegram was sent to the Chamber of Deputies. The petition circulated among the Chamber of Deputies, the Ministry of Interior, and the Grand Vizierate, which eventually transferred the problem to local authorities in Manastır and Thessaloniki. The response of the governor of Manastır was in a violent tone, and argued that the problem was not only the Article 4 which prohibited the establishment of associations in the name of races ("*cinsiyet*") and ethnicities ("*kavmiyet*"). The *Vali* of Manastır, Halil Paşa stated that the Law of Associations was accepted and obeyed by every element of Ottoman society (*anasır-ı Osmaniye*) except the "Bulgarians." In accordance with the Article 4, every other element had gradually presented their statutes and internal regulations to the governor, while the Bulgarian Constitutional Club ignored the procedures of the law. They continued with their old names and resisted removing their signboards.¹⁷⁸ On the other hand, in Thessaloniki, the administrators of the Bulgarian Constitutional Club were not so ardent. Instead, in a telegram signed by their famous

176 MMZC, Term 1, İctima Senesi 1, Cilt 4, Celse 1, June 1325, p. 476. For the affiliation of Hamparsum Muradyan to the Armenian organisation, see *Türk Parlamento Tarihi*, 228.

177 BOA., DH. MUİ., 44-01/46, telegram of Andon Kefarof "Makam-ı Cenab-ı Sadrazamiyeye" 8 Teşrin-i Sani 325 (21 November 1909).

178 BOA., DH. MUİ., 44-01/46, Dahiliye Nezareti, "Manastır Vilayetinden Alınan Şifre" signed by Vali Halil, 15 Teşrin-i Sani 325 (28 November 1909).

leader, Toma Karayovov, "in the name of the Central Committee of the Former Bulgarian Constitutional Club," it was demanded that the enforcement of the law should be halted. In the meantime Karayovov himself headed to Istanbul in order to create a new association, named Progress (*Terakki*).¹⁷⁹

3.4.3 *The Law on Churches and Schools*

In parallel with the Law of Associations, the government continued to take legal action, focusing particularly on Rumelia. As *Şeyhülislam* Cemaleddin Efendi mentioned, the CUP was decisive about solving the Macedonian issue after the dethronement of Abdülhamid. The memory of the revolution suggested that as long as the Macedonian problem remained, the weakening of the empire would continue. As a peculiarity of the problem in Rumelia, the laws were strictly connected with each other, and one regulation of a problem required the solution of another. The Law of Associations eliminated nationalistic demands from legal political scene, but the problem of Rumelia remained intact with all its constituents. Since the old regime, ethno-religious political demands had been diffused through non- or semi-political institutions (churches and schools) and even through illegal dynamics (partisan struggle). Declaring these demands illegal was one thing, but pursuing the movements in their traditional channels was another. Besides, as parliamentary sessions on Macedonia along with the demands coming from the region proved, this knot of problems was the source of complaints from non-Muslim factions as well.

What seemed peculiar in this legislative campaign was its way of enactment. The governmental coalition resorted extensively to the method of promulgation through bylaws in accordance with the amendment to Article 36 of the constitution. The objects of the regulations were the three channels related to the Macedonian problem: The churches, the schools, and the brigandage.

179 BOA., DH. MUİ., 44-01/46, telegram from Thessaloniki, signed as *Sabık Bulgar Meşrutiyet Kulüpleri Merkez-i Umumisi Namına Toma Karayovof*, "Dahiliye Nezaret-i Celilesine" 18 Teşrin-i Sani 325 (01 December 1909), and the note of Vali İbrahim of Thessaloniki, "Selanik Vilayetinden alınan şifre" 21 Teşrin-i Sani 325 (04 December 1909).

Initially, the three issues were addressed together in a package of laws, but then the *Çeteler Kanunu* was separated. Following a preparation phase starting in April 1909, and after the considerations of the State Council, Hüseyin Hilmi Paşa sent the draft law draft to the Chamber in July 1909. Eventually the draft law was taken to the parliamentary commission and was negotiated in the chamber in the middle of August 1909, just before the end of the legislative term.¹⁸⁰

However, the project caused fierce disputes between deputies with Hellenist and Macedonia-Bulgarist affiliations. While the deputies from Hellenist network openly reacted to the law, representatives of the Ottoman Bulgarian community urged that the law be enforced as soon as possible. Had of the details of the draft law, the main problem for the Hellenic circle was the abolition of the principle of status quo. Thus the mentality of the draft law was alarming for the Hellenic deputies. In general, the draft stipulated the distribution of the existing churches according to the declarations of the inhabitants of a village, thus granting the criterion of self-identification.¹⁸¹ Obviously, this meant a decrease in the sphere of influence of the Greek Patriarchate and legitimized prospective, inevitable advances on the Exarchist side. In accordance with the stance laid out in the first session on the Macedonian issue, Rum deputies demanded the preservation of the principle of status quo and tried to suspend of the process of enacting the law, unlike the Bulgarists who ardently supported it. In the session on 17 August 1909, it was revealed that Rum deputies had not attended the meetings of the parliamentary commission working on the draft law. An essential argument of the Hellenist deputies was that little

180 Hale Şıvgın, "Kiliseler Ve Mektepler Kanunu," *Türk Dünyası Araştırmaları*, 148 (February 2004), 136.

181 The first form of this criterium was defined in the parliamentary commission as follows "İkinci Madde: Bir karye veya kasabada, umumiyetle Patrikhaneye ve Eksarhaneye mensubiyet beyan eden ahalinin istimal etmekte oldukları kilise ve mektepler o tarafa ait addolunarak yedlerinde ibka olunacaktır." (Second Article: The churches and schools of a given village or town will be considered to be belong to the Exarchate or the Patriarchate according to the declaration of the majority of its inhabitants.) MMZC, Term 1, Year 1, Cilt 6 Session 138, 06 Ağustos 1325 (19 August 1909), 559-560.

time remained until the end of the legislative year; such a law needed meticulous study and should not be dealt with hastily. For Pancho Dorev, on the other hand, the significance of the law required its rapid adoption.¹⁸² Meanwhile, the Grand Vizierate received letters from various regions of Rumelia protesting the recess of parliament before enacting the law, in coherence with Exarchist demands.¹⁸³ On 19 August 1909, the draft law was introduced in the agenda of the Chamber, and amid reciprocal accusations by Hellenist and Bulgarist deputies, only the first two articles were negotiated and accepted before the end of the legislative term. However, Halil Bey's proposal, a prominent CUP figure and deputy of Menteşe, was important in that it formulated a common ground for both sides, a proposal which was originally negotiated in the parliamentary commission.¹⁸⁴ Halil Bey formulated a proposal that in villages and communes, the churches would be distributed according to the self-identification of the majority, and for the minority, the government would either build a church or provide financial aid to build it. This was principle of "guarding the rights of the minority and validating the decision of the majority." This proposal drew applauses in the chamber, and was accepted by voting.¹⁸⁵

Despite this common ground, the confrontations over the law draft did not cease. The fact that negotiation of the law was suspended due to the recess created an atmosphere of uncertainty and constituted a motive for public reactions and mobilization. After all, it was tactically reasonable to gain ground in the field before the negotiations began.

182 For the debate, see MMZC, Term 1, Year 1, Cilt 6, Session 136, 04 Ağustos 1325 (17 August 1909), 498-500.

183 The letters were sent from Yenice, Thessaloniki, and Avrethisarı; see MMZC, Term 1, Year 1, Cilt 6 Session 138, 06 Ağustos 1325 (19 August 1909), 549.

184 See the intervention of Nurettin Paşa, the Minister of Justice, MMZC, Term 1, Year 1, Cilt 6 Session 138, 06 Ağustos 1325 (19 August 1909), 564.

185 See the intervention of Halil Bey, the Menteşe deputy, MMZC, Term 1, Year 1, Cilt 6 Session 138, 06 Ağustos 1325 (19 August 1909), 585. The principle was regulated in the Articles 4 and 5 of the ultimate text of the law, see "Rumelide Kain Münazzaa-i fih Kiliseler ve Mektebler Hakkında Kanun, 20 Haziran 1326" Düstur, Series 2, Volume 2 (Dersaadet: Matbaa-i Osmaniye, 1330), 431-433.

The characteristic of the Law on Churches created the perception that the government favored the Exarchists over the Patriarchists, contrasting the pre-revolutionary alliance between the Hamidian regime and the Hellenist network. As a clear manifestation of this opinion, the Patriarchate, in the midst of the debates over the churches and schools, published a statement complaining that “whenever a conflict occurred between the Rums and Bulgarians, the Sublime Porte made decisions so as to flatter its Bulgarian subjects.”¹⁸⁶

The revival of the Crete problem and the political rise of Venizelos, who did not hide his pan-Hellenistic ambitions, in the Kingdom of Greece nourished this perception, which had some merit. After all, in summer 1909, the reports on the “nationalist” enthusiasm of the local Greek population in light of events in Crete were not easy for the Patriarchists to explain away under the title Ottomanism. The scene on Thasos island near Thessaloniki was showing that Hellenist mobilization among the public was directed by school teachers: At the administrative center of Thasos, the gendarmerie of Thessaloniki was alarmed to see celebrations in a Rum school. On their day of exams, Rum pupils in the school wore shirts depicting the Greek (*Yunan*) national flag, and after their exam, they chanted songs of Greek brigands. As celebrations spread to the pier, the slogan — “The day we all waited for has arrived!” — was heard. The celebrations did not end with this manifestation of Greek national sentiments: The next evening, students of the school were lined up as two in front carried the Greek national flag. The scene was photographed by the school teacher, a certain Aristidis, who led the pupils. Although not explicitly mentioned, the events were triggered on the occasions of Easter and Pentecost; since the Ottoman report mentions that in Easter days, people in villages also raised the Kingdom of Greece’s national flag, which would later be seized by intervening Ottoman officials.

The report describing the “*Taşoz vak’ası*” by the gendarmerie of Thessaloniki of the Rumelia concluded that these acts can only be interpreted as an “intrigue” (*fesad*). It complained that no action was taken against the perpetrator, in this case, the teacher of the students. According to the inspector, the

186 “Makedonya Kiliseleri Hakkında Rum Patrikhanesinin Ceride-i Resmîyesinde Görülen Takririn Suret-i Tercümesidir” *Tanin*, no. 361, 12 Ağustos 325 (3 September 1909), p. 3.

activities of *Rum* teachers, priests, and notables had long since passed beyond the reasonable limits and had reached a point of secretly demanding annexation to Greece. The document did not mention the events in Crete, but argued that unless measures were taken, these sentiments would spread to mainland coastal areas.¹⁸⁷ In the face of these precautions, security reinforcements were sent to the island and according to the advice of the office of the *Sadrizam*, the *Rums* of Taşoz were to be warned that they were "Ottomans" and they should beware of behavior that did not fit with this character.¹⁸⁸

On the other hand, the suspension of the legislative process relatively favored the Patriarchists, for the government ordered the preservation of the principle of status quo until the law was enacted. Upon making this statement, then Grand Vizier Hüseyin Hilmi summoned a delegation from the Patriarchate and guaranteed that the clauses recently accepted by the *Meclis-i Mebusan* would not be applied immediately. Remarkably, Hüseyin Hilmi Paşa alluded to the right of *Rum* representatives to apply to the Government. In reply to their complaints about continuous harassment by the local administrations targeting the "privileges" of the Patriarchate, he reminded them that Ottoman Greeks had the age-old right to apply to the central government whenever their rights were violated by local authorities.¹⁸⁹ Hüseyin Hilmi Paşa's attitude contrasted with the local developments of which the Patriarchate complained. More importantly, the reference to the Ottoman tradition of administration suggested that a member of the governmental coalition wished to preserve a traditional institution, namely the Patriarchate, for negotiating with the Ottoman Greeks. He intended to prevent a possible rupture with methods resembling the Hamidian era. But it would soon be evident that the Patriarchate itself would not tolerate this legal attempt to its school network and traditional institutions.

187 BOA, BEO., 3601 270024, "Rumeli Vilayet-i Şâhânesi Müfettişliği; Selânik Jandarma Kumandanlığınının 25 Haziran 1325 tarihli tezkeresinin suretidir."

188 BOA, BEO., 3601 270024, "Dar-üs-Sadâret Mektûbî Kalemi: Rumeli Müfettişliğinden huzuru sâmi sadâretpenâhiye mevrud olan şifre telgrafnâmeve cevabdır"; and "Sadrazam Mektûbî Kalemi: Rumeli müfettişliğine cevab," 4 Temmuz 1325/28 Cemaziyülahir 1327 (17 June 1909).

189 "Patrikhane Hey'eti Ve Sadrazam," *Tanin*, 3 Eylül 325, no 374 (16 September 1909), p.3.

In Autumn 1909, the government received alarming news of cases of inter-communitarian violence and attempts to take over churches in Edirne, Manastir, and Thessaloniki. The governors demanded that due to the escalation of violence, the law should be enacted as soon as the chamber reopened. An interesting correspondence in this context shows how the local and central decisions of the constitutional regime carried even in matters that were thought to be clear. According to information of the governor of Manastir, Halil Bey, after the revolution, the Bulgarian population of the village of Kirlina broke into a church that had been closed since 1903 following the attempts of conquests by the Exarchists. Upon notification the *Rum* community, the governor again closed the church, in accordance with the principle of status quo. However, amid all events, the Ministry of the Interior ordered the governor to reopen the church to the Exarchist community. For the Ministry, this action was in accord with the status quo, for the Bulgarian community had been practicing in the church for one year. The situation became even more remarkable considering the response of the governor, who did not heed the Ministry and — due to the reaction from the Rum community — closed the church until the enactment of the law.¹⁹⁰

This by-passing of the central government's order is by no means an exception, as we will see in the following chapters that focus on local scenes. However, the severity of the intercommunal confrontation rendered such local practices ineffective. While the governor of Manastir deemed it more appropriate to stick with the status quo to appease Patriarchist complaints, the Patriarchate itself chose to pressure the government. From the perspective of the Rum Patriarchate, "Bulgarians" had been grasping (*zabt edilmekde*) and resorting to unlawful means to capture *Rum* institutions, not only after 1903, but since the establishment of the Bulgarian Exarchate. Hence, the status quo to be restored should be dated to the Imperial Decree of the Exarchate. In other words, the maximal demand of the Patriarchate directly targeted the foundations of the Bulgarian ecclesiastical authority. Meanwhile, unsurprisingly, the Bulgarian Exarchate was complaining about the policies of local authorities, who arbitrarily denied its "privileges" as an equal to the Patriarchate.

190 BOA. DH. SYS. 29-1/1-6 cited in Şıvgın, "Kiliseler Ve Mektepler Kanunu," 139.

According to the complaint since the time Bulgarian schools adopted an educational program based on their own language and considered the status of their schools as equivalent to those of the Rum Patriarchate, local administrators had attempted to prevent their efforts. Thus, the Exarchate demanded a clarification with regard to the addressees and criteria in the issue of churches and schools. The Council of Ministers negotiated these separate demands in the same session, considering them as the same problem, and şt responded that a parliamentary process was underway for a law concerning the rights of the Bulgarian and Rum communities, along with the prohibition of brigandage (*çetelerin men'i*), and that these complaints should be addressed by the draft.¹⁹¹

Despite warnings about the urgency of enacting the law, parliamentary negotiations only resumed in March 1910, and the law was accepted on 3 July 1910.¹⁹² The law drew the ire of the Rum community, which responded with a series of public mobilizations. Hale Şıvğın looking at forty-one documents, estimates that within just the month of July, the Rums organized more than twenty protests in almost every center of Rumelia. In the meantime, the Bulgarian communities sent telegrams to thank for the promulgation of the law.¹⁹³

3.4.4 *The Introduction of the Law on Brigandage in Relation to the Issue of Churches and Schools*

Although the general picture suggests a course of events favoring the Exarchist camp, the reality was much more complex. It was true that the Law on Churches and Schools, by its nature of eliminating the principle of status quo, affected the position of the Patriarchate, regardless of how fairly it was regulated. But a wider overview of the process shows that on the other side of the coin, certain decisions of the government radically hit the Bulgarianists, too. Particularly the a struggle with brigandage in Rumelia, which was put on the agenda simultaneous with the issue of churches and schools, had the potential to target the institutional network of the Bulgarianist camp.

191 BOA., MV., 124/81, 27 Muharrem 327 (18 February 1909).

192 Düstur, Series 2, Volume 2, 431.

193 Şıvğın, "Kiliseler Ve Mektepler Kanunu," 144.

Indeed, in the midst of tensions in Autumn 1909, the Ministry of the Interior — under the influence of the CUP — took an interesting step that would draw reaction of the Bulgarists. In a public statement made on 12 September 1909, the Ministry of the Interior noted that the government had prepared two laws, — the Law on Churches and the Law on Brigandage — in order to resolve the conflict between Bulgarists and Hellenists in Macedonia. However, only three articles of the former were accepted; the chamber did not even find time to negotiate the law draft on brigandage. This deadlock led to public discussion of whether the government would take up the responsibility to enforce these laws, to which Tal'at Bey, the Minister of Interior responded “We will immediately apply the Law on Brigandage, but we will wait for the chamber to complete the procedure concerning the Law on Churches.”¹⁹⁴ Hence, for a long, critical period until the summer of 1910, relations in Rumelia were conducted under the political aura determined by a bylaw, which framed the problems within the sphere of local conflicts.¹⁹⁵

No sooner had the Ministry of the Interior declared its position, local administrations started to enforce the law. Particularly concerning the Bulgarian community, the Law on Brigandage was used as a tool to administer the churches and schools issue. The first step of the government was to put teachers suspected or claimed to be working with partisan brigands under surveillance. Along with such surveillance, the policy allowed the arrest and rapid deportation of teachers.

In parallel to tensions rising since Autumn 1909, the first complaints and petitions about the immediate application of this order started to arrive at the Sublime Porte. From Manastir to Thessaloniki, the complaints and various rumors triggered an indirect dialog and polemic between the representatives of Bulgarian community and local Ottoman administrators.

In conditions where ex-brigands were more or less legalized, their relationships with schools became more obvious and an easy target for local authorities. In November 1909, in response to a dispatch of the Interior Ministry

194 “Kiliseler ve Çeteler Kanunları,” *Tanin*, no. 370, 30 Ağustos 1325 (12 September 1909), p. 2.

195 For details, see Chapter 4.

asking for an explanation of claims of a purge of Bulgarian *daskals* in the district of Serres, the governor of Thessaloniki, İbrahim Pasha, depicted a similar picture. He replied that his office had no such information, but as a result of investigations, a teacher called Lizar Tomof was discovered to have been a close friend of another teacher who had travelled with the infamous leader of Bulgarian bands, Zankof. Along with other Bulgarian teachers and school inspectors in the Razlık and Cuma-i Bâlâ districts, they were pursued by the Ottoman government and removed from their posts. The governor of Thessaloniki granted that the majority of Ottoman Bulgarians were faithful to the Ottoman state, but that it was essential to pursue and investigate teachers and inspectors engaged in malicious and provocative activities.¹⁹⁶

The governor of Manastır similarly denied the claims, saying that no teachers in Bulgarian schools had been removed from their posts. In fact, he continued, Bulgarian church authorities had removed teachers without intervention from the Ottoman government. And remarkably, the Exarchate removed these teachers from their posts on the grounds that they were affiliated with the *Santralist* faction of the Bulgarian movement. He added that the local government paid particular attention to preserve the sentiments of fraternity (*musavaat*) among the communities of the *Vilayet*.¹⁹⁷

With the implementation of the Law on Brigandage, alliances that established by the constitutional regime began to be questioned and became the object of complaints. This was undoubtedly a reflection of sentiments dominating other segments of the Bulgarian political movement, and it would considerably affect political balances. The local administration's argument against the claims was that it was trying to break the inherited ties among the church, schools and brigands, but this did not appease doubts in Bulgarian public opinion. As the campaign against the connection of guerrilla bands with schools continued, reactions to it increased in scale and multiplied the actors involving in the cases.

196 BOA, DH. MUİ. 34-1 68, "Selanik Valisi İbrahim: Selanik Vilayetinden Alınan Şifredir." 4 Teşrin-i Sani 325 (17 November 1909).

197 BOA, DH. MUİ. 34-1 68, "Manastır Valisi Halil: Manastır Vilayetinden Alınan Şifredir." 4 Teşrin-i Sani 325 (17 November 1909).

For instance, in Skopje (Üsküp), the government resorted to “the mediation of religious authorities, instead of directly addressing teachers.” However, the mediation of religious authorities proved an insufficient and too “traditional” policy, other major actors such as the Serbian government and Austrian nationals teaching at the schools immediately intervened in the event. Along with the Austrian government, the Serbian consul in Skopje objected to the measures of the Ottoman government concerning Serbian teachers, on the grounds that Serbian subjects had the right to engage in any business on Ottoman soil according to the agreements between two states.¹⁹⁸

As for Bulgarian schools, according to the French consul, there were six teachers of Bulgarian nationality in the Exarchist schools in Skopje. As a result of government surveillance of brigandage activities, one escaped and two were arrested for giving speeches supporting Vasiliy, a leader of a Bulgarian partisan group. The court-martial operating under the scope of the Law on Brigandage condemned these two Bulgarians to exile, which left only three Bulgarian teachers to give lessons to secondary students. The French consul concludes by reporting the formation of new guerrilla bands in both Serbia and Bulgaria to interfere in the growing tensions among the “races” of the Empire.¹⁹⁹

3.4.5 *The 1910 Executive Attempt: The End of the Revolution?*

Before elaborating on the enforcement of the 1909 legal breakthrough, we should mention the foundation of the İbrahim Hakkı Pasha cabinet, which occupied a critical place in the era. The cabinet of Hakkı Pasha represented the en point in the configuration of the central state apparatus. It assumed the role of a reformist government, and in the history of the early constitutional era the cabinet of Hakkı Pasha achieved a relative internal coherence and harmony. Accordingly, it undertook the task of the execution of the 1909 legislative breakthrough.

The Hakkı Paşa cabinet was a product of the first divergences within the ranks of the CUP. Already heterogeneous, perception of the CUP as a solid

198 AMAE, *Turquie*, 196 supplément X “Le Vice-Consul de France à Uskub” no.1, 5 January 1910.

199 AMAE, *Turquie*, 196 supplément X “Le Vice-Consul de France à Uskub” no.1, 5 January 1910.

and capable organization was deeply damaged after the 31 March uprising. Furthermore, in the course of the legislative breakthrough, divergences within the CUP ranks became even clearer. An economic concession agreement about transportation on the Euphrates and Tigris rivers triggered the disintegration of the Hüseyin Hilmi Paşa cabinet. The British Lynch company would receive the concession, a decision that drew a reaction from certain CUP groups. Although influential figures such as Hüseyin Cahid supported the government's decision, following an interpellation in November 1909 by the CUP deputies in the chamber, Hüseyin Hilmi Paşa was urged to resign.²⁰⁰

On 12 January 1910, the establishment of the cabinet of İbrahim Hakkı Paşa was announced. This new cabinet exhibited a considerable degree of CUP influence, as well-known CUP leaders retained their places in the cabinet. Tal'at Pasha was at the Minister of the Interior and Cavid Bey was Minister of Finance and other posts were occupied by new CUP members. Remarkably, there was only one monarchist in the cabinet, Dimitraki Mavrocordato.²⁰¹ The new administration paid particular attention in its combination, because since the very beginning of his public announcements as the new *Sadrizam*, Hakkı Pasha repeatedly underscored the homogeneity of the new cabinet, by which inconsistencies between parliament, the cabinet and the *Sadrizam* would be overcome.²⁰²

The program of Hakkı Pasha government was constituted of promises that addressed general concerns about the actual state of the constitutional regime, whose shortcomings had become more clear after spring of 1909. In this context, the Hakkı Pasha government aimed to put an end to domestic conflicts, to initiate a judicial reform that would replace the laws of the old regime, to provide a judicial framework that would comply with the constitutional regime, and to establish a balanced budget. As Aykut Kansu put it, "in fact,

200 Ahmad, *İttihat Ve Terakki*, 90-100; and AMAE, *Turquie*, Politique Intérieure, Dossier Général VII, "Le Consul de France à Tripoli de Barbarie" no. 7, 11 January 1910.

201 Kansu, *Politics in Post-Revolutionary Turkey*, 176.

202 AMAE, *Turquie*, Politique Intérieure Dossier Général VII, "Le Charge d'Affaires de France à Constantinople" no. 29, 28 January 1910.

[these were] most of the points advocated by the Unionist leadership.²⁰³ Also, the cabinet emphasized the importance of the division of state powers promising that legal measures the executive would take without parliament would subsequently be presented on the agenda of the Chamber of Deputies.²⁰⁴

Hakkı Pasha's identity and image in the cabinet seemed to reflect his own formation as a professor of law.²⁰⁵ In interviews, he ardently denied claims that he was appointed by an initiative of the CUP declaring that his sole aim was to bring the country back to a regular state. He claimed that his ascendance to the office would mark the end of the revolutionary period and the establishment of a parliamentary regime based on the rule of law. He thus emphasized a prerequisite for establishing a functioning parliamentary regime: The removal of martial law. After all, the administrative regime that gave the power to the army had been adopted as a general method of ruling the country since the Army of Action suppressed the 31 March uprising. This extraordinary way of governing, which obviously did not comply with the promises of the constitution, required military commanders for the administration of the country. The martial law expanded so rapidly that even in some cases, as a report of the French consul stated, the Sublime Porte resorted to the guardianship of the army in order to maintain the public order in the capital.²⁰⁶ In addition to ending martial law, Hakkı Paşa insisted on the legitimacy of the empire, and the necessity of defending its rights in his interviews. Thus, he was explicitly in favor of lifting the capitulations.²⁰⁷

Hakkı Pasha wanted to solve problem with a soft, gradual transition period. Instead of a sudden change which would create an uncontrollable chain

203 Kansu, *Politics in Post-Revolutionary Turkey*, 176-177}

204 For the program, see Güneş, *Meşrutiyet'ten Cumhuriyet'e*, 109-114.

205 İbrahim Hakkı was in the close circle of Münif Pasha during the Abdülhamid era. Münif Pasha organised a small study group, including İbrahim Hakkı, to discuss topics of constitutional law in the *Mekteb-i Mülkiye*. Tarık Zafer Tunaya, *Siyasi Müesseseler Ve Anayasa Hukuku*, 2nd Edition (İstanbul: Sulhi Garan Matbaası Varisleri, 1969), 118.

206 AMAE, Turquie, Politique Intérieure Dossier Général VII, "l'Ambassadeur de France à Constantinople," no. 14, 12 January 1910.

207 AMAE, Turquie, Politique Intérieure Dossier Général VII, "Le Charge d'Affaires de France à Constantinople," no. 29, 28 January 1910.

of problems, he preferred to assimilate the power of the army into normal government. To this end, Hakkı Pasha included the respected commander Mahmud Şevket Pasha in the cabinet as Minister of War. Although Mahmut Şevket Pasha had long refused this offer, he could not resist continuous pressure.²⁰⁸ Thus, the Hakkı Pasha government expressed its confidence that it would create considerable integrity at the highest levels of the state apparatus of the constitutional regime.

§ 3.5 Concluding Remarks

The constitutional revolution emerged from the culmination of tensions in Rumelia. As the Hamidian regime proved more and more inefficient in maintaining the ties and as tax revolts and army mutinies in the empire became widespread, a new generation of political movements from every ethnoreligious group including the leader party of the revolution, the CUP, started consolidating themselves in alliances. Therefore, the constitutional regime was not merely a military imposition from above; it occurred because of popular unrest and a combination of political efforts by various political groups under the leadership of the CUP.

Now that the promulgation of the constitution achieved, an immediate, principal task was to create and refresh ties among various ethnoreligious and political factions under the framework of the *Kanun-ı Esasi*. The highly discredited administrative apparatus of the Hamidian regime would gradually be lifted by purges. A sphere of legitimacy was opened for the actors of political movements in Rumelia, particularly for partisan groups. The electoral process started immediately, drawing these groups into the politics of Istanbul.

A remarkable feature of these early days of the revolution was the CUP's hesitancy to take direct control of the state apparatus. The CUP chose to stay at the distance of the parliament, and to constitute a separate body to be represented in the Chamber of Deputies — a source of the split between the secret

208 AMAE, *Turquie, Politique Intérieure Dossier Général VII*, "l'Ambassadeur de France à Constantinople," no. 14, 12 January 1910.

organization and party until 1911. When a new cabinet was formed, the influence of the CUP was limited, a fact that would even lead to a Grand Vizierate of Kamil Pasha, an ardent CUP opponent. Hence, as the inheritor of the understanding of the constitutional revolutions in the nineteenth century, the CUP left to parliament the task of creating a new sovereignty dependent on constitutional norms.

However, in these days, the indirectness of the CUP's involvement in the politics was to only for the center. At the local scale and in the provinces, on the other hand, the CUP actively engaged in an organizational activity. In Rumelia, through a new cadre of envoys, the CUP infiltrated local power relations and created a network of notables and local bureaucrats, not to mention the mass support it built through certain clubs. Also, the CUP formed a network of publications extending to provincial areas of the Empire, which circulated information between the capital and the provinces; at the center of this network stood *Tanin*. The CUP also created networks and alliances with Christian political groups. The aim was again to strengthen the parliamentary process; when political groups of various communities hesitated to participate in parliamentary process, the CUP leaders actively intervened so as to convince them.

In the aftermath of the revolution, new ties were created through the parliamentary process. Various factions of Christian groups as well as other ethnoreligious communities prepared programs to pursue in parliament. Their emphases varied, though. Particularly related to our subject, the Hellenist network would considerably preserve its unity, and was attentive to preserve the institutional framework they inherited from the *Islahat*. The right-wing Macedonian-Bulgarist movement, organized in Bulgarian Constitutional Clubs, were more prone a territorial segregation and depended on ethnic identity, reflecting their nationalist approach. The Sandanskists were more interested in the abolition of the institutions of the old regime, though they also preserved a notion of federation, but on a geographical basis. Lastly, the CUP declared their "compromise program" which reflected a concessive attitude. The CUP favored promoting popular sovereignty, and hence increasing the initiative of parliament vis-à-vis the sultan. They guaranteed that no "privileges" would taken away and focused on an egalitarian legalism to form an *ittihad-ı*

anasır. As for administration, the crucial issue in providing support for the *anasır* in Rumelia, the CUP admitted the necessity of deconcentration (*tevsii mezuniyet*).

Another tie for the integration of Christian elements into the new regime was the concession of authority — or governmental posts — to the leaders of komitacı movements. However, this policy depended on local authorities rather than a centrally planned decision. Particularly the Sandanskists occupied a considerable number of governmental posts and even ecclesiastical assets in Serres — a policy supervised by the governor İbrahim. An important way of creating new ties was mass mobilization which remained its vivid after the revolution. Indeed, in various centers of Rumelia, one witnessed mass protest particularly against foreign interventions into the constitutional regime. These protests were prominent scenes of the “unity of elements.” In certain cases, Christian factions participating in mass protests with the CUP members and Muslims opposed their co-religionists and national identifications, as was evident in the protests against the declaration of independence by the Principality of Bulgaria. These efforts were followed by the organization of the clubs of *ittihad-ı anasır* on the initiative of the CUP — centers for creating a new culture of cohabitation.

The Chamber of Deputies was formed amid these developments. After an electoral process that was not satisfactory for Christian elements due to its lack of proportion, representatives of various movements were elected to the chamber as deputies. The formation of parliament was a significant development for integration; certain figures, such as Pancho Dorev, were even well-known leaders, or the representatives of illegal movements. As we showed in the early debate over Macedonia, these deputies maintained their position as representatives of their own organizations and continued their respective claims on the problems in the region but reshaped their discourses and arguments in referring to coexistence under Ottoman rule.

On the other hand, the chamber did not give the impression of that compromise or agreement was possible, as no side gave up their position. This was not only political. The confrontation on the Macedonian problem which put the principle of status quo at the center of disputes revealed different versions

of constitutional understanding. The deputies affiliated with Macedonian-Bulgarian network emphasized the natural rights that the Kanun-ı Esasi provided and demanded immediate abolition of principle of status quo to ensure confessional freedom. In this view, as seen in Dalchev, parliament was the source of legitimacy. The Hellenist deputies put forth the discourse of Helleno-Ottomanism and underscored the importance of ensuring Ottoman sovereignty in the region in a way to exclude Exarchist demands. To that end, they even objected the term of Macedonia. Although at the first glance this was expectedly be supported by the CUP or government, the representatives of the CUP did not adopt an embracing stance and noted the role of Greek bands in the chaos. The CUP too emphasized the role of the state authority and particularly of the army in establishing Ottoman sovereignty in the region. Nevertheless, the CUP had considerably divergences with Hüseyin Hilmi Pasha who had a moderate stance in Balkan status quo.

These divergences rendered the chamber as a forum more so than as an active organ of the regime which assumed legislative authority and which would be the melting pot to create an Ottoman nation.

Indeed, by Spring 1909, the scene was deadlocked in both the cabinet and parliament. With the eruption of the events of 31 March, added to the Adana massacres, the CUP again took the initiative to shape the parliamentary system. After the suppression of the 31 March uprising and the dethronement of Abdülhamid, parliament passed a series of laws. With the amendments to the Kanun-ı Esasi, parliament became the sovereign organ of the regime. Laws on associations, churches and schools, and brigandage targeted critical problems inherited by the regime. Particularly in the latter two laws, the CUP adopted a peculiar way of legislating — bypassing the parliament through bylaws. While the churches and school issue was left to further negotiation within the communities, the law on brigandage being enforced at once. The breakthrough of 1909 was expressed in Rumelia foremost by the law on brigandage. The law on brigandage was not merely a counter insurgency, but a rearrangement of local-center relations in an atmosphere where the old regime's institutions — the Rumelia Inspectorate — had been removed. In the next chapter, we will see how this power balance and exceptional regime functioned in the central localities of the revolution in the Ottoman Balkans.

The Legal and Administrative Interaction between Rumelia and İstanbul

In this chapter, we explore the effects of constitutional legislation in Rumelia, both in terms of local and central administrations and in terms of their relation with the Christian actors. In pursuing this goal, we investigate the mechanisms of enactment and enforcement of the law on brigandage to focus on the developments in local centers of revolution in Rumelia, such as Manastir, Thessaloniki, and Serres. After describing tensions in the region, we describe its reflections on the parliament through the memorandums of Macedonian-Bulgaris deputies.

§ 4.1 The Functioning of the Regime in Rumelia: The Martial Law and its Evolution

The Law on Brigandage was particular in terms of its enactment, practice, and evolution. The law was initially enacted as a bylaw (*kanun-ı muvakkat*) — that is, on the initiative of the government by-passing parliamentary procedures. On first view, the act had a constitutional justification, based on the amendment to the Article 36. However, the persistence and practice of the law led to controversies about the essentials of the constitutional regime. A law which seemed to target violations of public order in Rumelia gradually expanded in

geography, creating various bifurcations. Not only regime did the relationship with various communities and political groups deteriorate, but a substantial divergence appeared between the legislative and executive branches, as well as within central and local bureaucracies.

As explained in Chapter I, the Ottoman Rumelia was already governed under an exceptional regime under the General Inspectorate. However, due to the general atmosphere of liberty, this exceptional regime was partially lifted in the period ending in spring 1909. On the other hand, in the constitutional context, the original justification for an exceptional administration was the 31 March events marked by the 31 March Uprising and Adana Massacres which proved the persistence and endurance of counterrevolutionary, anti-constitutional, and anti-CUP currents. After suppressing the 31 March Uprising, Mahmut Şevket Pasha, the general commander of the Army of Action, declared *idare-i örfiyye* — martial law — in Istanbul, including its nearby areas such as the Prince Islands (*Adalar*), Kartal, Gebze, Beykoz, and Çekmece.¹

Although the martial law as a measure was described in the Article 113 of the constitution, the declaration of 1909 was a *fait accompli*, as it bypassed the legal procedure and bureaucratic hierarchy: The demand for martial law should have been stated by the local governor (the *mutasarrıf* or *vali*) by a dispatch to the Ministry of the Interior, which would in turn transmit the demand to the Council of Ministers (*Meclis-i Vükelâ*) or to the Special Council (*Meclis-i Mahsus*). Upon the approval of the latter, the grand vizier would confirm the final decision. Taking advantage of the high prestige of being the commander of the victorious army that had saved the Ottoman capital, Mahmut Şevket Pasha did not see the necessity of this formal procedure which was required by a constitution that had already been desecrated by the 31 March events. Still, the Grand Vizierate wanted to comply with the formal procedures and immediately approved the declaration of Mahmut Şevket Pasha, indicating that the Council of Ministers was already in full agreement with the decision.² Thus, martial law was brought to the agenda of the constitutional regime by ignoring the procedure envisaged by legal regulations.

1 For the text of the declaration of *idare-i örfiyye*: *İkdam*, sayı 5358, 26 Nisan 1909, p. 2.

2 BOA., İ.A.S., 83/3, 12 Nisan 325 / 4 Rebiülaher 327 (25 April 1909).

Martial law was supposed to be an exceptional regime limited in time and region. However, the March events urged the Ottoman authorities to extend the exceptional regime instead of restraining it. The same period witnessed subsequent declarations of martial law. Adana at the southern edge of the Asia Minor was also covered under the *idare-i örfiyye*, after ferocious mass violence against Armenian Christians.³ As urgent measures to control against the violence was undeniably necessary in both cases, martial laws initially did not draw much opposition, despite the violation of formality in their declarations.

However, the exceptional regime would not remain within these initial boundaries, and within months, its geography would be widened. In May 1909, the Special Council of Ministers responded positively to another demand by Mahmut Şevket Pasha expanding the scope of the exceptional regime to peripheral districts of İstanbul — to Şile and its surroundings — assigning additional military forces from the Third Army and the Army of Action for its enforcement.⁴ As for the region of Adana, neighboring Antioch was taken under military jurisdiction in September 1909 as a measure against the risk of spreading social tensions.⁵ Meanwhile, the *idare-i örfiyye* was expanded to other edge of the Rumelia, namely to the province of Kosovo — by the demand of the governor. This time it was as a measure against not an actual but a potential threat.⁶

Expanding with the demands from local administrators, the first wave of *idare-i örfiyye* became a continuous method of administration in the constitutional period, and the exception became the rule. A general view of the con-

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- 3 The decision to put martial law into practice in Adana was approved by the Special Council (*Meclis-i Mahsus*) for immediate implementation, excluding — “for the present” — the sandjak of İçel, into which the upheaval had not reached: BOA., İ.AS., 83/11, “Meclis-i Mahsus” 19 Nisan 325 / 12 Rebiülâher 327 (02 May 1909).
 - 4 BOA., İ.DH., 1474/33, “Meclis-i Mahsus: 2 Mayıs 325 / 26 Rebiülâher 327” (15 May 1909).
 - 5 The demand came from the *mutasarrıf* of Maraş (BOA., BEO., 3548/266063, 20 Nisan 325 (03 May 1909), and was approved by the Prime Ministry. BOA., BEO., 3548/266063, 05 Mayıs 325 (18 May 1909).
 - 6 BOA., DH. MKT., 1301/19, “Meclis-i Mahsus” 12 Ağustos 325 (25 August 1909), and the order of the Grand Vizier on 22 Ağustos 325 (4 September 1909).

stitutional period reveals a striking picture concerning the administrative system of the new regime. In July 1909, the Grand Vizierate approved the decision of the court-martial of Istanbul along with the demand of the Army of Action, ordering a one-year extension to the term of *idare-i örfiyye* in Istanbul.⁷ With this extension, the capital of the constitutional regime would be administered by martial law until the end of the First World War in 1918. The only exception was a short break, when, on 22 July 1912, the government of Gazi Ahmet Muhtar Pasha lifted it. But it would be reinstated within two months due to disturbances after his closure of parliament as well as due to the Balkan Wars.⁸ Governments came and went, and every government promised to lift the *idare-i örfiyye*. The complaints emerging from it were unceasing, but this exceptional administration was frequently carried out in many localities of the empire — especially in Rumelia.

The *idare-i örfiyye* was defined in the constitutional context. The 1876 Constitution determined the justification for martial law in Article 113, authorizing the government to prepare a law to be applied in case of events that put the state in danger and impaired general security.⁹ The *idare-i örfiyye* remained solely as a product of the executive power and was drafted as a decree (*kararname*). The *idare-i örfiyye* was legally defined in a decree dated 24 Ramazan 1294 (2 October 1877), but even before then, it had been in force with the outbreak of the Russo-Ottoman War in 1877. The practice would soon spread throughout the war zone from Rumelia to Eastern Anatolia.¹⁰

By definition, martial law applied a suspension of constitutional rights. By transferring administrative authority to the military, the decree prescribed many measures to obliterate constitutional rights including the domiciliary inviolability, freedom of travel, freedom of association, and freedom of the

7 BOA., BEO., 3612/270876, "Sadrazam Mektubi Kalemî; Dahiliye Nezaret-i Celilesine" 20 Temmuz 1325 (2 August 1909).

8 Osman Köksal, "Osmanlı Devleti'nin Son Dönemlerinde Örfî İdare Uygulaması" <http://www.tarihtarih.com/?Syf=26&Syz=326973>, accessed: 29.04.2015

9 "Kanun-ı Esasî," Düstur, Series 1, Volume 1, 4-20.

10 Osman Köksal, "Osmanlı Devletinde Sıkıyönetim İle İlgili Mevzuat Üzerine Bir Deneme," *OTAM*, no: 12 (2001), 160.

press. Social habits, such as the carrying of weapons were also restricted. The decree clearly stated that “with the declaration of a martial law, other laws and administrative regulations contrary to the articles of the decree are *ad interim* suspended.”¹¹

This special type of government also brought with it a special type of judicial procedure. According to the decree of October 1877, the authority of adjudication in regions under *idare-i örfiyye*, would be transferred to the *Divan-ı Harb*, the courts-martial, which, deferred to the military criminal code and, when necessary, to other civil criminal codes. They had to deal with the following types of cases: “a) with those who were actual perpetrators or collaborators in any crimes and murders which violated the state’s internal and external security; b) and who carried out assassinations of the government officials on duty; c) with those who committed crimes mentioned in the first clause before the declaration of martial law, but had not yet been sentenced; d) with ordinary crimes and murders related to crimes and murders under the jurisdiction of court-martial; e) with all public associations even if they were established before the declaration of martial law f) with those who involved in events that caused the declaration of martial law, even if they reside outside the territory under martial law.”¹²

4.1.1 *A Hybrid Exceptional Regime in the Second Constitutional Period*

Thus, by summer 1909 — that is until the 1909 legislative breakthrough — the constitutional regime had a certain framework of martial law. However, the 1909 breakthrough prompted the emergence of a new type of exceptional regime with a hybrid character. The new regime decided to impose a new regulation, which occupied a more liminal, and obscure place between the normal and exceptional orders, one which would redistribute authority between local and central administrations.

11 Ibid., 162-163.

12 Ibid., 164.

The constitutional revolution started with the abolishment of the ancient regime's exceptional judicial and administrative apparatus that had been designed for Rumelia. In the immediate aftermath of the revolution, the first step was to declare amnesty for those involved in or convicted of banditry in Rumelia.¹³ The next step came on 13 August 1908 when Sultan Abdülhamid approved the bid to abolish exceptional courts in Rumelia, that had been established for the trials of political suspects on the grounds that there was no more need for them.¹⁴ The administrative apparatus in the Ottoman Balkans remained relatively unchanged until the dethronement of Sultan Abdülhamid. As a crucial third step, on 31 August 1909, a special regime was designed by the coalition of Great Powers along with Sultan Abdülhamid, and the General Inspectorate of Rumelia (*Rumeli Umumi Müfettişliği*) was abolished altogether by the decision of the Special Council of Ministers (*Meclis-i Mahsus-u Vükelâ*).¹⁵

However, despite these radical steps at the central level, the abolition of the exceptional regime in Rumelia created a power gap that local initiatives strived to fill. Indeed, the documents from the period preceding the law on brigandage show that local administrators were energetically demanding increases to their sphere of authority using brigandage activity and the necessity of *idare-i örfiyye* as a pretext. On the eve of the 31 March events, on 15 March 1909, a letter signed by fifteen members of the General Council of Manastir (*Manastır Meclis-i Umumisi*), underscored the growing threat of brigandage among various communities (*anasır-ı muhtelif*), demanding an immediate amendment

13 Düstur, Series 2, Volume 1, 3-4.

14 "Ceraim-i siyasiye erbabını mehakeme için vilayat-ı selasede teşkil olunmuş olan mehakim-i fevkaladenin lağvı hakkında irade-i seniyye." Düstur, Series 2, Volume 1, 46. Unlike the *Divan-ı Harb*, which depended on the military, these exceptional courts operated under the Ministry of Justice. The *Rumeli Müfettişliği* had submitted the bid for such a decision; see *ibid.*, 47.

15 After negotiating with Germany, the government first decided to abolish financial commissions; later on, the Russian and Austrian empires accepted the abolition of civil officials in Rumelia. So this was the final decision, ultimately confirming the abolition; see "Rumeli müfettişliğinin ilgasıyla teferruatı hakkında idare-i seniyye; 18 Ağustos 1325/14 Şaban 1327." Düstur, Series 2, Volume 1, 718-719.

to the regulation on the *idare-i örfiyye*. In their letter, they proposed an amendment according to which the council of local authorities would be able to enforce the martial law. In addition, they demanded that four people from among local notables having power and patriotism (*erbab-ı iktidar ve hamiyetden*) should be assigned as members of the court-martial to provide a more “just and rapid” trial. This was an extreme demand that would gather all authority in the local administration; in a manner, this demand was inclined to a mode decentralized administration. The central government rejected it on the grounds that the *idare-i örfiyye* could only be declared by a decision of the state.¹⁶

Hence, the central government was under pressure to formulate a new framework, and soon after the dissolution of the ancient regime’s administrative apparatus, the regime imposed a new exceptional regime in the Ottoman Balkans. The abolition of the General Inspectorate was followed by two decrees that addressed the struggle with brigands in the Empire. On 27 September 1909, a “bylaw on the prohibition of banditry and intrigues in Rumelia” was adopted and subsequently published in the official newspaper — in *Takvim-i Vekayi* — on 2 October.¹⁷ An additional bylaw for the prohibition of brigandage soon followed.¹⁸ As its title indicates, the first law was specific to Rumelia, while the latter addressed ongoing banditry in the vilayet of Aydın.¹⁹ Soon after, these two laws would be consulted.²⁰ It should be noted that these

16 The letter had fifteen signatures, thirteen of which belonged to Muslims; see, BOA., DH. MKT., 2782/103, “Manastır Vilayetinin Meclis-i Umumisi: Dahiliye Nezaret-i Celilesi Cânib-i ‘Alisine” 22 Safer 327 / 1 Mart 325 (15 March 1909), and “Dahiliye Mektubi Kalemi: Manastır Vilayet-i ‘Alisine” 14 Mart 325 (27 March 1909).

17 “Rumeli Şekavet ve Mefessedatın Men’i Kanun-ı muvakkati; 14 Eylül 1325/12 Ramazan 1327” Düstur, Series 2, Volume 1, 757.

18 “Şekavetin men’i ve mütecasirlerinin t’akibi ve te’dibi hakkında Kanun-ı muvakkat 21 Eylül 1325/19 Ramazan 1327” Düstur, Series 2, Volume 1, 767.

19 Sabri Yetkin, *Ege’de Eşkiyalar*, (İstanbul: Tarih Vakfı Yurt Yayınları, 2003), 133-134.

20 Hereafter, the term “Law on Brigandage” designates the bylaw on *Rumeli*. This is in accord with the contemporaneous appellation of the bylaw, which was referred to as the “Çeteler Kanunu.”

new bylaws were not *idare-i örfiyye*, but a separate regulation which relation with *idare-i örfiyye* remained vague for the beginning.

A remarkable point regarding the bylaw on Rumelia, as well as in the general law against brigandage was openness to informality. Article 2 of both bylaws ordered the reestablishment of pursuit battalions (*takip taburları*) designed specifically for the enforcement of this law.²¹ These battalions would consist of troops to be transferred from the regular military as well as of volunteers whose service would be deducted from the duration of their obligatory military service. The participation of volunteers would be encouraged by additional incentives such as material compensations for volunteer's families in case they are killed in action. Irregular elements would be conscripted not only as voluntary fighters but as guides that would dress like the regular military.²² In addition to the *Düstur* — the official book of promulgated laws — the book of regulations kept by the State Council (*Şura-yı Devlet*) reveals the justification for these clauses stating that these volunteers and guides would be chosen from among locals, and from among those who had been victims of armed activity. The authorities were aware that the informal character of such a regulation required explanation, so they justified it by referring to the practices of other states, namely those of Italy.²³

Another aspect of the bylaws that was open to informality was its procedure on informants. The bylaw for Rumelia set forth the conditions for using informants and granted them a degree of immunity by forbidding disclosure

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- 21 It should be noted that the pursuit battalions already occupied a place in the collective memory of Macedonian politics as a heritage of the “old-regime.” Particularly the Bulgarians remembered these military formations from the Ilinden Uprising of 1903. At the time, propaganda bulletins of insurgents were full of news of atrocities committed by the pursuit battalions, and their torture of local civilians. See, for instance, “Les troupes de poursuite dans la region de Monastir,” *Bulletin de l'Autonomie: Journal de l'Organisation Interieure Macédo-Adrinopolitaine*, no. 11, 03 October 1903, p. 1.
- 22 “Rumeli Şekavet ve Mefessedatın men'i Kanun-ı muvakkati; 14 Eylül 1325/12 Ramazan 1327” *Düstur*, Series 2, Volume 1, 757-759.
- 23 The State Council noted that in Italian laws against banditry, “even a whole battalion could be constituted of irregulars, though in practice it never reached to such a degree.” BOA, A.DVNSNZM., 14/36, folio 67.

of their identities, a point which, as we will see below, would be a matter of crisis on the field.²⁴ Remarkably, Part 4 of the bylaw on Rumelia was on the "obligations of villages guardsmen, headmen, and members of the elders' council, as well as of the inhabitants." The law assigned village inhabitants the duty of informing any person actually engaging in brigandage or helping brigands physically or morally. Also villages were responsible for informing any attempt to collect or hide weapons.²⁵ Hence the irregular aspect was the recruitment of locals, either as volunteers or as informants.

An important feature of both brigandage laws was the establishment of their own courts-martial, namely the *Divan-ı Harp-i Örfi*. These courts depended upon the governor who had the authority to determine the region of jurisdiction of the court. The governor could also decide the execution of sentences, except that of death penalty, the execution of which could only be approved by an imperial decree. The courts-martial were not purely constituted of the members of the military. The board of the court had five members, with the chair and two members from military. The other two were assigned by the governor from among local officials of the Ministry of Justice and Religious Denominations. This composition expressed the coalition of military and the judicial bureaucracy acting on the initiative of the governor. The court-martial recognized the right to defense oneself, but appeal of sentence was impossible.²⁶

Although the local organization of the exceptional regime was connected to the governor, the regulations reflected the concern of the central government for keeping ultimate control in its own hands. The use of the army was restricted to extraordinary situations. Typically, in addition to the volunteers described above, pursuit battalions were conscripted among the ranks of the army until the organization of a gendarmerie was completed. Thus, local bu-

24 The identity of the informant would be known to only a few relevant high-ranking officials, and if an official exposed the identity of an informant, he would be dismissed from state service once and for all. "Rumeli Şekavet Kanun-ı Muvakkatı" Düstur, Series 2, Volume 1, 764.

25 Ibid., 761.

26 Articles 36 and 37 in *ibid.*, 765.

reaucracy would constitute an *ad hoc* group that had would have its own incentives and advantages in terms of salary and holidays.²⁷ Remarkably, if the army was called to help defend a village against brigand attack,, the expenses were paid by the local population.²⁸

4.1.2 *An Additional Legal Tool for Rumelia: The Commissions of Inquiry*

Apart from the general bylaw on brigandage, the bylaw on Rumelia included additional institutions that reveal the perception of the Rumelia problem. The law addressing Rumelia was distinctive when compared to the second law which applied to other regions of the empire. The difference between the two was a special commission of inquiry (*istitli'a komisyonlari*) to be operated in Rumelia. In the text of the bylaw on Rumelia, the lawmaker devoted a special chapter for this commission which would be constituted of three local civil and military bureaucrats or officials, who were experienced in coping with armed bands. These three officials accompanied by the commander of local gendarmerie and the director of police, would deal exclusively with this issue and all of them would be subject to the governor.²⁹

At first glance, from a purely legal point of view, these commissions combined the authority to carry out the initial investigation and the decision to arrest or release a subject. However, Article 12, which determines the tasks of the commissions of inquiry, opened the gate for other possible interpretations of the clauses: According to the article, the commission would collect information, and, if necessary, travel around the province to supervise and inspect the operations of the pursuit battalions and the defense of villages. Apart from these tasks, the commissions could provide means to recruit persons to harvest information (*vesâit-i istihbâriye tedârik ve istihdam*), as well as to find people who were eligible to serve as volunteers.³⁰ Moreover, while both laws

27 Ibid., 758.

28 Article 14, in *ibid.*, 760.

29 Ibid., 759.

30 Ibid., 759.

permitted villages to employ village guards (*köy bekçileri*) and acquire weapons for the defense of their residences, in the law for Rumelia, the *istitli'a* commissions would decide on such requests coming from villages.³¹ Such a commission was first proposed in a draft law of General Staff as an organ representing a special channel for information and a separate chain of command from the field to superior local authorities such as the *vali*, *mutasarrıf* and *kaymakam*.³² Thus, the regulation loaded the commission with a considerable number of tasks in the field, including the organization of an intelligence network.

With these characteristics, the regime of the bylaw on brigandage in Rumelia occupied a place between constitutionally-defined martial law and usual constitutional administration.

This peculiar situation was all the more apparent in clauses about the courts-martial. The laws on brigandage did not declare an exceptional regime and they paved the way for constituting courts-martial without the declaration of martial law. As explained in its legal justification which is recorded in the book of regulations of the State Council, the establishment of courts-martial without a declaration of martial law was rationalized as follows:

"Insofar as murders and disorder continue unceasingly in the provinces this article would apply, the government, according to the Kanun-ı Esasi, always has the right to declare martial law in any *kaza* or village within these provinces. However, since full application of the decree of *idare-i örfiyye* might damage the rights of a population that has not involved in the insurgency, it has been considered appropriate to limit the jurisdiction of courts-martial, which will be established separately for the persons involved in provocation and brigandage and thereby preventing the actions of military authorities from affecting the population that is unrelated to the insurgency..."³³

31 Ibid., 760. According to the "General Bylaw on Brigandage," the governor's office would decide. Ibid., 769.

32 BOA, A.DVNSNZM., 14/36, f. 68.

33 BOA, A.DVNSNZM., 14/36, f. 68-69.

Although the justification was based on protecting constitutional rights, that the eclectic regulation permitted selective resort to exceptional methods might be incoherent with the constitutional rule of law. The State Council again found the justification at the international level adding that the same kind of exceptional regime had been applied by the Austrian government in Bosnia and Herzegovina and by the Italians in Naples and Sicily.³⁴

Similar to the Law on Churches and Schools, the enforcement of the by-laws on brigandage came to be questioned by the public on account of their adoption while the Chamber of Deputies was in recess. In the interview to which we referred above, the pro-CUP newspaper *Tanin* asked Tal'at Pasha, the Minister of the Interior, what the government would do concerning these laws, either of which had not yet obtained the full approval of parliament. Tal'at Pasha responded by stating that the bylaw on brigandage would not be enforced at once. According to the minister, the law on churches and schools addressed to a specific dispute. If, according to the minister, the government chose to enforce this bylaw as it was drafted, all the practices according to the law would become inaccurate in case of their amendment in the parliament. That is why the government would have to wait until parliamentary procedure finished. However, the law on brigandage was not of this type, and the government had to take the responsibility of applying it instead of waiting for the approval of parliament.³⁵ Although this argument is not elaborated, the answer suggests that the government saw the law on brigandage as a general issue of the sovereignty of the state. At the end of October 1909 the exceptional regime was put into practice in Rumelia without the confirmation of parliament.³⁶

34 Ibid. Indeed, this kind of an eclectic exceptional administration located somewhere usual administration and martial law can be found in other constitutional regimes, too. In France, for instance, the revolutions of 1848 produced such a type in response to uprisings in the ranks of the regime. The August 1849 law envisaged an *état de siège fictif* which “displaces civil processes only so far as they need be displaced.” See, Max Radin, “Martial Law and the State of Siege,” *California Law Review* 32, no. 6 (September 1942), 640.

35 “Kiliseler ve Çeteler Kanunları: Dâhiliye Nazırı'nın Beyanatı,” *Tanin*, no: 370, 25 Eylül 1325, (12 September 1909), p. 2.

36 “Layihâ-i Kanuniyye,” *İkdam*, no. 5398, 17 Eylül 1325, (30 September 1909), p. 2.

On the other hand, this decision prompted radical opposition in the ranks of the Bulgarist network, propagandas of which now targetted also the constitutional regime itself. In an editorial in *Debyrski Glas*, enforcement of the law on brigandage along with the law on associations, “clearly demonstrated who was targetted by these ‘constitutional’ laws.” “These two laws,” stated the editorial, were “nothing more than a return to the policies of Hilmi Pasha when he was the General Inspector of Macedonia in the old regime.” The two laws were “artificially and deceptively planted into constitutional Turkey” and aimed to “weaken and destroy the Bulgarian element in Macedonia.” In the Hamidian regime, the editorial continued, Hilmi Pasha’s “evil ideas” vis-à-vis the Bulgarian element were only held in check on account of the foreign intervention, while now, the same policies found a better pretext under the etiquette of “constitution.” The editorial underscored that these laws represented the unjust approach of “constitutional Turkey” to its own subjects (*podannitsi*), for enforcement of the law was not directed at Albanian or Turkish brigandage, but only at the destruction of the Bulgarian element, along with its intellectual capacity. Thus, the Bulgarian newspaper not only viewed it as a physical exclusion of the Bulgarian population, but as a step toward cultural annihilation. The editorial expressed that enforcement of the law put the promises of a just administration of the constitution belief in the fraternity of elements in a radically questionable light.³⁷

4.1.3 *The Echoes of the Bylaw in the Chamber*

When the second year of legislation began, approximately one month passed without the government introduction the bylaw on brigandage to the Chamber of Deputies. The Hellenist deputy of Serfice, Yorgos Boussios, reacted first. In his parliamentary question addressed to the Ministry of the Interior, Yorgos Boussios argued that bypassing the parliament conflicted with the constitutional regime and was unacceptable. For Boussios, the bylaw opened the way for abuses and since its application, it had led to many complaints from among

37 “Zakonyty za Chetity i Zakony za Razbojnichestvoto vy Turtsija,” *Debyrski Glas*, no. 37, 6 Dekemvrii 1909 (19 December 1909), p. 1.

the population. Thus, to make the necessary amendments, Boussios demanded that the law be presented for examination by the chamber as soon as possible. With the support of Asım Bey, the deputy of Mameratülaziz, and Pancho Dorev Efendi, the deputy of Manastir, the question was approved in that parliamentary session.³⁸ A week later, the ministry's response was read in the Chamber of Deputies. The response indicated that, while the law was already in force, the Ministry of Justice and Religious Denominations, the Ministry of the Interior, and the commission preparing the bylaw had made certain amendments to the draft, concerning the authority officers of the Ministry of Justice and Religious Denominations under the exceptional regime. After making the amendments, the text was reportedly sent to the State Council.³⁹ The long, detailed description indicated a distorted process, even in terms of a bylaw: While the bylaw was already in force in Rumelia, the text of law was still being subjected to amendment and negotiated within the ranks of the bureaucracy.

Only at the beginning of January, at the cusp of the resignation of the Hüseyin Hilmi Pasha cabinet, did the government send the text of the law on brigandage to the Chamber of Deputies.⁴⁰ The law included an additional article, but more importantly, envisaged the extension of its application to Western Asia Minor, namely to the *vilayet* of Aydın. Hence, Aydın province was considered within the same scope as the Rumelia.

Upon arrival of the text, the deputies — especially the Bulgarist deputy of Manastir, Pancho Dorev Efendi — were keen to take up the law on the agenda of parliament. However, in the time between the transfer of the law to parliament and its negotiation, Hüseyin Hilmi Pasha government resigned. In this gap, the Macedonian-Bulgarist deputies, Pancho Dorev (Manastir), Christo Dalchev (Serres), Todor Pavlov (Skopje), Dmitar Vlahov (Thessaloniki), and Sava Istojanovich (Pristina) counteracted the bylaw and submitted a proposal to stop or delay its enforcement. They demanded immediate parliamentary negotiations to postpone of “such an unconstitutional law that violated the

38 MMZC, Term 1, Year 2, Volume 1, Session 13, 28 Teşrin-i Sani 1325 (11 December 1909), 244-245. Asım Bey was an independent deputy, see Kansu, 1908 *Devrimi*, 406.

39 MMZC, Term 1, Year 2, Volume 1, Session 16, 5 Kanun-1 Evvel 1325 (18 December 1909), 320.

40 MMZC, Term 1, Year 2, Volume 1, Session 23, 28 Kanun-1 Evvel 1325 (10 January 1910), 475.

sacred right of defense by organizing secret trials, by classifying the identities of informants, with witness statements in the absence of the suspect; that punished innocent relatives of criminals, and even their children who had not yet arrived at their age of puberty; and that transferred suspects to *Divan-ı Harp* courts whose establishment and trial procedures were banned by Article 89 of the Kanun-ı Esasi."⁴¹

Upon this challenge in the chamber, Tal'at Bey demanded a vote to accept the proposal on the agenda of the chamber. Tal'at Bey thus drew a reaction from Christian deputies. Pancho Dorev explained that it was fair to take up the proposal in a time when "even regulations [written] on watermelons are accepted." Remarkably, Christian deputies acted in alliance to press for immediate negotiation of the proposal. However, another remarkable point was that Rahmi Bey, the CUP Thessaloniki deputy agreed with their opposition to Tal'at Bey. After all, Rahmi Bey was leading a local network organizing public protests including Christian political factions.⁴² When the head of the chamber offered to take up negotiations on Saturday, Yorgos Boussios reacted saying that "the prisons are totally full! The Macedonia is in ruins! This matter should be taken up urgently. This proposal is much more important than any other." His reaction was effective and the date of negotiations was changed to 17 January 1910.⁴³

On that day, however, a declaration by the new Sadrazam İbrahim Hakkı Pasha belied all expectations. He stated that parliamentary negotiations on the law on brigandage, along with two other laws, should be delayed until the program of the new cabinet had been declared. This proclamation implied that the new cabinet was withdrawing the law on brigandage from parliament. This step drew the harsh reaction of Christo Dalchev, who emphasized that the law was unconstitutional and should not be enforced. Certain deputies in the chamber opposed Dalchev's informal intervention, but Dalchev energetically continued, changing the target of his criticism to parliament, and told parliament did not even have the authority to support an unconstitutional law. As

41 MMZC, Term 1, Year 2, Volume 1, Session 23, 28 Kanun-1 Evvel 1325 (10 January 1910), 487.

42 See Chapter 3.

43 MMZC, Term 1, Year 2, Volume 1, Session 23, 28 Kanun-1 Evvel 1325 (10 January 1910), 487.

tensions increased, the chairman of the chamber called for a vote on the proposal of the Sadrazam and it was accepted. Thus, parliamentary process on the law was once again interrupted.⁴⁴

4.1.4 *Response of the CUP Press: The View of Hüseyin Cahid*

The parliamentary process that Bulgarist and Hellenist deputies had so enthusiastically urged was blocked, but pressure continued in the public opinion. The bylaw continued to be applied, and by January 1910, the first repercussions appeared in the press — the repercussions which were accompanied by criticisms of the way the law was adopted. Notably, the Hellenists were on the same side as the Macedonian-Bulgarist camp, though two different degrees. The Hellenic journal *Neologos* relayed accounts by Trayan Nali Efendi, the Manastir deputy, according to which 132 Rums, 102 Turks, forty-nine Bulgarians had been arrested. Following the release of certain suspects, seventy-seven Rums, forty Turks, and sixteen Bulgarians were still in prison. *Neologos* added that their aim was not to cast doubt on the fair application of the bylaw, but rather they intended to draw the attention of the government to the fact that the executive had been applying a bylaw for months without the approval of the parliament. For the newspaper, this was inflicted with the Kanun-ı Esasi, and in no countries administered by a constitution would such a "mistake" endure so long. *Neologos* warned that this "mistake" would attract foreign intervention in "our internal affairs."⁴⁵

A counter argument, which was as a direct response to the objections of non-Muslim deputies in the chamber, appeared in *Tanin*. Hüseyin Cahid, the editor-in-chief of *Tanin*, wrote an editorial on law on brigandage that did not share the opinion that parliamentary negotiations had been blocked. He did not see any problem with the enforcement of the law before its approval in parliament; on the contrary, deputies would have the opportunity to consider

44 The other two were a law on the ranks of military doctors, and a law on public loan for Istanbul. MMZC, Term 1, Year 2, Volume 1, Session 26, 4 Kanun-ı Sâni 1325 (17 January 1910), 552.

45 Commentary of *Neologos* cited in "Çeteler Nizamnamesi," *İkdam*, no. 5508, 5 Kanun-ı Sani 1325 (18 January 1910), p. 2.

the issue not only in theoretical terms, but in light of its practical consequences, as "the law has already been in force for a few months."

In response to objections voiced in the parliament, Hüseyin Cahid sought points of compromise, as well. He put the issue of courts-martial which were designed particularly for members of the armed bands, but occasionally also tried non-political crimes. According to the editorial, the enhanced jurisdiction of the courts-martial drew a reaction as their sentences could not be appealed, but the formation of a court-martial system was in fact reasonable. After all, the aim of the law was not to avenge the crimes of bandits, but to preemptively deter and prevent brigandage activity. Therefore, the jurisdiction of the *divan-ı harb-i örfi* which covered the ordinary crimes, perfectly served this aim, unlike the usual courts the processes of which took a long time, and the sentences of which were too light.

The editorial advised considering the courts from this point of view, and emphasized the necessity of defending these courts against defamation in light of potential allegations in Europe that they were mere tools for oppression and persecution. On the contrary, Hüseyin Cahid added, the courts gave suspects the right of their self-defense and assigned them a lawyer during their trial. Now, as the law was taken on the agenda of the Chamber of Deputies after a period of its enforcement, it needed to take another step forward: Trials should be made open to the public. With such an amendment, suspicions regarding these courts would be proven unfounded.

As a second point of public complaints, Hüseyin Cahid favored removing the article on the exile of the families of convicts. The editor-in-chief of *Tanin* stated that the other articles had produced positive results vis-à-vis achieving the goals of the law; the concerned article punishing the innocent children and families of convicts should be annulled.

The third complaint about which Hüseyin Cahid did not even feel the need to argue was the strict and harsh punishments. Such sentences were inevitable for suppressing brigandage activity, and the law had already bought peace to Rumelia. After the law was applied, the situation radically changed in a positive way, and now, even cases of ordinary thievery were becoming rare in the region.

In this positive atmosphere, according to Hüseyin Cahid, the complaints about the law were from the Sofia government. The reason was obvious enough, as "the law was an obstacle to certain ambitions." The author added that domestic objections were coming also from "affiliated circles" that the Ottoman government should not even take into consideration, as "we have the authority to apply any law we wish in our own country."⁴⁶

This idea of moderation and perhaps compromise far from satisfied the concerns that followed the introduction of the law on brigandage. In Skopje, uncertainties about this exceptional administration added to the gap between the representatives of non-Muslim communities and the regime, and tensions among different political factions were reportedly on the increase. The Christian population's main complaint was that since the beginning of the constitutional period, the government had assigned few offices and had given only a moderate role to Christians within the administrative apparatus of the region. This deficiency became more crucial after the introduction of the exceptional regime in which courts-martial and special commissions were constituted only of Muslims.⁴⁷ In other words, the application of the law was considered a challenge to other religious communities and triggered confessional polarization within the region.

On the other hand, unlike the perception that we demonstrated in general terms, the local dimension of the enforcement of the law contained dualities other than security forces versus brigandage, state versus non-Muslim society and the Ottoman state versus Balkan states. As we will observe by focusing on the cradle of the revolution — where the CUP and Macedonian-Bulgarist clubs had considerable influence — the confrontation between law enforcement and nationalist currents went hand in hand with the schisms within the Ottoman administrative apparatus and the CUP.

46 Hüseyin Cahid, "Çeteler Kanunu," *Tanin*, no. 497, 8 Kanun-1 Sani 325 (21 January 1910) p. 1.

47 AMAE, Turquie, 196, supplement X, "Vice-Consul de France à Uskub," no.1, 5 January 1910.

§ 4.2 The Law on Brigandage on the Local Scale: The Case of Jo- vanovich in Manastir

An outbreak of tensions related to enforcement of the Law on Brigandage took place in Manastir — a crucial representative region of Ottoman Rumelia and “the cradle of the revolution.”⁴⁸

As early as the 1860s, long before the Treaty of Berlin, Manastir was faced with a increase of ethnoreligious politics in its social life, and it witnessed the development of intercommunal and intra-communal conflicts. The confrontations revolved around Ottoman authorities, local bishops representing the “Bulgarian awakening,” representatives of the Greek community. New public places such as the Greek Club were determining the political life of the province.⁴⁹

By the beginning of the twentieth century, Macedonian-Bulgarist propaganda had gained considerable support and become diffused in the city. The efforts of teachers as transmitters of Macedonian-Bulgarian identity rapidly transformed into, and consolidated with, the activity of secret committees. Dame Gruev constituted a striking example of this process. This famous figure of the Macedonian-Bulgarist struggle was appointed to Manastir as the school teacher, where he engaged in a political propaganda to gain a social support. His discourse attracted not only ecclesiastical actors, but also segments of the local Bulgarian population who were engaged in small and mid-scale economic activity. Through his efforts and with the support of Bulgarian tradesmen of the province, Manastir became a center of the federalist fraction — and in the constitutional Era, of the Constitutional Club.⁵⁰ Along with the

48 For the history of Manastir as the center of the constitutional revolution, see Bernard Lory, “Manastir / Bitola, Berceau de la Révolution” in *L’ivresse de la liberté. La Révolution de 1908 dans l’Empire Ottoman* (Paris: Peeters, 2012), 241-256.

49 Bernard Lory, *La Ville Balkanissime Bitola (1800-1918)* (Istanbul: ISIS, 2012), especially 236-247.

50 According to the account of Badev, after Dame Gruev was assigned by the Exarchate as a teacher in Manastir, he began organizing his committee in utmost secret, and Bulgarian tradesmen of the town, who were actively struggling for Bulgarian churches and schools at

Macedonian-Bulgarist faction, Albanophone Muslims and Orthodox, Patriarchists, Serbists, Slav-Patriarchists, and Turks, radically influenced the political scene after the foundation of the local CUP organization.⁵¹

By 1908, the center of the province reached 45-50,000 habitants, dominated by Jews, Orthodox Christians (both Patriarchists and Exarchists), along with Muslims, Protestants and Catholics. This complexity was accompanied by a high degree of inter-communitarian violence, which made it the one of the centers of 1903 Bulgarist Uprising. After the uprising, the Vlach and Albanist brigands would partake in political violence.⁵²

Manastir was the center of the constitutional revolution in 1908, which was initiated by the mutiny of Resneli Niyazi, an Ottoman army commander, and member of the CUP who was Albanian in origin. He gathered a considerable force of soldiers, particularly Albanians. Along with Resneli Niyazi, the other "hero of liberty," Enver Bey, claimed to be the founder of the local CUP organization in the province.⁵³

Thus, Manastir was one of the two main centers of the CUP and was as important for other factions.⁵⁴ Various armed group members descended from the mountains and met in the city center to celebrate the proclamation of the revolution. Partisans were welcomed by the governor in the government

the time, paid particular attention to Gruev's propaganda: Jordan Badev, *Dame Gruev: Zhivot i Djelo* (Sofia: Ministerstvo na Narodnoto Prosvjeschenie, 1943), 67.

51 Lory, "Manastir / Bitola, Berceau de la Révolution," 242-243; Nathalie Clayer presents a detailed picture of Albanism in Manastir, particularly for the Constitutional era, see her, *Aux Origines du Nationalisme Albanais*, 617; for the place of Manastir in the overall organizational scheme of the pre-revolutionary CUP (thence *Terakki Ve İttihad*, Progress and Unity) Hanioglu, *Preparation For a Revolution*, 143ff.

52 Lory, "Manastir / Bitola, Berceau de la Révolution," 243-246.

53 Among those of other sources, for an epic narration of Niyazi and Enver is in Aydemir, *Makedonya'dan Ortaasya'ya Enver Paşa*, Vol. 1 (İstanbul: Remzi Kitabevi, 1970), 506-512, and Vol. 2, (İstanbul: Remzi Kitabevi, 1971), 32-33.

54 On the eve of the revolution, Niyazi could mobilize 3000 armed men, whereas an article on the Manastir organization of the CUP estimates 500 adherents, Mete Çetık, "İttihat Ve Terakki Manastır Örgütü," *Tarih Ve Toplum*, 138, no.30, (October 1998), 213; also see Lory, *La Ville Balkanissime*, 559.

office, and Niyazi and other leaders negotiated their future relationships. Significantly, the Internal Organization accepted to surrender of its arms, though the distrust of Ottoman authorities on the part of the militants prevented complete disarmament.⁵⁵

Indeed, despite scenes of fraternization, suspicions endured, as was the case in other parts of Rumelia. Particularly, as Lory describes, Bulgarian reaction to the regime was far from uniform. Tradesmen in the Bulgarian community enthusiastically took part in the celebrations, along with both elected and appointed community notables. The clergy, and the administrators of schools and churches had sympathy for the revolution. On the other hand, leaders of the Internal Organization eventually accommodated itself to the new situation.⁵⁶

On the other hand, the new regime first received alarming signals about Bulgarist network in Manastir. The letter of the Bulgarist journalist, Rizov to the chairman of the Chamber of Deputies, Ahmed Rıza, clearly demanded autonomy causing considerable discontent among state cadres. The Bulgarian Commercial Representative presented the letter to the governor of Manastir, Fahri Bey, who, in turn, included it in a general questionnaire to Ahmed Rıza. Fahri Bey stated that the pamphlet conditioned the preservation of the peace of the new regime on the subdivision of Rumelia into autonomous, ethnoreligious regions, and it was being widely distributed by *daskals*, the Bulgarist school teachers, in Manastir's villages. The governor listed various cases of inter-communitarian violence — between Rums and Bulgarians, Muslims and Bulgarians — and asked the chairmen of the chamber if there was any plan to eliminate the threat of brigandage which was on the increase. Ahmed Rıza, adding a note indicating that he agreed with the content of the questionnaire, transferred it to the Third Army Command.⁵⁷ Hence, Manastir was one of the place of origins that created the pretext for the Law on Brigandage.

55 Lory, "Manastir / Bitola, Berceau de la Révolution," 249 and ff.

56 Ibid, 254-255.

57 For the pamphlet, see Nikola Rizoff, *La renaissance de la Turquie. Comment peut-elle se faire? Lettre ouverte à Ahmed Rıza à Constantinople* (Thessaloniki, 1909). Alexandr Vezenkov underscores the Ottomanist rhetoric of this pamphlet, although Ottoman documents show that

4.2.1 *The Story of Jovanovich: Profile of a School Inspector as an Ex-Brigand*

On 6 December 1909, the office of the governor of Manastir sent a classified message to the Ministry of the Interior indicating that a certain Jovanovich had been murdered by stabbing and his body was left outside in the Bayır neighborhood. After discovery of the body by police patrols, the Ottoman authorities started a wave of operations in Manastir that resulted in the arrest of a certain butcher named Vasil Pofak, along with several Bulgarians, for their involvement in the murder.

Who was Jovanovich and what made this murder so special that the governor felt the need to send a secret dispatch to inform Istanbul about it? As the message reveals, "Jovanovich Efendi" was an inspector of non-Muslim schools. Moreover, he had formerly been appointed as police commissar, but as he had refrained from doing this duty, he started looking for another job, and was assigned to his current post.⁵⁸ However, it was not simply a matter of the assassination of an ordinary non-Muslim Ottoman official. In fact, before the constitutional revolution, Jovo Jovanovich had been a well-known Bulgarian *komitacı* among the Macedonian-Bulgarist guerrilla bands. He participated as an independent volunteer in the Ilinden Uprising in the ranks of Gyorche Petrov, and was acquainted with Bulgarian revolutionary circles in Manastir from then on.⁵⁹ Thus, Ottoman authorities did not hesitate to open an investigation into this political crime which would be conducted by the institutions of the law on brigandage.

it provoked a disturbance in the new regime: Alexander Vezenkov, "Formulating and Reformulating Ottomanism," 256; for the questionnaire of the *Vali* of Manastir on the pamphlet, see BOA., TFR. İ. AS., 70/6968, 2 Mart 325 (15 March 1909).

58 BOA, DH. MUİ. 46-2/21 From *Vali Halil*, "Manastır Vilayetinden Alınan şifre hasılıdır; 23 Teşrin-i Sâni 325" (06 December 1909).

59 As well as in other sources, personal testimonies can be found in Christo Siljanov, *Osvobodilnite Borbi na Makedonija*, vol. 1: Illindenskoto Vastanie (Sofia: Illindenskata Org., 1933) 319, n.2., and "Revoljusionnata Borba v Bitolskija Okry: Spomeni na Georgi Popchristov," *Materiali za istorijata na Makedonskoto Osvoboditelno Dvizhenie*, Kniga 4, ed. by Lyudmil Christov and Biblioteka Strumski (Sofia: Ilindenska Organizatsija, 2014) 149-150, also accessed as e-book on May 2015 http://macedonia.kroraina.com/gph/gph_24.html.

Being a Macedonian-Bulgarian revolutionary in the old regime and a school inspector after the revolution, Jovanovich was not a simple non-Muslim official, but a type that had been produced by the policies of the constitutional regime.

On 3 January 1910, after Jovanovich's murder, — and in all the heat of the tensions — an article appeared in the Bulgarian journal *Vechernaja Pochta*. The article provides remarkable information on this mysterious character, as well as clues to political life shaped by the intersection of local dynamics and the practices of the constitutional regime, including its bylaws.

The article was titled "On why I killed Jovanovich" and was signed by Georgi Mutchianov with a signature of "Kasapchets." The article started by defining the victim whose murder had "caused a lot of rumors." According to the writer, "three weeks have passed since the assassination of the *hafiyé* — that is of an Ottoman spy. Jovanovich was born in Monte-Negro, but was then expelled from his country and started living in Serbia. However he was later exiled from Serbia too, before settling in the Principality of Bulgaria. It was in "Bulgaria" where this "*avanturier*," — in Mutchianov's terms — established connections and penetrated Bulgarist political organizations.

According to Mutchianov, during his life in Bulgaria, Jovanovich was first *Verkhovist*, then became *santralist*-Sarafivist, and then supported the Gorvanists, Sandaniskists, and federalists. As a federalist, the article continued, he attacked Sandanski with the accusations that he had been bribed by the Bulgarian government.

According to the article, the past of this precarious and unsteady character — who "had no ideals whatsoever in his mind" — crossed with the empire after the declaration of the Kanun-ı Esasi. "As the '*hürriyet*' provided jobs to many of this caliber," Jovanovich chose to quit military activities by adopting the Ottoman nationality. He pretended to follow some courses at the academy "even being unaware even of what the meaning of the word 'academy' was." Mutchianov claimed the only language Jovanovich knew was Serbian, and he was assigned as school inspector without knowing any Turkish. "Now everyone asks: How can a man who does not even know the official language be assigned as a civil servant and become a general inspector? Hellas, the question remains unanswered."

What was the writer's motive for killing Jovanovich? The motives explained in the article reveal the informal political networks around the governors, who possessed considerable authority in the local scale with the law on brigandage. According to him, Mutchianov was an illegal person in the eyes of the Ottoman Empire. Some of his comrades had recommended he contact Jovanovich to mediate an official amnesty. He went to Jovanovich's house, they talked all night, and at last, Jovanovich agreed to do him the favor, but he demanded a payment in advance. Answering that he had no money on him, and would borrow the sum from his comrades, Mutchianov left Jovanovich's house.

Jovanovich then went directly to the governor of Manastir, informing him of the conversation. In Mutchianov's view, the *vali* was wise enough not to reject the offer, as it was an opportunity to harvest another informant. At this point, another character — a close friend of Jovanovich, Manolov — entered the scene. According to the article, Manolov knew every detail of their agreement, and recommended not giving any money to Jovanovich, as Manolov himself could do the same thing for a lesser sum. Manolov also advised Mutchianov to stay away from Jovanovich, as Mutchianov would be betrayed as soon as he paid.

In Mutchianov's account, the murder of Jovanovich was the result of a bargain concerning the issue of churches and schools that came up in their second meeting. After his conversation with Manolov, Mutchianov asked for another meeting with Jovanovich in which Jovo agreed to do the job for Mutchianov, but only in exchange for a political favor: "What I want is that you, using your influence, force the villages of Manastir to expel and purge their instructors, so that I, as the instructor of the state, can replace them. My aim is that no Exarchists remained with different privileges, and that only Turks administrate the country, not any other." This offer to betray his own people was too much for Mutchianov, who wrote, "Jovo was not killed for being a Sandanskist, Montenegrin, or Serbian; he was assassinated for being a mere traitor who was about to betray me personally, too." Mutchianov added that if this explanation did not satisfy the public opinion, he could publish Jovanovich's letters to show the real face of this "patriot." The writer concluded his article by saying

that the Bulgarians currently under arrest were notables who were imprisoned on the special demand of Manolov.⁶⁰

There are insufficient resources to confirm the accuracy of the information given by Mutchianov. However, some assessments can be made with respect to the most plausible parts of the account. To start with the article's striking title, and emphasis at the end make patent its intention to impress upon public opinion and thereby to influence the ongoing legal process. After all, as will be seen, the reaction of the public opinion played an important role in the course of the trial. The reducing the murder to semi-political, personal greed rather than presenting it as a politically organized act of a nationalist, could serve to moderate the initial judgments in the process conducted by the court-martial. Second, the last, "treacherous" proposal attributed to Jovanovich is too perfect to be true as it directly reflected and without diplomatic mediation, the rhetoric of anti-CUP propaganda, to fuel fear of Turkification. Third, the cooptation policy of the constitutional regime vis-à-vis the old secret committee members — which was in accord with the text of the law on brigandage, its tolerance of the irregular organization of locals and with its legitimization of a network of local "volunteers" directly connected to the governor — permitted the establishment of networks including commissioners that mediated between high, local authorities and illegal people as described in the account. However, the information on Jovanovich is not limited with Mutchianov's account — a representation that prompted rival accounts.

4.2.1.1 Jovanovich in the Official Ottoman Correspondence

This account of Mutchianov triggered a struggle over the image of Jovanovich the subtext of which was a struggle over the definition of the murder, whether or not it was political, and whether it should be evaluated in the light of the law on brigandage. A report of the local Ottoman police department addressed to the directorate of the secret intelligence of the Ottoman Empire responded to the claims about Jovanovich and established the official Ottoman position with regard to a variety of problems revolving around the murder.

60 The French translation of the article is in BOA, HR. SFR.04., 843/2.

The secret report of the Ottoman police department defined the event as "undoubtedly a political murder."⁶¹ The report rejected "allegations written in some newspapers by certain suspicious people," insisting with exact language that Jovanovich was not killed because he had betrayed the whole of Bulgarian people, but because he opposed those supporting annexation of Macedonia to Bulgaria. Therefore, the Sofia government also played role in the scheme. As an ardent opponent of annexation, according to the report, Jovanovich became a target of the Sofia government, which administered and financially supported the Bulgarian schools of Macedonia. It was unsurprising that the Sofia government would try to destroy him.

As far information about Jovanovich is concerned, the police report confirmed that he was Montenegrin and an Ottoman subject, and, more importantly, an agent working for the empire.⁶² He had information on the internal relations of Macedonian-Bulgarists supporting annexation, and on the influence of the Sofia government and of Exarchate over these activities. However, as an ardent opponent of these ambitions, his existence became a threat which was another reason for his eventual assassination.⁶³

Combining the information provided in these two contradictory accounts, we see the degree to which the school issue in Macedonia was intermingled with partisan networks. On the local level, posts in which ex-brigands were employed were managed based on favoritism rather than a legally-defined, meritocratic criteria. Indeed, no source indicated that Jovanovich had the formation to merit being the inspector of an educational establishment, but the local administration did not hesitate to employ a spy in such an important post. The Ottoman police report's description of Jovanovich, testified to the

61 BOA, DH. EUM. THR., 106/63, Report signed by Salih Kemal "İstihbarat Müdürü Vekaletine." We learn from the report that Jovanovich had been the target of earlier assassination attempts. One striking was that he was accused of being involved in the murder of Sarafov and he was injured and his face deformed in an attack in Varna. Following these attempts on his life, he had fled to Egypt.

62 The memoirs of Pancho Dorev clarify that Jovanovich was a Montenegrin Bulgarian: Dorev, *Vynashna Politika*, 16.

63 BOA, DH. EUM. THR., 106/63, Report signed by Salih Kemal "İstihbarat Müdürü Vekaletine".

incarnation of the ideal of Ottomanism: As a non-Muslim trying to fight separatism, he became a member of those confessional networks to pursue political surveillance. The rival accounts of Jovanovich presents an interesting example of how the image of “Ottoman patriotism” became a critical area of struggle.

Indeed, the police report deduced political outcomes from this assassination and we see that the Ottoman bureaucracy had already imagined institutional establishments of non-Muslim population in Rumelia as the source of threat. According to the report, the Sofia government did not permit the empire to establish directly connect with Muslim schools built in Bulgaria, even as the Sofia government in an alliance with the Exarchate, was doing its best to protect its influence in Exarchist schools in Macedonia. In this atmosphere, teachers in the schools were placed under suspicion: "There are many Bulgarian secret officers among them." As long as the "policy of Ferdinand" continued, the report stated, the government of Bulgaria would not abandon its ambitions vis-à-vis Macedonia.

The police intelligence report advised turning the spotlight on the Bulgarian school in Thessaloniki and concluded that the actual perpetrators of the murder were among activists affiliated with the "Bulgarian Clubs" in Macedonia.⁶⁴ The Sofia government, the Bulgarian Exarchate, and the Bulgarian Clubs — in short the centers of Bulgarist network, were put at the first place of the threat.

After describing the Jovanovich figure, and thereby depicting the latent problems revealed by his murder, we can advance to the evolution of the investigation and trial process tracing how the exceptional regime in Rumelia functioned and identifying other actors who were included in the story.

4.2.2 *The Investigation*

Following a series of correspondences from the Sublime Porte demanding information from Manastir, the governor of Manastir sent an encrypted tele-

64 BOA, DH. EUM. THR., 106/63, Report signed by Salih Kemal “İstihbarat Müdürü Vekaletine.”

gram to the Ministry of the Interior, summarizing the investigation. In describing the process, the first point to be clarified was that the case was political and that it should be handled in the court-martial. Thus, the governor emphasized that Jovanovich was a member of the Sandanskist faction and that an opposing Bulgarian group that had recently been reorganized to plot and insurgency, led by Doctor Acha Dorev and Pavel Christov, decided to kill him. The assassination was ordered by Acha Dorev and carried out by militants of the secret committee. Five suspects were arrested and two confessed to their involvement in the crime. In governor's view, the development of the assassination had been revealed with satisfactory evidence, among which were notes written by Acha Dorev regarding the approval of the payment and a demand to protect an informant who had fled to Bulgaria. Given this proof of the political character of the assassination, the governor continued, the file had been transferred to the court-martial in accordance with the law on brigandage.

In a closing of his telegram, Vali Halil painted a scene legitimizing that legitimized exceptional measures, one in which pre-revolutionary chaos was on the verge of revival and the general atmosphere of provocation prevailed with the introduction of the law on brigandage. The governor added that his office had received a letter written in Bulgarian — signed by certain Bulgarian fugitives — threatening that if it continued to enforce the law on brigandage, they would be obliged to resort to undesired measures. The governor transferred the letter to the *istith'a* commission, and it was added to the file at the court-martial.⁶⁵

As a result of these findings, Acha Dorev and his companion Pavel Christov were arrested and put in jail. What made things more complicated was the identities of these notable Bulgarian figures. The two leading suspects, Dorev and Christov, were well known for their activism in the Macedonian-Bulgarist cause. They were followers of Dame Gruev in Manastir during the old regime,

65 BOA, DH. MUİ., 46-2/21, "Manastir Vilayetinden 4 Kanun-1 Evvel 325 tarihli şifre telgraf-namenin sureti" (17 December 1909). Apparently, the Bulgarian secret committee leader (*voivods* and *chetnitsi*) of Manastir organized a secret meeting in which they decided to write a joint letter to the governor of Manastir to implore him to stop enforcing the law on brigandage: "Tajno Bulgarsko Sybranie," *Debyrski Glas*, no. 37, 11 Dekemvrii 1909, p. 3.

and Acha Dorev was a member of and accountant for the Manastir revolutionary committee.⁶⁶ But especially Acha Dorev had another significant aspect which was closely related to the constitutional regime, for he was the brother of Pancho Dorev, the Clubist deputy of Manastir.⁶⁷ The exceptional procedure and the local authorities enforcing it, now extended to the heart of the constitutional ideal: To the Chamber of Deputies, and by the same extension, to the center of *ittihad-ı anasır*.

Acha Dorev was a focus point both of the Macedonian Bulgarian political circles, as well as of Ottoman authorities. In his report offended to the telegram, Vali Halil remarked that the basis of the accusation against Acha Dorev was not his direct involvement in the murder, but that he was an important director of the Bulgarian *komita* in Manastir; hence, his efforts were to return the region to its previous situation. According to the governor's statement, Acha Dorev and his companion were working against the law on brigandage and propagating the notion that the law would not destroy armed bands. According to the governor, the ongoing activity signified a comprehensive provocation, not limited to the Jovanovich murder. Increasing the alarm he added that while investigating the case, the Ottoman officials had found out that the same organization was planning another assassination of a priest who had converted from the Bulgarian to the Serbian Church.⁶⁸

With respect to the important personages of Acha and Pavel, an almost "traditional" actor of political crises in the empire reappeared: The Russian envoy in Manastir became involved in the matter. According to the report of the governor, the suspects were panicked about the ongoing investigation before their arrest, and knocked the door of the Russian embassy to seek help. The Russian envoy did not take preemptive action, but following their arrest

66 Dorev, *Vynashna Politika*, 14; Minister of the Interior Tal'at Bey also mentions their affiliation to Gorev BOA, DH. MUI., 46-2/21 "Dahiliye Nezareti'nden Manastır Vilayeti'ne şifre" 5 Kanun-1 Evvel 325 (18 December 1909).

67 Dorev, *Vynashna Politika*, 14; and Jordan Badev, *Dame Grujev: Zhivot i Djelo* (Sofia: Ministerstvo na Narodnoto Prosvjeschenie, 1943) 66; and BOA, DH. MUI. 46-2/21 the encrypted dispatch of *Dahiliye Nazırı* Tal'at to Manastır Vilayeti, 6 Kanun-1 Evvel 325 (19 December 1909).

68 BOA, DH. MUI., 46-2/21, "Dahiliye Nezareti. Manastır Vilayetinden alınan 4 Kanun-1 Evvel 325 tarihli mutasarrıflık ifade sureti" 4 Kanun-1 Evvel 325 (17 December 1909).

and as tensions grew, he paid a secret visit to the office of the governor advising him that it would be more reasonable to release these two infamous *komitacıs* and expel them from the *vilayet* rather than to keep them in prison and let public discontent grow.⁶⁹

The governor reportedly rejected this offer with full confidence in the success of the exceptional practices in Rumelia. On the contrary, as far as this high-level Ottoman bureaucrat was concerned, Acha Dorev's arrest would cause no discontent or agitation among the Bulgarian community in the region; most of the Bulgarian population — who were exposed to the attacks of bandits — were now content, and going about with their daily business.⁷⁰

However, the Bulgarist network in the town was not of the same opinion. The investigation and arrest of Bulgarian notables mobilized a social dynamic that the Clubists had been trying to organize since the early days of movement: The Ottoman Bulgarian tradesmen in Manastir. On 19 December 1909, the Bulgarian tradesmen of Manastir sent an energetic letter to the governor protesting the conduct of authorities during the investigation. For them, there was

69 The attitude of Russian envoys were particularly important in the constitutional era. In the Hamidian era, the behaviors of Russian envoys in Rumelia became a major issue in the overall political scene. A traumatic case was that of Rostovskij. As the Russian envoy in Manastir in 1903, Rostovskij had a furious dispute with an Ottoman soldier and was killed by him. The narratives on the event depict that he had either slapped or whipped the soldier. Tension was increased by the rapid trial and the death punishment of the Ottoman court-martial. The Ottoman soldier along with his friend were executed in a few days following the trial. The case became a symbol of the lack of Ottoman sovereignty in the eyes of Young Turk army officials. "Honor" and "dignity" were the words chosen to describe by an eye-witness of the Rostovskij event: Enver Bey, the future hero of the constitutional revolution. He condemned also the verdict of the court-martial in his memoirs as "shameful." See Şevket Süreyya, *Makedonya'dan Ortaasya'ya Enver Paşa*, vol. 1 (Istanbul: Remzi Kitabevi, 1970), 482; for another memoir relating the same event, Tahsin Uzer, *Makedonya Eşkiyalık Tarihi*, 153. As will be seen in the next chapter on the conscription of Christians, the Russian envoys tend to collaborate with the local Ottoman authorities in Rumelia, in contrast to the memory of the old regime. This change may be viewed in terms of Great Powers' general retreat from their positions after the revolution. See also Chapter 3.

70 BOA, DH. MUI., 46-2/21, "Dahiliye Nezareti. Manastır Vilayetinden alınan 4 Kanun-ı Evvel 325 tarihli mutasarrıflık ifade sureti" 4 Kanun-ı Evvel 325 (17 December 1909).

no evidence to link the murder of this "suspicious" man with the arrested Bulgarian notables who were tortured so that they would confess their involvement. The letter of the Bulgarian tradesmen expressed an argument based on essential, constitutional rights, accusing Ottoman authorities of violating the Kanun-ı Esasi by detaining suspects longer than twenty-four hours. In the letter, an essential and remarkable proposal was to create of an organ to conduct the investigation. They proposed forming a special commission with the participation of their ecclesiastical authorities to reveal the facts of the murder. The Bulgarian tradesmen concluded that current public reaction and agitation would only be resolved by the immediate release of these suspects and by investigating the perpetrators of such an anti-constitutional conduct.⁷¹

Meanwhile the ecclesiastical authority to whom the Bulgarian tradesmen deferred had already intervened in the process. Addressing the central government, the Exarchate wrote a letter to the Grand Vizierate complaining about the investigation as well as the well-being of the suspects in prison. The Exarchate expressed its regret that almost all Bulgarian notables in Manastir were imprisoned, and some were even tortured. Furthermore, the letter compared the victim and the suspects underscoring that Jovanovich had dubious relations with fugitives such as Vasili Kasabche (Kasabchets) as well-known

71 The petition contained the signatures of the kethüdas, the traditional title for the leadership of various trades operating under the guild system. An over view suggests that these tradesmen represented the crucial sectors of the artisanal economy: Kasab esnafı namına kethüdası (in the name of butchers); Meyhaneci Esnafı namına kethüdası (in the name of tavernkeepers); Bulgar bakkal esnafı namına kethüdası (in the name of grocers); kunduracı esnafı namına kethüdası (in the name of shoemakers); Basmacı ve elbise esnafı namına kethüdası (in the name of dyers and clothiers), sebzeçi esnafı namına kethüdası (in the name of green-grocers); camcı esnafı namına kethüdası (in the name of glasswork tradesmen); bakırcı esnafı namına kethüdası (in the name of coppersmiths); paçacı esnafı namına kethüdası (in the name of lamb soup sellers); Manastır ekmekçi esnafı namına kethüdası (in the name of bakers of Manastir); Manastır dülger esnafı namına kethüdası (in the name of carpenters of Manastir); Pamukçu ve terzi esnafı namına kethüdası (in the name of cotton producers and tailors); ırgat esnafı namına kethüdası (in the name of farm laborers); demirci esnafı namına kethüdası (in the name of blacksmiths); hancı esnafı namına kethüdası (in the name of inn-keepers); and dokumacı esnafı namına kethüdası (in the name of weavers). BOA, DH. MUI. 46-2/21 "Dahiliye Nezaret-i Celilesine" 6 Kanun-ı Evvel 325 (19 December 1909).

to the local Ottoman authorities. The Exarchate seemed well-informed of the ongoing investigation, as it added that evidence verifying these claims was found during the search of Jovanovich's house. The letter challenged the logic of the accusations saying "it would contradict common sense to argue that the whole of Bulgarian notables in Manastir plotted and were involved in the murder of a person whose own history consists of numerous crimes and banditry." Resorting to excessive violence against the general Bulgarian population (*umum bulgar*), the letter continued, was inconsistent with constitutional order which was in force. Thus, the Exarchate asked the grand vizier to order the governor of Manastir to stop the ongoing investigation, release the Bulgarian notables, and carry out an impartial investigation in a manner that would not cause discontent.⁷²

4.2.3 *Rivalry between the Central and Local Administrations*

Public reaction driven by the Bulgarist network was effective at the level of central government, and the Sublime Porte took some steps to warn the governor of Manastir. In this correspondence, the divergence and bifurcation between central and local authorities — more specifically between the Minister of the Interior Tal'at Pasha and the governor — became more apparent. Following the first wave of protests by the Bulgarists, Tal'at Bey sent a severely worded dispatch to Vali Halil.

The disturbance Tal'at Bey felt about the tensions was directly reflected in his correspondence, for he reproached the governor that — as the government had already warned — they should not have been employed such a suspicious person as Jovanovich as an inspector, as he had “now become the focal point of severe controversies.”⁷³ This reproach again confirms that the employment of the former brigand members in the official posts could be carried out de-

72 BOA., BEO., 3678/275794, 8 Kanun-1 Evvel 325 (21 December 1909).

73 BOA., DH. MUİ., 46-2/21 the encrypted dispatch of Dahiliye Nazırı Tal'at to Manastir Vilayeti 6 Kanun-1 Evvel 325 (19 December 1909).

spite opposition from the central government. The regulations in Law on Brigandage, which gave the highest local bureaucrats a considerable initiative, did not always produce the administrative coherency that was expected.

Tal'at Bey warned that the continuation of such tensions would not be favorable for public security, so he demanded that the governor make sure that "Acha Efendi" would not be tortured or mistreated in any way.⁷⁴ It was known to Tal'at Bey that before the declaration of the constitution, Acha Dorev and Pavel Christov had engaged in *komita* activities, but following the *hürriyet*, they were permitted to work for the benefit of the state and society. To earn their livelihood, they were also employed in certain governmental posts. So Tal'at Bey was concerned that the delicate balance of "granting certain sphere of influence to these people" would disappear, and that their followers would cause difficulties if these notables were sentenced.

Remarkably, the Minister of the Interior's objections did not remain within the bounds of political reasoning; he also criticized the logic of the investigation. The dispatch from the minister argued that statements by the interrogee who confirmed the involvement of the suspects in the crime and the authenticity of documentary evidences were suspicious, for it was unreasonable to think that a *komita* would work in such a way. Taking all this into consideration, the dispatch concluded that by the next day, preventing the trial of the two notables — Acha Dorev and Pavel Christov — should be negotiated and a response be made.⁷⁵ Thus, the Ministry of the Interior effectively demanded that the governor find a way to exempt at least these two Bulgarian leaders.

However, in his response to the ministry the following day, Vali Halil decidedly maintained his position, and he did so by relying on the enforcement of the law on brigandage. The governor pointed out that the government had ordered the bylaw on brigandage be enforced as an extraordinary procedure

74 BOA., DH. MUI., 46-2/21 the encrypted dispatch of Dahiliye Nazırı Tal'at to Manastır Vilayeti 6 Kanun-1 Evvel 325 (19 December 1909).

75 BOA, DH. MUI. 46-2/21 "Dahiliye Nezareti'nden Manastır Vilayeti'ne şifre" 5 Kanun-1 Evvel 325 (18 December 1909).

to prevent bandits from violating security; and it was natural to apply the articles of the law.⁷⁶ The law was enforced for all armed bands from any community — including Rums or Muslims — but no one from Rum or Muslim community had complained about its application. For him, only Bulgarian illegal committees were resorting to provocation and appeal to foreign consulates to prevent the enforcement of the law. These actions of the Bulgarian committees incited the reaction of and agitation among Muslim and other communities whose former leader now lived in peace after the constitutional revolution. According to the governor's response, the obvious ill-will of the Bulgarian committees had drawn the attention of other communities, which in turn had become the victims of various types of Bulgarian banditry.⁷⁷

Vali Halil, evoking public arguments in favor of the law, said that these measures strictly targeted those engaged in brigandage, so they should not be understood as a measure to destroy the whole of the Bulgarian community. He even engaged in polemic with the central government adding that if any mitigation of the sentences was demanded — that is, in this particular case, if the release and banishment of the convicts were desired — then the government should amend the law accordingly. To the complaints reported by the government, he objected that the legal process was being conducted by the courts-martial and the commissions of inquiry and the interrogations were being conducted by officers of the Ministry of Justice and Religious Denominations, so it would be unjust to blame him personally for problems occurring as a result of their conduct. However, the governor remain indifferent to the warnings of the government and promised to use this authority to open an informal channel with members of the court-martial secretly to determine the necessary way to conduct.

76 BOA, DH. MUİ., 46-2/21, “7 Kanun-1 Evvel 325'e cevab” 9 Kanun-1 Evvel 325 (22 December 1909).

77 In the governor's note the actions of Bulgarist brigandage involved levying taxes from the villagers on behalf of the committee, plotting assassinations of the notables of other communities. One of the latter, as presented above, was organized against a converted Serbian priest, but could not be realized as the militants were arrested.

A post scriptum retaliated against the complaints of the Bulgarists that were reflected by the central government, and put to parliamentary representation of the Bulgarist faction at stake. Governor Halil noted that upon the arrest of his brother, Pancho Dorev sent Acha a telegram stating: "I assure you that those who imprisoned you, will all be punished." Vali Halil concluded that this telegram had affected the officials investigating the murder, so the deputy should be warned immediately.⁷⁸

At this point it is appropriate to focus on a curious aspect revealed through the enforcement of the law on brigandage: The confrontation of the central government and local authorities. What was the extent of this confrontation, to what extent did the central government really influence local processes, and can we plausibly assert that local authorities acquired a *de facto* autonomy?

In addition to the aforementioned correspondence, the testimony of Pancho Dorev himself, which confirmed the efforts of the central government on behalf of the suspects, leaves us little doubt about the real intentions of the government. According to Dorev, at the beginning, Sadrazam Hilmi Pasha sent a secret letter to Manastir by a special courier, namely Bolu deputy and artillery captain Habib Bey, to press upon the court-martial and to provide for the release of at least the leading suspects.⁷⁹ The pressure of Tal'at Bey on the governor was not an individual, equivocal, or diplomatic attempt, but a governmental attitude to compel the actions of local administration. However, these attempts proved in vain in the face of the persistence of the local authority.

4.2.4 *Local Initiative*

Apart from Tal'at Bey at the central level, the circulation of information on the relations in Manastir indicates that the governor at the local level was not alone in his position. Indeed, there was a local network of bureaucrats and the CUP which occupied a core in the matter. The trace of such a network is evident when the Ministry of the Interior demanded that the goverexplain some

78 BOA, DH. MUI., 46-2/21, "7 Kanun-1 Evvel 325'e cevab." 9 Kanun-1 Evvel 325 (22 December 1909).

79 Dorev, *Vyneshna Politika*, 15.

rumors about allegations that he accused the Bulgarian population and Pancho Dorev in a secret interview with some unidentified people. On 2 January, the governor responded through a secret telegram to the Ministry of the Interior that it was a certain Akil who had paid a visit to his office. Akil, whom the vali was meeting for the first time, introduced himself as the correspondent of *Yeni Asır*, and had been writing on the events in Manastir.⁸⁰

According to the account, other officials such as *Kolağası* Niyazi Bey and the general commander of the gendarmerie of the vilayet were in the room during the interview with Akil. He asked about the general situation in Manastir and the effects of the Law on Brigandage. He also asked about the threatening letter he and some foreign consulates had received from the Bulgarian armed bands. Akil's other questions concerned the progress of the Jovanovich case and Pancho Dorev's telegram to his brother while under the arrest by the *istitli'a* commission. According to his dispatch to the Ministry of the Interior, the governor accepted the telegram of Pancho Dorev, but he assured the central government that contrary to allegations, he had not accused all Bulgarian *anasır* of being disloyal to the Ottoman state. The vali concluded that the trial would soon end, and the necessary documents would be given to the press on the order of the *Divan-ı Harp*.⁸¹

Indeed, Niyazi Bey, the hero of revolution, known for his withdrawal from public life in contrast with his comrades, took the initiative in the local scene of the *vilayet*. Remarkably, he allegedly maintained his relations with volunteer groups pursuing the brigands and disarming the villages.⁸² This initiative enflamed suspicions about his possible influence over the process of the court-

80 Apparently Akil was not only a correspondent. According to the dispatch, he came from Thessaloniki, but had been in Manastir for a few months as the teacher in a certain school. The similarity of the name suggests that Akil could be the person who played a role of organizer, and of a press agent of *Yeni Asır* during the mass mobilization in favor of the local bureaucracy during the simultaneous events in Serres, concerning the Leon Ruspert case; see next section in this Chapter.

81 BOA., DH. MÜİ., 46-2/21, telegram signed as "Manastır Valisi Halil. Manastır Vilayetinden Alınan Şifre" 22 Kanun-1 Evvel 325 (02 January 1910).

82 Little is known about Niyazi's activities after the revolution. Although he retreated from the ranks of the army and from active politics, certain accounts including an interview with the

martial. Observers related allegations about a latent initiative manipulating the process against Bulgarist circles. According to the claims, the hand behind the process was *Kolağası* (senior captain) Niyazi Bey, who was a source of fear among Macedonian-Bulgarist circles. According to the allegations, Niyazi Bey, along with high-ranking army officers, was making irrational interventions to deter Bulgarist movements, and was decisively leading the local administration.⁸³

That a CUP leader and a hero of revolution, Niyazi Bey would hamper the authority of another CUP leader, Tal'at Bey, suggest that this divergence was an extension of general schisms within local CUP organizations in Rumelia. Particularly, the CUP organization of Manastir was led by Miralay (*Colonel*) Sadık Bey who had a certain influence over local Albanians and the military. Indeed, he would soon — in 1911 — initiate a radical separation of the CUP in parliament, under the name *Hizb-i Cedid* (The New Faction).⁸⁴

However, ensuing events would show that the tension between the local and central bureaucracies did not cease at this point and were increased during the trial phase.

4.2.5 *The Trial Phase: Competition over the Defense at the Court-martial*

The repeated statements by Ottoman officials emphasized that enough evidence had been collected to legitimize the arrests, which also meant that the authorities needed to complete the investigation phase soon. Indeed, within two weeks, the investigation phase of the case ended.

On 30 December 1909, Acha Dorev presented a petition to the governorate of Manastir stating his decision to assign two lawyers to defend his rights. The

Manastir governor suggest that he did not give up his influence on the local scene. Likewise, according to an homage to Niyazi published in *Tanin*, Sultan Mehmed Reşad was welcomed during his visit to Manastir by Albanian militiamen in their traditional clothes, who were organized by Niyazi. "Niyazi Beyin Şehadeti" *Tanin*, no. 1592, 23 Nisan 1329 (6 May 1913), p. 3.

83 AMAE, Turquie, Politique Etrangère, 196, supplement X, "Le Consul de France à Monastir" no.4, 5 January 1910.

84 Ahmad, *İttihat ve Terakki*, 115.

petition based this decision on Article 37 of the Law on Brigandage which recognized the right to a defense by means of lawyers before the court-martial.⁸⁵ But the Vali of Manastir was of a different opinion. In his classified telegram, which reflected the ideas of court-martial members as well, the governor explained that the aim of Article 37 was to regulate the defense of the suspect during questioning in the presence of the court-martial. Additionally, continued the telegram, Article 32 of the given law prevented ordinary right to a defense. The correspondence drew the attention to Article 32 which stated that any Ottoman official who revealed the identity of those working with the government against the brigands would be permanently dismissed from their government post, and if the disclosure resulted in the assassination of the informant, then the Criminal Code would also be applied.⁸⁶ Consequently, if members of the *Divan-ı Harb* allowed the suspects to retain lawyer, it would give these lawyers access to classified information in the case files. Thus the court-martial board would be responsible for revealing the identity of informants as well as of other secret agents. Thus, as the governor noted, members of the local court-martial had negotiated the demand among themselves and had written to the governor that they would permit Acha Dorev a lawyer only if the government officially declared their exemption from Article 32.⁸⁷

The demand of right to a defense mobilized political activism on the local scene. On 3 January 1910, the Grand Vizierate in Istanbul received a telegram from Manastir bearing the names of four women. The women defined themselves as the sisters (*hemşire*) of certain arrested Bulgarians, but they spoke on behalf of all twenty-seven prisoners. Their demand was again to use the right to retain lawyers in the court-martial with reference to Article 37 of the Law on Brigandage. According to the telegram, they had first presented their application to the board of the *Divan-ı Harb*, but having been rejected, they were

85 “(...) ve Divan-ı Harb huzurunda usûl-ü müdafaa cari olub” *Düstur*, Series 2, Volume 1, 765.

86 “Şayed bu işsaatı yüzünden muhbire suikast edildiği takdirde o memura mecruiyet ve ya vefata sebebiyet vermiş olanlar hakkında ceza kanununda müeyyin olan ceza başkaca icra olunur” *Düstur*, Series 2, Volume 1, 764.

87 BOA, DH. MUİ., 46-2/21, signed by Vali Halil “Manastır Vilayetinden Gelen Şifre” 23 Kanun-1 Evvel 325 (5 January 1910).

conveying their demand directly to the sadrazam and to the Ministry of Justice and Religious Denominations.⁸⁸

This act of thee women was accompanied by continuous pressure from Bulgarian tradesmen. The tradesmen who intervned in the investigation phase continued to closely observe closely the trial, and sent a telegram to the *Vali* of Manastir. They expressed their disappointment that the assassination of Jovanovich had been attributed to a secret Bulgarist organization assuring the governor that after the reestablishment of the Ottoman parliament, no secret Bulgarian secret organization remained in the region. As “tradesmen of Manastir,” they showed utmost effort to inform public opinion and to appease the agitation. Due to these efforts, for the moment it was not easy to provoke the creation of a secret organization. Thus, in order that these efforts remain effective, the tradesmen asked the governor to intervene in the affair and appease the resentment among “honest and innocent Ottoman citizens.”⁸⁹

As was the case with the female relatives of the suspects, representatives of the Bulgarian tradesmen explored every channel including application to the higher authorities such as the Ministry of Justice and Religious Denominations and the Sadrazam. On the fourth of January the Bulgarian tradesmen submitted a petition to the Sadrazam in which, in light of the fact that the court-martial was denying the right to retain lawyers, they presented three main demands: First, the trial and the court’s procedure should not be based on the initial investigation and thus should not progress within the limits drawn in the law; second, permission to retain a lawyer should be granted given that in Thessaloniki such a right was accepted as being within the scope of the exceptional regulation (*kanun-ı mahsusana tevfiikan*); third, the tradesmen demanded that witnesses be brought to the court in person, that the court

88 BOA., DH. MUI., 46-2/21, signed by Pandora, Vasilika, Angelya, Filia, Anastasia, “Manastirdan Sadrazamlığa” 21 Kanun-ı Evvel 325 (03 January 1910); According to the report and translation of the French envoy, a similar telegram from sisters and wives referring to the aforementioned legal frame was sent to the Ministry of Justice; cf. AMAE, Turquie, 196, supplement X, “Annex à la dépêche de Monastir no.1 du 3 January 1910: Télégramme à Son Excellence le Ministre de la Justice à Constantinople.”

89 AMAE, Turquie, 196, supplement X “Traduction: Annex à la dépêche de Monastir no 1 du 3 January 1910, A Son Excellence Halil Bey, Gouverneur Général du Vilayet, Monastir.”

provide the opportunity for face-to-face cross*examination and that it make the trial public.⁹⁰

The second demand concerning practice in Thessaloniki is remarkable as it clearly shows that i) representatives of the Bulgarist network closely followed the enforcement of the law in other centers; ii) the confrontation concerning the enforcement of the Law on Brigandage was not unique to Manastir, but valid in other *vilayets*; and importantly iii) resistance by local authorities to Acha's demand for lawyers was not based on a purely judicial perspective.

Indeed, the problem of lawyers came up as soon as the law on brigandage began to be enforced on the initiative of the government. In early November 1909, authorities in Thessaloniki applied to the government concerning the inconveniences that might occur if lawyers could access secret information. In the case in Thessaloniki, in order to "to prevent accusations before the public opinion," the governor found and proposed Istanbul a middle way, according to which suspects could retain lawyers during their trials but with only limited authority, and without the right to examine all documents. Otherwise, the governor of Thessaloniki maintained, the court-martial would lose its exceptional character.⁹¹ At the time, the Ministry of the Interior and the Ministry of Justice and Religious Denominations negotiated the matter in person and reached a decision. Their response to the governor of Thessaloniki stated that no suspect of the Ottoman state could be deprived of the right to a defense, so

90 The petition was signed by the *kethüdas* in the name of pamukçu esnafı (cotton dealers), yoğurdcu esnafı (yogurt sellers), Pabuççu esnafı (shoemakers), Manastır bakliye esnafı (legumes-sellers of Manastir), meyhaneci esnafı (tavernkeepers), camcı esnafı (glassworkers), dökümcü esnafı (foundry workers), bakırcı esnafı (coppersmiths), bağçıvan esnafı namına (gardeners), demirci esnafı (ironsmiths), kunduracı esnafı (shoemakers), yemişci esnafı (sellers of dried fruits and nuts), etmekci esnafı (bakers), semerci esnafı (saddle sellers), kasab esnafı (butchers), and sebzeçi esnafı (greengrocers): BOA., DH. MÜİ., 46-2/21, "Huzur-u sami sadaretpenahiye" 22 Kanun-1 Evvel 325 (04 January 1910). Ten days earlier, on 23 December 1910, a similar telegram of the tradesmen including the same demands was sent to the Ministry of Justice. It included four points the third and the fourth of which were public trial in the presence of witnesses. AMAE, Turquie, 196, supplement X "Le Consul de France à Monastir" no.4, 5 January 1910.

91 BOA., DH. MÜİ., 34-2/28, Telegram from Thessaloniki, "Selanik Valisinin ifadesidir" n.d.

both the suspect and his lawyers could examine the investigation file at any time. If there was some secret information or informants were revealed in the file, then it would be appropriate to erase the relevant information and names from the text before examination by the defense.⁹²

Taking the Thessaloniki case into consideration, it is plausible to suggest two possibilities concerning the attitude of authorities in Manastir: Either the high-level judicial and administrative bureaucrats of Manastir were ignorant of a crucial judicial practice in the neighboring *vilayet*, or they ignored it in order to hamper the development of a defense in their own case.

Accordingly, the encrypted response of the Ministry of the Interior to Manastir was consistent with its proposal in the Thessaloniki case. On 4 January, the ministry sent a telegram to the governor of Manastir, confirming that according to the law on brigandage, suspects could assign lawyers as was the case in other *vilayets*. Not only that, but the Ministry of the Interior took active measures against the local authorities in Manastir demanding that documents justifying their attitude should be sent to Istanbul within a week.⁹³ This demand meant that, from then on, Istanbul would follow closely the moves of the local administration.

4.2.6 *Reviving Pan-Bulgarian Tendencies*

Meanwhile, reactions spread beyond the borders of the empire. The news from Sofia indicated that discontent in Bulgarist circles in Rumelia was echoed in the Principality of Bulgaria, contributing to the impression of Pan-Bulgarian solidarity.

In Thessaloniki, the local Bulgarist population had already been agitated with the introduction of the laws on associations and on brigandage, and the arrest of Bulgarian notables in Manastir added to their general resentment. Interestingly, reactions in Bulgaria were not only aimed toward the Young Turks, but also toward the brigands of Sandanski that was allegedly working

92 BOA., DH. MUİ., 34-2/28 “Dahiliye Nezareti'nden Selanik Vilayeti'ne şifre” 5 Teşrin-i Sâni 325 (08 November 1909).

93 BOA., DH. MUİ., 46-2/21 “Dahiliye Nezaretinden Manastır Vilayetine Şifre” 22 Kanun-1 Evvel 325 (04 January 1910), and 24 Kanun-1 Evvel 325 (06 January 1910).

to the detriment of the Bulgarian Constitutional Party — that is to say, against the Constitutional Clubs. As the French legation observed, these two parties — the Bulgarian Constitutional Club and the Sandanskists — respectively represented the difference between respecting the legality versus submitting to the new regime in the eyes of the Bulgarians in the Principality.⁹⁴

In the beginning of January, Sofia witnessed a wave of public protests in which almost every Bulgarian political party participated. These denounced the repression of their "brothers in Macedonia." The mobilization was especially effective among university circles which produced certain resolutions:

- 1 "To publicly spread news of the the current situation by every means of propaganda at hand: Press articles, interpellations to the chamber etc."
- 2 "To demand that the Royal Ministry of Foreign Affairs take necessary steps at the level of the Turkish government to end the intolerable situation."

The protests in the principality echoed at the diplomatic level, and General Paprikov, the Royal Minister of Defense of the principality assured the Ottoman envoy in Bulgaria, Asım Bey, that the Bulgarian government was indifferent to the Sofia protests against the situation in Macedonia.⁹⁵

However, public reaction in the principality grew adding new demands at the end of the month. Mainstream and influential newspapers in the principality such as *Rech* and more locally oriented ones like *Dybarski Glas* started to reflect the public agitation revolving around news from Ottoman Rume-
lia.⁹⁶ On 21 January 1910, *Nov Vek*, the organ of the Popular Liberal Party (*Narodno-liberalna partija*) traced the details in a rich issue covering the problems of Macedonian Bulgarians.

94 AMAE, Turquie, 196, supplement X, "Légation de la Publique Française en Bulgaria" 02 January 1910.

95 AMAE, Turquie, 196, supplement X, "Légation de la Publique Française en Bulgaria" 02 January 1910.

96 See *Rech* "Miting v Dobriche" and "Miting Za Makedonija" no. 859, 4 January 1910 (17 January 1910) p. 3 and no: 863 9 Januarii 1910 (22 January 1910) p.3; *Dybarski Glas*, "Dvizhenieto vy Bylgarija po Makedonskija Vypros: 3 Januarii 1910" no. 41, 9 Januarii 1910 (22 January 1910), p. 4.

In its editorial, the newspaper claimed that news from Macedonia was attracting the attention of the European press, and according to a western journal, casualties of among Bulgarian population had reached approximately 1000 due to their systematic suppression. The Bulgarian journal reported that official circles in Istanbul underscored the security guaranteed by the constitution to Christians of the empire, but these appeasements at the top of the political spectrum did not conceal the repressions of the Bulgarian population and tit intelligentsia in the field. As one would expect, the "example" was the events in Manastir, where a court-martial was functioning just like "a court of inquisition" even as state agents committed crimes throughout the region. The editorial emphasized that officers of the court-martial were Young Turk sympathizers seeking to physically and morally suppress the leading personages of Bulgarians for plotting the assassination of Jovanovich. However, the newspaper concluded, the most dangerous was the pacifist attitude of the Principality of Bulgaria vis-à-vis the atrocities in Macedonia. Hence, the government should talk to its Turkish counterparts in a language that they were accustomed to.⁹⁷

In different parts of the principality, public organizations held various protests in support of Macedonian Bulgarians. A protest was held in Dobrudja calling for active support of Macedonian Bulgarians. In another protest in Varna, there were reportedly 10,000 participants who had been organized by a committee of notable Bulgarians.⁹⁸ The participants declared their decisions: To protest the new course of the oppression of Macedonian and Adrianople Bulgarians; to protest the demagogues of the "Young Turk intelligentsia" who desired to change the demographic structure of Macedonia by replacing Bulgarians with *muhacirins* (Muslim immigrants) from Bosnia, Herzegovina, and Bulgaria; to call a general meeting of Macedonia-Adrianople Bulgarian emigrants in Sofia. Along with these, a remarkable fourth decision was to push the Great Powers to convince the Ottoman Empire to carry out reforms in

97 *Nov Vek*, "Sofia 8 Januarii 1910," no. 1549, 21 January 1910, p. 1.

98 The final declaration of the protest was signed by Dr. Zlatarov, Ch. Kotsev, D. Perelengov, Vuchev, Apostolski, Il. Shotov, G. Seraphimov, Dr. Bakerdzhev, and sent to the consulates of Great Powers, to government officials and to the press. *Nov Vek*, "Vu Zashtita na Make-dontsitia," no. 1549, 21 January 1910, p. 2.

Macedonia that would give full autonomy to the region. Not only Macedonia this, the Great Powers should force the empire to reform its state mechanisms in line with the principles of civil and political liberty that the constitutional revolution promised and in the name of which Macedonian Christians had sacrificed themselves. By of pressure from the Great Powers, the consequent fifth demand was the withdrawal of all the legal foundations of the exceptional situation (*iskljuchitelno polozenie*) in Macedonia — respectively, the Law on Brigandage, Law on Associations, Law on Press, and martial law in general. Notably, no requests concerned Law on Churches, and the list of demands concluded with two appeals for the return of Bulgarian immigrants to their homeland and for the active participation of the Bulgarians in the principality in support of their "brothers" in Macedonia.⁹⁹

The spread the tensions arising from the cases in Manastir and Thessaloniki to the principality, and the active protests of the Bulgarian public that gave the impression of Pan-Bulgarian solidarity had three immediate effects: The first was growing pressure on the Macedonian-Bulgarist factions that had a relatively close relationship with the Ottoman constitutional regime. By that, of course, we mean the Sandanskists who became the target of the criticism of other Bulgarists. in addition to the aforementioned accusations of submitting itself to the Ottoman government and to doubts aroused by the Jovanovich case, and lastly, another brigand Dinka's last words, which we will present below, considerably cornered Sandanski as the collaborator of the CUP. An additional step came from an extraordinary congress of the Bulgarian federalists, who decided to exclude Sandanski for "conducting politics contradicting the council."¹⁰⁰ The Bulgarian government even planned to issue an order to arrest him.¹⁰¹ This pressure on Sandanski would, in turn, lead to attract him to a unified struggle.

The second effect was the increasing involvement of the principality i the affairs of the Ottoman Empire. In this example, one sees the influence of trans-border networks in state politics. As a result of the growing public discontent

99 Ibid.

100 "Sandanski izkljuchen ot federativnata partija," *Debyrski Glas*, no. 44, 30 Janivarii 1910 (13 February 1910) p. 3.

101 "Sandanski" *Vjesti*, no. 54, 11 Janvarii 1910 (24 January 1910) p.3.

in Bulgaria, thirty-three Bulgarian deputies of the *Narodno Sybranie* (the Bulgarian parliament) visited Istanbul, and discussed the latest developments with the Ottoman cabinet. At the beginning of February, journals declared that the parties had reached an agreement, the clauses of which involved the mitigation of sentences stemming from martial law in Thessaloniki.¹⁰²

The third effect was the appearance of the first rumors of a Balkan War, between the Principality of Bulgaria and the Ottoman Empire, as mentioned in other clauses of the agreement. The agreement envisaged “arranging the Ottoman-Bulgaria frontier, revising the Law on Churches and Schools in favor of the Bulgarians, the Porte’s accommodation of certain requests of the Exarchate, and Bulgaria’s neutrality in case of an Ottoman-Greek war.” The *Debyrski Glas* evaluated this agreement as the temporary prevention of a “Turkish-Bulgarian war.”¹⁰³

4.2.7 *The Conflict Over Convictions in the Law on Brigandage*

In Rumelia, as the crisis took on an international character, the central government's pressure on the local administration turned into a kind of legal siege. With the resistance of the local court-martial concerning the suspects' right to retain lawyers, the government attempted to narrow their space of action by referring to legal procedures and issued a decree that authorized the presence of lawyers. The decree reportedly created a positive impression, and even stirred hopes that the enforcement of the Law on Brigandage would be suspended.¹⁰⁴ As a result of this latest central regulation, the trial would be made public and conducted in the presence an audience. The court-martial applied certain new procedures including the review and gathering of the evidences on Jovanovich himself. While the court-martial compromised its exceptional character, the local press remained divided between the supporters of the Manastir deputy Dorev and of the Vali of Manastir.¹⁰⁵

102 The amnesty granted by the sultan for some suspects in the Dinka affair may have been the result of this agreement; see below in this chapter.

103 “Bylgarski Deputati vy Tsarigrady” and “Syglashenie mezhdou Bylgaria i Turtsija” no. 44, 30 Janivarii 1910 (13 February 1910) p. 3.

104 AMAE, Turquie, 196, supplement X, “Le Consul de France à Monastir” 11 January 1910.

105 AMAE, Turquie, 196, supplement X, “Le Consul de France à Monastir” 18 January 1910.

However, this atmosphere of relative relief resulting from the intervention of the government did not endure. Both trials of brigands in the courts-martial in Thessaloniki and Manastir were concluded in the month of January, and both sentenced some suspects to the death penalty and others to penal servitude. The speed of the trial is striking, as is the consistent posture of the courts-martial against pressure coming not only from local public, but, in the case of Manastir, also from the central government.

The court-martial in Thessaloniki, which Bulgarist circles in Manastir held up as a model in their objections, would become the most destructive example. The court tried Dinka, the well-known leader of an armed band, and sentenced him, and his seven companions to death.

The worst was that this sentence of the court-martial was no political bluff — no sword of Damocles reminding the convicts of the authority of the state above them — but it turned out to be a real demonstration of power. On 16 February, Dinka was brought by a special train to Serres and taken to the square across from the town hall in the company of the gendarmerie and police. As the crowd gathered in the square and after a brief medical examination, the *ferman-ı humayun*, (the imperial decree confirming the execution) was read aloud before the crowd and to the convict. An Exarchate priest of the Komanıçe quarter in Serres was present, confirmed that it was not a holy day for their community [*bugünün eyyam-ı mahsuselerinden birine müsadif olmadığıni ifade etmiş olan*], and performed the last religious rites for Dinka. Through an official translator of the Ministry of Justice and Religious Denominations, he was asked for his last words at which point the chief bandit addressed the crowd in Bulgarian: "I am innocent and I leave my family to your care." What he further declared, reflected the stance of this brigand vis-à-vis the constitutional regime and his rivals. Dinka continued his last speech in repeating his innocence and claiming that he had been arrested and convicted on account of espionage by Sandanski. Dinka asserted that he had neither committed any crime against the government nor the army, and pointed to the Muslims and Christians of his own village as witnesses to his innocence. For Dinka, it was Sandanski, who had been seduced by the government, had attempted to purge his own people, and by the same token, had wanted to undermine the Ottoman government. He repeated given such a situation, the

Ottoman government would not endure for a long time. After uttering a part of these words in Turkish, Dinka was hanged.¹⁰⁶ The execution of Dinka added to public agitation in Sofia, and a procession was organized in the memory of this brigand leader.¹⁰⁷ The discontent was in line with the protests of the Ottoman Bulgarist political circles, that could not prevent Dinka's execution.¹⁰⁸

According to the local CUP journal of *Yeni Asır*, which published the *irade* permitting the execution of Dinka, the sultan mitigated the punishments of the seven other convicts, five of whom would be sentenced to a lifetime, and the other two to ten years of penal servitude. The former included two Bulgarian teachers, and those sentenced to penal servitude, along with their families by ferry to Izmir to be transferred to serve their sentence. The expulsion of the convicts along with their wives and children reportedly created a reaction among the Bulgarians.¹⁰⁹ This event was probably the source of disputes that led Hüseyin Cahid, in the aforementioned article, to seek a formula to accommodate these complaints.

As for the case in Manastir, of the twenty-two notables arrested, Acha Dorev and Pavel Christov, along with some companions were released; others like Zto Stojanov, Figa Davli, Stephan Petri, and Jovanche Chamo were condemned to death, and a certain Michal was condemned to three years of penal servitude.¹¹⁰ With the news coming from Thessaloniki, the decision of the court-martial stirred up fears among the families of the convicts who sent a telegram directly to the sultan. The mothers of Jovanche Chamo and Stephan Petri, along with the close relatives of other convicts claimed that they had

106 BOA, DH. MUI., 28-2/31 "Selanik Vilayeti. Zabıt Varakası. 3 Şubat 1325" (16 February 1910), and AMAE, Turquie, 197 supplement XI, "Le Consul de France à Salonique" le 17 February 1910.

107 AMAE, Turquie, 197, supplement XI, "L'Ambassadeur de France à Constantinople" le 1 March 1910.

108 "Federativnata Partija za Dinkata i drugitja osoujdeni" and "Manifestatsija po Solunskata Prisouda; Soluny, 26/1" *Debyrski Glas*, no. 44, 30 Janivarii 1910 (13 February 1910) pp. 3-4.

109 AMAE, Turquie, 197, supplement XI "Le Consul de France à Salonique" 17 Février 1910.

110 "Osvobozhdenie na Arestuvani Bylgari" *Vjesti*, 4 Janvarii 1910 (17 January 1910) no. 51, p. 2. AMAE, Turquie, 197, supplement XI "Le Consul de France à Monastir" no. 18, 20 February 1910.

been condemned by unlawful evidence, and asked the sultan to intervene and call for a reevaluation of the documents and evidence in order to reach a just decision.¹¹¹

According to the French envoy who closely followed the case, Jovanche Chamo's presence at the crime was incontestable, but the involvement of others like Petri and Pavli's involvement was not so clear, and Stojanov, who used to be a member of a Bulgarian brigand prior to the revolution, was in fact innocent. In concluding his account, the French envoy reported the influx of telegrams from the Bulgarist circles to the sultan, the Exarchate and the ministries.¹¹²

4.2.8 *Resignations: Second Phase of Confrontation Between the Central and Local Bureaucracies*

Unlike the case of Dinka in Thessaloniki, the central government increased its pressure on the local government in Manastir, demanding the immediate shipment of the documents relevant to the sentence in Istanbul. However, the office of the governor of Manastir did not respond, and Istanbul repeated its demand, in a denunciatory tone: "The records of the sentences given by the court-martial concerning the assassination of Jovanovich have still not arrived. It is demanded by sublime order that the evidences leading to the death sentence of four people, along with information concerning suspects who confessed their crimes, should arrive here by tomorrow morning."¹¹³ Another message was sent on 22 February, and at last the governor of Manastir responded by citing formal procedures as an excuse for the delay.¹¹⁴ The delay added to the impression of the considerable resistance of local authorities to the central government's attempts to intervene.

111 BOA, DH. MUİ. 46-2/21 Telegram from Manastir, "Dahiliye Nezaret-i Celilesine," 1 Şubat 1325 (14 February 1910).

112 AMAE, Turquie, 197, supplement XI "Le Consul de France à Monastir" no. 18, 20 February 1910.

113 BOA., DH. MUİ., 46-2/21 "Dahiliye Nezaretinden Manastır Vilayetine" 6 Şubat 325 (19 February 1910).

114 BOA., DH. MUİ., 46-2/21, "Manastır Valisinden Dahiliye Nezaretine" 9 Şubat 325 (22 February 1910)

As the days passed, there was no progress concerning the fate of the convicts: Would they share the fate of Dinka and be executed, or would they be honored by the mercy of the sultan? The petition by the convict's relatives neither produced an effect nor a response from the Sublime Porte, and the Bulgarian tradesmen again intervened with their own telegram, expressing regret that the telegram from the families had not responded to. For the Bulgarian tradesmen, a feeling of sorrow dominated the Bulgarian element because of this process and they asked the sultan to grant a pardon for the convicts, whom they believed to be innocent.¹¹⁵

At this point, the bifurcation between the central Ottoman government and local authorities reached its peak point, as the sultan and the central government dragged their feet about the death sentence. As a protest that their decision had been ignored, certain members of the court-martial resigned from their posts. A report mentions that the sentence had in fact been made by a simple majority of the board of the court, and that the delay in the court depended on the resistance of certain members to the execution. Local sources explained this tension as the result of the influence of the CUP which was pressuring for the execution of the four convicts. But this impression of local sources does not explain the numerous attempts by the central government — where the CUP had considerable influence — to intervene.¹¹⁶

Before estimating and describing the certain, if any, involvement of the CUP in the affair, it is necessary to underscore that the resignation of board members of the court-martial was as a pattern that the local authorities had used against the central government in their struggle for authority in local politics. Indeed, as mentioned above, at an earlier date, when the problem of assigning lawyers was brought up for the first time in the trial in Thessaloniki,

115 The telegram was signed by the *kethüdas* of the coppersmiths (Bakırcı Esnafı), Manastır Bulgar Kunduracı Esnafı (Bulgarian shoemakers of Manastır), kasab esnafı (the butchers), bağçıvan esnafı (gardeners), Manastır Bulgar Bakkal Esnafı (Bulgarian grocers of Monastır), meyhaneci esnafı (tavernkeepers), semerci esnafı (saddle makers), yemişçi esnafı (sellers of dried fruits and nuts), pabuççu esnafı (shoemakers). BOA., DH. MUİ., 46-2/21, Telegram from Manastır "Hazret-i Padişahiye" 1 Mart 1326 (14 March 1910).

116 AMAE, Turquie, 197, supplement XI, "Le Consul de France à Monastır" 8 March 1910.

members of the court-martial created a similar crisis. On 18 November 1909, the governor of Thessaloniki, İbrahim Bey, reported to the government that the board of the court-martial was determined not to provide any documents to the lawyers as Article 32 of the bylaw prohibited directly or indirectly revealing the identities of informants. In the case of pressure to allow lawyers full access to the file, members would resign from their posts.¹¹⁷

This challenge also led to a reaction from the central government which made no concessions concerning the suspects' right to a defense. Thus, what we see in the application of the Law on Brigandage is that the bifurcation occurred between local and central authorities, and this was not limited to one case. It was caused by the priorities of local and central administrations and by obvious loopholes caused by hasty enforcement of the bylaw, but a coherent imposition by the CUP from above was unlikely. Earlier observations stating that the Law on Brigandage was not enforced cleverly and that one should make a distinction between the bylaw itself and its application are more explanatory.¹¹⁸

§ 4.3 The Birth of a New Martial Law: The Tendency toward Generalization

The agenda of public debates paralleling the parliamentary discussions on the Law on Brigandage were determined by tensions experienced as a result of the practice of martial law in Manastir and Thessaloniki. Indeed, the transfer of these local tensions into the chamber in February halted the execution phase of the sentence in Manastir.

However, before exploring these reflections and the general arguments in the chamber, it must be noted that the course of the law in parliament confirms the general deadlock of this organ. To summarize in advance, the par-

117 BOA., DH. MUI., 34-2/28, dispatch signed by Vali İbrahim, 5 Teşrin-i Sani 325 (18 November 1909). This attitude apparently had the support of the governor, who repeated the demand of the board, as mentioned above.

118 AMAE, Turquie, 196, supplement X, "Télégram du Péra" 12 January 1910.

liamentary process evolved as follows: After negotiations triggered by the proposal of Christo Dalchev in February 1910 were interrupted on account of a new draft being prepared, the two joint parliamentary commissions finished working on the new government proposal and finally submitted the draft to the chamber in April 1910. However, the April negotiations did not conclude the debate on the general structure of the law, and in June, the text was again taken up on the agenda. Although the government and supporters of the law urged the chamber to move on to negotiating the individual articles, the debate remained limited to the general structure of the law. The two-day negotiations in June did not produce any results, and when, on 28 June 1910, the chief of the chamber declared the end of the second session of the chamber, the draft of law still did not have the approval of the parliament.

At the end of January 1910, the new İbrahim Hakkı Pasha cabinet submitted a new draft of the Law on Brigandage to the Chamber of Deputies "including necessary amendments in accordance with the outcomes drawn from experience in the *vilayets*."¹¹⁹ Upon submission of this new proposal, Christo Dalchev, the Serres deputy, along with four other Christian deputies from Rumelia (Yorgos Haneus from Thessaloniki, Dmitris Dingas from Serres, Constantine Surla and Dimitrakis Kinkos from Janina) submitted a parliamentary question on 22 February asking the legal basis for the ongoing court-martial practices that hinge on the Law on Brigandage. According to the question, the executive body was continuing to enforce a law that conflicted with the Penal Code and the Code of Criminal Procedure.¹²⁰ But now that the government was retreated and the old text had been withdrawn by the new cabinet, the law on brigandage as well as the sentences of the courts-martial should be annulled. This was the requirement of the principle of justice — in Dalchev's words, "the only principle that can provide for the unity of the elements of the empire." For Dalchev, the law had produced no positive results, and in the

119 MMZC, Term 1, Year 2, Volume 2, Session 33, 18 Kanun-1 Sâni 1325 (31 January 1909), 60.

120 MMZC, Term 1, Year 2, Volume 2, Session 45, 9 Şubat 1325 (22 February 1910) 459; the preparation of a parliamentary question by Dalchev was reported in advance in the press of the Bulgarian principality. See "Zakonoproektyty za Chetitje" *Vjesti*, no: 52, 6 Janvarii 1910 (19 January 1910) p. 2.

Dinka affair, the population had demanded arms from the government, from CUP and from him personally in order to pursue this small band. Local officials were paralyzed due to the vagueness concerning the fate of the law.¹²¹

In his speech, Dalchev attributed ethnoreligious conflicts to the general despotic rule (*istibdad*) of the old regime and warned that such exceptional regulation recalled the practices and concerns of the pre-revolutionary state. At this point, the independent deputy from Aleppo, Ali Cenani Bey, interrupted the speech, shouting "Then who murdered Jovanovich?" Jovanovich had become a symbol marking the end of the language of conciliation. Dalchev responded in an angry tone, "The day before, Sava Efendi reported the slain of one hundred and fifty Serbians along with other Christian elements. So, in return, I ask Ali Cenani Bey the perpetrators of these massacres."¹²²

With these words, Ottomanist rhetoric was abandoned in the chamber, replaced by social tensions in the field. With the intervention of Artas Yorgaki, the Thessaloniki deputy, and the support of Halil Bey, the Menteşe deputy, a reminder that a new law was still being prepared in the parliamentary commission was issued and negotiation of the question was delayed until the new law was brought to the chamber. A denunciation by Yorgos Honeus at the end of the session reflected the discontent of some Christian deputies with the apparent deadlock in the parliamentary negotiations with respect to such a critical matter: "For almost a year, I have been unable to acquire a single opportunity to speak on this law!"¹²³

The February 1910 attempt to prevent enforcement of the bylaw produced the main lines of the arguments against and in favor of the law, but these arguments remained underdeveloped with the interruption of negotiations. However, when the new draft was at last introduced to the chamber in April

121 MMZC, Term 1, Year 2, Volume 2, Session 45, 9 Şubat 1325 (22 February 1910) 460. Apparently, the divergences within the Macedonian-Bulgarist faction affected their opposition to the law, too. In contrast to the rising agitation for Dinka in the principality, the Sandanskists did not embrace this Bulgarian bandit; Dalchev repeated the same argument about Dinka in the June negotiations: MMZC, Term 1, Year 2, Volume 6, Session 123, 13 Haziran 1326 (26 June 1910), 579-580.

122 MMZC, Term 1, Year 2, Volume 2, Session 45, 9 Şubat 1325 (22 February 1910), 460.

123 MMZC, Term 1, Year 2, Volume 2, Session 45, 9 Şubat 1325 (22 February 1910) 461.

1910, deputies had the chance to elaborate their arguments, providing a more developed picture of confrontation in the parliament. We will present the arguments of the debate on the law by focusing on the April negotiations.

4.3.1 *The Law on Brigandage in the Form of Martial Law*

When on 18 April 1910, the two joint parliamentary committees — committees on internal and judiciary affairs — finished working on the draft of the new law on brigandage, and submitted it to the negotiation in the chamber, deputies witnessed an unexpected development. The law was reintroduced to the Chamber of Deputies, but not as a Law on Brigandage, but as an addendum to the decree on martial law. This was an answer to objections in the February negotiations, especially to those of Dalchev who emphasized that the constitution prohibited establishing an exceptional regime without declaring *idare-i örfiyye*.¹²⁴ Even to the surprise of committee members, the government itself had decided to resort to such a measure.¹²⁵

The first point concerning parliamentary procedure is the overwhelming dominance of Muslim deputies, and the general reluctance of both parliamentary committees to fully support the law. In the two committees there was only one deputy, Armenian socialist from Erzurum, Varteks Efendi, who noted adjacent his signature his complete rejection of the law. The chief of the committee of internal affairs, Behçet Bey, a lawyer and CUP-affiliated deputy from Kengiri, was more sharp in his criticism.¹²⁶ In his annotation he clearly stated

124 MMZC, Term 1, Year 2, Volume 2, Session 41, 2 Şubat 1325 (15 February 1910), 334.

125 İbrahim Sıtkı Bey — the Aydın deputy, a member of the parliamentary committee of internal affairs, and the writer of the draft — expressed this confusion in the opening speech in the chamber saying “As you all know, this law was introduced by the former cabinet to our chamber with the title of law on brigandage, and it was transferred to our committee with the same title. Before accepting the draft into our agenda, the new government withdrew it. The law we now have in our hands right was actually sent us as a replacement of the former one, and it carries the title of appendix to the regulation on martial law. It was our committee on internal affairs which discussed the draft first.” MMZC, Term 1, Year 2, Volume 4, Session 74, 5 Nisan 1326 (18 April 1910), 191.

126 Kansu, *1908 Devrimi*, 394.

that "I reject the whole draft on account of the fact that the means of enforcement of such a law would generally produce more harm than expected benefits." The other CUP-affiliated members, the Adana deputy Ali Bey and Süleyman Necmi from Canik, were also opposed to certain clauses.¹²⁷ Interestingly, the independent Kirkuk deputy Salih Bey noted that "I am signing the law on the condition that it be enforced only in *Rumeli*." Another annotation was from the parliamentary committee on judiciary affairs, Mustafa Arif, CUP-affiliated deputy of Kırıkkilise, who expressed his partial opposition to certain clauses.¹²⁸ Apparently, in two joint committees there was only one deputy from *Rumeli*.¹²⁹ This picture suggests that the parliamentary procedure which would expectedly bring a solution to this problem, was not driven by the immediate and direct actors of it, and the representatives of Rumelia remained out of the initial procedure.

On the other hand, amendments made to the draft reflected concern for addressing local problems that came out with the enforcement of the law. The government regulation that permitted suspects to retain lawyers in the Jovanovich and Dinka affairs drove the Committee of Internal Affairs to inter-

127 Süleyman Necmi was elected in the by-election in 1910: Kansu, *1908 Devrimi*, 398.

128 Mustafa Arif would become one of the founders of another faction, *Hizb-i Terakki* which was born from within the CUP. Aykut Kansu, *1908 Devrimi*, trans. by Ayda Erbal, (Istanbul: İletişim Yayınları, 1995), 373.

129 The joint committee of internal affairs was constituted of Behçet Bey (Kengisi) as committee chief, Ali Cenani (Aleppo), İsmail Sıtkı (Aydın), Adana mebusu Ali Bey, İmadettin Bey (Trabzon), Salih Bey (Kirkuk), Tal'at Bey (Ankara), İbrahim Lütfi (Gümüşhane), Halil Bey (Menteş), Abdullah Sabri (Hüdavendigar), and Süleyman Necmi (Canik): "İdare-i Örfiyye Kararnamesinin Zeyli Hakkında Dahiliye Encümeninin Esbabı Mucibe Layihasıdır, no. 35, İstanbul 1325," appendix to MMZC, Term 1, Year 2, Volume 4, Session 74, 5 Nisan 1326 (18 April 1910), 3. The joint committee on judiciary affairs was constituted of Hayri Bey (Niğde) as the chief of the committee, Mehmet Fuat Hulusi (Trablusşam-Tripoli), Ali Rıza (Kırşehir), Ahmet Mahir (Kastamonu), Mehmet Münir (Çorum), Ali Cenani (Halep-Aleppo), Mehmet Ali (Canik), Mustafa Ziya (Sivas), Ömer Feyzi (Karahisar-1 Şarkî-Eastern Karahisar), İsmail Sıtkı (Aydın), and Mustafa Arif (Kırıkkilise): "Adliye Encümeninin Esbabı Mucibe Layihasıdır, no. 35, İstanbul 1325," appendix of MMZC, Term 1, Year 2, Volume 4, Session 74, 5 Nisan 1326 (18 April 1910), 4.

vene in the draft and give parliamentary form to these governmental decisions. Thus, as an amendment to Article 25 of the Regulation on Martial Law, the committee proposed including an additional official — a prosecutor — on the board of the court-martial who would constitute a counter-balance to the presence of lawyers.¹³⁰ Therefore, during trials before the court-martial, the prosecution and the defense would be well established. Indeed, during the April sessions, to the demand of Pancho Dorev asking "Then why did you undermine the right to a defense?" Mehmet Tal'at Bey, the Minister of the Interior responded by referring to these amendments and assured him that the government now granted this right. For Tal'at Bey the former regulation did not allow government to make such an amendment concerning the *Divan-ı Harb*; now, both public trials and the right to a defense would be guaranteed.¹³¹

4.3.2 *The New Structure of Martial Law*

In doing so, the courts-martial lost much of their character as an exceptional organ for rapid, strict and deterring trials. İbrahim Sıtkı Bey, a member of the Joint Committee of Internal Affairs, and the liberal-oriented Aydın deputy who delivered the opening lecture on the law, drew attention to its mitigated character, and said that this amendment to the regulation envisaged preventive measures to be taken in case of potential threat: "[I]n any country," Sıtkı Bey stated, "whenever a revolt or signs of a revolt occur, the declaration of martial law is legitimate. However, the martial law declared in order to prevent a revolt, should be much more mitigated and moderate in its enforcement than that of one declared to suppress an actual revolt. This differentiation would also be in line with the interests of the local population and the public as a whole."¹³²

130 "İdare-i Örfiyye Kararnamesinin Zeyli Hakkında Dahiliye Encümeninin Esbabı Mucibe Layihasıdır, no. 35, İstanbul 1325," appendix of MMZC, Term 1, Year 2, Volume 4, Session 74, 5 Nisan 1326 (18 April 1910) p.2-3. The first law on brigandage did not include the office of prosecutor as a component of the *Divan-ı Harb*, see *Düstur*, Series 2, Volume 1, 765; and this amendment by the committee was included in the eventual law: *Düstur*, Series 2, Volume 2, 674.

131 MMZC, Term 1, Year 2, Volume 4, Session 74, 5 Nisan 1326 (18 April 1910) 204.

132 MMZC, Term 1, Year 2, Volume 4, Session 74, 5 Nisan 1326 (18 April 1910) 192.

Krikor Zohrab, too, noted this delicate point, although he attributed a negative meaning to it. Indeed, the essence of the law and the main concerns shared by other opponents were well defined by Zohrab. What he underlined was that this decree of martial law brought about a hybrid and liminal exceptional regime. According to Zohrab, this draft intermingled two orders of administration. While in the case of martial law, administrative and judicial authority should be transferred to the military, the draft law envisaged transferring them to the civil administration as far as the courts were concerned—including prosecutors. Hence, what was projected in the law was a third type of martial law, contrasting the claims of Sıtkı Bey who mentioned a second, mitigated type. Zohrab gave the type being enforced in Istanbul as an example to the “second” type, and emphasized its legitimacy in comparison to a hybrid regulation which was allegedly mitigated. These new amendments to the law on brigandage, in Zohrab's view, meant the removal of the very aspects that had produced positive results in the war against brigandage. For him, the only change the amendments brought about was slowing down the trial with checks and balances. Such an intermingling of ordinary and exceptional legal procedures would only provide government with a gun to destroy the constitutional order — the *Meşrutiyet*.¹³³

This amalgam of exceptional laws and the reasons for discontent with it were mainly expressed vis-à-vis the matter of *istitli'a* commissions that had been designed specifically for Rumelia in the law on brigandage. These commissions were included in the addendum to the Regulation on Martial Law and triggered a noteworthy debate, showing the differences in the perception of the law by rival political projects and even competing powers of the state.

The Ibrahim Hakkı Paşa government's proposal contained the *istitli'a* commissions without change, but Committee on Internal Affairs intervened and added another type of commission with the name *tahkikat komisyonları* the Commissions of Examination. As annotated on the draft, the Joint Committee of Internal Affairs evaluated the separation of the phases of inquiry and

133 MMZC, Term 1, Year 2, Volume 4, Session 74, 5 Nisan 1326 (18 April 1910) 199-201.

examination, and thus, established the position of magistrate judge.¹³⁴ In the opening session of negotiations in the chamber, İbrahim Sıtkı Bey justified the introduction of magistrates with the concerns for preserving the Code of Criminal Procedure, which did not allow inquisitors the authority to arrest a suspect. With this intervention, commissions of inquiry (*istitli'a*) would only be provided with the authority of preliminary inquiry, thus would thus function as the office of public prosecutor. The authority to make an arrest would belong to the commissions of examination, which would function as the investigative judge. This implied the restoration of a civil code within the framework of the *idare-i örfiyye* and constituted yet another factor hampering the speed of investigations and judgments that martial law required.

This, too, was an intentional step to mitigate the law. As İbrahim Sıtkı Bey put it, "the declaration of martial law aims to prevent major problems in a country, and in this context, the speed of the procedures becomes essential. But I did not find it convenient to grant full authority to the inquisitor just for the sake of ensuring this speed." Apparently, objections and public reaction that had risen with the enforcement of the law was showing its effects, and the joint committee decided to diminish the authority of the *istitli'a* commissions insisting on this separation to prevent abuse and complaints.¹³⁵

4.3.3 *The Criticism of the Parliamentary Opposition*

Given the many interventions, the new law evolved into a mitigated form of martial law, but this did not mean that the law became more acceptable to the

134 "İdarei Örfiye Kararnamesinin Zeyli Hakkında Dahiliye Encümeninin Esbabı Mucibe Layıhasıdır. Numara 35. Birinci Devre 1325-1326" p. 1, annex in MMZC, Term 1, Year 2, Volume 4, Session 74.

135 MMZC, Term 1, Year 2, Volume 4, Session 74, 5 Nisan 1326 (18 April 1910) 193. A study with a pure legal stance confirms this division of labor between public prosecutors and investigative judges who were introduced by the addendum to the regulation on martial law: "Görünüşe bakılırsa örfi idare rejimine yardımcı bu kuruluşlardan İstidla' Komisyonları'nın yargıya dair yükümlülükleri ceza usul hukuku bakımından kamu davası açabilmek için soruşturma yapmakla mükellef savcıların görevleri, Tahkik Heyetlerinin görevleri de yine usul hukukuna göre ilk soruşturmayı yapan ve dava açılıp açılmamasına karar veren sorgu hakiminin vazifesiyle eşdeğerdedir." See, Köksal, "Örfi İdare Uygulaması" (<http://www.tarihtarih.com/?Syf=26&Syz=326973>, accessed: 29.04.2015).

opposition. Apparently, the lawmakers' legal terminology and justifications did not meet the expectations of the deputies in the opposition. Their concern was the continuing authority of local administrations. The opposition deputies formulated several points of objection, both theoretical and practical. On practical level, they underscored the abuse and arbitrariness of the system. Kozmidis Pandelakis radically opposed the commissions of inquiry stating that he had personally observed the practices of these commissions and identified them with the secret intelligence organization. He associated these commissions with the *hafiyeye* (spy) network of the old regime, the return of which should never be permitted. The Macedonian-Bulgarist deputy Todor Pavlov was in full agreement sarcastically exclaiming: "As the term *hafiyeye* became so notorious, they now call it as *İsttli'a Komisyonu*." Indeed, the irregularity in the structure and functions of these commissions permitted the establishment of such networks, and the network that came to the attention of the through the Jovanovich case provided a solid basis for the objections.

For Kozmidis Pandelakis, these commissions not only constituted a practical problem, but were also theoretically anti-constitutional. For him, these commissions represented the rebirth of the exceptional judgment system of the old regime. In fact, referring to the text as a whole, he pointed out that the executive body that had written the law was fully aware of this problem, which was why they tried to resubmit the law as an addendum to the Regulation on Martial Law.¹³⁶ What made the regulation anti-constitutional was expressed by its superfluousness. Pandelakis cast doubt on alternative institutions and hierarchies that were out of line with the constitution, once that would replace the usual army with pursuit battalions, the usual intelligence service with commissions of inquiry, and the usual martial law regime with the Law on Brigandage.¹³⁷

In this context, no amendment of the *isttli'a* commissions was welcomed, either. For Kozmidis Pandelakis, the joint committee proposed the commissions of examination as a complementary organ, but by doing so, it had only increased the law's its incoherence with the constitution. Article 89 of the

136 MMZC, Term 1, Year 2, Volume 4, Session 74, 5 Nisan 1326 (18 April 1910) 196-197.

137 MMZC, Term 1, Year 2, Volume 4, Session 74, 5 Nisan 1326 (18 April 1910) 195-196.

Kanun-ı Esasi, Kozmidis Efendi continued, strictly prohibited the establishment of exceptional courts or commissions for enforcing special regulations.¹³⁸ Thus, the debate around the *istitli'a* commissions indicates the radical divisions in the political arena, as a regulation that one side saw as a mitigation and purely legal improvement was seen by the other side as practical abuse, an anti-constitutional trend.

Zeynel Abidin Efendi, the Konya deputy affiliated with the liberals, supported this objection by stressing the inconsistency which even cast doubt on the original regulation of *idare-i örfiyye*.¹³⁹ For him, not only the addendum, but the decree on martial law itself was incoherent with the Kanun-ı Esasi. Although the laws of the old regime would remain in force until the chamber replaced them with new ones, the issue at hand did not concern a law, but a decree, and thus, just like the Law on Brigandage, its enforcement would be contrary to the *Kanun-ı Esasi*.¹⁴⁰

However, Zohrab's objection was most effective in that Mehmet Tal'at's response was preoccupied with it. Zohrab, in accordance with his aforementioned criticism about the "third type of martial law," stated that the law on brigandage did not only concern revolts, but also extended to boundaries to ordinary crimes by expanding the jurisdiction of the *Divan-ı Harb*. Concerning the executive body's decision to extend the law to the province of Aydın, he argued that there were only ordinary bandits there, and if this criterion was accepted as justification for a declaration of martial law, then the whole of the Ottoman Empire should be considered under revolt.¹⁴¹

138 “Çünkü, Kanunu Esasinin 89 uncu maddesi sarıh bir surette bunları men ediyor. Her ne nam ile olursa olsun bazı mevaddı mahsusayı niyet ve hükmetmek için mehakimi muayyene haricinde fevkalâde bir mahkeme veya hüküm vermek selahiyetini haiz komisyon teşkili katiyyen caiz değildir, diyor.” MMZC, Term 1, Year 2, Volume 4, Session 74, 5 Nisan 1326 (18 April 1910), 196.

139 For Zeynel Abidin Efendi, see Kansu, *1908 Devrimi*, 388.

140 MMZC, Term 1, Year 2, Volume 4, Session 74, 5 Nisan 1326 (18 April 1910) 198.

141 MMZC, Term 1, Year 2, Volume 4, Session 74, 5 Nisan 1326 (18 April 1910) 200. This argument was repeated by an ardent opponent of the law, Christo Dalchev, MMZC, Term 1, Year 2, Volume 4, Session 74, 5 Nisan 1326 (18 April 1910), 205; and MMZC Term 1, Year 2, Volume 6, Session 123, 13 Haziran 1326 (26 June 1910), 579.

Pancho Dorev Efendi, whose brother Acha was at the center of the debates in the Jovanovich case, put forward a practical objection — not at the local scale, but at the scale of the whole empire and constitutional regime, as he associated the problem with a crisis over the identity of Ottomanism. Dorev believed that the problem surpassed the limits of constitutional legitimacy, and putting the law's incoherence with the constitution aside, he underscored the problems in the field. For him, it was the unity of the Ottomans that was at stake. A country endured through its spiritual as well as material power, the former of which the constitutional regime had proved unsuccessful at creating. The spiritual unity of Ottoman society had been chopped to pieces with a series of laws — starting with the Law on Associations, the Law on Churches and Schools, and of course, the Law on Brigandage — and as its promises could not be realized, the hopes of a mass of people — a *ittihad-ı anasır* — standing together in domestic and foreign affairs, started to fade away.¹⁴² In the field, administrative officials' reluctance to establish contact with local Christian notables, such as "businessmen, tradesmen, metropolitans" was a crucial problem. Instead, Ottoman officers preferred to work with the worst elements of the population, and in Rumelia especially, "some precarious men were employed in schools without consent of the communities' spiritual authorities," and "some others, known as spies, were accepted to various services as public workers."¹⁴³

For Dorev, the present regulation would only lead to arbitrary administration, and the proposals to improve or reform it were in vain. Any attempt to ameliorate the law would produce more harm than benefit, because the law had already become ill-famed among the population. Pancho Dorev concluded that to achieve the unity of the Ottomans, it was necessary from now on to familiarize the population with the *idare-i cedide* (the new regime). He

142 MMZC, Term 1, Year 2, Volume 4, Session 74, 5 Nisan 1326 (18 April 1910), 194.

143 Dorev spotted a deviance from the traditional, imperial identity in these politics. For him, the benefits of the constitution would produce, albeit gradually, a new spiritual power: "Fevaidi Meşrutîyyet zaten bir senede temin edilmediği gibi, tabii, asırlardan beri tahassul etmiş olan hayatı rûhâniyyenin mahiyeti mevkiyyeleri bir günde tebdil ve tağyir edilemez." MMZC, Term 1, Year 2, Volume 4, Session 74, 5 Nisan 1326 (18 April 1910), 194.

emphasized that the people wanted neither decentralization nor autonomy, and success would come by solving the problem of churches, by allowing population take part in the administrative apparatus, and by providing people with land and forests with the help of the government. Thus, Dorev radically opposed the adoption of this martial law that violated the honor, and *raison-d'être* of the government.¹⁴⁴

4.3.4 *The Government's Responses to the Criticisms*

The responses to these objections can be classified in two strata: The practical and the theoretical. The theoretical part consisted of proving that the procedure of adoption and enforcement of the law would be constitutional, or at least, in accord with the spirit of the constitution. Minister of the Interior Mehmet Tal'at, drew attention to Article 113 of Kanun-ı Esasi which gave government the right to declare martial law in cases where there are indications or symptoms of a revolt. In response to Zohrab and Dalchev's arguments that the law's enforcement depended on the vagueness of the definition of a "revolt," Tal'at Bey noted that revolts can be defined not only in political terms, but it can occur as popular, widespread ordinary crime, as was the case in declarations of martial law in Paris and in the Principality of Bulgaria.¹⁴⁵ Thus, it was the government — that is, the executive body — that would determine if the situation required the declaration of martial law.¹⁴⁶

For Mehmet Tal'at, the law did not apply a rebirth of the arbitrary trials of the old regime. The courts that the constitutional revolution abolished were those that had specifically addressed certain people, such as the court for the

144 MMZC, Term 1, Year 2, Volume 4, Session 74, 5 Nisan 1326 (18 April 1910), 194-195.

145 MMZC, Term 1, Year 2, Volume 4, Session 74, 5 Nisan 1326 (18 April 1910) 202; Mehmet Tal'at repeated this answer against Dalchev in the June negotiations: "İhtilal siyasi de olur gayri-siyasi de olur. Memlekette âsâyiş muhtel oldu mu, ihtilaldir. Binaenaleyh, bunu takdir sırf hükümete aid keyfiyettir. (...) Hükümet takdir ettiği halde, idare-i örfiyye ilân edilebilir ve ilân ile beraber Divan-ı Harbler de teşkil eder." MMZC Term 1, Year 2, Volume 6, Session 123, 13 Haziran 1326 (26 June 1910), 580.

146 MMZC, Term 1, Year 2, Volume 6, Session 123, 13 Haziran 1326 (26 June 1910), 580.

trial of Midhat Pasha, while courts-martial were being defined by formal regulation. Elaborating this response, he touched on the *Divan-ı Harb* stressing that the existing penal code defined no specific way of forming a court-martial other than that defined by the military penal code. The Law on Brigandage would bring about a court-martial system specific to moderate martial law, with the inclusion of two officials from the Ministry of Justice and Religious Denominations.¹⁴⁷

As a remarkable point in Mehmet Tal'at's response to the opposition, he accepted that martial law may pass beyond the *Kanun-ı Esasi*. This formal regulation would largely depend on the executive body, which would decide on physical and temporal limitations to constitutional rights during martial law. In a tense debate with Zeynel Abidin Tal'at Bey even declared that the martial law would suspend the articles of the *Kanun-ı Esasi*; this suspension was even its *raison d'être*. The regulation on the martial law was thus "a special regulation that did not need the approval of the Chamber of Deputies."¹⁴⁸ Thus, the debate arrived to a point where the role of the legislative organ was at stake.

As for the practical level, this emphasis on the role of the executive body under martial law had become more obvious over six months experiences that law had been enforced. Indeed, as the aforementioned arguments in *Tanin* suggest, one of the main stances of supporters of the law was its alleged practical successes. Thus, with respect to negotiations over the law's practical aspects, the arguments about the practical effectiveness of the law weighed more heavily than the accusations of abuses in the field. Even in the February sessions, as part of his response to Dalchev's allegations that enforcement of the law was anti-constitutional, İbrahim Sitki Bey claimed that enforcement of the law had brought about positive consequences in the field for a constitutional

147 MMZC, Term 1, Year 2, Volume 4, Session 74, 5 Nisan 1326 (18 April 1910), 203; and MMZC Term 1, Year 2, Volume 6, Session 123, 13 Haziran 1326 (26 June 1910), 580.

148 To this, İsmail Kemal, the Berat deputy who was an ardent opponent of the CUP responded "Of course it needs it!" MMZC, Term 1, Year 2, Volume 4, Session 74, 5 Nisan 1326 (18 April 1910), 202.

order.¹⁴⁹ In addition, Mehmet Tal'at Bey, the Minister of the Interior, underscored the positive results with the suppression of brigandage in the *Vilayet* of Aydın, and the abolition of the *Divan-ı Harb* in Thessaloniki, which successfully achieved its goal.¹⁵⁰ Ali Haydar Bey, the Saruhan deputy, expressed his feelings of shock at seeing deputies who unceasingly opposed such a successful law.¹⁵¹ For Krikor Zohrab, there was a real progress in the field, proving that a mitigated law would not be as effective.¹⁵²

Especially during June sessions, in which the chamber met to negotiate the articles of the law, the argument of its practical success of the law was widely expressed. In addition to Minister of the Interior Tal'at Bey, Halil Bey confidently said that the problem of brigandage in Rumelia was over: "Despite many objections, this law proved beneficial, considering that peace and security have been achieved in Macedonia."¹⁵³ Moreover, the argument of the successful results from the enforcement of the law had certain influence on the opposition deputies, too. In the June negotiations, İbrahim Vasfi Efendi, the Karesi deputy, who harshly criticized the "unconstitutional procedure" of adopting the law, recognized its benefit: "Even though it was beneficial, I radically oppose any enforcement incoherent with the *Kanun-ı Esasi*."¹⁵⁴ Remarkably at some point even Pancho Dorev, albeit rhetorically, accepted the relative success of the law on brigandage.¹⁵⁵ However, the course of events proved that despite this widespread argument, the brigandage activity in Rumelia was far from being suppressed.

On 26 June, the debate over the general structure of the law was completed. It was then time to discuss individual articles, but only two days remained until the second parliamentary session with in. There was not enough time for a meticulous negotiation of the law. Yorgos Boussios exclaimed that the gov-

149 MMZC, Term 1, Year 2, Volume 2, Session 41, 2 Şubat 1326 (15 February 1910), 337-338.

150 MMZC, Term 1, Year 2, Volume 4, Session 74, 5 Nisan 1326 (18 April 1910), 201-202.

151 MMZC, Term 1, Year 2, Volume 4, Session 74, 5 Nisan 1326 (18 April 1910), 205.

152 MMZC, Term 1, Year 2, Volume 4, Session 74, 5 Nisan 1326 (18 April 1910), 201.

153 MMZC, Term 1, Year 2, Volume 6, Session 123, 13 Haziran 1326 (26 June 1910), 180.

154 MMZC, Term 1, Year 2, Volume 6, Session 123, 13 Haziran 1326 (26 June 1910), 576.

155 MMZC, Term 1, Year 2, Volume 4, Session 74, 5 Nisan 1326 (18 April 1910), 195.

ernment should not content itself with the negotiations on the general structure, as the opposition in the chamber had many objections to individual clauses: "As long as the individual clauses are not negotiated, the law would not be considered approved by the chamber." Apparently the initiative remained with the executive body, as Esad Pasha, the Dıraç deputy stated: "The executive body takes responsibility for it." And Yorgos Boussios, in complaining about the conclusion of the negotiations, summarized the overall parliamentary procedure regarding this important law: "We should not have left the responsibility to them; we should have negotiated the articles of the law. Just have a look at it! After seven-and-a-half months, we are leaving parliament without having concluded the negotiations." Yorgos Boussios proposed putting negotiation of the articles on the agenda of the chamber, but the chair closed the session: "The law on brigandage is very important, but unfortunately we have no time for the negotiation of it."¹⁵⁶

4.3.5 *The Revival of Partisan War: Sandanski's Alienation from the Regime*

Parliamentary procedure on the Law on Brigandage — in other words, the annex to the decree of martial law — was interrupted by the end of the legislative year; the chamber negotiated the general structure of the law but did not find the time to negotiate individual articles and the institutional details. As the parliamentary session ended without its approval, the law continued to be enforced in Rumelia. Except for the mitigation addressed to the investigation and trial phases, neither the abolition of the *istitli'a* commissions nor the other demands of the opposition were met. Nonetheless, it was these details, and the overall ambiguity in the law's legitimacy caused a public reaction on the local scale. This interruption contributed to the general discontent.

In May, while amendments to martial law were being negotiated in the chamber, a strong wave of disarmament began under the command of Şevket

156 MMZC Term 1, Year 2, Volume 6, Session 123, 14 Haziran 1326 (27 June 1910), 609.

Turgut Pasha.¹⁵⁷ With this widespread campaign in which pursuit battalions actively participated along with the gendarmerie, complaints among peasants immediately arose. As was indicated in the bylaw, upon their arrival in a village, the pursuit battalions called on peasants to deliver of their rifles. However, the latter did not obey, took refuge in mountainous and forested areas, and were pursued by the Ottoman soldiers. Consequently, the encounters of pursuit battalions — made up of many volunteers — with Christian peasants produced a scene of confrontation and conflict. In mid-May, with the begin of the disarmament campaign, reports from the villages of Thessaloniki related that tens of Christian peasants were cruelly beaten by the soldiers, a peasant killed with a baton in Barovitza, some were imprisoned, other peasants were starting to form delegations to express their condemnation, and the youth of the villages were taking refuge in the mountains before soldiers arrived in their village. The disarmament took the form of an expedition during which the army also faced certain armed groups. The band of Traiko was eliminated from the villages of Kumanovo.¹⁵⁸

By June, overall tension in Rumelia considerably increased. There were widespread rumors that army officers from the Principality of Bulgaria formed guerrilla bands that had started to flow into Ottoman Macedonia. These are not always rumors, and as the secretary of the Bulgarian envoy in Thessaloniki confirmed, a guerrilla band consisting of twelve retired Bulgarian officers had passed into Ottoman territory from Nevrekop at the beginning of the June.¹⁵⁹

In this atmosphere, the leading figure of the opposition against the Law on Brigandage, Pancho Dorev, started a new activity in the region, and was absent from the June negotiations on the law. Pancho Dorev's initiative was for a new

157 Turgut Paşa's initial object was to suppress the Albanian insurgency in Kosovo, but in a short time his mission would also comprise the disarmament of armed Bulgarist bands, too: BOA., MV., 152/27, 30 *Nisan 1326* (13 May 1910); BOA, DH. MUİ. 108-1/23, 15 *Haziran 1326* (28 June 1910).

158 The French envoy of Thessaloniki rightly recalled that a similar disarmament campaign in 1901 and 1902 in Manastir provoked the formation of the first bands of *comitadjis*: AMAE, Turquie, 198, supplement XII, "Le Consul de France à Salonique" no. 62, 19 May 1910.

159 AMAE, Turquie, 198, supplement XII, "Le Consul de France à Salonique" no. 75, 10 June 1910.

wave of consolidation among the political movements of Macedonian Bulgarians. Karayovov the leader of the Clubists and a comrade of Pancho Dorev admitted to the French envoy that they were preparing themselves for "an inevitable fight against the Turks," which would be the prelude to a general war between Istanbul and Sofia.¹⁶⁰ In the same period, as an important turning point, Pancho Dorev proposed the creation of a joint party with Sandanski, called "the Federalist Party" referring to no national identity.¹⁶¹ This attempt of unifying the Macedonian-Bulgarist parties, would soon draw the attention of Ottoman authorities, who would start surveillance of the developments.¹⁶²

The disarmament campaign and the consequent attempts of unification among Macedonian-Bulgarist political circles rapidly produced results. According to telegrams from Serres, Yenice, and Gevgili to the governor of Thessaloniki, widespread propagandizing was being undertaken by agents visiting villages and telling peasants that there were no Sandanskists or Clubists in Macedonia anymore, only a single, common Bulgarian people with common complaints about the administration of the Ottoman Empire.¹⁶³ Accordingly, Sandanski conducted the first mobilizations against the constitutional regime in the same period. Sandanskists organized a protest in the *Cuma-i Bâlâ* in Serres demanding the settlement of disputes between the Sublime Porte and "Bulgarians" on the question of churches and schools, and requesting the immediate abolition of the Law on Brigandage.¹⁶⁴ This meeting would be followed by another protesting the influx of Bosnian Muslim *muhacirin* into Serres, — a theme in mind with the general propaganda being spread among the Bulgarian peasants. However, the meeting was banned by the governor of Thessaloniki.¹⁶⁵

160 AMAE, Turquie, 198, supplement XII, "Le Consul de France à Salonique" no. 75, 10 June 1910.

161 AMAE, Turquie, 198, supplement XII, "Le Consul de France à Salonique" no. 62, 19 May 1910; see also Dorev, *Vyneshna Politika*, 19.

162 BOA., DH. MUİ., 62-2/1, 02 Ramazan 1328 / 24 Ağustos 1326 (6 September 1910).

163 AMAE, Turquie, 198, supplement XII "Le Consul de France à Salonique" no. 67, 29 May 1910.

164 "Miting v Gorna-Djumaja" *Vjesti*, no. 112, 3 June 1910, p. 3, and AMAE, Turquie, 198, supplement XII "Le Consul de France à Salonique" no. 73, 4 June 1910.

165 The French envoy added that to his knowledge, this was the second meeting banned by the authorities since the proclamation of the constitution. AMAE, Turquie, 198, supplement XII, "Le Consul de France à Salonique" no. 75, 10 June 1910.

As the practice of martial law advanced, the factors that brought Dorev and Sandanski together effected stronger. Consequently, the tolerance of Sandanski for the constitutional regime had been considerably hampered by the beginning of summer 1910. In July 1910, the governor of Thessaloniki ordered *mutasarrıfs* and *kaymakams* to start a new wave of disarmament of the villages. This time, the order drew the reaction of Sandanski who considered the campaign to be an attack on the Christian population and declared that he would not give up his arms. Sandanski leave this violated all the promises given and called on the Christian population not to give up their rifles until the government started to collect Muslim immigrants' weapons, as well.¹⁶⁶ The consolidation of Macedonian-Bulgarist currents against the constitutional regime was on the way.

4.3.6 *An Attempt to Rebalance by the Central Government*

As the situation tended got out of control in Rumelia, a train arrived at the station of Gevgili in Thessaloniki. The train carried central figures of the CUP, Emmanuel Karasu the Thessaloniki deputy, and Tal'at Bey the Minister of the Interior, who were paying a surprise visit to the city. Apparently Tal'at many demands for an interview except for that of the Francophone journal of Thessaloniki, *Le Progrès*, which advertised its interview as exclusive story.¹⁶⁷ The minister told *Le Progrès* that there was no need to make speculations about his visit. "My purpose in visiting Rumelia is simply to see and evaluate the general situation in this most delicate period. The enforcement of the law on churches, disarmament as well as public security are the reasons that have brought me here." Tal'at plans to contact his inferiors in person and hoped to see events from the field, "where they seem altogether different." He also planned to visit high officials and give them necessary orders to prevent misunderstandings and abuses during the application of the laws. On the law on churches, Tal'at Bey said that "the problem is resolved, and in the villages where there are two churches, both the communities of the Patriarchate and the Exarchate could

166 AMAE, Turquie, 198, supplement XII, "Le Consul de France à Salonique" no. 91, 3 Juliiet 1910.

167 "Declarations de S. E. Talaat Bey" *Le Progrès de Salonique*, 4 August 1910, in AMAE, Turquie, 199, supplement XIII.

practice their own religion in their assigned church. As for villages with one church, the majority of the village population would own the existing church and the minority would continue to practice in the same building until the government constructed another one for them." On the other hand, disarmament would continue without compromise, Tal'at insisted. In a country governed by a constitution, providing for the security of villages and provinces was indispensable, so all *Rumeli* would be cleared of arms just as the Albanians were fully disarmed. "This is," continued Tal'at Bey, "our official decision."¹⁶⁸

On his return from Skopje and Köprülü in the scope of his travel in Rumelia, Tal'at stopped again in Thessaloniki, and in his interview with the French envoy he revealed the underlying motivations for his visit. Tal'at initially stated his satisfaction about the public order he witnessed in the Albanian provinces, and expressed his views about the recent disarmament campaign. As the French envoy stated, Tal'at less content about the way the decision for disarmament had been enforced. He assured that they would certainly continue the disarmament of the vilayet, as it was a "matter of dignity" for the government. They would not give it up. However, Tal'at added, he had agreed with the governor of Thessaloniki to "suspend the operations and carry on with them at a more suitable time."¹⁶⁹

However, this could not be considered a general relief encompassing all the Rumelian provinces. At the end of September, the vilayet of Manastir was placed under martial law, although both the vali and Turgut Pasha declared the day before that they would not resort to it. In accordance with martial law, the government ordered the population to surrender their arms within three days, and for villages, within a week.¹⁷⁰ As a result, the court-martial of Manastir stated that 120 Bulgarians, fifty-seven Rums, and twenty-two Muslims were arrested when soldiers found weapons and ammunition in their dwell-

168 "Declarations de S. E. Talaat Bey" *Le Progrès de Salonique*, 4 August 1910, in AMAE, Turquie, 199, supplement XIII.

169 AMAE, Turquie, 199, supplement XIII, "Le Consul de France à Salonique" no. 108, 08 August 1910.

170 AMAE, Turquie, 199, supplement XIII, "Le Consul de France à Monastir," no. 90, 16 September 1910.

ings. Public agitations increased when in the *Kırşova* (Krushevo) district, soldiers raided a Bulgarian church and discovered a box hidden in a wall of its cemetery, containing the documents of a Bulgarian revolutionary organization including activity reports after the declaration of *hürriyet* and plans for the year 1910. By that day, the court-martial had completed the trial of twenty-nine people from among both the Christian and Muslim populations, and more than five thousand rifles, four thousand revolvers, and nearly a hundred thousand of cartridges and other ammunitions had been collected.¹⁷¹

4.3.7 *The Third Phase of Confrontation between Central and Local Authorities*

The insistence of the bureaucracy on opposing the exceptional regime revealed in the September regulations. Again on the initiative of the executive body, the decree of martial law along with the annexed articles again had governmental approval as a bylaw. In September 1910, while the chamber was in recess again, the bylaw annexed to the decree of martial law (*idare-i örfiyye kararnamesine müzeyyel kanun-ı muvakkat*) was accepted by the council of ministers, published in *Takvim-i Vekayi*, and thus put into effect.¹⁷² The government was well-aware that the regulation did not yet have parliamentary approval, and thus, it mentioned that “approval of the draft would be provided after the opening of the chamber.”¹⁷³ The Special Council of Ministers (*Meclis-i Mahsus-u Vükelâ*) issued a protocol, and with the approval of Halid Ziya, the chief secretary of Sultan Mehmed Reşad, the government informed the vilayets of Rumelia and Aydın that the amended martial law would be enforced

171 Some detainees were released (ninety-three Bulgarians and fifty-four Rums) twelve of whom proved their being village guards. BOA., HR. SYS., 137/1, “*Manastır Divan-ı Harb-i Örfisinin Raporu Suretidir*” 21 *Teşrin-i Evvel* 326 (04 October 1910). For the same period of time, the French envoy gave different numbers, 108 Bulgarians and 82 Rums. See AMAE, Turquie, 200, supplement XIV, “Le Consul de France à Monastir” No. 95, 1 October 1910.

172 “24 Ramazan 1294 tarihli idare-i örfiyye kararnamesine müzeyyel Kanun-ı muvakkat 19 Ağustos 1326 / 27 Şaban 1328,” *Düstur*, Series 2, Volume 2, 668.

173 BOA., İ. AZN., 97/8, 14 Şaban 1328 (19 August 1910).

in place of the former bylaw on brigandage.¹⁷⁴ With this decision, not only was a bylaw that drew so much opposition from the chamber was again put into effect, but the regime in Rumelia as envisaged by the law on brigandage would be expanded to the whole empire as a part of the decree of martial law.

This bylaw was again a *fait accompli*, but this time the intent to keep the local bureaucracy in check was much more obvious. There is little doubt that the repetition of this type of lawmaking — that is to say, the bylaw — would create considerable discontent in the Chamber, too. Additionally, the new exceptional regime was reformed and amended, which added to tensions with local administrations in Rumelia. Nevertheless, all these rearrangements and impositions of the central government diminished its authority rather than consolidating it. While the initial form of the exceptional regime resulted in the alienation of Christian actors (even of allies like Sandanski), the enforcement of the new law confronted with a barrier of local judicial authorities.

Indeed, in advancing their agenda and methods, the local authorities made use of the ambiguities hidden in the law's internal structure as well as its dubious place in a constitutional system.

Operations based on the Law on Brigandage were not confined to the Bulgarian population, but also hit Rums. At the end of September, in the scope of the operations, a metropolitan bishop of the Patriarchate was arrested in Manastir. The *istitli'a* commission was operating: It was a infamous informant, Fahri Bey, who helped Ottoman troops.¹⁷⁵ In those same days, the court-martial in Thessaloniki sentenced certain Greeks, including the vice-consul of the Greek embassy to death and for two penal servitude for establishing an armed band to provoke people to revolt and separatism. The suspect sentenced to death, a certain Gaethe Tzivaropoulos, was the director of the Greek schools in Gevgili and a well-educated man with knowledge of many languages.

174 “Çeteler ve men'i şekavet hakkındaki 12/19 Ramazan 1327 tarihli kanun-i muvakkatlere bedel İdare-i Örfiyye Kararnamesi'ne müzeyyel 07 Şubat 1328 tarihli kanun-ı muvakkatenin Rumeli vilayetiyle Aydın vilayetinde tatbikine dair irade-i seniyye h. 24 Ramazan 1328/15 Eylül 1326” *Düstur*, Series 2, Volume 2, 746.

175 AMAE, Turquie, 200, supplement XIV, “Le Consul de France à Monastir” no. 95, 1 October 1910.

In this specific case, which triggered a reaction among the Hellenist community, one can follow the procedure of the court-martial after the amendments on decree on martial law.

As far as the court-martial in Thessaloniki was concerned, the two civilian officials of the Ministry of Justice and Religious Denominations assigned to the board, were chosen from among the members of the local Court of Appeal — from among those who were allegedly "ideologically most fanatic."¹⁷⁶ However, more importantly, the French envoy reported that local authorities deliberately avoided enforcing the amended version of the law, and instead, they decided to enforce the former version. Undoubtedly, in making such a decision, the local bureaucracy relied on the interruption of parliamentary procedure, but on behalf of another highly controversial law that had never come up on the agenda of the chamber. In accordance with this decision, the court-martial did not assign a general prosecutor, as had been envisaged by the annexes to the martial law — and the absence of whom was considered part of the problem of implementing the right to a defense. Secondly, trials were carried out behind closed doors. And thirdly, the head of the board of the court-martial avoided writing a complete legal justification on the decisions taken.

The Hellenist community of the city, the discontent of which had reached its peak, followed a classical pattern: Through the hands of the Archimandrite of Thessaloniki, called Alexandre, it submitted a petition to one of the Great Powers, the French consulate, "in order to bring a remedy to this flagrant injustice." The letter, after listing violations of justice during the trials, touched on the Law on Brigandage and repeated that the law had been withdrawn by Sadrazam İbrahim Hakkı Pasha because of its draconian measures, but "As a sign of incomprehensible incoherence, it is still being applied to target innocents." For the Archimandrite of Thessaloniki, "the draft of the law is legally invalid, and is in complete conflict with the human rights and the elementary principles of justice and equality. The draft of law abolishes all traces of defense and open trial." Archimandrite Alexandre probably confused the two laws, — the bylaw on brigandage withdrawn by the Hakkı Pasha cabinet and the draft of martial law reintroduced by the same government. But these statements

176 AMAE, Turquie, 200, supplement XIV, "Le Consul de France à Salonique" 4 October 1910.

suggest that the Greek religious authority's main concern was not the details and differences between these laws. The essential discontent of the Greek representative was the mere existence of the martial law, as a continuous and hybrid exceptional regime, regardless of whether it was reshaped in a more mitigated version. This suggestion is confirmed by his ensuing wording, insisting that "the project of the law can be tolerated neither during a general revolt nor during civil war."

In his petition, the Archimandrite referred to the constitution more than once, not only as a legal source on which to base his objections but as a source of ideological commitment. The petition gave the impression that the convicts were ardent loyalists of the constitution, and especially the individual sentenced to the death penalty, Gaethe Tzivaropoulos "fought heroically at the first ranks of the Army of Action during the reactionary movement." Archimandrite Alexandre concluded his petition with his wish that the French government intervene at the level of the sultan and convince him to use his authority granted by Article 7 of the constitution to pardon the convicts.¹⁷⁷

The ambiguities and power struggle between the local and central administrations added to the perception of the arbitrariness of the regime and opened the way for a revival of a more violent politics in the region. In mid-October, a dynamite bomb set to explode was discovered in Skopje on the railroad to Thessaloniki. Again, the Bulgarist revolutionary committee in Thessaloniki sent a telegram to the local CUP club, threatening to start up their activities again, not by forming a band, but by putting explosives on the railroads, in banks, and in consulates and by attacking Europeans in order to draw their attention to Macedonia.¹⁷⁸ Indeed, over a short period the attacks

177 AMAE, Turquie, 200, supplement XIV, "Le Consul de France à Salonique" 4 October 1910; the petition of the Archimandrite of Thessaloniki is appended to the report.

178 AMAE, Turquie, 200, supplement XIV, "Le Vice-Consul de France à Uskub" no. 50, 17 October 1910. According to French intelligence and a correspondent of the *Times* in the Principality of Bulgaria, the attack in Skopje was planned in Sofia by the leader of a Macedonian secret organization; one Moloff who had decided to take extreme measures against the Young Turk administration, including the assassination of some leading Young Turk personages. AMAE, Turquie, 200, supplement XIV, "La Legation de la Publique Française en Bulgarie" no. 154, 23 October 1910.

by Bulgarist brigands increased followed by a larger operation targeting Christian villages. In Skopje, after subsequent incidents of sabotage of the railroad and the assassinations of three Ottoman soldiers, the Muslim population's anger "from the common man to the highest official" rose with accusations and calls for war against the Principality of Bulgaria.

In response to increased tensions, the local administration took some measures, but did not distribute arms that villages could defend themselves. However, the events resulted in the establishment of a new court-martial in accordance with the new law. The governor announced that in the new court-martial, trials would be public and the suspects could retain lawyers. By this time, 200 Christians were waiting to be tried in the court.¹⁷⁹

By the end of October 1910, disarmament operations slowed and came near to the end. However, the last waves of the operation still touched the same nerves producing much discontent in the region. Among the flood of news and complaints coming out of Skopje, Thessaloniki, and the villages of Manastir such as Krushevo, Gradeshnitsa, and Negotin, one operation was emblematic.

In Manastir, in another disarmament operation, nineteen Bulgarians were arrested. Strikingly, among these nineteen were again Pavel Christov and Acha Dorev who had occupied a central place in Macedonian-Bulgarist reaction to the Jovanovich case and who had been released during the investigation.¹⁸⁰ The new operation added to the discontent, as the Bulgarist community had openly embraced these notables since their last arrest.¹⁸¹ The suspects were rapidly tried before the court-martial, and Acha Dorev, along with some comrades was condemned to life imprisonment according to Article 17 of the law on brigandage. The court-martial based its decision on letters found on the

179 AMAE, Turquie, 200, supplement XIV, "Le Vice-Consul de France à Uskub" no. 56, 17 October 1910.

180 AMAE, Turquie, 200, supplement XIV, "Le Consul de France à Monastir" No. 99, 10 October 1910.

181 Aside from Acha Dorev, Pavel Christov was mentioned at the top of a list of delegates in a pedagogical congress of the community to which he would attend as the inspector of Bulgarian schools in Manastir. See, "Pedagogicheska Konferentsija," *Vjesti*, no. 111, 1 Junii 1910 (14 June 1910), p. 2.

suspects. According to the claim, the letters, which allegedly carried the seal of the Bulgarian Constitutional Club, consisted of propaganda appealing Bulgarian peasants to surrender only some of their arms in poor quality. The suspects, on the other hand, denied the authenticity of the documents and said that they were produced intentionally in accord with the purposes of the investigation; and even the seal on them was no longer used by the Constitutional Club.¹⁸² Thus, the Bulgarian political elite in Manastir were once again listed among convicts of the court-martial.¹⁸³

4.3.8 *The Ultimate Intervention of the Central Government: Hybrid Continuity of the Exceptional Regime*

By the end of November 1910, in this atmosphere of potential as well as real violence, the courts-martial were abolished in most parts of Rumelia.¹⁸⁴ In official discourse, the reason for the abolition was the successful application of the law which had achieved its aims.¹⁸⁵ As court-martial was a central organ of the exceptional regime, their abolition implied an overall withdrawal from

182 AMAE, Turquie, 200, supplement XIV, "Le Consul de France à Monastir" no. 103, 31 October 1910. The documents, dated 29 May 1910 and 13 July 1910, were obtained by the French envoy. According to the versions presented in the dossier of the French consulate, the letters addressed the Bulgarian population, and said that whoever turned in their weapons would be punished with death. As martial law would soon be declared in Manastir, all the documents should be collected in the secret place of the relevant branch of Bulgarian secret organization. In addition, the July letter mentioned that martial law would be most harshly enforced in villages, so villagers were invited to petition foreign consulates. In conclusion, the later letter also declared that the despotism Bulgarians suffered would end thanks to "our beloved Tsar." For the letters, see "Annex à la dépêche de Monastir, Levant no.108, du 21 XI 1910."

183 In the list of total convicts of by the court-martial, among his companions, Acha Dorev was listed at the 46th place, for his accusation related to the law on brigandage, BOA., DH. SYS., 29-2/3-29, "Mülga Manastır Divan-ı Harbinin mahkum eşhas listesi"; for another list by the French sources: "Annex à la dépêche de Monastir, Levant no.108, du 21 XI 1910" in AMAE, Turquie, 200, supplement XIV, "Le Consul de France à Monastir" no. 103, 31 October 1910.

184 AMAE, Turquie, 200, supplement XIV, "Le Consul de France à Salonique" no. 173, 25 November 1910.

185 BOA., BEO., 3829/287169, "Daire-i Sadaret tahrirat Talemi'nden Manastır Vilayetine" 15 Teşrin-i Sani 326 (28 November 1910).

the enforcement of law. In general, the abolition brought about relative relief in the region. The court-martial would continue to function for a time in some parts of Kosovo, but in both Manastir and Thessaloniki, reports expressing a considerable and to some extent exaggerated satisfaction. Although hope of a rapid return to the normal judicial procedure was optimistic, the decision was at least considered part of a more general policy of conciliation.

Observers drew attention to the timing of the decision which followed the latest CUP congress, in which a year of testing a policy of tolerance and conciliation vis-à-vis the Christian political movements was envisaged. In addition, the individuals convicted to death penalty by the court-martial to Greek notables of Thessaloniki (including Gaethe Tzivaropoulos) were pardoned by the sultan, as a positive response given to the petitions of the Thessaloniki Greek community. The governor of Thessaloniki visited the metropolitan bishop of the city in person to give him the news. However, reflecting the limits of this relief, the pardon also included lifetime exile: The Ottoman police sent convicts to Istanbul handing them over the Patriarchate, since the pardon was conditioned by the stipulation that they never return to Macedonia.¹⁸⁶

The same was true for the arrest of Acha Dorev and his companions. The sentence of Acha Dorev, along with that of Doctor Nikolov, was mitigated, and the two were sent to exile to Istanbul, and within a year, they were dispersed to different parts of Anatolia: Acha to Smyrna and Nikolov to Bursa.¹⁸⁷ Acha Dorev would spend the following two years in exile and would be permitted to return to Bulgaria only after the end of the Balkan Wars.¹⁸⁸

The story of the convicts in the Jovanovich case also concluded in this period. Apparently, the delay of their execution had lasted seven months with the convicts awaiting their fate while negotiations and struggles over the law continued. However, some developments occurred in this period that which increased hope for the convicts. The abolition of the courts-martial was, of

186 AMAE, Turquie, 200, supplement XIV, "Le Consul de France à Salonique" no. 174, 25 November 1910.

187 BOA., DH. EUM. THR., 69/40, "İstanbul Polis Müdür-ü Umumîsi: Dahiliye Nezaretine" 25 Temmuz 1327 (5 August 1911).

188 Dorev, *Vynashna Politika*, 17.

course, the first. As another hopeful development, the sentences of two convicts were mitigated, and changed to penal servitude. However, news circulated that the remaining two, Jovanche Chamo and Stephan Petri, would be executed on Monday at eleven o'clock. Ecclesiastical authorities — notably the Bulgarian Metropolitan Bishop of Manastir and the Catholic Archbishop — stepped forward in alliance. In their petition, the Metropolitan Bishop of Manastir Alexandrov and the Catholic Archbishop Leon Proy mentioned that loyal Ottoman Christians were praying for the well-being of the *Padişah* who had proved to be the supporter of freedom (*hürriyetperver*). After expressing their concern about rumors of the execution, they asked for the mitigation of the sentences of these two convicts in order that positive sentiments following the lifting of martial law endure.¹⁸⁹ However, in response, the Grand Vizierate wrote to Manastir that it was not possible, since the convicts' direct involvement in the murder was certain.¹⁹⁰ Indeed, while this dispatch was being written, Chamo and Petri were executed along with five other convicts — Albanian Muslims arrested in April 1910 for forming an armed band and killing three Bulgarian peasants.¹⁹¹

The limitations of this relative relief following the abolition of courts-martial were seen in the institutional structure as well. A series of confidential correspondences between Istanbul and the *vilayets* suggests that the abolition of martial law regime was carried out with hesitations and arbitrary conducts.

On 22 November 1910, the Ministry of the Interior wrote a dispatch describing measures to be taken after suspension of *idare-i örfiyye*.¹⁹² The dispatch ordered the abolition of the court-martial in Skopje, Thessaloniki, and Manastir, leaving only the Koçana court in place until the trials of its suspects were completed. Ongoing trials in Frizovik were transferred to Yakova, where

189 BOA., BEO., 3829/287169, 14 Teşrin-i Sâni 326 (27 November 1910)

190 BOA., BEO., 3829/287169, “Daire-i Sadaret tahrirat Talemi’nden Manastır Vilayetine” 15 Teşrin-i Sani 326 (28 November 1910).

191 AMAE, Turquie, 200, supplement XIV, “Consul de France à Monastir” 28 November 1910.

192 BOA., DH. ŞFR., 664/114, “Dahiliye Nezaret-i Celilesinin 9 Teşrin-i Sani 326 tarihli şifresidir” (22 November 1910).

the court-martial would continue to function for a period of time. As for ongoing trials in other areas of Kosovo, Thessaloniki, and Manastir, files were transferred to the local courts of justice.

According to this dispatch, the regulations brought about by the annexes to martial law would no longer be applied, and there remained no need for the *istitli'a* commissions. All issues related to public security were given over to the authority of the governors. Crucially, the *istitli'a* commissions were not abolished altogether, but would be subject to the decision of the governor who could reinstall them in case of a revolt or banditry. Campaigns for the collection of weapons would continue, and every kind of weapon — even revolvers — were banned.¹⁹³

On the other hand, this regulation in the aftermath of the martial law was not the final one. On 11 December 1910, to questions from the vilayets related to payments to the members of abolished martial law institutions, the Ministry of the Interior clarified that although the courts-martial were suspended, pursuit battalions — the main armed force of the exceptional regime and a major source of complaints — remained intact. Hence, they would get paid as before.¹⁹⁴

Still, the new regulation did not satisfy local authorities. As the exceptional regime was reduced to a limited set of institutions placed in the hands of the vali, general mobilization against potential threats became more difficult. In February 1911 — that is, within three months after the suspension of the courts-martial — the Sublime Porte received telegrams from local authorities complaining about the situation. The Vali of Manastir sent a dispatch to the Sublime Porte criticizing the ambiguities after the suspension of the law. According to Vali Halil, protecting villages under suspicion of helping the Bulgarian secret organizations became all the more impossible. The Bulgarian

193 BOA., DH. ŞFR., 664/114, “Dahiliye Nezaret-i Celilesinin 9 Teşrin-i Sani 326 tarihli şifresidir” (22 November 1910). On 24 January 1911, the Ministry of Interior repeated the same regulation on the *istitli'a* commissions “Dahiliye Nezaret-i celilesinin 11 Kanun-ı Sani 326 tarihli ve 586 numaralı şifresidir”.

194 BOA., DH. ŞFR., 664/114, “Dahiliye Nezaretinin 28 Teşrin-i Sani 326 tarihli şifresidir.” (11 December 1910).

revolutionary bands were acting in a programmed and disciplined manner while the government lacked the coordination to pursue and banish of these brigands. Unless immediate measures were taken, a revolt was inevitable. Although the governor did not mention a declaration of *idare-i örfiyye*, his demand of exceptional authority to use the administrative apparatus was obvious.¹⁹⁵

Given these regulations, the abolition of martial law did not mean a return to the usual order, but led to an even ambiguous regime. A principle complaint about martial law and the Law on Brigandage was its vague boundaries, that its structure permitted arbitrary and abusive administration. Ironically, the abolition of the law only contributed to the intermingling of these boundaries between the usual state of administration and the exceptional regime. Two major martial law institutions that had considerably provoked public reaction — the pursuit battalions and the *istitli'a* commissions — depended on the decision of the governors. The regulation providing governors with the authority to operate *istitli'a* commissions was an obvious loophole in favor of local authority, who was the main target of criticisms of abuse. However, this was not a satisfactory regulation from the point of view of the governors either. In the absence of courts-martial which were the principle institution of the exceptional regime, they felt themselves confined and limited vis-à-vis the growing threat of Bulgarist brigandage.

§ 4.4 A Local Mutiny for Sovereignty: How the “Capitulations Were Lifted” in Serres

The Law on Brigandage reintroduced the central government into the heart of local politics in form of a bylaw creating a tumultuous atmosphere both in inter-communitarian politics and in the relationship between provincial and central bureaucracies, as observed in both the martial law cases of Manastir, and in parallel to it, in Thessaloniki. However, as we continue to trace the scale

195 BOA., DH. SYS., 29-2/3-26, Telegrams of Vali of Monastir, 12 Şubat 1326 (25 February 1911) followed by that of the Vali of Kosovo (15 Şubat 1326 / 28 February 1911) with the same complaints and proposals.

of tensions, we come across the fact that they extend toward sub-localities and sub-agendas, in a way that equalizes — if not completely invalidate — superior governmental organizations and constitutional norms. The events in Serres allow us to observe the local configuration of power, the functioning of the revolutionary party, the CUP and the perception of the concepts of sovereignty, the Ottomanness and law at the local scale.

Amid the tense political scene in Rumelia and expectations for the new CUP government of İbrahim Hakkı Pasha, the Minister of the Interior Tal'at Bey summoned Hüseyin Kazım Bey to inform him of his appointment to Serres as the *mutasarrıf* (sub-governor), and his special mission to arrest Dinka, a Bulgarist brigand affiliated with the Verkhovist wing, whose arrest and execution we recounted in the pervious section. Serres was no ordinary place. It was a sub-province of Thessaloniki, and “one of the most important political center of Macedonia” as Hüseyin Kazım also described it.¹⁹⁶

Along with many important sub-districts such as Menlik, Aynaroz, Karacaabat, and Usturumca, the central district of Serres contained 156 villages and 4 communes (*nahiye*) in 1909. Its population in 1907 was estimated as 92.087, while the town had 4416 households.¹⁹⁷ According to accounts, the town center was divided between the Rum and Muslim populations, which were typically separate in terms of their economic and social activities. The Slavophone population, referred to as Bulgarians, lived mostly on the peripheries and in mountainous areas.¹⁹⁸ The statistics cannot provide a complete picture of the population as circulation of people expressed a high degree of fluidity. The *muhacirin* Muslims that had been immigrating to the city since the Russo-Ottoman War and more recently after the annexation of Bosnia and Herzegovina to Austro-Hungarian Empire contributed to the Muslim-dominated

196 Hüseyin Kazım Kadri, *Meşrutiyet'ten Cumhuriyet'e Hatıralarım* ed. İsmail Kara (İstanbul, İletişim Yayınları, 1991), 68. Serres was usually referred to as Siroz in Ottoman documents, see *Salname-i Devlet-i Ali-i Osmani*, (Dersaadet: Selanik Matbaası, r. 1327), 662, and 925.

197 *Salname-i Devlet-i Ali-i Osmani*, (Dersaadet: Selanik Matbaası, r. 1327), 662, and *Salname-i Vilayet-i Selanik*, 20. *Defa'a* (Selanik: Hamidiye Mekteb-i Sanayi Matbaası, h. 1325), 345.

198 Mehmet Esat Serezli estimates in his memoirs that 35 percent of the population of the town center was Rum; see his *Memleket Hatıraları*, Vol. 1, ed. Aynur Koçak et. al. (Ankara: Türk Tarih Kurumu, 2012), 58.

social picture of the district.¹⁹⁹ However, as was the case in Thessaloniki, the town center of Serres attracted travelers, merchants, and remarkably workers of almost every country from those of the neighboring Balkans to Europe, as will be seen below.

This vivid atmosphere reflected in the political life, as well. Serres, particularly sub-districts such as Menlik, was the base of the Sandanskist faction and became the scene of Hellenist brigandage activities, too. After the revolution, many clubs affiliated with the military, the CUP, the Hellenists, or the Bulgarians opened.²⁰⁰ Following the revolution, the alliance between the Sandanskists and the CUP was felt to the utmost degree. Sandanski acquired the tenure of certain assets of the Bulgarian community and became involved in the trade of the Razlık forests with the authorization from the Thessaloniki governor.²⁰¹ It is plausible that this sociopolitical expansion of Sandanski's influence created a disturbance among Patriarchist circles, but the Rum population enjoyed both traditional political networks — extending from school teachers to Greek consuls — and flourishing businesses, that occasionally enabled them to be creditors for Muslim tradesmen.²⁰² Hüseyin Kazım would undertake the administration of such a critical region.

4.4.1 *A Profile of a CUP Adherent as the Local Administrator*

On the other hand, Hüseyin Kazım himself was no an ordinary official. He was a descendant of a Tanzimat vizier, Hacı Edhem Pasha, and son of a high-profile Ottoman bureaucrat, Kadri Bey. Hüseyin Kazım also started his career as a bureaucrat during the Hamidian era.²⁰³ Moreover, he was a well-known

199 Ibid., 58-59.

200 The clubs were mentioned in the memoir of Mehmet Esat Serezli, who himself was the head of the CUP Club; see *ibid.*, 252-253, 262.

201 Hüseyin Kazım Kadri, *10 Temmuz İnkılabı ve Netayıcı*, 74; the governor of Thessaloniki, İbrahim Paşa confirmed this agreement with Sandanski: BOA., DH. MUİ. 34-1/68, dispatch of *Vali İbrahim*, 8 Teşrin-i Sani 325 (21 November 1909).

202 Serezli, *Memleket Hatıraları*, 59.

203 See İsmail Kara's introduction to his memoirs in Hüseyin Kazım Kadri, *Meşrutiyet'ten Cumhuriyet'e Hatıralarım* ed. İsmail Kara (İstanbul, İletişim Yayınları, 1991), 7ff.

figure in the CUP, of which he became a member before the revolution. Following the revolution, he founded the CUP newspaper *Tanin* with leading Young Turk intellectuals such as Tevfik Fikret and Hüseyin Cahid Yalçın, and he was the initial financier of the newspaper.²⁰⁴ Despite close relations with liberal figures of the CUP, on the ideological plane, his Islamic inclinations were obvious, as can be seen from the religious phraseology that dominated the style of his memoirs. However, his interest in Islam was not only spiritual, but also political. Although it is hard to follow the fluctuations in his ideology, it is certain that he left the era that ended with Balkan Wars as an ardent supporter of Islamism, which he deemed to be an authentic political identity. On this path, he separated himself even from Turkist aspirations. Hüseyin Kazım radically opposed the CUP's Turkist tendencies symbolized by Ziya Gökalp's approach and saw the "exit" in an Islamist vision.²⁰⁵ In his writings he used the nickname "Sheikh Muhsin Fani."²⁰⁶

As for politics, despite his affiliation with the CUP, he was known for his continuous disagreement with Tal'at Bey.²⁰⁷ In fact, it is hard to say that he had a good reputation among the CUP cadres of the time, considering his description in Tahsin Uzer's memoirs, as an highly opportunistic person tending to incline to the Liberal Entente when the CUP government fell.²⁰⁸ Later he was a critic of the CUP's administrative methods, accusing it for centralism and

204 Karabekir, *İttihat Ve Terakki Cemiyeti*, 239; also see Hüseyin Kazım, *Meşrutiyet'ten Cumhuriyet'e*, 10-13.

205 Hüseyin Kazım Kadri, *Ziya Gökalp'in Tenkidi*, ed. by İsmail Kara, (İstanbul: Dergah Yayınları, 1989), 63-65.

206 Hüseyin Kazım, *Meşrutiyet'ten Cumhuriyet'e*, 7. On the other hand, Hüseyin Kazım lists Islamism among the inutile remedies of the empire in his mémoir (see his *Hatıralarım*, 242). Considered in the light of his constant Islamic discourse during the constitutional period, the inconsistency is explained by the fact that he wrote the memoir during early Republican period, in the 1930s. Adopting an opportunistic attitude accommodating himself to the spirit of the time, he obviously retreated from his previous stance.

207 İsmail Kara, "Hüseyin Kazım Kadri" in *Yaşamları Ve Yapıtlarıyla Osmanlılar Ansiklopedisi*, vol.1, 2nd ed., (İstanbul: Yapı Kredi Yayınları, 2008), 586.

208 Uzer, *Makedonya Eşkiyalık Tarihi*, 302.

statism. Indeed, although he hid the rhetoric of a balance between “centralism” and “decentralism,” he clearly supported a decentralized model, “granting a life and character to provinces that are not inhabited by the Turkish race.”²⁰⁹ Concerning the Macedonian problem, he consistently opposed the policy allying with the Sandanskists which he saw as the invention of İbrahim Pasha, the Thessaloniki governor.²¹⁰ On the other hand, his activities suggest that his opposition was not merely to Bulgarists; after 1913, he promoted violent agitations against Ottoman Christians. He even wrote a pamphlet supporting the anti-Greek boycott that contributed to purge of the Rum population from the economic activities. He also translated propaganda into Turkish addressing Christians in a severe language, defining Christianity as a false belief.²¹¹ As seen in his attitudes in the Serres case, Hüseyin Kazım was an ardent opponent of capitulations, and later reflected this view in his writings addressing subsequent generations.²¹² All these tendencies were revealed in his tenure as *mutasarrıf* in one of the centers of the revolution.

4.4.2 Two “Law Enforcements”: *The Arrests of Dinka and Leon Ruspert*

The impressions of this CUP-affiliated sub-governor about the local relations in Serres worthy of attention. The first thing he faced was “anarchy in the local administration,” which rendered it “impossible to eliminate the bandits.” He gave orders to the gendarmerie for a seek-and-destroy operation, but his commands were not obeyed. It was not mutiny, but rather apathy. As Hüseyin

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- 209 He openly offered decentralized regulation for the provinces, and criticized the CUP for not enacting a new Law on Provinces at the beginning of the constitutional era, see: Hüseyin Kazım, *Balkanlardan Hicaza*, 58. In another statement, he did not so openly support decentralization. See, Hüseyin Kazım, *Meşrutiyet’ten Cumhuriyet’e*, 242.
- 210 Hüseyin Kazım, *Balkanlardan Hicaza*, 73-74.
- 211 Hasan Taner Kerimoğlu, “1913-1914 Rumlara Karşı Boykot Ve Hüseyin Kazım Bey’in Bir Risalesi.” *Çağdaş Türkiye Tarihi Araştırmaları Dergisi* 5, no. 13 (2008). Emmanuilidis underscores Hüseyin Kazım’s hostility to Christians, and reproduces the pamphlet translated by Hüseyin Kazım in his memoirs; see Emmanuilidis, *Osmanlı İmparatorluğu’nun Son Yılları*, 76-78.
- 212 Hüseyin Kazım, “Kapitülasyonların İlgasından Sonra” in *Donanma*, 5, no. 12, 8 Eylül 1330 (21 September 1914), 178-190.

Kazım related: “There remained no trace of the honor of words and the orders of the government.”²¹³ Upon viewing the situation, he decided to organize a pursuit battalion to catch the *voivod* Dinka. Suggestive of the methods of local recruitment in the scope of exceptional regime, Hüseyin Kazım planned to group a battalion on the basis of payment.²¹⁴

In his search for a team, he turned to the the *kaymakam* of Nevrekob, Fehim Bey, but was faced with the same reluctance. In his memoirs, it is obvious that the *mutasarrıf* depended on these local administrators to organize the battalions. In the end, he could only gather was a platoon of ten to fifteen men led by a lieutenant that quickly trapped Dinka.²¹⁵ Dinka was sent to Thessaloniki court-martial, as the suspect in one of the crucial trials testing the scope of the Law on Brigandage.

As Hüseyin Kazım received compliments from Istanbul, he gradually penetrated in the local network of notables and bureaucrats in Serres. He recorded that he immediately came close with the deputy commandant of the army and with a correspondence officer, İsmail Hakkı Bey, whom he described as an “active, honest, and devoted person.” As a descendant of a family of bureaucrats, he already knew the accountant Cemal Bey, who had been in service of Hüseyin Kazım’s cousin.²¹⁶ In his accounts, he had a certain resonance with local notables, such as Ali Bey, the mayor, and Fethullah Efendi — a well-known *müftü* of Serres — whom Hüseyin Kazım showed utmost respect, and who, in turn, expressed his obedience to the new sub-governor.²¹⁷

In this context, the striking aspect of his local connections were their relationship to the CUP. In one occurrence showing how the CUP organization functioned, Hüseyin Kazım, soon after his arrival in Serres, was visited by two CUP envoys (*murahhas*) reminding him that he should “work in collaboration with the CUP center in all his activities.” Hüseyin Kazım’s response to these

213 Hüseyin Kazım, *Meşrutiyet’ten Cumhuriyet’e*, 68-69.

214 *Ibid.*, 70.

215 *Ibid.*, 70-71.

216 *Ibid.*, 69.

217 *Ibid.*, 75-76.

CUP envoys was severe; he told that in Serres he was the official of the government and not of the CUP. After this visit, he decided to punish these representatives, because, according to him, a moment of “hesitation would level the government to null.”²¹⁸ Indeed, on the pretext that they were carrying guns, which Hüseyin Kazım had strictly prohibited on the advice of the deputy commander, he arrested certain CUP envoys for hitting the deputy commander and ordered their public flagellation. Before the execution of the penalty, he gave a speech to the public including notables such as bureaucrats, *müftü*, and ecclesiastical authorities gathered in front of the governor’s office. The speech clearly describes the divergence between the law and revolution — or between the government and the CUP:

“... Tal’at Bey deceived me. He told me that he would send me to a place that had been at the frontlines of the revolution and where the government, law, compliance, seriousness, and sincerity reigned... Nevertheless, I now see that none of these exists here. On the contrary, an idea of mutiny and resistance to the government, to the law, and to the spirit of the revolution reigns here. ... Now that I am here, you must know that I will establish all these in Serres. Oppose me if you can. Let’s see who will succeed and who will lose.”²¹⁹

The authority conveyed in these words was not a show of power to impose a certain concrete authority but an abstract conception of sovereignty symbolized by the personage of a mid-ranking administrator. The conception of sovereignty was so abstract that the government he referred to in his speech did not signify the government embodied in Istanbul, as his conducts in the local administration proved. Indeed, his practices as the Serres *mutasarrıf* would show how he could effectively use the authority of a local administration against the central government.

218 Ibid., 73.

219 Hüseyin Kazım, *Meşrutiyet’ten Cumhuriyet’e*, 74.

4.4.3 *The Leon Ruspert Case*

On a Thursday night in Serres, 6 January 1910, a certain Léon Ruspert fought with two Ottoman police officers, resorted to his gun, and severely injured one of them, officer İsmail Efendi.²²⁰ He surrendered to the Ottoman forces arrived in the scene of crime. In the custody of the Ottoman police, he declared his German nationality, leading to a problem of jurisdiction between the German consulate and the Ottoman administration.

The news published on the influential pro-CUP newspaper *Tanin* — which had been founded by Hüseyin Kazım — ten days later on 16 January 1910. As the editorial in *Tanin* (titled *Yeni Tanin* at the time) stated at first glance this case of murder (*vaki'a-yi cinâiye*) was nothing more than an ordinary crime of no particular importance. But, the newspaper emphasized, considering the reasons for and outcomes of this crime, every Ottoman should find it significant and remarkable.²²¹

According to the newspaper, Léon Ruspert, who was living in Thessaloniki and earned his living as a painter in the train stations. He started firing his gun at random in the street after getting drunk in a local tavern.²²² Two policemen passing by tried to stop him, but the vulgar man (*herif*) fired at them and injured one of them. While the injured policeman was struggling with Leon Ruspert, the other ran away. And at last, Ruspert fired two more shots and the

220 BOA, HR. HMŞ. İŞO., 90/3 “Siroz’da polis İsmail Efendiyi cerh iden Leon Ruspert hakkında şimdiye kadar cereyan iden mu’amelât-ı adliyenin hülasâsıdır”. Hüseyin Kazım allocates a substantial part of his memoir to the Ruspert case, and refers to it in his other work on a political and historical evaluation of the era. [See, Hüseyin Kazım, *Balkanlardan Hicaza*, 70.] Due to the character of the genre, the story had vivid style; more importantly, on account of some details provided, we can further the structure of the CUP organization in the region as well as a local bureaucrat’s perception of the crisis.

221 For the development of the case Sirozda Bir Vaki’a-yi Cinâiye, “*Yeni Tanin*, no. 482/23, 3 Kânun-u Sâni 325 (16 January 1910), p. 1.

222 This identity of Ruspert is also remarkable in that it reflects the region’s feature as an attraction point of working class immigrants in Europe. For a detailed study, see Malte Fuhrmann, “I Would Rather Be in the Orient’: European Lower Class Immigrants Into the Ottoman Lands” in *The City in the Ottoman Empire: Migration and the Making of Urban Modernity*, ed. by Malte Fuhrmann, Ulrike Freitag, et. al. (London: Routledge, 2011).

“poor” (*biçare*) policeman, in *Tanin*’s words, fell on the ground. As the police did not carry guns, he could not respond to the drunk Ruspert. Afterwards, the newspaper continued, Ruspert took refuge in a bank where he was working as a painter at the time and continued firing at the soldiers, gendarmerie and police who arrived at the scene.

The *mutasarrıf* of Serres, upon hearing gunfire, immediately put on his clothes, rushed out into the street and arrived at the crime scene. Meanwhile, the soldiers who entered the bank were occasionally firing at the “paws of the savage” (*yabanın pençelerine ateş eder*), and the *herif* was firing back, crying “*Bir alman elli türk!*”²²³

The sub-governor took two soldiers and entered the building breaking through a back door, and with a last raid of the soldiers from the other side of the building, the *cani* (murderer) decided to surrender declaring that he was a German subject. He was taken under custody and the investigation began.²²⁴

The case drew the attention of the French envoy of Thessaloniki for two reasons: First, in the pre-revolutionary administrative distribution of Macedonia after the 1903 uprising, Serres was under the control of France, and secondly, the problems, and violations concerning the interests and privileges of foreigners was always prominent agenda of foreign powers whose degree of

223 The meaning of this slogan is uncertain. The French translation of *Yeni Asır*’s coverage said: “Un Allemand vaut cent Turcs”; see “Siroz Vak’ası,” in *Yeni Asır*, 16 January 1910 cited and trans. in AMAE, Turquie, 196, supplement X, “Le Consul de France à Salonique,” Annexe no: 3 à la Dépêche du Consulat de France à Salonique no: 11 du 17 January 1910: Traduction du Journal Turc ‘Yeni Asr’ du 16 January 1910: ‘Incident à Serres,’” no. 11, 17 January 1910; also see BOA, HR. HMŞ. İŞO., 90/3 “Siroz’da polis İsmail Efendiği cerh iden Leon Ruspert hakkında şimdiye kadar cereyan iden mu’amelât-ı adliyenin hülasâsıdır”.

224 In his memoirs, the encounter of Hüseyin Kazım, as the *mutasarrıf* of Serres with this “drunk suspect” is dramatized. According to Kazım, although the suspect fired his gun when he heard someone approaching, he expressed a considerable affinity finding out who was coming: “Ooo! *Mutasarrıf Bey sen misin?*” These words along with Ruspert’s subsequent conduct — he dropped his rifle and his revolver without resistance — concerned Hüseyin Kazım’s effort to draw a picture of himself as a *mutasarrıf*, who had earned the confidence of the non-Muslim population, as well. On the other hand, Hüseyin Kazım aroused the concerns of witnesses by risking his life in the name of the “dignity of the government” Hüseyin Kazım, *Meşrutiyet’ten Cumhuriyet’e*, 85-86.

intervention was considerably less after the revolution. Hence upon hearing the news, the envoy immediately became involved by interviewing with the parties to the case, and he left another version of the event from a different perspective.

In quoting the report of the Austro-Hungarian Embassy, the French envoy told that, Léon Ruspert, a German subject who carried military passport²²⁵ and who was a painter working in the Banque d'Orient, was attacked by two Ottoman policemen on his road back home around nine o'clock on 5 January. According to his statement, the police first bit him and even fired at him, with a bullet passing by his hat. In return, he fired at the *zabıts* three times and then ran away, taking refuge in the bank building. In a short period of time, the building was surrounded by the gendarmerie, the "police," and notably, by some "Muslims in arms." As the events unfold, the mutasarrıf of Serres, arrived at the scene in person and convinced Ruspert to be taken into custody. According to the report, the mutasarrıf told Ruspert that there were no Prussian representatives in Serres, and thus he should surrender to the mutasarrıf as the Ottoman administrator.²²⁶

For the column in *Tanin*, the important aspect of the case was that it was an infringement of mutasarrıf Hüseyin Kazım Bey's successful policy of prohibiting the carrying and firing weapons in Serres. According to the piece, although, it was once quite common in Serres for guns to be fired in public areas, Hüseyin Kazım Bey's strict measures had greatly succeeded in maintaining public order: "In short, the constitutional government could at last be sensed in Serres." *Tanin* clearly evaluated the case as a plot against the success of constitutional government. Certain unspecified actors wanted to put the government to the test via its conduct with a foreign subject, and trying to show the government's incapability and failure, and thus "reviving memories of the ancient regime."²²⁷

225 The information provided by the Austria-Hungarian embassy seems fault in this phase. In fact, Leon Ruspert only fulfilled his military service in Germany. (see below.

226 AMAE, Turquie, 196, supplement X, "Le Consul de France à Salonique," no. 11, 15 January 1910.

227 Sirozda Bir Vaki'a-yi Cinâiye," *Yeni Tanin*, no. 482/23, 3 Kânun-u Sâni 325 (16 January 1910), p. 1.

What made the case so important was not only the action, but the actors. Testimonies in the editorial mentioned that Leon Ruspert got drunk in a tavern with two friends, whose nationalities were underscored more than once: The two Greeks at the crime scene — a *kavas* of the Greek consulate in Serres and an impudent (*edebesiz*) person who had once been jailed for tearing an Ottoman flag apart. The latter one was defined as a Rum, named *Istelyo*.²²⁸ Furthermore, these were not the only Yunans involved in the affair. Since there was no German envoys in Serres the Austro-Hungarian envoy was officially responsible for defending German interests in the town. As it turned out, this envoy was also a Greek (*Ki Yunânî Alasdır*). This Greek *kavas* with extraterritorial authority, demanded the immediate transfer of Leon Ruspert into the hands of German authorities, referring to the capitulations.²²⁹

However, Hüseyin Kazım gave the suspect up neither to the German nor to the Austria-Hungarian authorities, insisting the suspect be kept in Ottoman custody. He deemed it a matter of honor (*namus*), and dignity (*haysiyet*). The Austria-Hungarian representative wanted to see the suspect in person and, as far as Hüseyin Kazım reported, he appreciated the mutasarrıf's good conduct toward Ruspert.²³⁰ However, now the problem was on the edge of a crisis.

An ordinary crime was politicized by the attitude of sub-governor and the coverage of *Tanin*. In one version of the story, there were the Ottoman forces, representing Ottoman sovereignty who had done nothing but keep the constitutional order, even without carrying guns. But they became the victims of a “drunk” declaring his foreign nationality who was accompanied by certain “Greeks” (signifying both *Yunans*, Rums) who did not hesitate to work to the detriment of the Ottoman Empire and who benefited from the networks of extraterritorial protection. In the other version, recounted in the Austro-Hungarian report, Ruspert was just another victim of the arbitrary actions of Ottoman security forces. The report did not mention Ruspert's firing his gun in public. Secondly, while the *Tanin* version underscored that there were no guns in the hands of the police, the Austro-Hungarian representative mentioned

228 Ibid., and Hüseyin Kazım, *Meşrutiyet'ten Cumhuriyet'e*, 85.

229 Sirozda Bir Vaki'a-yi Cinâiye," *Yeni Tanin*, no. 482/23, 3 Kânun-u Sâni 325 (16 January 1910), p. 1.

230 Hüseyin Kazım, *Meşrutiyet'ten Cumhuriyet'e*, 91.

gunfire from the polices that almost hit Leon Ruspert in the head. In another difference, *Tanin* described the crowd surrounding the bank as regular armed forces, but the Austro-Hungarian version put an emphasis on "Muslims in arms," drawing attention to the irregularity of armament. This confrontation over sovereignty should, according to *Tanin*, draw attention of all Ottomans.

This political confrontation would lead to a confrontation in which the existing legal framework became a principle means of struggle. Upon being informed of the incident, both the German embassy and the Vali of Thessaloniki, İbrahim Bey involved in the crisis.²³¹ From the explanation of the vali to the French envoy, we understand that there was correspondence between the governor and sub-governor and the first Ottoman legal authority to deal with the issue would be the local general prosecutor in Serres. According to the opinion of the prosecutor, the suspect should be kept in the custody of Ottoman authorities as he had been caught in the act. That is why Ruspert had not immediately been transferred to German authorities and instead the Austro-Hungarian *dragoman* attended the interrogation.²³²

However, remarkably, the governor İbrahim did not confine himself to the general prosecutor's legal opinion and reported the event to the central government. By sending a telegraph to the Ministry of Justice and Religious Denominations at the Sublime Porte, İbrahim Bey sought the approval of a "higher" authority.²³³ This quest for a higher approval suggests that he did not want to rely on a local prosecutor, whose legal consideration may have been

231 Pirizade İbrahim Hayrullah Bey was known as a CUP supporter who was promoted to the Ministry of Justice after the 1913 Bab-1 Ali coup. Erkan Tural, "II. Meşrutiyet Dönemi'nde Adliye Ve Mezahip Nezareti'nde Bürokratik Reform" *Ankara Üniversitesi Hukuk Fakültesi Dergisi*, 57, no. 2 (2008), 249.

232 At one point, the envoy of German envoy in Thessaloniki became involved in the investigation by sending his secretary, as well. In his interview with the French envoy, İbrahim Bey's version of the story did not differ from the *Tanin* editorial. AMAE, Turquie, 196, supplement X, "Le Consul de France à Salonique," no. 11, 15 January 1910.

233 AMAE, Turquie, 196, supplement X, "Le Consul de France à Salonique," no. 11, 15 January 1910; "Sirozda Bir Vaki'a-yi Cinâiye," *Yeni Tanin*, no. 482/23, 3 Kânun-u Sâni 325 (16 December 1910), p. 1; BOA. DH. MUİ. 54-2/14, "Dahiliye Nezaretinden Siroz Mutasarrıflığına" 2 Kanun-1 Sâni 325 (15 January 1910).

affected by his immediate, political inclinations.²³⁴ It might also have emanated from his personal distrust of Hüseyin Kazım, but whatever the motivation, the governor opened the case to the “political” consent of the center of the empire responsible for the application of justice.

Upon the vali’s application, the Ministry of Justice and Religious Denominations ordered the transfer of Ruspert to German authorities. Both Austro-Hungarian and German representatives consented with the decision of Sublime Porte which issued an order to the *mutasarrıf* to give the suspect up to German authorities for their investigation.²³⁵ According to Hüseyin Kazım’s memoirs, this decision not only belonged to the Ministry of Justice Religious Denominations, but was the result of a negotiation between the Ministry of Justice, the Ministry of the Interior and lastly, of İbrahim Hakkı Pasha, who became had become Sadrazam a few days before. For him, it was essentially the order of the Sadrazam that “Ruspert should immediately be delivered to the Austro-Hungarian Consulate.” Apparently, Hüseyin Kazım was offended by this order of Hakkı Pasha, who, apart from being the Sadrazam, supposed to be “responsible to our Turkish youth (*Türk gençliğinin mümessili*), a teacher of international and interstate law, and a legal advisor to the Sublime Porte.”²³⁶ Hüseyin Kazım was upset by the order of İbrahim Hakkı Pasha and did not hide his anger to the Vali İbrahim, whom he described as “a mere dispatcher of the Central Committee of the CUP.”²³⁷ Here again, we see a high-profile CUP *mutasarrıf* in a tense confrontation with the central government dominated by the CUP.

234 The general prosecutor was not necessarily a legal professional, as for example, İsmail Hakkı Bey, the current correspondence officer of Serres would also serve as prosecutor afterwards. Liva Müdde-i Umumisi, *Salname-i Devlet-i Ali-i Osmani*, (Dersaadet: Selanik Matbaası, r. 1327), 662.

235 AMAE, Turquie, 196, supplement X, “Le Consul de France à Salonique,” no. 11, 15 January 1910.

236 In denouncing Hakkı Paşa’s concessive order, Hüseyin Kazım added that he had regretyably worked on his behalf in the elections, gaining him a hundred and ten votes. Hüseyin Kazım, *Meşrutiyet’ten Cumhuriyet’e*, 88 and 91.

237 *Ibid.*, 91.

4.4.4 *Local Public Mobilization*

Indeed, the confrontation intensified. The order of the Sublime Porte was responded to with a clear rejection by local bureaucracy, above all, by the *mutasarrıf*. Local officials not only objected to the order of the Sublime Porte, but presented their resignations in protest.²³⁸

We can trace the details of this act of protest by the local Ottoman bureaucracy in the Ottoman archives. The resignation telegrams were signed and wired by six key local bureaucrats of Serres, including the *mutasarrıf*, the accountant, the vice-accountant, the public prosecutor, the head of the criminal court, and the secretary general (*tahrirat müdürü*). The telegram initially adopted a clear judicial stance, insisting that the suspect should be kept in Ottoman custody until the trial was over because he was caught in the act — a measure which informed the mutual agreements between Germany and the Ottoman Empire. Although, in the words of the telegram, officials of the state were obliged to do whatever their superiors ordered, they would also be held responsible for the execution of their superiors' unlawful commands.²³⁹

Along with this legal pretext, the officials' main position was to defend Ottoman honor and dignity. "Being officials of the constitutional government," continued the telegram, "our only wish is to collectively provide for security, by working day and night without fearing of any difficulty." Thus, the officials concluded, in order not to collaborate with an insulting order that would hamper Ottoman security and peace, they wanted to resign from their offices.²⁴⁰

The resistance of the local bureaucracy put Ottoman government's political authority at stake. The events that followed demonstrated that this conflict

238 In the Ottoman version of the case, the reason for the Ottoman officials' resignations was presented as concern over public agitation due to the decision. This opposed the German version which accused the officials of the demonstrations that followed. AMAE, Turquie, 196, supplement X, "Le Consul de France à Salonique," no. 11, 15 January 1910; "Sirozda Bir Vaki'ayı Cinâiye," *Yeni Tanin*, no. 482/23, 3 Kânun-u Sâni 325 (16 December 1910), p. 1; BOA. DH. MUİ. 54-2/14, "Dahiliye Nezaretinden Siroz Mutasarrıflığına" 2 Kanun-ı Sâni 325 (15 January 1910).

239 BOA, DH. MUİ., 54-2/14, 1 Kanun-ı Sani 325 (14 January 1910).

240 BOA, DH. MUİ., 54-2/14, 1 Kanun-ı Sani 325 (14 January 1910).

of jurisdiction had less to do with legal disputes than political conflicts. The progress of the event was marked by a demonstration of public political force, and the judicial procedures cynically followed them.

Indeed, the officials' act of resignation was not the end of the local reaction. That same day in support of the officials a public protest was organized in Serres town center. According to information provided by the German consulate, the crowd was constituted of Muslims and some Jews and was led by a hodja who made a speech at the meeting, denouncing "capitulations." In the German consulate's account of the event, hodja declared that the capitulations were not valid after the proclamation of the constitution.²⁴¹ He added that they would not accept the resignation of the "patriotic officials," and harshly criticizing the ministers in Constantinople who had ordered the transfer of the suspect to German authorities.²⁴²

Indeed, that same day, the protesters sent there on telegram to Istanbul. *Tanin* published a letter of Mehmed Akil, the mayor, in the position of the head of the protest delegation of Serres (*Siroz miting heyeti re'isi*). The letter informed the public that a similar letter had been sent to all state institutions from the *Meclis-i Mebusân* to different ministries, as well as to the governorate of Thessaloniki. The letter underscored almost the same points as the letter of resigning officials, identifying "caught-on-act" as the legal basis and "national dignity" as the normative basis for the demand that the order be withdrawn. For the meeting committee, the decision of the Sublime Porte violated both the law in general and the "national dignity" (*haysiyet-i milliye*), that is why they all declined to accept this act of humiliation (*bu babdaki zillete katlanmamağa tamamen karar verilerek*). According to the letter to *Tanin*, this

241 This religious leader, who is anonymous in the document, may be the *müftü* of Serres, Fethullah Efendi, with whom Hüseyin Kazım had developed particularly close relations. But there is no mention of such an act in Fethullah Efendi's memoirs. See Serezli, *Memleket Hatıraları*.

242 AMAE, Turquie, 196, supplement X, "Le Consul de France à Salonique," no. 11, 15 January 1910.

attitude and posture of the protesters reflected that of the Muslim and non-Muslim population of Serres.²⁴³

However, the relatively sober style of the letter was not maintained in the telegrams to the central government. Indeed, the telegram of the meeting committee to the central government had a provocative language. The letter was again signed by Mehmet Akil, as the head of the meeting, with the additional phrase as “in the name of the general public” (*umum ahali namına miting reisi*). It repeated nearly the same arguments concerning their legal and normative stance. But the letter sent to the *Meclis-i Ayân* and to the Grand Vizierate did not mention any Muslim and non-Muslim populations: Instead, it repeated the phrase “*umumiyetle*,” — that is “with decision of public in general.” This time the voice of the “general public” had clear threatening tones. Both telegrams strictly and unanimously demanded immediate withdrawal of the order. “Otherwise,” the telegram concluded, “no sacrifice will be withheld.”²⁴⁴

These last words might not have been interpreted as an immediate threat except that the influential, pro-CUP newspaper of Thessaloniki, *Yeni Asır*, covered the event by legitimizing the mass violence. In the 15 January 1910 issue, the newspaper adopted language that clearly repeated the “Ottoman” version of events. Part from other aspects of the story, particular emphasis was put on the public protest of Muslims and non-Muslims.²⁴⁵ Hence, according to the report, the protest was made by a great mass of people who “considered the transfer of a suspect caught in the act of firing at gendarmeries exercising their duty to his own consulate, constituted an attack on the national dignity of the population of Serres.”²⁴⁶

243 “Sirozda Bir Vaki’a-yi Cinâiye,” *Yeni Tanin*, no. 482/23, 3 Kânun-u Sâni 325 (16 December 1910), p. 1.

244 BOA, DH. MUİ. 54-2/14, “Ayân riyasetine” and “Makam-ı Sadaretpenâhiye” 1 Kanun-ı Sani 325 (14 January 1910).

245 We know from the German report that these “non-Muslims” were mainly Jews of Serres, though the usage of the term in the newspaper gave an impression of a more widespread Ottomanist solidarity.

246 Traduction du Journal Turc ‘Yeni Asır’ du 15 January 1910 annexe no: I à la Dépêche du Consulat de France à Salonique no: 11 du 17 January 1910, AMAE, Turquie, 196, supplement X, “Le Consul de France à Salonique,” no. 11, 17 January 1910.

A peculiar point in the discourse of the newspaper was the latent threat of mass violence: Demanding the defense of “national dignity” was not perceived as a passive attitude. According to the report in *Yeni Asır*, if, for instance, a similar event occurred in the US that hampered national dignity, even if the person in question were not a criminal like Ruspert, but the diplomatic agent of a foreign consulate, the suspect would simply “be lynched, cut into pieces, or burned without even resorting to official procedures.” The newspaper justified this language with an example, in which a crowd in Paris had attacked the Consulate of Spain in revenge for the execution of a French subject in Spain. The newspaper rationalized the potential mass violence by stating that even in the most civilized countries, “the people, in the name of humanity or just with the aim of protecting their national dignity, commit acts that could be qualified as uncivilized and wild (*sauvage*).” The editorial of *Yeni Asır* hoped that the Great Powers would tolerate such reactions of Ottoman citizens.²⁴⁷

In contrast to the allegations in the German version of the story, Hüseyin Kazım, in his memoir, rejects the suspicion that these acts were organized by him. According to him, the wave of resignations was not a planned act, but developed spontaneously when he tried to appoint an acting *mutasarrıf* to the office, before resigning. No other official accepted this appointment, and the accountant, registrar, attorney general, judge, head judge of the criminal court, its members, and the interrogators consecutively presented their resignation letters, as well. As for the public protest, he also wanted to prevent public protest by “the Islam, Rum, Bulgarian and Jewish communities” but he did not succeed.²⁴⁸

On the other side, this public agitation prompted panic behind the doors, as the documents report. First, the French envoy immediately drew Vali İbrahim Bey’s attention to the lines in *Yeni Asır* and warned the governor of the disastrous effects to which these words might lead. For the envoy, it was clearly “a call for a lynching to a crowd of ignorants who could be easily provoked.” İbrahim Bey’s response was not in proportion to the anxiety of the

247 Traduction du Journal Turc ‘Yeni Asır’ du 15 January 1910 annexe no: I à la Dépêche du Consulat de France à Salonique no: 11 du 17 January 1910, AMAE, Turquie, 196, supplement X, “Le Consul de France à Salonique,” no. 11, 17 January 1910.

248 Hüseyin Kazım, *Meşrutiyet’ten Cumhuriyet’e*, 89.

envoy, though he also expressed his regret with the *Yeni Asır*'s intemperate style. The governor, keeping to his calm, diplomatic discourse, assured the envoy that he would call the editor of the newspaper and have him publish a note of correction the next day about the newspaper's remarks concerning the events in the United States and France.²⁴⁹

However, the governor of Thessaloniki was not as calm in his correspondence with the Sublime Porte. The threat of mass violence stirred up concerns of both Vali İbrahim Pasha and the Sublime Porte.

After two protests by the local bureaucracy and local people, the first step that vali planned was to transfer Léon Ruspert out of Serres, to the center of *vilayet* — that is, to Thessaloniki.²⁵⁰ In his encrypted telegram to the Ministry of the Interior, wired the same day as the protest, and was marked “extremely confidential” (*gayet müstehcendir*), Vali İbrahim proposed obtaining a decree from the Court of Appeals for the transfer of the suspect. As no one could guess the effects of such an attempt on the Serres protesters, he added that the director of judicial affairs (*adliye müdürü*) and the public prosecutor of the court of appeal should arrive in Serres and negotiate with the people concerned.²⁵¹

This proposal by the governor was a clear manipulation of judicial procedures in order to keep the situation under control. However, it was not the only move to this end. Amid the extraordinary telegram traffic from the *vilayet* of Thessaloniki to Istanbul, a telegram of İbrahim Bey resorted to a more alarming discourse. He adopted a position of an arbitrator, but loaded the weight of the tensions on the shoulders of the Sublime Porte. First, he defended the local bureaucrats against punishment from the Sublime Porte. For the governor, the local bureaucrats resigned as an act of “self-sacrifice in order to protect and defend the honor and dignity of the Ottoman government,”

249 AMAE, Turquie, 196, supplement X, “Le Consul de France à Salonique,” no. 11, 17 January 1910.

250 Hüseyin Kazım also relates that the masses would have raided into prison to kill Leon Ruspert, but he prevented such an act. Hüseyin Kazım, *Meşrutiyet'ten Cumhuriyet'e*, 89.

251 BOA, DH. MUİ. 54-2/14, “Dahiliye Nezareti Şifre Kalemi: Dahiliye Nezareti celilesine Selanik Vilayetinden vürud olan şifre telgrafnameye zeyldir.” Decrypted telegram signed by Vali İbrahim on 1 Kanun-ı Sani 325 (14 January 1910).

because the demand of the German authorities was unacceptable even under the ancient regime. Furthermore, the governor reported that he had personally ordered the local bureaucrats to return to their posts, but they had refused unless the decision of the Ministry of Justice and Religious Denominations was corrected.

At the end of his secret telegram, the governor clearly expressed the danger of mass violence. If the government insisted on the decision of the Ministry of Justice and Religious Denominations, a dramatic public agitation and disturbance would occur. Perhaps what made the warning more powerful was the postscript to the telegram: *Vali* said that in the case that the order of the Ministry of Justice and Religious Denominations would stand, “the affair would result in events of enormous calamity.”²⁵²

The alarming discourse of *Vali* İbrahim triggered rapid correspondence within the bureaucracy of the Sublime Porte. The next day, the Ministry of the Interior, led by Tal’at Bey, officially withdrew the order, sending a dispatch directly to the office of the *mutasarrıf* in Serres, explaining that the problem occurred due to a mistaken order given by the Ministry of Justice and Religious Denominations.²⁵³ The dispatch reminded that in extraordinary cases where an order was given that conflicted with the laws, the Ministry of the Interior should be directly consulted. Hence, the Ministry of the Interior expressed its regret to the Serres bureaucrats who, by skipping this procedure, consulted a ministry that was irrelevant to the problem and subsequently organized a collective resignation in protest.²⁵⁴

As a last, remarkable point, the Ministry of the Interior sent a dispatch to the governor criticizing his mode of appeal to the Ministry of Justice and Re-

252 BOA, DH. MUİ. 54-2/14, “Dahiliye Nezareti Şifre Kalemi: Gayet müstehcendir.” and “Selanik Vilayetinden alınan şifredir,” signed by *Vali* İbrahim on 1 Kanun-1 Sani 325 (14 January 1910).

253 This direct contact by the ministry to the *mutasarrıflık* can be interpreted as a sign that the Sublime Porte was in a state of emergency. In normal cases, the direct correspondence of the ministry would be the governor in accordance with the bureaucratic hierarchy.

254 BOA, DH. MUİ. 54-2/14, “Dahiliye Nezareti Muhaberat-ı Umumiye Dairesi: Siroz Mutasarrıflığına” 2 Kanun-1 Sani 1325 (15 January 1910).

ligious Denominations. According to the dispatch, if the Ministry of the Interior had also been informed of the problem, there would not have been such a mistake, because the ministry was following closely and meticulously developments related to Thessaloniki. As for the act of the resignation of the *mutasarrıf*, the ministry was not satisfied, either. The Ministry of the Interior reminded that, in such cases of public agitation, the duty of an Ottoman official was not to retreat by resigning, but to calm the people and solve the problem for the good of the country.²⁵⁵

This concession of the Ministry of the Interior calmed the situation at once. On the same day, the governor sent another telegram to the ministry informing it that as the order of the Ministry of Justice and Religious Denominations had been withdrawn, local officials left their decision to resign and returned to their posts. Vali İbrahim also stated that he had summoned the *mutasarrıf* and the director of the telegram office to inform that they would not be investigated for their act of protest, because, in the opinion of the governor, they had not resigned to cause trouble for the Ottoman state for its involvement in a public agitation.²⁵⁶

In explaining the withdrawal of the government, Hüseyin Kazım's memoir is significant. According to him, the problem was not solved in the ranks of the bureaucracy. While the documents, it was stated that the government withdrew its former order, Hüseyin Kazım mentions that in fact the Central Committee of the CUP had intervened the conflict, telling Hüseyin Kazım that "the Ministry of the Interior pulled back its former order and no resignation request was accepted."²⁵⁷ No document other than Hüseyin Kazım's memoirs suggests such a role of the Central Committee of the CUP. Although exceptional informal procedures played major role throughout the affair, recorded

255 BOA, DH. MUI. 54-2/14, "Selanik Vilayetine. Dahiliye Nezareti" 2 Kanun-1 Sani 1325 (15 January 1910).

256 BOA, DH. MUI. 54-2/14, "Dahiliye Nezareti Celilesine. Vali İbrahim" 2 Kanun-1 Sani 1325 (15 January 1910). In his interview with the French envoy, *Vali* repeated that it was this change of opinion in Istanbul appeased the anger of protesters: AMAE, Turquie, 196, supplement X, "Le Consul de France à Salonique," no. 11, 17 January 1910.

257 In the following lines, Hüseyin Kazım mentions the transfer of the suspect from Serres to Thessaloniki by the Ministry of Justice. Hüseyin Kazım Kadri, *Meşrutiyet'ten Cumhuriyet'e*, 89.

accounts do not confirm that the informality had reached such a degree. Although such an action of the CUP is conceivable, the archived correspondence shows that the real arbitrator in the matter was the Ministry of the Interior which was directed by the CUP leader, Tal'at Bey, who, in Hüseyin Kazım's memoir, was referred as an opponent.

The first phase of the Ruspert case, which was marked by the imminent threat of a mass violence, came to an end with this revision of the decision. The Sublime Porte complied with the demands of the protestors and withdrew its order. From the perspective of the protesting camp, this was in every way a patriotic victory. The newspaper *Yeni Asır* declared the latest development concerning the compromise of the Sublime Porte as cause to celebrate the "courageous" and "patriotic" moves of the local officials.²⁵⁸ The sentiments in the local network, consisting of local notables and bureaucrats, was reflected in a note published the next day in *Yeni Asır*:

"The result of being a union is achieved. Yesterday was the day of sorrow. And today is the day of celebration. Last night every heart was in pain and in agony. Today, the eyes of the nation are full of cheer and gratitude. The high ranked civil servants and the people who helped each other, are now congratulating each other."²⁵⁹

4.4.5 *From Informality to Formality*

In the days following the public protest, the crisis was resolved behind the doors with the legal, diplomatic, and bureaucratic procedures of the Ottoman state. The details of this process is worthy of study, as it has much to say about the legal history of the late Ottoman Empire. However, we will pursue the general maneuvers taken by the Ottoman bureaucracy to better address the polarized parties and to demonstrate how a local mass mobilization led to a solid legal and institutional framework that would spread throughout the empire, as was the case with the martial law.

258 Traduction du Journal Turc 'Yeni Asr' Du 15 January 1910: 'Incident à Serres'" in AMAE, Turquie, 196, supplement X, "Le Consul de France à Salonique" no: 11 du 17 January 1910.

259 Traduction du Journal Turc 'Yeni Asr' du 16 January 1910, "Siroz Vak'ası," annex no 3, in AMAE Turquie, 196, supplement X, "Le Consul de France à Salonique" no: 11 du 17 January 1910.

Immediately after the public agitation was calmed, the Interior Ministry acquired a legal opinion from the Chamber of Legal Counsel (*Hukuk İstişare Odası*) of the Ministry of Foreign Affairs. The transfer of the file to this bureau was meaningful: It was the central organ which had been established to manage exceptional legislation emerging from extraterritorial laws and in which Sadrazam İbrahim Hakkı Pasha himself was educated as a lawyer.²⁶⁰ In this case, the long opinion of the bureau replaced the legal decision of the Ministry of Justice, and would constitute a complete legal basis against the demands of the German consulate. This legal opinion of the bureau was comprehensive, and also remarkable in that it presented the age-old international legal framework, such as the Passarowitz Treaty, with which the constitutional government still had to refer to.²⁶¹

The plan to transfer the suspect to the *vilayet* center was postponed, so the suspect was put on trial in Serres and sentenced to four years in prison.²⁶² However, interestingly, the initial plan of a transfer to Thessaloniki was realized later on, when the decision was brought before the Court of Appeals, at

260 Sinan Kunalp and Emre Öktem (eds.) *Chambres des Conseillers Légistes de la Sublime Porte: Rapports, Avis et Consultations sur la Condition Juridique des Ressortissants Etrangers, le Statut des Communautés Non Musulmanes, et les Relations Internationales de l'Empire Ottoman (1864-1912)*, (Istanbul: Les Editions ISIS, 2012), 9.

261 This maneuver shows the important role that the bureau played in an era characterized by persistent international crisis. The bureau was clearly the major legal authority and overrode the opinion of the Ministry of Justice. Moreover, although the bureau's legal stance far from rocks a final legal solution to the problem, it was consistent in defense of the political position of local bureaucrats. BOA, DH. MUİ. 54-2/14, "İstişare Odası Mütalaası Derkenar Suretidir" 6 Kanun-ı Sani 325 (19.01.1910) appendix to "Selanik Vilayeti Celilesine. Almanya'nın isteğine karşı Hukuk İstişare Odasından alınan hukuki görüş ektedir" 7 Kanun-ı Sani 325 (20 January 1910).

262 BOA, DH. MUİ. 54-2/14, Telegram of *Vali İbrahim* to the Interior Ministry, 9 Şubat 325 (22 February 1910). A report of the Ministry of Foreign Affairs also stated that Leon Ruspert was sentenced to four years of penal servitude; BOA, HR. HMŞ. İŞO., 90/3 "Siroz'da polis İsmail Efendiye cerh iden Leon Ruspert hakkında şimdiye kadar cereyan iden mu'amelât-ı adliyenin hülâsâsıdır".

which stage, upon the demand of the Ministry of Justice and Religious Denominations, Leon Ruspert was transferred to Thessaloniki prison.²⁶³ The Court of Appeals in Thessaloniki found Ruspert guilty and on 9 June 1910 (27 Mayıs 1326) he was sentenced to fifteen months of prison. However, the Ministry of Justice and Religious Denominations again intervened on behalf of the general public, and the case was sent back to Serres where, in a new trial, Ruspert was sentenced to three years of penal servitude on 25 August 1910.²⁶⁴

Throughout this process, Leon Ruspert remained under Ottoman control. This is unsurprising since from the beginning — with the opinion of the *Hukuk İstişare Odası* — the Ottoman bureaucracy's main concern was to produce a legal basis for keeping Ruspert in Ottoman custody against the renewed demands of the German consulate.²⁶⁵ The subsequent demands by the German consulate in Thessaloniki and the insistence by the Ottomans to keep Ruspert led to a political confrontation of two states which expanded the area of dispute. A main argument of the German side was the insanitary in the Ottoman prisons. Along with legal considerations, the German representatives based their demands on this claim. The Ottomans, in response, asserted that the conditions of the prisons of foreign consulates were not sufficiently sanitary for a prisoner to survive. This argument provoked a debate about the condition of prisons as a whole.²⁶⁶

In a year's time, the prison issue became a major topic among the Ottoman bureaucracy. The Ministry of the Interior sent several dispatches to different

263 Throughout this process the possibility of an act of violence against Ruspert was not forgotten for a moment. From the beginning of the trial, the German consulate reminded Ottoman officials that Ruspert's security during the transfer was the responsibility of Ottoman authorities. BOA, DH. MUİ. 54-2/14, Dispatch to the *Vilayet* of Thessaloniki, 4 Kanun-1 Sani 325/17 January 1910.

264 BOA, HR. HMŞ. İŞO., 90/3 "Siroz'da polis İsmail Efendiyi cerh iden Leon Ruspert hakkında şimdiye kadar cereyan iden mu'amelât-ı adliyenin hûlasâsıdır" folio 2.

265 BOA, DH. MUİ. 54-2/14, "Hariciye Nezaretine Almanya sefaretinin 26 Kanun-1 Sani 910 tarihinde verdiği 226 numaralı takrir-i şifahiye'nin tercümesi."

266 BOA, DH. MUİ. 54-2/14 "Dahiliye Nezareti Muhaberat-ı Umumiye Dairesi. Siroz Mutasarrıflığına" 2 Kanun-1 Sani 325 (15 January 1910).

centers of the empire emphasizing that keeping foreign prisoners in the Ottoman prisons had become a sovereign right of the government. This required prison reform, but as there were not enough resources for immediate action to this end — and in order to prevent pressure from the foreign embassies — the prison directors were advised to keep an eye on the cleanness and comfort of foreign prisoners and to put them in exclusive rooms, if necessary.²⁶⁷

Remarkably, an affair triggered by local protest had reached the point of determining institutional changes leaving traces in the evolving legal body of the era. The affair of Ruspert became the reference point of certain scholarly studies.²⁶⁸ Considering the scope of this prison campaign and the fact that the government interpreted it as a matter of sovereignty, the legal stance built within the debate was accepted as case law to be implemented throughout the Empire, in scope of new prison and custody regulations.²⁶⁹

4.4.6 *The Traces of the “Domestic Enemy” and the Local Anti-Greek Agitation*

However, the conflict of the Ottoman government with the German authorities, that is, the conflict with an external power was not the only dimension of

267 BOA, DH. MUİ. 54-2/14 “Dahiliye Nezareti Muhaberat-ı Umumiye Dairesi. Aydın Vilayetine” 6 Mayıs 326 (19 May 1910). The *vilayet* of Bagdad responded that as there were very few foreign prisoners in the periphery of the province, they would deal with the problem meticulously in the central prisons. BOA, MUİ. 54-2/14 “Bağdad Vilayetinden Alınan Şifre” 6 Mayıs 326 (19 May 1910). On the other hand, the *vilayet* of Edirne clearly demanded additional resources to improve the situation in the prisons, BOA, MUİ. 54-2/14 “Edirne Vilayeti. Dahiliye Nezareti Celilesine” 17 Mayıs 326 (30 May 1910).

268 The author of the “The Legal Position of Greek Subjects in Our Country” in line with the Ruspert affair, strongly advised “provincial” officers to execute the same measure without hesitation in case of an arrest in *flagrante delicto*; see Arif, “Memleketimizde Teba‘a-i Yunanistan,” 195.

269 The case of Ruspert constituted one of the pretexts for regulating the status of foreign prisoners in the empire: BOA., HR. HMŞ. İŞO. 127/46, “Bab-ı Ali Hukuk Müşavirliği; Sirozda polis katl iden Leon Ruspert hakkında Dahiliye tezkeresi,” 15 Şubat 325 (28 February 1910). The following study lists the Ruspert case among jurisprudence concerning the trial and arrest of foreign subjects summarizing the legal aspects of the case. Ömer Şen, *Osmanlı’da Mahkum Olmak*, (Istanbul: Kapı Yayınları, 2007), 132-135.

the Ruspert case. The documentation suggests that although the crisis seemed to emanate from the demand of the German state, the target of the reaction was not clearly a foreign state. A report signed by the Foreign Ministry counsellor stated that despite its insistence on the Ruspert case, the Germans had already made considerable concessions on the imprisonment issue given the obvious fact that the Ottoman government was under harsh pressure of public agitation. Moreover, the report noted that the German state, in turn, was under the pressure of their own public opinion. These two vectors would end in an “exceptional” point of compromise.²⁷⁰ The two governments under the pressure of their own publics’ opinions, were on their way to establishing a specific point of rapprochement. The fact that the Ottoman government’s main position was as an arbitrator to finding a balance between the demands of the German state and the demands of the mobilized local protestors, is well reflected in the documents.

In passing, it must be added that this concessive attitude of the German state was not a novelty in its traditional stance with respect to the crimes of its subaltern subjects — in this case, to an ordinary crime of the ordinary painter, Ruspert. Indeed, although the Great Powers were typically inclined to protect their expatriate citizens’ rights, they were more interested in protecting their “aura of respectability,” in Malte Fuhrmann’s words and in cases where the actions of an individual cast doubt on this aura, they would not hesitate to take various measures to exclude that member, including “forcibly extraditing him/her to the motherland.”²⁷¹

270 This point of compromise constituted an “exceptional” (*istisnai*) practice, according to which the Ottoman government would permit German and even Austrian representatives to visit Ruspert in prison whenever they wish (which is surprising, given that during the debate, the Ottoman government had questioned the authority of Austrian officials to represent German interests on Ottoman soil). With this condition, the Germans tolerated the imprisonment of Ruspert in Ottoman prisons, though it never accepted it officially. Considering the delicacy of the situation, the Ottoman government informed local officials that they should pay utmost attention to the conditions of this exceptional agreement, as well as the overall conditions of the prison. BOA, MUI, 54-2/14 “Nezaret-i Umur-u Hariciye. Dahiliye Nezareti’ne. Hülasa. Siroz’da tevkif edilen Almanyalı Ruspert hakkında” 7 Şubat 325/9 Safer 327 (20 Şubat 1910)

271 Fuhrmann, “European Lower Class Immigrants,” 230.

As for the position of the protestors, both of the local bureaucracy and of the mobilized masses, it was not so different either, as far as the German state was concerned. It is true that the discourse in the public demonstration clearly favored the dissolution of the capitulations, but the reaction to this “foreign power” was considerably weaker than the reaction to those who benefited from this specific system of privileges. This position was clearly reflected in the words and attitudes of Ottoman officials. In the memoir of Hüseyin Kazım, the main rivals are the Greeks and, of course, the superior Ottoman officials who hesitated to defend their own sovereignty. Additionally, Vali İbrahim Bey’s interview with the French envoy reveals the actual focal point of the Ottoman attitude: In the governor’s view, the case of Ruspert although appeared to be a conflict between the Prussian and Ottoman authorities over jurisdiction, but was in fact a “domestic conflict” emerging from foreign consulates’ that recruited officials from among the local people — a practice established in scope of the capitulations. In this case in particular, he drew attention to the fact that the consular official of Austro-Hungary in Serres was a local Greek who “did not have the capacity to preside over the case impartially.”²⁷² Thus, in Ottoman view, the detail that the Greek “element” was involved — an official of the Greek consulate, an Ottoman Rum, and as the representative of Austria-Hungarian consulate in the town who was directly involved in the interrogation — was an essential factor triggering the conflict.

Indeed, allusions by Ottoman officials to the Greek factor in the Ruspert case make sense when looked at from broader perspective of the sequence of events in the region. In Serres, within the same days in January 1910, an anti-Greek political campaign took place, although the central Ottoman government and the central CUP cadres kept their distance.

Although Bulgarist brigandage was the prominent target of the Law on Brigandage, the Hellenist current was also put under pressure due to its extra-territorial ties with the Kingdom of Greece, particularly in cases when it was perceived as a separatist threat. While the anti-Greek boycott, occasionally directed by the CUP cadres, was going on in neighboring regions of Rumelia,

272 AMAE, Turquie, 196, supplement X, “Le Consul de France à Salonique,” no. 11, 15 January 1910.

Hellenist actors in Thessaloniki and Serres felt the surveillance of the same CUP initiative mentioned, here. At the time, the Exarchist newspaper in Constantinople, *Vesti*, reported on a polemic between the Greek newspaper *Neologos* and the pro-CUP *Yeni Asır* in which the news of *Yeni Tanin*, the well-known pro-CUP newspaper took place too.²⁷³

As *Neologos*' headline indicated, the polemic concerned the arrest of a certain Greek, Dimitry Pakhin, "one of the most energetic leaders of the Greek partisan bands." Apparently, when Dimitry Pakhin was arrested, he declared that he was in fact a citizen of Greece by his marriage, as the acts on nationality stipulated. Furthermore, the Greek consulate confirmed that Pakhin was serving as their ordinary clerk (*proste prepisvache*). That is why he was wearing a hat, even though he was also an Ottoman subject. *Neologos* stated ironically, "That is how he offended Ottoman dignity." In response, *Vesti*, added the commentary of *Levant Herald* "That is how the constitution is perceived. A man's hat is tantamount to and offense to Ottoman dignity. There is no need to further commentary."²⁷⁴

Indeed, this anti-Greek agitation emerged from local power groups occupied a considerable place in memoirs of Hüseyin Kazım. As the *mutasarrıf*, Kazım underscored his pursuit of the Greek personages in Serres. Pressure on Greek politics reached the edge of violence.

For him "the Greek embassy in Serres became a significant propaganda center," which he put under surveillance. As *mutasarrıf*, he once personally stalked a priest and a Rum *muhtar* who entered the Greek embassy. He waited until dawn for them to leave and then caught them with illegal pamphlets and two revolvers. In another account, the political pressure was dramatically revealed. During Easter celebrations, when he prohibited gunfire in public, Hüseyin Kazım personally attended the ritual in the local church to check if his order was followed. Upon the consulta official's celebratory gunfire from the window of the Greek embassy, "I found the pretext that I had been looking for," he says in his memoirs. Thus, the *mutasarrıf* arrested the official as soon as he left the building.

273 "Bir Şeririn Derdesti," *Yeni Tanin*, 1 Kanun-1 Sani 325, 14 Kanun-1 Sani Efrenci 1910/ 2 Muharrem 1328, p.4.

274 "Otomanskoto Dostolepie," *Vesti*, no. 55, 13 January 1910, p. 3.

However, even more violent attitude was to come. Hüseyin Kazım did not confine himself to this act, and ignoring all diplomacy, he ordered the gendarmerie to surround the Greek embassy of Serres. In his memoir, Hüseyin Kazım abandons his narrative as a moderate statesman, using political and diplomatic common sense. He “ordered a policeman to kill the Greek consul whenever he stepped out from the building.” Additionally, the policeman assigned by the *mutasarrıf* to this task was already full of hatred for the Greeks (*adamcağız bana itimadı olduğu kadar Yunanlılardan da müteneffir idi*) as he was a Cretan Muslim immigrant whose father, mother, and wife were killed by Cretan Rums. According to Hüseyin Kazım, the policeman did not accept it as an order, but said he would do it of his own volition, with honor and pleasure. “Whether it was the right thing to do or not” continues Hüseyin Kazım, “I wanted to put an end the life of the consul. I did not care where my act would lead. I had gone mad!” However, this was not a momentary insanity; the siege lasted a week. Local Rums who wanted to bring food and drink to the building were rejected by the *mutasarrıf*. The deadlock was solved in a hard debate between the Greek ambassador in Istanbul and Tal’at Bey, when the Greeks agreed to remove the Greek consul from his post.²⁷⁵

In fact, the removal of the Greek consul of Serres had actually been decided earlier and had almost nothing to do with Hüseyin Kazım’s siege. In summer 1909, a certain Giorgio Kocho who allegedly had connections with Greek *komitacıs* was arrested by Ottoman police in Kavala. Documents found on the suspect included letters and blank pages signed by the Greek consul in Serres, which frustrated Ottoman officials. When correspondence from the governor of Thessaloniki reached the Ottoman embassy in Athens, the Greek

275 Hüseyin Kazım, *Meşrutiyet’ten Cumhuriyet’e*, 92-93. Hüseyin Kazım also related that Tal’at Paşa had rejected the demand by the Greek ambassador for Hüseyin Kazım’s dismissal, saying that “I can dismiss any governor or *mutasarrıf*; but I cannot touch the *mutasarrıf* of Serres”; *Ibid*, 94. In fact, on the order of Tal’at Bey, Hüseyin Kazım would be assigned from Serres to Aleppo that summer.

government responded that they would withdraw the consul of Serres (and probably the consul of Kavala) at the end of their term of office.²⁷⁶

Question of the accuracy and legitimacy of Hüseyin Kazım's accounts remains secondary. In fact, his profile of himself in his memoir, gives an impression that he was a bureaucrat who hoped to advance by playing by off frictions in overall administrative and legal chaos in the constitutional era. It is plausible that Hüseyin Kazım, was informed of this decision concerning the Greek consul and made use of it to create another "national victory" by continuous agitations centered on himself. To this end, he based himself on the widespread ethnoreligious discontent in Serres, which was relatively a success.

Whatever his underlying, it is clear that a leading political figure and well-known pro-CUP bureaucrat of the constitutional regime found politically advantageous to provoke anti-Greek (both anti-Rum and anti-*Yunan*) sentiments, despite official discourse on the *ittihad-ı anasır*. This agitation continued with his fervent anti-*Rum* propaganda following the Balkan Wars.

4.4.7 *The Final Arrangements of the Central Authority*

The Sublime Porte's methods of controlling the situation and its role as an arbitrator became more obvious in the following period. After the tensions cooled, the Sublime Porte decided to disperse the leading actors of the conflict. Hüseyin Kazım was removed from his post and soon after the Ruspert case concluded, Tal'at Bey appointed him as governor of Aleppo, a promotion that Kazım did not appreciate.²⁷⁷ Hüseyin Kazım clearly expressed that he preferred to stay as a *mutasarrıf* in Serres, where he was applauded by the whole

276 BOA, DH. MUİ. 15-4/2 "Selanik Valisi. Dahiliye Nezaret-i Alisine, 18 Teşrin-i Evvel 325 / 16 Şevval 327 (31 October 1909)" and "Nezaret-i Umur-u Hariciye. Dahiliye Nezaret-i Celilesine, 25 Şubat 325/27 safer 328 (10 March 1910)." The Ministry of the Interior also informed the governor of Thessaloniki that an immediate removal of the consul would exacerbate the situation, so it would be wiser to wait for the end of his term. "Dahiliye Nezareti Muhaberat-ı Umumiye Dairesi. Selanik Vilayetine. 6 Kanun-ı Evvel 325" (15 December 1909).

277 For the order of appointment, BOA, İ. DH. 1483/27 "Haleb Valiliği ve Siroz mutasarrıflığı. Dahiliye Nazırı Tal'at Bey" 12 Ağustos 1326 (25 August 1910).

population.²⁷⁸ On the other hand, the Greek consul was withdrawn by the Greek government.²⁷⁹ As for Ruspert, he benefited from the amnesty of the constitutional regime the following year and was released from prison.²⁸⁰

Hüseyin Kazım's attitude reflected in his memoir suggests actual divergences within Ottoman bureaucracy and even within the CUP. Undoubtedly, some of these divergences can be attributed to personal conflicts and intolerances, but substantial political disagreement among the CUP cadres is an even more plausible explanation, especially considering other frictions presented in the previous section on the martial law.

The affair demonstrates that by 1910, the sovereignty problem of the Ottoman state was not experienced as a problem concerning the high ranks of the state mechanism. The confrontation in the field revealed that the constitution was identified with territorial sovereignty and was expressed with concepts of "honour" and "dignity." Beyond the responsible, prudent rhetoric of a CUP-affiliated bureaucrat — Hüseyin Kazım — we see a network that effectively resisted to the decisions of the Ottoman center and of the CUP.

This network was determined by ethnoreligious tensions inherited from the old regime. Hence, a nuance to be noted in Hüseyin Kazım's case is that this resistance of the local bureaucracy was not a reaction to the foreign interventionism, but rather, it seemed as a reaction to the "internal actors" who had extraterritorial links and who were far from protecting the "national dignity."

278 "Siroz'dan ayrıldığı zaman çok derin bir ızdırap duydum. Bütün halk beni teşyi için istasyona döküldü; ağlaşarak ayrıldık (...) Daha ilk günlerde, Siroz'da mutasarrıf kalmayı, Halep'te vali sıfatıyla bulunmaya tercih ediyor ve bu memleketin fesad-ı ahlakta son derekeye düşen halkına karşı büyük bir nefret duyuyordum." Hüseyin Kazım, *Meşrutiyet'ten Cumhuriyet'e*, 96-97.

279 BOA, DH. MUİ. 15-4/2 "Selanik Valisi. Dahiliye Nezaret-i Alisine, 18 Teşrin-i Evvel 325 / 16 Şevval 327 (31 October 1909)" and "Nezaret-i Umur-u Hariciye. Dahiliye Nezaret-i Celilesine, 25 Şubat 325/27 safer 328 (10 March 1910)".

280 BOA, BEO, 3935/295087 "Dahiliye Nezareti. Adliye Nezareti Celilesine" 24 Ağustos 327 / 12 Ramazan 329 (06 September 1911). The document does not give any legal ground for the release of Ruspert.

4.4.8 *Considerations on the Networks and Dynamics of Mobilization*

TO make sense of the dynamics of anti-Greek tensions, it is crucial to discuss the level of organization that reached the brink of mass violence and confrontation in Serres. What kind of an organization was revealed by this mass protest, and how organized were the protestors acting on behalf of the Ottoman “dignity”? What were the possible networks? Which segment of network outweighed in leading to a series of Empire-wide scale legal regulations?

As far as can be ascertained in, it is obvious that there was considerable incoherence between the central government and the local bureaucracy. The initial attitude of the local bureaucracy concerning the imprisonment of Ruspert was contradicted by the first decision of the Ministry of Justice and Religious Denominations, which, in turn, was withdrawn amid a series of reactions including the public agitation. Public agitation also revealed incoherence within the ranks of the central bureaucracy, namely among the Ministry of Justice, the Ministry of the Interior, and the Foreign Ministry. Secondly, CUP-affiliated cadres did not act in coherence, and local actors took the upper-hand. Even the role of a leading figure like Tal’at Pasha confined to putting the steps to gradually resolve the tension.

The network of Serres protestors reached out some influential Ottoman presses, to *Yeni Asır* in Thessaloniki and to *Tanin* in Istanbul. The organic network between the *mutasarrıf* and *Tanin* is obvious, as Hüseyin Kazım was one of the founders of this prominent CUP newspaper. Through these mass media organs, a local affair was quickly generalized and brought into the agenda of the capital. The protestors addressed the general public, recounting their arguments and determining the discourse in their interests. The channels they used and the actors who played major roles in the action indicates that this was an organization by the local CUP, about which, in earlier cases, the non-Muslim Ottoman press and foreign envoys complained.

§ 4.5 The Memorandum of the Macedonian-Bulgarist Deputies: Redefining Positions after 1909

The summer of 1910 witnessed a rise in collective action between the Hellenist and Macedonian-Bulgarist deputies in the chamber. This was determined by the previous discontent revolving around the enforcement of the martial law and around the first attempts to draft Christians into the Ottoman army.²⁸¹ In this context, deputies decided to make use of the chamber — this new "apparatus" the constitution provided — endeavoring to push the chamber to pressure the executive branch at both central and local scales.

The first attempt came from the Bulgarian deputies in the Chamber. In the same time Dalchev presented his parliamentary questionnaire about the issues of Ottoman Bulgarians' emigration problem in May 1910, an additional initiative was developed with the participation of Bulgarian deputies Todor Pavlov (Skopje), Christo Dalchev (Serres), and DMITAR VLAHOV (Thessaloniki). In addition to attempts of Pancho Dorev to create a new unified Bulgarist political initiative in Rumelia, a memorandum signed on 22 May 1910 became significant in certain ways.²⁸² First, it summarized common complaints in Macedonian-Bulgarist circles from the local level up to the central agenda. Secondly, it showed where these actors placed themselves in the ideological and political framework of the new regime. Thirdly, it rendered the points and sides of the confrontations much more visible. Accordingly, they made use of this memorandum to articulate their opinions on the operation of the constitutional regime.

The common memorandum was presented to the Grand Vizierate apparently upon the removal of the initial memorandum of Dalchev's from agenda of the chamber. The document summarized the complaints under eight head-

281 See Chapter 5.

282 Interestingly Pancho Dorev was not among the signers of the memorandum. Since his memoir does not suggest that he had a disagreement with other Macedonian-Bulgarist deputies, we interpret this as a result of his tendency to concentrate his efforts outside the affairs of parliament, after negotiations over the law on brigandage were blocked.

ings, each of which was exemplified by many cases from various parts of Rumelia. In turn, the memorandum presented ten demands, claiming that it represented all Ottoman Bulgarians. The discourse in the memorandum expressed the demands as a solution to a social problem rather than a narrowly national or political one.²⁸³

In summarizing the themes of complaints, it must be noted that, remarkably, the first one concerned the brigandage problem. This problem was formulated as unfair official practices toward the members of “Bulgarian revolutionary bands” who, after the constitutional revolution, wanted to return to their homeland to lead a law-abiding life. According to the memorandum, these people — who were insulted with terms such as *eşkıya* (bandit) — could not find decent work, due to the lack of a legitimate governmental policy to this end. Except ones who, suspiciously were assigned as village guards or school teachers, the old members of the revolutionary bands remained unemployed. After the adoption of the law on vagabonds, were criminalized and expelled.

The second section concerned the settlement of Muslim refugees and criticized the allocation substantial financial support for this purpose from the budget of the Ministry of the Interior. For the deputies, the Ottoman Empire was an agrarian country with a primitive level of artisanship and manufacturing. In such a social structure, the influx of the *muhacirin* increased the population, and, because they by occupied lands deserted by Ottoman Bulgarian peasants during the old regime, deprived these peasants of their only means of support. After that, the memorandum lists cases in which the land ownership rights of Ottoman Bulgarian peasants were violated.

The third and fourth sections were comprised of the issue of land confiscation. While the third one reflecting the situation of the Ottoman Bulgarians who deserted their lands during the old regime, the fourth concerned the situation of Bulgarians who were Ottoman nationals expelled as they tried to return to their own fatherland (*otechestvo* in the Bulgarian version).

283 BOA., BEO., 3779/283412, 22 Mayıs 326 (4 June 1910). A text of the memorandum was also published in the Bulgarian press: *Vjesti*, “Memoar’ na Bylg. Deputati Do Velikija Vezir” no. 113, 5 Junii 1910, p. 1; and no. 114, 8 Junii 1910 p. 1. A comparison of the Bulgarian and Ottoman versions shows that the Bulgarian version fairly reflected the emphasis of the Ottoman text.

The fifth and sixth section directly dealt with the Law on Brigandage. The memorandum repeated the essential argument in opposition to the enforcement of the law (that the law had not been approved by the parliament), and argued that many of its articles were contrary to the Kanun-ı Esasi. The deputies put the commissions of inquiry (*istihl'a komisyonları* — translated in Bulgarian as “*razuznavatel'nata komisija*”) and the courts-martial — the two institutional pillars of the martial law regime — at the center of their criticism. Supported with sample cases from Rumelia, the memorandum claimed that the law primarily targeted the Christian population. The commissions of inquiry directed campaigns to disarm the population that resulted in many administrative abuses and violations, and the courts-martial functioned in an oppressive and cruel way. The Jovanovich case was mentioned as an example.

The deputies added that, upon their complaints, the local administration and the governor of Thessaloniki, in particular, had rejected the allegations. As such, the Law on Brigandage harmed the reputation of the government and undermined the credibility of the new regime.

This emphasis constituted the basis for the seventh and eighth sections, which made direct accusations concerning the “unlawful attitudes of governmental officials” and the “civil servants as provocateurs.” In these sections, they listed allegations of the unlawful networks of local governmental officials criticizing local administrators who arbitrarily intervened in the religious and educational issues of the Christian population.

The memorandum did not mention any specific Muslim organization as a source of these abuses; instead, it constrained itself by mentioning certain illegal networks on the local scale. Despite references to the Christian population, the memorandum maintained the claim of voicing the complaints of Ottoman Bulgarians, and did not specifically touch on the Ottoman Greeks or any other Christian community. In a sign of intracommunal integration, the memorandum embraced the controversial Macedonian-Bulgarist faction of

Sandanski as one affected by the unlawful decisions of the martial law regime.²⁸⁴

Apart from these complaints, the introduction of the memorandum remarkably expressed how the representatives of the Macedonian-Bulgarist network redefined their own status in the overall context of Ottoman constitutionalism.

The memorandum opened with rhetoric illustrating the hierarchy of affiliations the deputies had in mind. For the deputies, presenting the memorandum to the high authority of the Sadrazam was their duty as “they were the representatives of this country, and sons of this fatherland.” And being the Ottoman Bulgarians, they best knew the injustices to which this population had been exposed and their needs.²⁸⁵ This formulation expressed that the deputies, albeit under a patriotic framework, legitimized their action on behalf of the “Ottoman Bulgarians.” But now, the deputies justified this policy with their affinity to an “element” of Ottoman population, and not with their affiliation to a certain ethnoreligious political cause.

This attitude was reflected in the ensuing lines in which the deputies presented an explanation of the struggle of Ottoman Bulgarians, summarized and clarified their intentions in resorting to revolutionary struggle, and conveying how they perceived the new regime. According to the memorandum, almost all of the Bulgarian population was consolidated behind the Internal Macedonian-Adrianople Revolutionary Organization, and the demand of this organization was political autonomy for Macedonia and Adrianople. But remarkably, the deputies defined this demand not as an ideal to be achieved, but rather as a requirement of the development of social forces of “our” country at the

284 In the sixth section covering the abuses of the *Divan-ı Harbs*, the memorandum mentioned that Sandanski was tried for an alleged crime he committed a month before the Law on Brigandage was enforced, which was in conflict with the principle that “no law could be implemented retroactively.”

285 “(...) bu memleketin mebusu ve bu vatanın evladından olmak sıfatıyla” BOA., BEO., 3779/283412, 22 Mayıs 326 (4 June 1910).

time.²⁸⁶ As time passed, according to the writers of the memorandum, the conditions of society had changed and “our” Muslim citizens had embraced the struggle for the constitution, which had always been enthusiastically supported by the Macedonian-Adrianople Organization. The “Macedonian revolutionaries” were so ardent in the constitutional struggle that they “saluted” revolutionary upheaval in any part of the empire, such as Erzurum, Van, Kastamonu, Trabzon, Diyarbekir, and Bitlis. When the constitution was reinstated as a result of the Young Turk and Armenian struggle, it was “Bulgarian revolutionary groups” who first descended from the mountains and applauded the constitutional administration (*idare-i meşruta*).

Obviously, this narrative of a struggle for “freedom” was purified of any intentions to take/or controlling a political power. Indeed, “the revolutionary struggle of the Ottoman Bulgarians was not against the Ottoman state, but against the oppressive government” Its main intention was to “work for free self-development and progress,” the evidence of which was their voluntary support of the Young Turks during the 31 March events.

This stance of the memorandum to define the Macedonian-Bulgarist cause as a social struggle rather than an ethnoreligious one, reflected to a degree in the criticism of the first years of the constitution. For the memorandum, the main problem of the new regime was its incapability to solve three issues: First, the agrarian problem (*mesele-i ziraaiyye*) of providing the landless peasantry with land; second the problem of ethnicities (*mesele-i kavmiyye*) and of recognizing the free economic and cultural development of all races and millets of the empire; and thirdly, the return of the confiscated properties of those who had taken refuge in neighboring countries due to the oppressions of the old regime. Let alone solving these issues, the memorandum continued that, as far as the Ottoman Bulgarians were concerned, the government had set the methods of the old regime back in motion.

According to the memorandum these three problems could be resolved through a list of demands which would prevent further deterioration. For the Bulgarian deputies, the government should guarantee 1) the recognition of the

286 “Malum olduğu veçhile Rumelide hemen bütün Bulgar ahalisi Dahili Makedonya-Edirne İhtilal Teşkilatı etrafında tecemmü ediyordu.” BOA., BEO., 3779/283412, 22 Mayıs 326 (4 June 1910).

civil and political rights of Bulgarian fugitives (*firari*) who returned to their homeland after the amnesty and furnish them with means of support; 2) a just solution to the problem of the settlement of Muslim emigrants; 3) the return of the confiscated lands to their owners; 4) the annulation and abolishment of the decision of the Council of Ministers prohibiting the return of Ottoman Bulgarians who had immigrated to Bulgaria before the year 1902 (r. 1318); 5) the protection and recognition of the privileges of the Bulgarian population; 6) a reconsideration of verdicts reached according to the Law on Brigandage and to the articles annexed to the Decree on Martial Law; 7) necessary governmental orders to prevent officials and civil servants from giving arbitrary punishments and interfering in the rights guaranteed by the law to the population; 8) the prevention of infringements concerning the right of domiciliary inviolability; 9) the meticulous deference to the rights granted (*bahş olunan*) to the Christian community about the schools and churches; 10) a stop to the support and defence of propaganda.²⁸⁷

The demands were an amalgam of general ones (protection of property rights through land ownership and domiciliary inviolability) and the specific demands of the Bulgarist community. The memorandum shifted the emphasis of Macedonia-Bulgarist demands from a political autonomy, which was the case before the revolution, to social reform. It thus represented the demands of Ottoman Bulgarian as a social question connected to the overall well-being of the Ottoman Empire. But the venture far from created the inter-communitarian spirit that the rhetoric addressed. The reaction of the Rum press to the Ottoman Bulgarian deputies was negative. The *Proodos* adopted a cautious language, declaring its hope that the government would produce satisfactory and just answers to these problems. The Bulgarian journal *Vjesti* ironically evaluated this cold language as “satisfactory enough for an Ottoman Greek publication.” For *Vjesti*, another Hellenist journal, *Patris* expressed sharper skepticism about the memorandum. For *Patris*, the memorandum was an expression of the rebirth of the Macedonian problem, but this time, deceptively, as a domestic problem. In fact, every complaint was designed as a pretext to

287 BOA., BEO., 3779/283412, 22 Mayıs 326 (4 June 1910).

realize Bulgarian sovereignty and liberation at an appropriate time in the future. This secret agenda could be identified even in the selection of the localities of the examples, which constituted the line that the Tsar's army (in the Ottoman War of 1877-78) would follow up the Aegean coast. Moreover, *Patris* criticized the deputies for embracing only the problems of Bulgarian, excluding the Hellenic population — especially in their reports from the districts of Thessaloniki — even though they were deputies representing the whole Ottoman population.

This last accusation particularly disturbed the editors of *Vjesti*. In response, the Bulgarian newspaper stated that every deputy was an Ottoman deputy, but at the same time was bound by specific responsibilities to his own nation (*natsija*) because the problems of a population can only be understood by co-nationals (*synarodnitsi*). For *Vjesti*, defending the rights of Ottoman Bulgarians was an indirect defence of the rights of all Ottoman citizens (*otomanski grazhdanin*) against abuses and unlawful acts. This preferred terminology — using *natsia* in reference to a specific (Bulgarian) population and “*grazhdanin*” for the general Ottoman identity — implied the imagination of the position of Bulgarians under new Ottoman political structure. In coherence with the hierarchy of affiliations expressed in the memorandum, such a preference implied that the Bulgarist circles perceiving Ottomanism as an affiliation to a quasi-supranational identity.

In concluding the polemic, *Vjesti* argued that the “provocateurs” of *Patris* disguised their “Bulgarophobia” (*Bylgaronenavistnichestvoto*) with a twisted conception of Ottoman patriotism, adding that to avoid this provocation, they would not retaliate and deal with the Crete issue in the same manner.²⁸⁸

The Rum memorandum, submitted two months after the Bulgarian one, also reflected the political divergence between two communities. As mentioned above, the Rum community was known for its coherent action in conveying its demands. And on the initiative of the Organisation of Constantinople, the Patriarchate and the Rum deputies submitted a list of demands to the Ministry of Justice and Religious Denominations. The text criticized the policies of the government that hampered a sense of unity and the interests of the

288 *Vjesti*, “Gretskijate Pechata za Memoara,” no. 113, 5 Junii 1910, p. 2.

Hellenic nation. According to the complaints, the number of Rum deputies considerably diminished due to the awry election system; the status of Christian soldiers in the army was guaranteed by law, as was the case for the participation of Christians in any state institutions; contrary to the constitution, the Muslim population was backed by state bureaucrats enforcing the laws — above all, in the enforcement of the law on brigandage, and disarmament; and not least, the regulations on education that were oriented to increase governmental control — that essentially harmed the privileges of the Rum community, and decreased the value and validity of its school system. In accord with these complaints, the demands consisted of the prohibition of local officials from interfering with the communal life of Rums, including their religious and educational practices; as far as conscription was concerned, fixing of numbers to be drafted for each region and guaranteeing the religious status of Christians within the army; amendment to the election law according to the principle of *vote accumulé*; the strict legal definition about the limits of the authority of local officials, and the establishment of a commission for a regular control over them.²⁸⁹ Particularly the demand for amendment to the election law suggests that the Hellenist deputies sought to increase their representation in the parliament with a voting that favor minorities. This was a tactic to overcome the crisis concerning the criterion of proportion in the first elections.²⁹⁰

289 Hacısalihoglu, *Jön Türkler Ve Makedonya Sorunu*, 333-336. The source to which Hacısalihoglu referred mentions that Rum writers of the memorandum, were concerned that the ‘Ottoman nationality’ was being used coercively as a tool for ‘Turkish nationality’. See Suliotis-Nikolaidis, Athanasios, ‘*Organosis Konstantinoupoleos*, 112-117 cited by Hacısalihoglu, *ibid.*, 335, note 398. Hacısalihoglu also mentions that the demand was submitted by the Rum deputies, although available the sources and Osman Nuri to whom the writer referred, indicate that they were the demands of the Patriarchate, see *ibid.* 333.

290 *Vote accumulé* is a method of voting in which an elector have the right to vote for more than one candidate. It was designed to give minority votes a larger representation and occupied a central place in the debates over formation of electoral systems in Europe. For a contemporaneous debate in France, see, M. H. Druon, “Le suffrage universel et la loi électorale” *Le Correspondant: Religion, Philosophie, Politique*, Nouvelle Série, Vol. 48 (25 September 1871), 1085.

As was typical for the period in question, the Bulgarist public did not actively support to the demands the Rum Patriarchate, although some clauses such as the one that about the Law on Brigandage was a common agenda. The influential newspaper, *Rech* did not take a clear stance on the memorandum but gave a rough summary.²⁹¹ The *Debyrski Glas*, which initially dedicated only four lines to the "conflict between the Sublime Porte and the Patriarchate," a few days later covered the Rum memorandum by merely giving its general title and mentioned that it was presented in consensus with the Bulgarist deputies.²⁹²

4.5.1 *The Responses of Local Administrators to the Memorandum of Macedonian-Bulgarist Deputies*

Upon receiving the memorandum of Macedonian-Bulgarist deputies, the Grand Vizierate prepared a questionnaire for the evaluation and response of the local authorities of the provinces and districts that were the subject of the complaints.²⁹³ The questionnaire was comprised of the complaints and demands of the Bulgarian deputies under ten sections. The responses started to arrive at the capital in early autumn of 1910 — documentation thoroughly expressing the situation and the tensions in Rumelia. Certain characteristics were common to these responses: First, almost none of the local authorities accepted the claims of the deputies, which were typically declared *ba-asl* ("untrue") or *hilaf-ı hakikat* ("contrary to the truth").²⁹⁴ The government questionnaire was responded to with varying degrees of attention. Typically, sub-province or district administrators responded only to the articles that directly related to their locality. But these responses were not always the result of a meticulous investigation. When asked by the Grand Vizierate, the Minister of the Interior Tal'at Bey reported that investigations were still being conducted

291 *Rech*, no. 1073, 12 August 1910, p. 3.

292 *Debyrski Glas*, no. 18, 20 August 1910, p. 4, and *Debyrski Glas*, no. 16, 5 Julii 1910, p. 4.

293 These were *vilayets* of Thessaloniki, Edirne and Kosovo, which received the questionnaire in July 1910. BOA., BEO., 3779/283412 "Karton numarası 1419".

294 For examples, BOA., BEO., 3779/283412, Reports of Gevgili district and *sandjak* of Ustrumca 11 Kanun-ı Evvel 326 (24 December 1910).

by the authorities of Thessaloniki.²⁹⁵ Indeed, the Thessaloniki province undertook the most detailed investigation and sent the dispatch to sub-provinces or districts, such as Serres, Menlik, Razlık, Avrethisarı, Ustrumca (Strumica).²⁹⁶ The Yenice district of Thessaloniki undertook an open and solid investigation that relied on delegations. To investigate the accusations, the district administration established commissions that included representatives of the local Christian population as well as local bureaucrats.²⁹⁷ Nonetheless, this investigation process produced the same result that the general panorama concerning the abuses and violence presented in the memorandum, had no basis in truth.²⁹⁸

On the other hand, the Yenice district was an exceptional case in its dealing with the memorandum. For instance, the kaymakam of Avrethisarı safely said that it was not necessary to establish a commission to investigate the issue of land, since there had been no complaints for one and a half years, — that is, since the beginning of the revolution.²⁹⁹ The administrators of other sub-provinces and districts of Thessaloniki did nothing more than ask their inferiors about the issues and relayed the responses to the *Bab-ı Ali*. Even in other *vilayets*, the memorandum did not reach the local administrations even in such a degree. The province of Edirne responded only to the problem of the *muhaci-*

295 BOA., BEO., 3779/283412, dispatch of Tal'at to the office of *Sadrızam*, 17 *Teşrin-i Sâni* 326 (30 November 1910).

296 However, as will be seen below, this did not necessarily mean that a detailed investigation was conducted in these localities.

297 The composition of the commissions depended on the character of the accusation, but they were typically constituted of an investigating judge, a deputy of the prosecuting attorney, a deputy of the *Kaymakam*, members of village councils, and village headmen (in the occasions into abuse against the village population, mentioned in the fifth section of the memorandum), and the commander of the local gendarmerie. BOA., BEO., 3779/283412, proceedings (*zabıt varakası* sent from *Selanik Vilayeti Tahrirat Kalemi*, 29 *Teşrin-i Evvel* 326 (11 November 1910).

298 BOA., BEO., 3779/283412, “Yenice Kaymakamlığının 20 *Teşrin-i Evvel* 326 tarihli ve yüz seksen yedi numaralı tahrirat suretidir” (3 November 1910?).

299 BOA., BEO. 3779 283412, “Avrethisarı Kaymakamlığının 4 *Teşrin-i Sani* 326 tarihli ve iki yüz seksen iki numaralı tahriratı suretidir” (17 November 1910).

rin settlement in which it clarified individual cases, giving no positive response for the Bulgarist deputies.³⁰⁰ The governor of the crucial province of Kosovo responded a few days after receiving the questionnaire that no matter how other governors reacted, the Kosovo *vilayet* did not consider it necessary to make an investigation and present the superiors a special response to the memorandum. It had already been continuously informing the center what was going on in their region.³⁰¹

Second, as can be perceived from this response from Kosovo, the expressive aspect of the responses was in their style. The reluctance of local authorities to handle the complaints as an official notice from higher authorities to be seriously investigated, was supported by a language far from neutral and official. Some authorities openly expressed their anger toward the Macedonian-Bulgarist deputies. The governor of Kosovo started the aforementioned dispatch with a clear condemnation: "It is scandalous that some deputies, who know no blood other than the Bulgarian blood, can present such a memorandum like old civil agents to the supreme office of Sadrazam." He added contemptuously that "despite all the appeals, all the complaints and even all the clamors, the government" was decisive about "1) the settlement of Muslim immigrants; 2) the total disarmament of the Bulgarians as had been done with other Ottoman subjects." The governor of Kosovo concluded his dispatch by sarcastically challenging the authority of the Bulgarian deputies: "Of course, Pavlov Efendi and his companions are free to talk and write about these policies as often as they want."³⁰² The words of the kaymakam of the Strumica sub-province of Thessaloniki suggest that this challenging style was not limited to the upper echelons of local bureaucracy, even the mid-ranking local authori-

300 BOA, BEO 3779 283412, report of the *Vali* of Edirne to the *Dahiliye Nezareti*, 29 Temmuz 326 (11 August 1910)

301 "Kosova vilayetine aid aksamı hakkında icra-yı tahkikat ve arz-ı malumat lüzum görülmemiştir. Çünkü cereyan iden vakıa ve muamelat hakkında mütemadiyyen te'atti-i muhaberat ve takdim-i ma'arruzat olunmaktadır." BOA., BEO., 3779/283412, 28 Temmuz 326 (10 August 1910).

302 BOA., BEO., 3779/283412, 28 Temmuz 326 (10 August 1910).

ties could openly confront the deputies of the Ottoman parliament. The kaymakam's report to the Grand Vizierate opened with a clear reaction directed at the deputies, saying that "these three deputies, who claim to be the legitimate defenders of Ottoman Bulgarians, apparently did not even understand what they were standing for, considering they still argue that the government oppresses Bulgarians." For the kaymakam this attitude of the deputies implied their skepticism vis-à-vis the constitutional regime, which was expressed in the efforts of intriguing a revolution in the government with an unpleasant language.³⁰³ Obviously, the administrator of Strumica chose to challenge the claims and denounce the deputies with a provocative counterclaim.

This reaction of the local authorities, along with their harsh rhetoric gave the memorandum a polemical character which, as with every polemic, provides us with further clues about the socio-political configuration in Rumelia. Responding to the four points indicated in the memorandum — namely unjust practices vis-à-vis the former *komitacıs*, the settlement of Muslim immigrants, the manner of enforcement of Law on Brigandage and the privileges of the Exarchate — the local administrators revealed their positions vis-à-vis the practices of the constitutional regime, as well as their structural limitations.

For instance, in a matter directly related to our study, the sub-governor of Serres declared that he radically opposed the policy of integrating former *komitacıs*. He reproached the liberty given to former members of guerrilla bands, claiming it was a mistake that the history would condemn in the future. The sub-governor argued that not only were these people not excluded, authorities allowed them to wander as they wished among the Bulgarian villages, to spread propaganda (*telkinat*), and to serve as messengers of the *çetes*. For him, if these "arsonists" and "rioters" so recklessly continued their revolutionary activities, which they once had to conduct in fear, it was because the law

303 BOA., BEO., 3779/283412, the report from Ustrumca, appendix to the correspondence of the Tal'at Bey, Minister of the Interior, "Bulgarların hal ve vazî'yetleri hakkında Üsküb, Siroz ve Selanik meb'usları tarafından verilen takrire müte'allik" 11 Kanun-ı Evvel 326 (24 December 1910).

ensured everyone the freedom of travel.³⁰⁴ In this context, following other examples we presented above, he cast doubt on the sincerity of the deputies, saying that any deputy who had a sense of Ottomanity (*Osmanlılık*), should be disturbed by this situation. The sub-governor continued his arguments accusing the deputies for being collaborators of the *komitacı*s. Instead of being concerned about the endurance of armed bands, these deputies stepped forward to protect them, which that they were also taking part in their activities — if not physically, but morally.

From this perspective, we see a comprehensive criticism and even condemnation of the early constitutional politics. Two essential steps supported by the CUP were declared as condemned in the eyes of local administrators,. Neither the amnesty policy of the executive nor the liberties recognized by the Kanun-ı Esasi were effective in face of the "malicious" agendas of former guerilla members.³⁰⁵ The discourse of the administrator revealed a considerable lack of confidence in the discourse of rule of law in the new era, and even in his view, the situation in terms of "banditry," had gotten worse than in the old regime.

Considering that this *mutasarrıf* of Serres was the successor to Hüseyin Kazım, whose strict policies were described in detail in the previous section, it becomes clear that the reaction of local bureaucracy was not confined with certain personages. After a period of old regime in which the authorities of local administrative networks were strengthened with each crisis, the incapability of the new regime to form a new administrative strategy in critical localities resulted in of the central government.

This attitude of ignoring the central policies is also found in the response of the kaymakam of the Avrethisarı district of Thessaloniki. This time, the strategy of throwing the ball into the deputies' court followed another path. The kaymakam indicated a legal gap concerning the implementation of amnesty in the immediate aftermath of the revolution: Although the Chamber of

304 "Kanun herkese seyr-ü sefer ve seyr-ü seyahati te'min etmişdir diye bu ihtilalcileri, bu kundakçıları hiçbir şeyden men' etmiyoruz." BOA, BEO 3779/283412, "Siroz Mutasarrıflığının 6 Teşrin-i Sâni 326 tarihli tahrirat suretidir." (19 November 1910).

305 The *mutasarrıf* even called Sandansky as *habis*, ("malignant"). BOA, BEO 3779 283412, "Siroz Mutasarrıflığının 6 Teşrin-i Sâni 326 tarihli tahrirat suretidir." (19 November 1910).

Deputies had approved a decision to ban the return of those who fled before the year 1902, neither the memorandum nor other official documents had specified exactly which people should be pardoned.

In addition to the lack of reliable records on those who took refuge in the Principality of Bulgaria, the issued decisions were unclear as to whether or not those who had committed crime or fled to the principality after the constitutional revolution were also covered under the amnesty. The chamber should clarify this issue, but should also consider that if the amnesty covered those who committed crimes after the revolution, it would increase the boldness of the Bulgarians (*Bulgarların cür'etini tezyid*). As in the old regime, the administrator continued, this would greatly disturb the Muslim population. Notably the kaymakam exclaimed these views, even though they found no one in Avrethisarı who had fled to the principality before 1902.³⁰⁶ The claims on the former *komitacı*s were untrue according to the response from Gevgili, and the Razlık administration did not even touch on the issue.³⁰⁷ The kaymakam of Strumica listed the employment provided to former *komitacı*s in detail, and in accord with his sharp style, he declared these complaints unfair, for they refused to see the practices favoring Bulgarian *çetecis*. For him, if one were to put favors and complaints on a scale, there was no doubt that the governments' favors would weigh more.³⁰⁸ The definition of the integration policies as "favors" is significant in that it shows the vulnerability and temporariness of the ties that the constitutional regime developed.

We will not elaborate on the debate on the problem of the *muhacirin* settlement, as it is outside of our scope. However, a related problem — the return of the confiscated lands of Bulgarian peasants — the writers of the memorandum would not receive a positive response either. For the administrator of the

306 BOA, BEO 3779/283412, "Avrethisarı Kaymakamlığının 4 Teşrin-i Sani 326 tarihli ve iki yüz seksen iki numaralı tahrirati suretidir" (17 November 1910).

307 BOA, BEO 3779/283412, "Razlık Kaymakamlığının 26 Ağustos 326 tarihli ve iki yüz doksan yedi numaralı tahrirati suretidir" (8 September 1910) and "Bulgarların hal ve vazî'yetleri hakkında Üsküb, Siroz ve Selanik meb'usları tarafından verilen takrire müte'allik" 11 Kanun-1 Evvel 326 (24 December 1910).

308 BOA., BEO., 3779/283412, appendix to the correspondence of the Tal'at Bey, Minister of the Interior, "Bulgarların hal ve vazî'yetleri hakkında Üsküb, Siroz ve Selanik meb'usları tarafından verilen takrire müte'allik" 11 Kanun-1 Evvel 326 (24 December 1910).

Avrethisarı district, such a problem was far from being the case. The evidence of this was the situation of the Muslim population which could not even cultivate its lands for fear of brigandage. On the contrary, according to the kaymakam, anyone would testify that it was in fact the Bulgarians who, seeing favorable conditions, grabbed and made use of the lands of Muslims. The kaymakam was not content with this counterargument and added that not only in Thessaloniki but in other *vilayets* it was not possible to see such a confiscation of Bulgarian lands. This mid-ranking local administrator accused the deputies one more time adding that their real intention was to represent Bulgarians as innocent victims and the Muslim population as oppressive usurpers.³⁰⁹ The sub-governor of Serres stated a counter accusation against the deputies, reporting the case of land dispute in which *muhacirin* peasants said they had paid for land by giving a sum of money to Pancho Dorev.³¹⁰ For the *kaymakam* of Razlık, the problem of land was essentially a problem property lines, which varied considerably and had to be considered on individual basis. He did not frame the problem as a Muslim-Bulgarian conflict but instead listed examples of land disputes the Bulgarian peasants had had with other elements, such as the Pomaks.³¹¹ The kaymakam of Strumica, after providing calculations of prices of lands given to *muhacirin*, repeated his accusation vis-à-vis the deputies' ill-intent and falsifying of the facts.³¹²

As for the problem of the practices of courts-martial in the scope of the Law on Brigandage, the sub-governor of Serres touched on the issue, responding that they would not interfere with judicial decisions.³¹³ He was also a

309 BOA, BEO 3779/283412, "Avrethisarı Kaymakamlığının 4 Teşrin-i Sani 326 tarihli ve iki yüz seksen iki numaralı tahriratı suretidir" (17 November 1910).

310 BOA, BEO 3779/283412, "Siroz Mutasarrıflığının 6 Teşrin-i Sâni 326 tarihli tahrirat suretidir" (19 November 1910).

311 BOA, BEO 3779/283412, "Razlık Kaymakamlığının 26 Ağustos 326 tarihli ve iki yüz doksan yedi numaralı tahriratı suretidir" (8 September 1910).

312 BOA., BEO., 3779/283412, the report from *Ustrumca*, appendix to the correspondence of the Tal'at Bey, Minister of the Interior, "Bulgarların hal ve vazîyetleri hakkında Üsküb, Siroz ve Selanik meb'usları tarafından verilen takrire müte'allık" 11 Kanun-ı Evvel 326 (24 December 1910).

313 BOA, BEO 3779 283412, "Siroz Mutasarrıflığının 6 Teşrin-i Sâni 326 tarihli tahrirat suretidir" (19 November 1910).

prominent local authority who comprehensively expressed his views on the problem of confessional privilege — more precisely, the problem of churches and schools. For him, the privileges of the schools of the Exarchate had been dealt with in certain regulations, laws, and customs, and were specified in Article 118 of the Kanun-ı Esasi. According to the sub-governor, while it was the sacred duty of an official of a constitutional regime to protect rights recognized by the law, he expressed reservations about the privileges of the Exarchate. For him, the privileges defined in the abolished Regulation of Public Education (*Maarif-i Umumiye Nizamnamesi*) were now subject to certain conditions. For the time being, the duty of an authority was to rescind the parts of these privileges that were contrary to the independence of the state and of the homeland and guarantee the religious rights of others. The sub-governor did not specify the name of any privileges contrary to the independence of the state, but mentioned as a general principle that certain permissions prevented children living in the Ottoman Empire from having a homogenous education (*terbiye*). Thus, "instead of the permissions and privileges that do not serve the benefit of the homeland, the articles of regulations [that are] preferred are that guarantee the conformance of every school to the same rules." Extending this perspective, the sub-governor of Serres radically opposed the deputies' proposal to leave the inspection of schools to the decision of Exarchate: Were Bulgarian schools, he asked, subject to laws and privileges other than those of this country such that government officials could not enter their doors, and would hand their authority over to confessional leaders? The *mutasarrıf* stated that not only would the the inspection of the schools not be left to the Exarchate, from then on, in accordance with the ordinance (*emirname*) of the Ministry of Public Education, the inspection of the schools would be conducted directly, without any mediator. Directors and teachers resisting this practice would be put under investigation.³¹⁴

With this last statement, it became clear that the complaints and articles of the memorandum were repelled by a wall constituted of local authorities. In addition to the general strategy of formulating a counterargument and even

314 BOA, BEO 3779 283412, "Siroz Mutasarrıflığının 6 Teşrin-i Sâni 326 tarihli tahrirat suretidir" (19 November 1910).

counter accusations against the deputies, these last words of the *mutasarrıf* of Serres on privileges reflect the understanding of the local administrator about the constitutional practices. He based his actions on an official regulation — in the case of school inspection, on an ordinance by the executive branch. But in the absence of a general law on Public Education, he conceded that it was a "preference," (*tercih*) to permit some privileges and excluding those which, in his view, were contrary to the benefit of the homeland. Hence, despite the guarantees expressed several times in the central politics — for example in the “compromise program” of the CUP — a privilege of the Exarchate was considered unconstitutional and put at stake at the local scale. This remark is interesting in that it suggests that the local administrator considered legitimate to assume the powers of the central authority, which created in practice a decentralized

The memorandum of the Bulgarist deputies clearly reflected the demands of the Constitutional Clubs, and to a certain degree encompassed the Sandanski faction, too. The memorandum had a sub-text of two different understandings of a constitution. The Bulgarian deputies based their demands on an expectation of constitutional citizenship, guarantee for the privileges of their community. For local administrators, on the other hand, the main problem was to create a unified identity above communal affiliations and to prove Ottoman sovereignty in Rumelia.

§ 4.6 Concluding Remarks

In tracing the development of the martial law, our exploration of the distribution of authority from the legislation in Istanbul and its the enforcement, reveal limitations of constitutional rule in Rumelia. Concentrating on the findings about the functioning of the regime, we can underscore following points.

First, the constitutional regime did not function on a formal procedure that would start with a typical legislative process in the parliament and conclude with enforcement by the executive and judiciary branches. Instead, the patterns of an exceptional regime overwhelmed parliamentary procedures throughout the period from 1909 to 1911. Particularly the government’s resort to legislation through bylaws and their enactment in the parliament, the delay

of the government's presentation of bylaws for the approval of the Chamber; all these represent a form of government in which the executive branch bypassed parliament and assumed the lead. Indeed in both the Law on Brigandage and in the Macedonian-Bulgarist deputies' memorandum, we see that parliament proved ineffective in imposing its authority vis-à-vis other (and rival) state powers— the central government or local bureaucracies in Rumelia.

Second, indeed, the policies of executive branch to bypass the parliament did not mean it had a capacity for a dictatorial domination of a central government. The bylaw left a considerable authority to the governors of Rumelia's provinces in a way increasing informal procedures and networks. While the central government maintained crucial powers — above all, the use of military power and its normative authority as seen in its coherent advocacy for the right to a defense — the governors had in their hands a considerable radius of action to create informal ties, create commissions of investigation, harvest spies, employ former partisans in local government posts, granting amnesties and use paramilitary groups. Such a configuration of authority resembled that of the General Inspectorate of Rumelia that was described in the Chapter 2. Thus, in terms of relationship between the central bureaucracy and the local administrations, the constitutional rule did not impose itself on Rumelia, but on the contrary, imported the governance of old regime in Rumelia to new regime's Istanbul. It needs further investigation if, as the Sofia press argued, this was a choice of Hüseyin Hilmi Pasha who was the former General Inspectorate and the head of the constitutional government creating the Law on Brigandage. But whatever the case, the tendency repeated with the generalization of the Law on Brigandage — that had been specifically designed for Rumelia — to the whole imperial scale by the Decree on Martial Law. What remained in terms of administration from the exceptional laws in Rumelia was a hybrid regime in which organs of exceptional regime (particularly commissions of investigation) occasionally founded on the initiative of governors.

However, examination of the spatial functioning of constitutional regime revealed that the central government gradually lost the competition of authority vis-à-vis the local networks. The central government did not have a sufficient concentration of power to administrate local tensions. Instead, it occurred that the local bureaucracy — which was an inheritor of the thirty years

of political authority in Rumelia — effectively made use of the new framework to informally administrate brigandage and schools which were the crucial agendas of Christian communities in the region. The case studies reveal that local bureaucracies conducted their politics with a certain autonomy from the central government, and due to their decisions, the politics of integrating brigands was realized through favoritism, rather than a formal procedure.

As the local bureaucracy tried to use the authority of the martial law to further push against the representatives of communitarian notables — in our case, the Bulgarian Constitutional Clubs — at the expense of threatening the legitimacy of parliament, the central government intervened by degrees to restrict such actions. At first, it tried to intervene in the court-martial, then it issued a decree to mandate the right to a defense, and eventually it amended the Law on Brigandage by subsuming it into martial law. However, the local bureaucracy resisted the center in many ways — by the collective act of resigning from their posts (as in Manastir, in Thessaloniki and Serres) or, more strikingly, by refusing to enforce the clauses of a mitigated martial law on the basis that it had not been approved in the chamber. This argument was identical to that of the Macedonian-Bulgarist deputies' who opposed to the former version of the law in the chamber. The government, remained caught between Christian political groups and local authorities, and had to allow an eclectic, hybrid enforcement of the exceptional order. Hence, in the face of opposition from local actors of both Macedonian-Bulgarists and Ottoman administration, the central government assumed the role of an arbitrator that would in turn increase the complaints of arbitrariness and trigger the alliance of factionized Christian political actors. Even the komitacı activity resumed in Rumelia.

Thirdly, even the CUP organization, which was concentrated on taking the power in Rumelian provinces after the revolution, could not fill the gap between the local and central administrations or between various political actors, as can be clearly seen in the case of Serres. Instead, the vacuum of the "local" in Rumelia, even absorbed the CUP cadres in its agenda. CUP cadres in Manastir and in Serres who had been central to the constitutional revolution, played a centrifugal role as organizers of the local bureaucracy's resistance against the initiatives to the central constitutional regime, which was

also being led by the prominent figures of the CUP. In Manastir, a CUP network, including Resneli Niyazi, became the object of allegations and accusations of Macedonian-Bulgarist network for their manipulation of courts-martial and disarmament campaigns and effectively resisted to attempts of central government's arbitrations. As was seen in the case of Serres, a leading CUP figure acting as the local authority could easily attack the network of the CUP in the local scale, even humiliate CUP representatives by public punishments, expanding its own sphere of influence to lead an anti-Greek campaign. Hence, the decisive role of the local networks around bureaucracy was a major factor hampering the authority of constitutional rule.

Fourthly, an important extension of this contradiction between the center and the local was its impact on the evolution of legalism. Our focus on Manastir and Serres reveals that local tensions substantially influenced the fate of the laws. Continuous protests by the Macedonian-Bulgarist network, which based its discourse on the natural rights, as reflected in the chamber, led to the governments' mitigation of the court procedures of the law on brigandage. On the other hand, in Serres, the resistance of sub-governor Hüseyin Kazım promoted another constitutional understanding based on the territorial sovereignty. This understanding manifested itself as a discourse of national honor and dignity and the refusal of capitulations that was a point of discontent for the Muslims. The protests pressed upon the central government and prompted the Legal Counsel to handle the issue in a way legitimizing their demands. Also, the case in Serres would be reflected in the legal system as prison regulations oriented to justify Ottoman government's right of imprisonment of suspects in its own territories. This last aspect suggests that the demand of sovereignty was not only a project of the central government or intellectual circles, but was a demand arising from the local and supported by public protests, the accompanying menace of mass violence notwithstanding.

As a fifth point, the center of antagonism was between local networks of bureaucracy and Muslim notables, and the political networks of Christian factions, rather than between a coherent, central CUP government and a coherent Christian community. This was manifest in the memorandum of Macedonian-Bulgarist deputies in the chamber, which brought local tensions to the central government. When the content of the Bulgarist memorandum (abuses

of the Law on Brigandage, settlement issues, and confiscations) was brought up with local administrations, local authorities of various ranks disputed it with hostile language and with indifference to the complaints.

It should be added that in this context, the disarmament campaign of Şevket Turgut Pasha in 1911 occupies a particular place in terms of the relation of Istanbul with Rumelia. In the campaign the central government surpassed Rumelia via military mobilization. Considering the critical cases of resistance from the local bureaucracy in the preceding period, this demonstration of power of the central government via army must have impact on the local configuration of power, too. Although this aspect needs further study, it was certain that the campaign provoked komitacı activity and prompted the alliance of partisan groups.

Amid these tensions, the Macedonian-Bulgarist deputies redefined their position vis-à-vis the constitutional regime, shifting their emphasis from a nationalistic current to a social movement aiming to improve constitutional rule. The memorandum of Patriarchate carried similar traces and focused on demands which would strengthen the community's integrity in the parliamentary regime. However, on the ground, due to the impact of the exceptional regime, concerns about a purge brought the Macedonian-Bulgarist network together under the leadership of Pancho Dorev and even Sandanski — the closest ally of the CUP — became involved in this integration fearing isolation. At this point, although a common Christian initiative, comprising the Hellenist and Bulgarist movements, was being negotiated in the depths of the local circles in Rumelia, the reflection of this policy in Istanbul as a united Christian action would only come about due to the law on Christian conscription. The next chapter will focus on this unification and the functioning of the regime vertically, that is on the traditional legal status of Christian communities.

Ottoman Nation and Christian Millets: The Alliance of Churches and the Advent of the Balkan Wars

In this chapter we concentrate on the functioning of the constitutional regime vis-à-vis the legal heritage of the Islahat paradigm. As seen in the Chapter I, the Islahat meant a compartmentalization of Christian communities under millet system, which provided a institutional basis for a national self-consciousness. But considered from the Ottoman viewpoint, these were not rights butas "privileges" granted by the sultan. In scope of the law of Christian conscription into the Ottoman army, we will assess how a new concept of a constitutional tie — defined by a relation of rights-and-obligations with the state — developed within a context of intercommunal divisions.

§ 5.1 The Cradle of Ottoman nation: The Debates on the Conscription of Christians into the Ottoman Army

The construction of the army was a crucial matter in the immediate agenda of the Ottoman reform history. In 1908, amid celebrations of Ottomanist dreams, the military conscription of Christians became a prominent issue to be reconsidered in terms of a new framework of rights-and-obligations. Hence, the parliamentary negotiations on the law of conscription opened a new area of confrontation in the parliament.

This confrontation was remarkable in that, unlike the case of the aforementioned memorandums, the issue played a role in the consolidation of Christian communities altogether as a separate political camp. At the discourse level, the problem was never the conscription of Christians into the Ottoman army. However, such a regulation would trigger structural change, influencing the existing status of Christian communities. As the debate unfolded, it started to touch on the confessional “privileges,” and the communal schools issue, and it became clear that the conscription issue was incompatible with the system of the 1856 Reform Edict. The debates on Ottomanism in parliament would soon turn into debates about community privileges — or from the other perspective, rights — and the concept of *ittihad-ı anasır* was increasingly questioned in parliamentary discussions. In course, the tensions would bring about a rare alliance among non-Muslim elements of the empire: An alliance of churches.

In an article published in the journal of *Servet-i Fünun* in August 1908, the issue of military obligation for Christians was brought to the agenda. The journal mentioned that from that point forward, the Christians of the empire should serve their country just as “their Muslim brothers, and they should be called to arms in case of a danger.”¹

Until 1908, Christians of the empire were a privileged population and were practically exempted from military service by paying a special tax, instead. Even the first constitutional experience could not break this concession.² At the time, there was an attempt to call the Christian population into the army, but the Christian element refused to undertake this obligation, and the sultan accepted the demand of the Ecumenical Patriarchate on the “postponement” of this law.³ With the 1908 revolution, Christians’ inclusion in the military system would fix the status of the Christians as citizens having a right-and-obligations relation with the empire, and it would be an embodiment of the Ottoman nation which the constitutionalist discourse propagated. Thus, as a

1 AMAE, Turquie, Armée, 154, II, no: 321, signé par Boppe à Therappia, 4 August 1908.

2 For a historical overview of conscription practices since the *Tanzimat* era, see Erik J. Zürcher, *The Young Turk Legacy*, especially 154-160.

3 AMAE, Turquie, Armée, 154, II, no: 321, signé par Boppe à Therappia, 4 August 1908.

French diplomatic observer mentioned, if it "materialized, it would undoubtedly be a sign characterizing the new era that seemed to be beginning in Turkey, very well."⁴ It was clear for the observer that the gathering of Muslims and Christians under the same flag would contribute to the development of national sentiments, as "was very recently observed in Macedonia and many other towns of the empire."⁵

Indeed, there were certain efforts at the local scale to that end. As reported, one of the main concerns of the local Young Turk committee in Skopje was the reorganization of the army so as to create a intermingling of Muslims, Christians and Jews, and as far as the major Yusuf Bey said they tried to draw the attention of parliament to this issue.⁶

By autumn 1908, news of a new draft of Law on Conscription leaked and circulated in diplomatic circles.⁷ The expectations were so widespread that in the first year of the constitution, the Rum Patriarchate did not mediate in the collection of military service payment from the Ottoman Greeks. Eventually the government intervened and clarified that although military service of Christians was required by the Kanun-ı Esasi, the old procedures would be valid until the Chamber of Deputies passed a law on conscription.⁸

Thus, Ottoman public awaited for the Law on Conscription, and in the 1909 legal breakthrough, the regime took a solid step forward on the issue. On 25 July 1909, the Chamber of Deputies enacted "a law on the conscription lots of the non-Muslim elements." However, this was not a complete substitute for the former Law on Conscription and did not re-define the relations of rights, obligations, and privileges attributed to Christian communities with military service. Instead, it was a provisional text that replaced related articles of the former Law on Conscription, dated November 1886, until the chamber

4 AMAE, Turquie, Armée, 154, II, no: 321, signé par Boppe à Therappia, 4 August 1908.

5 AMAE, Turquie, Armée, 154, II, no: 321, signé par Boppe à Therappia, 4 August 1908.

6 AMAE, Turquie, Armée, 154, II, "Le Charge d'Affaires de France à Constantinople," no: 221, 4 August 1908.

7 AMAE, Turquie, Armée, 154, II, "Rapport sur des Renseignements Militaires Recueillis par le Chef de Mission et le Lieutenant Sarrou," annex to the correspondence of Colonel Baumann from Serres, 3 November 1908.

8 BOA., MV., 122/5, 21 Zilka'ade 1326 (15 December 1908).

adopted a new law.⁹ The parliamentary commission of military affairs (*Harbiye Encümeni*) legitimized this provisional law stating that “even if the commission could finish negotiating the draft of the new law, it would not be able to accept it as a law for one or two months,” and “there were no essential differences between the old law and the draft of the new one.”¹⁰ However, the Christian deputies were not of the same opinion. When the provisional law was presented on the agenda of the chamber, Christian deputies led by Kozmidis Efendi of Istanbul, and Trayan Nali Efendi of Manastir complained about its rough, unelaborated style. A point they underscored was the representation of their religion in the army. Kozmidis Efendi noted that in the old law, even the ranks of military imams were determined, while there was no solid regulation of Christians' religious affairs. Instead of a superficial regulation, Kozmidis Efendi wanted the new law to be negotiated and approved, which could well be achieved within two months.¹¹ However, the chamber approved the proposal of the commission, and the law became official as a provisional regulation.

The provisional law was radical in any case. By abolishing the *bedelat-ı askeriyye* (the military service payment) and the exemption for inhabitants of Istanbul, it radically eliminated an ancient system of privileges and became a decisive step toward universal conscription. Thus, the text envisaged the recruitment of all Ottoman citizens, including Christians aged twenty, twenty-one, and twenty-two.¹² The law exempted the clergy and religious disciples, as well as university students and primary and high schools teachers from service.¹³

9 Indeed, the complete title of the law indicated that this was a provisional law on the lots of non-Muslim elements to remain valid until the law on conscription would be adopted. “Ahz-ı asker layiha-i kanuniyyesi Kanuniyyet iktisab edinceye kadar müru'u olmak üzere anasır-ı gayrimüslimenin kur'aları hakkındaki 27 Safer 1304 tarihli ahz-ı asker kanununun mevad-ı mütealikesine muaddel kanun.” *Düstur*, Series 2, Volume 1, 420.

10 MMZC, Term 1, Year 1, Volume 5, Session 110, 29 Haziran 1325 (12 July 1909), 326.

11 MMZC, Term 1, Year 1, Volume 5, Session 110, 29 Haziran 1325 (12 July 1909), 327.

12 MMZC, Term 1, Year 1, Volume 5, Session 110, 29 Haziran 1325 (12 July 1909), 326.

13 MMZC, Term 1, Year 1, Volume 5, Session 110, 29 Haziran 1325 (12 July 1909), 420-421.

The preparation of the non-Muslim population for the Ottoman army extended to military schools. The Council of Ministers issued an order regulating the schedules of the schools in order to accommodate the non-Muslim newcomers. According to the regulation, the weekly leave for the military schools — Fridays — would be valid for non-Muslim students, too. Additionally, Christian students would have a holiday on their respective Easters and would be allowed to leave on Sunday mornings for church. The Jews, like the Christians, were granted holidays on their religious feasts, and Saturday mornings for their weekly prayers.¹⁴

5.1.1 *Initial Complaints*

From the beginning, along with the necessary structural preparations for non-Muslim conscription, the representatives of Christian communities from various ranks had begun to pressure the Ottoman government. A first attempt was from the Patriarchate which formulated its demand about the enrolment procedures.

As early as September 1909, the Rum Patriarchate started sending memorandums to the government specifically emphasizing the demand to enlist non-Muslims in separate battalions. In November 1909, the Patriarchate's letter to the Ministry of Justice and Religious Denominations delicately formulated this demand. The Patriarchate attributed the steps toward universal conscription to the initiative of the CUP, as well as of the government, and praised the "Young Turks, the CUP and the government" for their efforts to establish equality (*uhuvvet*) between subjects of various ethnicities (*akvam*). The Patriarchate expressed its appreciation for the creation of a brothers-in-arms relation among elements but also its reservations that the attempt to do this all at once would cause certain confrontations in the ranks of the army. Thus, the Patriarchate argued, the separation of various elements (*anasır-ı muhtelif*) in barracks would not mean their isolation from one another, but would be a

14 "Gayrimüslim Talebe-i Askeriyye Hakkında," *İkdâm*, n. 5385, 4 Eylül 1325 (17 September 1909) p. 2.

preparation for eventual unification. For the Patriarchate, education in military matters should undoubtedly be carried out commonly, but establishing separate and homogenous battalions of Rums, Armenians, Bulgarians, and Serbians would not violate the principle of unity.¹⁵

Both the Ministry of Justice and Religious Denominations, and the Ministry of War evaluated the letter and responded that the issue should be discussed in the Council of Ministers and the Chamber of Deputies. But a more remarkable aspect of this discussion was its echo in public opinion. Although mostly CUP supporters confronted the Patriarchate, this time the liberal newspaper *İkdam* — which prioritized its close relations to the Patriarchate — criticized the demand. *İkdam*'s editorial underscored that the authority to solve this issue belonged to the Chamber, but, this demand of establishing separate battalions for non-Muslims was a serious and regretful one, which would “delay the goal of unity.” The liberal newspaper argued that the military service would not bear separation, discrimination or isolation, and the more the Christian and Muslim soldiers could be brought closer to each other, the more the goal of unity could be achieved.¹⁶

The strategy of the Patriarchate was to strike a balance: On one side not to disturb the Ottoman government by impeding reform efforts, and on the other side, to prevent attempts to violate its existing institutional and ideological boundaries — that is, its privileges provided by the Ottoman millet system. It was a protective, defensive attitude, coherent with the argument to “keep up the rule of status quo” that preserved their authority within new re-

15 BOA., BEO., 3769/282616, “Patrikhane-i Millet-i Rum; Adliye ve Mezahib Nezaret-i Celilesine, 9 Teşrin-i Sani 1325” (22 November 1909). The separation of non-Muslims in military service was not only a demand of the Patriarchate, but had a history in the Ottoman state, too. The conservative reformist Ahmed Cevdet Paşa was an ardent supporter of this idea on the grounds that, unlike in Europe where the concept of “*vatan*” could enflame the souls of the soldiers, in the Ottoman Empire, only religious appeals provided the necessary motivation to sacrifice oneself in war. Thus, a Muslim soldier should not be expected to obey “Captain Christo” in a difficult moment. Ahmet Cevdet Paşa, *Mâ’ruzat*, p. 114, cited in Bilal Eryılmaz, *Osmanlı Devletinde Gayrimüslim Tebaanın Yönetimi*, 2nd ed. (İstanbul: Risale Yayıncılık, 1996) 104.

16 “Rumların Askerliği,” *İkdam*, no. 5468, 26 Teşrin-i Sani 1325 (9 December 1909), p. 2.

form institutions. After all, the opening of the military to the Christian population would mean that the struggle between Bulgarists and Hellenists would be transferred into the barracks, too. Indeed, as we will see, not only the Patriarchate, but also the Macedonian-Bulgarist network asserted the demand for separate battalions.

The competition between the Christian communities had an effect on their demands. Their demands were not formulated as red lines to be defended but rather served as points open to compromises to the detriment of the other community in the negotiations with the Ottoman state. As a good example of this, when the famous Hellenist deputy of Serfice, Yorgos Boussios, dealt with the issue of the military conscription of non-Muslims, he compromised from the demand for separate battalions. Boussios' essential concern was not separate battalions, but to prevent a setback from the struggle with the Bulgarists, and gain the alliance of the government to this end.

In his piece published in the newspaper *Nea Alithia*, Boussios overtly engaged in polemic with the Bulgarian Constitutional Clubs adopting the language of a constitutional politician or state administrator.¹⁷ The Bulgarian constitutionalists had put the military service of Christians on their agenda and demanded a guarantee that Bulgarian conscripts would not be sent to distant regions such as Yemen and Hejaz. Pavlov Efendi, the Macedonian-Bulgarist deputy, asserted this demand during a congress of the clubs. For Boussios, unless military service was enforced upon everyone equally, it would be impossible to protect the integrity of the homeland. Granting an exception to Rum, Bulgarian, or other elements and loading the task on the shoulders of the Muslim citizens ("onto our Muslim citizens," in his words), Yorgos Boussios continued, would be completely conflict with the principles of justice. Boussios also referred to the regulations of the Chamber of Deputies by noting that considering the difficulties in military service in Yemen, the chamber had shortened the duration of service for those in this region. In short, for Yorgos Boussios, it was natural that a military force whether constituted of Muslim or non-Muslims, should be sent wherever a rebellion occurred in Ottoman lands.

17 "Gayrimüslimlerin Askerliği," translation from *Nea Alithia*, in *İkdam*, no 5403, 22 Eylül 1325 (5 October 1909) p. 4.

Yorgos Boussios touched on the issue of separate battalions again in a polemic against Pavlov Efendi. To Todor Pavlov's suggestion of organizing the Ottoman army in separate battalions similar to how the British Empire had done in India, he responded in accordance with the aforementioned strategy.¹⁸ For Boussios, the system of separate battalion could work "to a certain degree" for military exercises, but during a mobilization for war, it would be invalid, as it would hamper the harmony and speed of the army. Thus, Boussios became an ardent opponent of the idea of separate battalions, consolidating his argument by saying: "How would it all end if we tried to constitute separate battalions for every denomination and millet? If one were to take nationality (*milliyet*) as the criterion, would this not lead to the right to create battalions for Arabs, Kurds, Albanians, Laz, etc.?"¹⁹

Similar to his position in the independence of the Bulgaria (in which he attracted support from Muslim public) Boussios' argument here suggests that he wanted to take a closer position to the Ottoman government to the detriment of the Bulgarists. However, when it comes to maintaining divisions between communities, he agreed with the Bulgarists. As a third demand, the Bulgarian Constitutional Clubs wanted a guarantee that any attempt of conversion to another confession should be banned in the course of the military service. Yorgos Boussios welcomed this demand, because "a person who today changes his belief in the barracks, will well betray to its homeland tomorrow." Thus, for him, an article prohibiting any conversion should be added to the statutes of the army.²⁰

18 It is also remarkable that the member of the Bulgarian Constitutional Club demanded a colonial-type administrative organisation.

19 "Gayrimüslimlerin Askerliği," translation from *Nea Alithia*, in *İkdam*, no 5403, 22 Eylül 1325 (5 October 1909) p. 4.

20 "Gayrimüslimlerin Askerliği" translation from *Nea Alithia*, in *İkdam*, no 5403, 22 Eylül 1325 (5 October 1909) p. 4. In the same piece, Yorgos Boussios notably proposed a quasi-secularist proposition. He accepted the right every confession to their religious practice, but it was impossible to provide the necessary religious institutions and cadres for every garrison. In this respect, it was the responsibility of Muslim population as the majority to relinquish the demand of religious practice in the army.

5.1.2 *The Conscription Practice*

In autumn 1909, the practice of enlisting non-Muslims into the army commenced in accordance with the provisional law. Conscription commissions constituted of army officers generally conducted the enlisting process. The government notified Christian ecclesiastical authorities to prevent those aged twenty-one to twenty-six from acquiring passports or marrying until they had applied to the conscription commissions.²¹ The estimations for the participation of non-Muslims were high, and the foreseen enlistment place on a massive scale. In Thessaloniki alone, records predicted that the first wave of conscription would bring over 43,000 Christian soldiers into the army.²² According to earlier estimations, if the conscription of Christians went as planned, the number of soldiers in the Ottoman army would be doubled in twenty years.²³

The conscription process was carried out as a ritual addressing Ottomanist sentiments. We have a vivid account of how enlisting rituals were conducted. In Beirut, the commission of conscription was located in the *saray*, the administrative center of governor.²⁴ At the beginning, soldiers accompanied by military music paraded through streets passing through various quarters to summon young Christians and their families. Upon their return to the *saray*, the young candidates were welcomed by the vali and high-ranking administrative officials. After a short salutation consisting of a welcome, the crowd of young

21 "Gayrimüslimlerin Askerliği," *İkdam*, no. 5400, 19 Eylül 1325 (2 October 1909), p. 2

22 "Efrad-ı Gayri Müslimenin Askerliği," *İkdam*, n. 5380, 30 Ağustos 1325 (12 September 1909), p. 2.

23 AMAE, Turquie, Armée, 154, II, "Rapport sur des Renseignements Militaires Recueillis par le Chef de Mission et le Lieutenant Sarrou" annex to the correspondence of Colonel Baumann from Serres, 3 November 1908.

24 Commission members were complaining about difficulties arising from the ambiguity in the new Ottoman civil-code, which they believed, would considerably decrease the number of soldiers to be conscripted. Another complaint of the commission members was their financial source which had been based in past years upon the payments of tax of exemption. The commission members, along with their counterparts in Damas, was reportedly decided to protest this practice; see AMAE, Turquie, Armée, 155, III, "Le Gérant du Consulat Général de France à Beyrouth," no: 184, 9 December 1909.

men was led to a large hall where the military registration was held.²⁵ On the documents, their religion was indicated with a Christian cross, while the ordinary Muslim symbol was a crescent. The French agent who was once in a present at the *saray* during this ceremony, reported that the Muslim officers seemed indifferent to this new enlistment wave.²⁶

One place of military conscription was Thessaloniki. On 22 February 1910, when a mass was gathered near the governor's office. Along with the governor himself, there were a considerable number of high-ranking officers and religious representatives of different millets at the ceremony. After patriotic speeches and military songs, Lieutenant-Colonel Reşid Halib, who was leader of the third cavalry division and the former military attaché of the Ottoman Empire in Madrid, stepped forward to register the first soldier to be conscripted. According to the dispatch, the conscription activities went on all day, and of 667 youth called for military duty, 602 were registered as "tertib-i evvel" (the first group) and 65 were listed as "tertib-i sânî" (the second group).²⁷

With a similar demographic and political picture, Manastir was another center of the conscription process. A report sent from there gives a detailed description of the conscription of non-Muslim population. According to the dispatch, it was expected that 132 non-Muslims who were born in 1883-1884 (*r.* 1299) would be sent to the military service on the twenty-seventh of the month. Of these sixty-six were Bulgarians, fifty-five were Rums, eight were Jews, two were Vlachs, and one was Serbian. These soldiers were to be sent to Thessaloniki and after having been equipped with military materials, they

25 AMAE, Turquie, Armée, 155, III, "Le Gérant du Consulat Général de France à Beyrouth," no: 184, 9 December 1909.

26 AMAE, Turquie, Armée, 155, III, "Le Gérant du Consulat Général de France à Beyrouth," no: 184, 9 December 1909. In other parts of the empire, the conscription of Christians continued following a similar pattern. The registration process was held in a ceremonial, military atmosphere, and "despite the fears" of hostile demonstration on the part of "reactionaries" in Erzurum at least the ceremonies were completely tranquil. AMAE, Turquie, Armée, 156, IV, "Gérant du Vice-Consulat de France à Erzeroum," no. 2, 8 January 1910.

27 AMAE, Turquie, Armée, 156, IV, "Le Consul de France à Thessalonique," no. 33, 23 February 1910.

would be deported to Constantinople. According to the information harvested from within the Christian notables, the envoy stated that until the very last moment, "the non-Muslims did not believe that they would really be incorporated" into the army, and thus the realization of the plan, in a period of Orthodox lent where the religious sentiments arose, deeply surprised them. On the other hand, the military authorities were not so enthusiastic in equipping new soldiers in Manastir either, particularly in a time where the fear of a revival of partisan war became visible.²⁸

In Manastir too, it was calculated that all through the year, the army would have been registered 8000 non-Muslims into the army; starting with the generation born in 1883-1884, the call to service would continue successively until the number of 8000 was fulfilled. This group born in *rumi* 1299 would serve in active military for eight to twelve months, whereas the generation of 1300 (who were twenty-five years old) should serve for two years, and others (those born from 1301 to 1304) for three years in the Ottoman army. In Manastir, it was expected that 4025 men would be registered into the 3e Corps.²⁹

The recruits from Skopje as in other regions of Rumelia were sent to Thessaloniki with military hymns. After Thessaloniki they were sent to Constantinople. The French consul in Skopje related that this transfer to Thessaloniki continued with an additional group of young Serbians from Prizrend. Similarly, forty-one young non-Muslims were enlisted in Köprülü. Thus, young Christians, whose parents had not undergone any military obligation, broke from their daily lives, and within a three-day period, they were equipped and sent to other regions of the empire.³⁰

The officers of the consulates were told that every military district was required to enlist a certain number of non-Muslim soldiers. Additionally, this rapid call drew a considerable reaction among young non-Muslims surprised by short span of time between the order concerning military duty and its implementation. They expressed that they did not have time to organize their affairs for such a duty, the duration of which remained uncertain. The consul recounted the case of a Christian who was drawing out his assets from the

28 AMAE, Turquie, Armée, 156, IV, "Le Consul de France à Monastir," no. 24, 6 March 1910.

29 AMAE, Turquie, Armée, 156, IV, "Le Consul de France à Monastir," no. 24, 6 March 1910.

30 AMAE, Turquie, Armée, 156, IV, "Vice-Consulat de France à Uskub," no. 7, 8 March 1910.

Ottoman Bank in Prizrend one morning, when was suddenly captured and enlisted as soldier. Information in the hands of the Skopje consulate of France indicated that non-Muslim youth were conscripted rapidly, sometimes without being given time to collect their personal belongings. The vice-consul assumed that the extraordinary rapidity of implementing the order was explained by fear of giving the non-Muslims time to escape military service.³¹

According to a statement of the commander of the Third Corps, Hadi Pasha, all non-Muslims born in the years *rumi* 1299-1304 were enrolled in the army, which added up to 1880 men consisting of six classes of recruits; 1241 of them were enlisted as the first group, 139 were as the second group, and 500 were registered as breadwinners — that is as those who were indispensable for the survival of their families.³²

Christians enlisted in villages such as Florina and Resne were assembled in Manastir and welcomed with a great celebration: "They were drowned into attention, with the distribution of flowers, with a reception with music, and with dinner in a restaurant," which was followed by a feast organized in the municipality building. However, appearances aside, local tensions were felt strongly.³³ Reportedly, the Muslim population was not so enthusiastic about the acceptance of Christians into the army. The French dispatch reports that Muslims said "It is not men that we lack, it is money. So what is the argument for wasting our resources to equip soldiers whose concern will be to pass to the enemy side or revolt against us?" This tension on the part of Muslims added to the concerns of the non-Muslim community, which considered this obligation to conflict with their "insufficient" representation in the chamber and the "oppressive regulations of the CUP." The French envoy emphasizes

31 AMAE, Turquie, Armée, 156, IV, "Vice-Consulat de France à Uskub," no. 7, 8 March 1910.

32 AMAE, Turquie, Armée, 156, IV, "Vice-Consulat de France à Uskub," no. 7, 8 March 1910.

33 As described in the previous chapter, Manastir was one center of tension between the Bulgarian population and local authorities as a result of the enforcement of the Law on Brigandage; the local authorities were accused of forming an unofficial alliance against the Christians, in support of the Muslim immigrants (see Chapter 4).

that the complaints of the non-Muslim community were more political than racial, religious, or moral.³⁴

5.1.3 *Rumors versus Law Enforcement*

At the end of March, the Patriarchate issued a declaration “addressing the Christian population” (*ahali-i hirstiyaniyyeye hitaben*) and parising the “right granted by the government to defend our glorious homeland by arms.” Although, according to the Patriarchate, shortcomings are common to every new beginning, these problems would be overcome through patience and persistence. However, despite this observation of conventional common sense, numerous appeals in the declaration — to “not to cause any trouble and complaints within the ranks of the army,” “to show courteousness to others,” and “to refer to superiors in any case of a problem” — were enough to express the vulnerability of the situation.³⁵

Indeed, the first wave of conscription, started with a provisional regulation albeit in the form of a law, was not exempt of certain problems. By summer 1910, the problems and performance of the first wave of conscription became clear. The conscription effected differently in different segments of non-Muslim communities, but the most obvious issue arose from within the institutional framework built on the confessional status of Christians. The process overlapped with the competition among Christian communities for one another’s domains, as well as with their concern for protecting their areas of privilege vis-à-vis the state. Along with these formal issues, the atmosphere of tension in Rumelia — revolving around the problems of the enforcement of the martial law, considerably contributed to suspicions extended toward broad swaths of Christian people. Confessional problems in the complaints of the churches were accompanied by a traffic of information mixed with rumors and assumptions that were circulating among Christian communities.

As mentioned, initial complaints centered on the effect of the rapid enforcement of the new law vis-à-vis the daily affairs of non-Muslim population,

34 AMAE, Turquie, Politique Intérieure, Armée, 156, IV, "Le Consul de France à Monastir," no. 29, 12 March 1910.

35 “Patrikhane Beyannamesi,” *Yeni İkdâm*, no. 15, 15 Mart 1326 (28 March 1910) p. 3.

and the interruption of their economic activities. By January, the Christian population of Skopje was faced with a practice of conscription into army that rapidly intruded on their lives. The order to convene non-Muslims arrived at the vilayet on 28 February and was transferred to the *muhtars*, the village headmen, on 1 March. This rapid correspondence was followed by a the conscription of fifteen Christian youth born in *rumi* 1299, that is to say, twenty-six years old Christian youngsters, all of whom were Bulgarians, according to observers. In the local community, there were rumors that this rapid mobilization was a "fiscal operation" to increase the number of those who pay the tax of military exemption.³⁶ Hence, the problems were associated with an underlying political mal-intentions, contributing to the atmosphere of crisis triggered by the bylaws and related political propaganda.

Indeed, in regions where intercommunal violence had already gained considerable strength, the conscription issue became more fragile. Particularly in regions of Rumelia, conscription went hand in hand with popular suspicions about the depopulation of the region to the detriment of local Christians. The sensitivity of the Bulgarian Constitutional Clubs to the assignment of Bulgarian youth to remote areas of the empire was based on this concern and explains why their demands specifically emphasize the necessity of conscripts remaining within the boundaries of Rumeli and Aydın.³⁷

Although the complaints about conscription were defined in the documents of consulates as "de-Christianization," there is no solid information as to whether the Ottoman government was specifically conducting a population politics by means of military conscription. It is clear that the traffic of recruits between or within Anatolia and Rumelia not only included Muslims, but also Christians. In addition to the information given above, for instance, some Bulgarian conscripts from Debra and Yakova were sent to Sason in Eastern Anatolia, a group of Albanian Christians were sent to Trabzon in Northern Anatolia, and some 450 Ottoman Serbian youth from Gilan (a district of Kosovo)

36 AMAE, Turquie, Armée, 156, IV, "Vice-Consulat de France à Uskub," no. 7, 8 March 1910.

37 See Chapter 4.

were sent to Istanbul.³⁸ On the other hand, Rumelia hosted soldiers of Anatolian Christians, for instance Armenians from Sivas, Rum and Armenian youth from Istanbul.³⁹ An interesting example was the arrival of new Christian soldiers to Manastir: Some of these conscripts were Cilician Armenians who had been exposed only a few months before to mass violence at the hands of the Muslim population.⁴⁰ In 1912, a report of French intelligence indicated that Manastir drew military conscripts from various parts of Anatolia whereas the city sent conscripts only to regions within Rumelia.⁴¹

Such a pattern of distributing conscripts, which usual in a universal military system, triggered fears given the rivalries among Christian populations, the influx of Muslim immigrants, and the vagueness surrounding various points of crisis, including the issues of martial law and disarmament. Thus, rumors contributed to suspicions of a “latent agenda” in the conscription practices. In Skopje, a region characterized by martial law and brigandage, news that Muslim soldiers who had convoked in 1906 would be demobilized and replaced by newly enlisted Christians created discontent among the local Christian population. It was considered a step to strengthen the Muslim population and weaken non-Muslims. The ongoing armament of *mustahfiz* class soldiers, who were Muslims, added to the atmosphere of discontent in districts of Ishtib, Radovitsche, Kratova, and Palanka.⁴²

38 “Gayri Müslim Askerler,” *Tanin*, no: 707, 7 Ağustos 1326 (20 August 1910) p. 2-3.

39 “Zimenek Gazetesinden,” *Tanin*, no. 978, 10 Mayıs 1327 (23 May 1911) p. 3; “Hıristiyan Askerler” *Yeni İkdam*, no. 15, 15 Mart 1326 (28 March 1910) p. 3; “Efrad-ı Gayrimüslime Askerlikten Memnun Değil mi?” *Yeni İkdam*, no. 298, 29 Kanun-ı Evvel 1326 (11 January 1911) p. 3.

40 AMAE, Turquie, Armée 157, V, “Consulat de France à Monastir,” no. 1, 06 January 1910.

41 The regions that sent military conscripts to Manastir were Ankara, Bursa, Erzurum, Çorlu, Konya, and Bafra, and 100 reservists from Bağdad. On the other hand, soldiers of various classes from Manastir were assigned to Debre, Thessaloniki, and Janina: AMAE, Turquie, Armée, 157, V, “Le Vice-Consul de France à Monastir,” no. 30, 24 May 1912.

42 AMAE, Turquie, Armée, 156, IV, “Vice-Consulat de France à Uskub,” no. 7, 8 March 1910. The *mustahfiz* class consisted of conscripts older than 40 or between 16-20 years old; that is, those who were not of military age. This meant that they were practically militias enrolled in the army, and they were used as such during the Balkan Wars. In Serres, the head of the CUP Clubs Mehmet Esat Serezli, served as a captain of a *mustahfiz* regiment. See Serezli, *Memleket Hatıraları*, 251, and 253.

In this context, rumors were not to be underestimated and the constitutional regime took them seriously. Indeed, public sensitivity to the news about Christian soldiers reached striking degree. An individual claim expressed in private could rapidly circulate through social and political networks and trigger public mobilization. The case of a young Ottoman Bulgarian conscript, a certain Silyan, was of such events. Silyan had been enrolled in the Ottoman army in Manastir and was fulfilling his military service in an artillery regiment in the Selimiye Barracks, in Üsküdar, Istanbul.⁴³ He sent a letter to his father in Manastir, allegedly complaining about abuses and the conditions of his military service: According to the letter, Christian soldiers were excluded from ordinary military duties and employed as simple servants of Muslim soldiers. There were five Christian conscripts for every one hundred Muslims, and they live in conditions worse than that of a prison. Additionally, the letter argued that the young Christians were subject to abuse, including sexual harassment (*efrâd-ı müslime tarafından efrâd-ı hristiyanıyyenin ırzlarına da tasallut edildiği*). The father of Silyan immediately informed the Bulgarian villages in the central district of Manastir of the letter, and in a remarkable example of public mobilization, the inhabitants of thirty-two villages organized a committee constituted of two representatives from each village.

The committee did not appeal to Ottoman authorities and instead secretly visited the consulates of foreign powers asking for their intervention in the affair. The Russian consul informed Vali Halil about the situation. In accordance with its attitude in the Jovanovich case, the Russian consulate abstained from declaring a direct position. As the consul conveyed the vali, he tried to appease the committee saying that the claims seemed exaggerated especially concerning the matter of sexual abuse. He would never believe such a claim, and anyway the Russian Empire could not interfere with the domestic affairs of the Ottoman Empire. As a remarkable sign of cooperation, the Russian consul gave the governor a list of thirty-two villages involved in the matter.⁴⁴

In the governor's words, this act of "a person from the Bulgarian element" was "treacherous," (*hainane*) considering that the letters of Rum, Vlach, and

43 BOA., DH. MUİ., 107/56, "Manastır Vilayetinden Alınan Şifre" 8 Haziran 326 (21 June 1910).

44 BOA., DH. MUİ., 107/56, "Manastır Vilayetinden Alınan Şifre" 8 Haziran 326 (21 June 1910).

Serbian soldiers only depicted the comfortable conditions of the army. Echoing the general atmosphere of the period in Manastir, described in the previous chapter, the governor accused “Bulgarian spiritual leaders and plotters” for this provocation (*Bulgar rüesa-i ruhaniyyesiyle erbab-ı fesadiyyesinin asar-ı teşvikiyle olmakda*) that directly targeted the participation of non-Muslims in the army.⁴⁵

The fate of Ottoman Bulgarian soldiers rapidly became one of the agendas of “pan-Bulgarist” propaganda, as well. Winter 1910 witnessed spreading protests against the Ottoman regime and particularly against the CUP due to its enforcement of the Law on Brigandage and on Law on Churches.⁴⁶ In a massive public protest in Sofia, the capital of Principality of Bulgaria, one of the ten accusations against the Ottoman government concerned a Bulgarian killed in front of the office of recruitment in Köprülü. When the event occurred, a group of local Bulgarian tradesmen demonstrated in front of the office of the *kaymakam*, and sent a letter condemning the murder: “Will the future soldiers of the state be killed like that?” The protesters in Sofia publicly denounced the trial of these local tradesmen in the court-martial.⁴⁷

45 BOA., DH. MUI., 107/56, “Manastır Vilayetinden Alınan Şifre,” 8 Haziran 326 (21 June 1910). The following development is remarkable in that it shows how the political struggle in Rumelia infiltrated the details of the private act of letter writing. The Ministry of War interrogated Silyan on the matter and he responded that he had had the letter written by a certain Christo, a fourteen-year-old Bulgarian boy, in a garden in the Şehzade quarter. He had sent nothing more than usual messages and regards to his family. The authorities interrogated Christo, too, who repeated Silyan’s claim about the content of the letter. The authorities were also of the opinion that neither Silyan nor Christo would write such a letter and concluded that the envelope had been opened and its contents changed to provoke the villagers. BOA., DH. MUI., 107/56, “Harbiye Nezaret-i Dahiliye Nezaret-i Celilesine: Nefer Silyan hakkında icra kılınan tahkikata dair,” 20 Haziran 326 (03 July 1910).

46 See Chapter 4.

47 The Muslim soldier who killed the Bulgarian was condemned to death by the court-martial, and eight local Bulgarian tradesmen were sentenced to exile for between three months to three years. AMAE, Turquie, 197, supplement XI, “La Vice Consul de France à Uskub,” no. 5, 25 February 1910.

5.1.4 *Institutional Resistance*

Apart from these informal agendas feeding the suspicions of various Christian communities, there were also formal centers of discontent concerning the practice of conscription. This formal aspect was expressed by legal, political, and confessional organizations of Christian population, that focused on one single issue: The protection of the confessional status quo during the military service.

Indeed, paralleling tensions and rivalries in Macedonia, the authorities of non-Muslim communities paid particular attention to the protection of confessional status in the army, from the commissions of conscription down to the daily life in the barracks. As seen in the letters of the Patriarchate and the congress of the Bulgarian Constitutional Club, both Bulgarists and Hellenists were alarmed by any implication of a change in the religious beliefs of a Christian soldier. Their demands were freedom of worship and the ban of religious conversion in the army. The Ottoman government solved the immediate problems by issuing orders to the First, Second, and Third Armies that Christian conscripts should be free to worship and pray.⁴⁸ However, by July 1910, the Patriarchate brought forward a list of incidents concerning the harassment of Christian soldiers for their religion in various garrisons and military hospitals. The government denied these as rumors and hearsay.⁴⁹

To include non-Muslim institutions in the process, the government agreed to the participation of Christian religious authorities in the commissions of conscription, rendering some underlying deficiencies that hampered the conscription practice more visible. The participation of Christian religious authorities was necessitated not only as a religious concession but also because of incoherencies in the registration system. Along with welcoming the Christian youth and constituting a moral guide for them in their new experience, another function of the ecclesiastical authorities in the commissions would be

48 "Gayrimüslim Efrad-ı Askeriyye ve Vezaif-i Diniyyeleri," *Yeni İkdâm*, no. 2, 2 Mart 1326 (15 March 1910) p. 2.

49 BOA., BEO., 3775/283058 "Daire-i Sadaret Tahrirat Kalemî. 21 Haziran 326 / 26 Cemaziyülaher 328," (4 July 1910).

to confirm and correct the ages of newcomers by comparing the records of their baptism with their civil registration.⁵⁰

The Ottoman government thought that it had found a proper way to incorporate local Christian authorities into the system as well as to obtaining a more solid database of the Christian population. But religious authorities in the field were not so enthusiastic about participating in the commissions, and were mostly absent from the conscription procedures. In February 1910, the Ministry of War and the Ministry of Justice and Religious Denominations asked the Patriarchate for an explanation of these absences, and the Patriarchate responded that since the correction of ages was carried out in the second examination, Christian members of the commissions chose to become involved in the process only in this phase. The State Council (*Şura-yı Devlet*) legally approved this discretion of the Patriarchate, but the choice suggests a reluctance to fulfill the moral part of the work, deviating from the image of “collective Ottoman fraternity” expressed in the conscription ceremonies.⁵¹

The problem with members of ecclesiastical cadres was more profound: Fear of an instant enlisting to army contributed to the reluctance of local ecclesiastical officials. Obviously, the application of this unrefined law caused considerable problems concerning the military service of ecclesiastical cadres in various degrees of church hierarchy. Should disciples of churches be enrolled? When exactly did a Christian youth qualify as an ecclesiastical official? At what stage of his career would a Christian ecclesiastical cadre be eligible for military service? And, what procedure should be followed, if a member of a commission was at the same time the age of conscription? The answers to these questions depended on the churches which had enjoyed considerable confessional privilege since the Reform Edict, so officials applying the new central conscription law were paralyzed by this latent conflict of authority. Although the second article of the law regulated military service suspensions, the

50 This procedure of correction was referred as “*tashih-i sin*,” and the Patriarchate particularly advised Christian youth to carry their baptism registrations on their persons to facilitate the process of correcting the age. “Patrikhane Beyannamesi,” *Yeni İkdâm*, no. 15, 15 Mart 1326 / 28 Mart 1910, p. 3.

51 “Rumların Askerliği,” *İkdâm*, no. 5534, 31 Kanun-ı Sani 1325 (13 February 1910), p. 5.

concessions remained vague. The status of officials and leaders of confessional communities were not specified. The former law of conscription in 1885 (r. 1302) regulated exceptions concerning Muslim clergy along with members of *şer'ia* courts (Article 24), but, as complaints by officials reflect, these could not be directly projected onto Christian religious authorities.⁵² In May 1910, the Grand Vizierate responded that the government would prepare an additional draft to resolve this issue at once.⁵³

5.1.5 *Parliamentary Debates on the Law of Conscription: "Privilege" within a "Privilege"*

After a period of time during which the conscription of Christians was enforced according to a provisional law, the comprehensive text of a new law of conscription was put on the agenda of the chamber. The legislative process started in April 1910 and continued until January 1912, at which time the Ottoman parliament was abolished following a parliamentary crisis.⁵⁴ By the end of this long process of enacting the law, eighty-four of the eighty-six total articles were negotiated twice, and some of the articles were even reconsidered by the parliamentary commission and approved by the chamber. In technical terms, the lawmaking process reached its end.

On the other hand, a general overview of this process indicates that the Law on Conscription was no exception in terms of effectiveness of the chamber. The articles of the Law on Conscription were by nature directly related to various other social problems, which initially put the law at the center of parliamentary sessions. Topics such as kinship in the Ottoman family, transportation of goods and people, social classes, the *muhacir* issue, and the education system were all touched on during the negotiation of the law. The initial enthusiasm for the law did not persevere: In these two years many critical issues

52 "Asakir-i Nizamiyye-yi Şahanenin Suret-i Ahzını Mübeyyin Kanunname-i Hümayundur," (İstanbul: Matbaa-i Harbiye Nezareti, 1302) 10-11.

53 BOA., BEO., 3754/281496, 10 Mayıs 1326 (25 May 1910).

54 MMZC, Term 1, Year 2, Volume 4, Session 73, 3 Nisan 1326 (16 April 1910), 128, and MMZC Term 1, Year 4, Volume 2, Session: 40, 5 Kanun-ı Sani 1327 (18 January 1912), 553.

pushed the law of conscription to the back burner. The negotiations were overshadowed by major crises such as the Italian-Ottoman War in autumn 1911, the dissolution of the İbrahim Hakkı Pasha government, and debates over the amendment of Article 35 of the Kanun-ı Esasi.⁵⁵

As for the position of the non-Muslim deputies, the problems non-Muslim subjects faced and which were reflected in various records when the law was initially enforced, remained to the wayside in parliamentary sessions. Christian representatives concentrated on two issues: The problem of Christian schools and the problem of correcting the ages of non-Muslim individuals (*tashih-i sin*). Regulations on these two issues could potentially allow the central government to infiltrate the internal mechanisms of Christian communities, which, in turn, indicates the approach of the new regime to the existing system of privileges. In the first negotiation period of the draft, between April and June 1910, deputies of Hellenist and Armenian networks along with Macedonian-Bulgarists made sure the new law did not create a breach in the institutional bodies of their communities. The next year, negotiations of the draft did not progress. In the last parliamentary year of the first parliamentary term, the chamber quickly passed and accepted the clauses of the draft over the opposition of non-Muslim deputies to the Meclis-i Mebusan.

The early phases of the negotiations and particularly the debates on the Christian schools issue indicate how Christian deputies reacted to the Law on Conscription, and how they elaborated on their position vis-à-vis the constitution. In these sessions, the Christian deputies not only expressed their attitude about the law, but, from time to time, brought the issue of Ottomanism and *ittihad-ı anasır* on the agenda of the chamber.

The general draft of the law was rapidly admitted to the chamber, indicating overall agreement on the idea of Christian conscription. After all, no parties would oppose a practice that so obviously embodied the idea of “Ottomanism.” However, when the chamber turned to negotiating the specific articles of the law, the frictions rapidly rose to the surface.

55 The debates over the Article 35 in particular had occupied the agenda of the chamber since 27 December 1911 upon the proposal of Seyyid Bey the İzmir deputy; see MMZC Term 1, Year 4, Volume 2, Session 30, 14 Kanun-ı Evvel 1327 (27 December 1911), 320. This proposal delayed negotiations over the law of conscription, which had been lingering for two years.

The first debate was on Article 3, regulating exceptions to recruitment. The article focused on regulating the status of, among others, the ecclesiastical cadres vis-à-vis military service. The issue was not simply a matter of as Muslim versus non-Muslim deputies. Deputies of various Christian networks were prone to act as a block, but Muslim deputies considerably disagreed among themselves on the applicability of the article. For instance, according to the Kengri deputy Mehmet Tevfik, neither Christian nor Muslim clergy should be exempted from military service, and only those who complete their military duty by the age of twenty-five should be recognized as an imam.⁵⁶

For Cemal Bey, the Kütahya deputy, the education of clergy could become a refuge from the military service and should be limited: Otherwise, the 12 thousand monks in Aynaroz Monastery would increase to 30-40 thousand. Opposing arguments were raised by the Rum deputies. Artas Yorgi, the Thessaloniki deputy, argued that concern about an increase in the number of clergy was unnecessary, as conditions in monasteries were much more severe than those in the military. Moreover, the number of monks should not be regulated by the law — that is, by the law being decided in the chamber.⁵⁷ For Aristidis Pasha, the deputy of İzmir, some Muslim deputies demanded an exemption for *müezzins*, and a similar regulation should be considered for cadres in churches who are indispensable for the conduct of prayers. Mehmet Tevfik Bey objected saying that neither was acceptable.⁵⁸

On the other hand, the issue of Christian schools was revived in Article 6 Clause 5 regulating the exemptions relating to the students. The topic was closely related with the extraterritorial links of the Christian communities. The debate concentrated on expressions limiting of exemptions to “students of superior schools (*mekâtib-i ‘aliyye*) which were officially approved by the Ministry of Education” and to “the students studying abroad in governmental schools of foreign countries.”⁵⁹ These stipulations produced three questions: If exemptions were limited to students of governmental schools, what would the status of the schools of Christian communities be? Must these schools, which

56 MMZC, Term 1, Year 3, Volume 2, Session 22, 22 Kanun-1 Evvel 1326 (4 January 1911) 49.

57 MMZC, Term 1, Year 3, Volume 2 Session 22, 22 Kanun-1 Evvel 1326 (4 January 1911) 49.

58 MMZC, Term 1, Year 3, Volume 2, Session 22, 22 Kanun-1 Evvel 1326 (4 January 1911) 51.

59 MMZC, Term 1, Year 3, Volume 2 Session 22, 22 Kanun-1 Evvel 1326 (4 January 1911) 58.

currently enjoying the privilege of autonomous administrations answerable to ecclesiastical institutions, yield to the authority of the Ministry of Education? And as far as schools abroad were concerned, how would the Ottoman government determine the criteria for the schools eligible for military exemption?

Yorgos Boussios and Kozmidis Efendi, the Hellenic deputies, as well as Muradyan Efendi, the Armenian deputy of Kozan, expressed suspicions about the exclusion of Christian community schools from the exemption system. For them, community schools should not be denied a privilege given to foreign schools. According to the current draft, Yorgos Boussios argued, if the Greek community established a university its students would not be exempt from military service during their studies, as such a school would not be under the authority of government. “Thus,” he continued, “when I register in a school in Athens, I am freed from military service in the capacity of a student studying abroad. That is to say, you want to send us to Athens instead of having us establish a school here. If this regulation passes, I might well prefer to go to Athens, another would go to Belgrade, [and] another would study in Sofia.”⁶⁰ The rhetoric obviously implied not only educational but also political options of Christian communities. And it indicated not only Rums, but other Ottoman Christian communities which were objects of extraterritorial nationalist policies. Yorgos Boussios set his understanding of Kanun-1 Esasi as a basis for loyalty and defined the establishment of private and community schools as an exigency of Kanun-1 Esasi.⁶¹

Such an argument again called forth a debate on “Ottomanism.” To consolidate his formulation about the relation of Christian communities to the Ottoman state, Yorgos Boussios described his view of the foundations of “Ottomanity” (*Osmanlılık*) at the risk of “deviating from the essential debate.” As the deputy of Serfice and a prominent representative of the Ottoman Greek community, Boussios identified the essentials of the Ottoman Empire: “As you all know, there are three essentials in the foundation of this state.” Addressing first he asked: “Who enforces the sovereign power (*hükümdarlık*)? No one ex-

60 MMZC, Term 1, Year 3, Volume 2 Session 22, 22 Kanun-1 Evvel 1326 (4 January 1911) 60.

61 MMZC, Term 1, Year 3, Volume 2, Session 22, 22 Kanun-1 Evvel 1326 (4 January 1911) 60, and MMZC, Term 1, Year 3, Volume 2, Session 24, 28 Kanun-1 Evvel 1326 (6 January 1911) 135.

cept the dynasty of the Ottomans could enforce the sovereignty.” This reference to the sultan had obvious conservative connotations for assigning him an authority over the elected government and the bureaucracy. Yorgos Boussios' second and third arguments were more striking: “Second, what will be our official language? As we all accept, it is the Turkish language. Third, what would be the official religion of the state? It is Islam. Is there something other than these essentials that represents our distinguished character? Certainly not.”⁶² This definition was important in that Yorgos Boussios let any claim of sovereignty over the Ottoman state slide putting Christian communities in the quality of minorities.⁶³

This was also a withdrawal from the scope of Ottomanism, too. For Yorgos Boussios, the essentials of the state were clear, but the identity of the state was not. “In what way am I to think if I were a Minister of Education?” Boussios asked. The following response by Mustafa Asım Efendi, the Istanbul deputy, proved the obscurity of the matter: “You would think as an Ottoman (*Osmanlıca düşüneceksiniz*).” But this was exactly the problem according to, as Yorgos Boussios: “Yes, I should think as an Ottoman. But can you, yourself define Ottomanity (*Osmanlılık*)? I mean, the essence of Ottomanity has not yet been determined, and all our challenges and struggles emerge essentially from the fact that the content of the word *Osmanlı* has not yet been determined.”⁶⁴ Emrullah Efendi, the Minister of Education, denounced Yorgos Boussios for his repeated utterance of the problem of the “sentiment of Ottomanity” as the actual problem had nothing to do with ethnoreligious identity. For the minister, the state stipulated certain conditions of anyone or any institution that desired to open a school, and it did not in any sense exclude non-Muslims from opening schools.⁶⁵

62 “Bu üç esastan başka bizi tefrik edecek var mı? Kat’iyyen yok.” MMZC, Term 1, Year 3, Volume 2, Session 24, 28 Kanun-1 Evvel 1326 (6 January 1911) 136.

63 A similar position, albeit not as clear, defining Christian communities’ status as that of minorities was expressed in the memorandum Macedonian-Bulgarist deputies; see Chapter 4.

64 MMZC, Term 1, Year 3, Volume 2, Session 24, 28 Kanun-1 Evvel 1326 (6 January 1911) 136.

65 MMZC, Term 1, Year 3, Volume 2, Session 24, 28 Kanun-1 Evvel 1326 (6 January 1911), 137. This response by the minister was irrelevant in the light of Boussios’ argumentation, because Boussios placed the problem of Ottomanity at the center of the debate in order to oppose any additional claim of authority by the government over the Christian schools.

This confrontation was important in that it showed the chains of logic chain hidden in the respective strategies. Why did Yorgos Boussios continuously broach the subject of Ottomanness? At the first place, Boussios' allusion to the sultan as "sovereign" conflicted with the 1909 amendments; parliament had undertaken the representation of popular sovereignty despite the persistent theoretical ambiguity inherent in the notion of a constitutional monarchy. Accordingly, Boussios also emphasized the ambiguity of "Ottomanness" and the Ottoman nation, which was yet another a way of dismissing the popular sovereign. This allusion to the sultan as sovereign legitimized the reluctance of Hellenist network to surrender their educational privileges, once granted by the sultan, to central regulation and to such an ambiguous political body as the "Ottoman nation." In that sense, Boussios did not consider Greek Orthodox an "element" constituting Ottoman nation and overtly recognized a notion of a dominant nation. As such an understanding of Ottomanism clearly contradicts the position of Kozmidis who had radically rejected the notion of dominant nation during the parliamentary sessions on Macedonian issue in 1908,⁶⁶ is aforementioned stance of Bossios an expression of his personal divergence from Kozmidis or of a general transformation of the position of Christian actors that had been taking shape throughout a two years of legal and administrative practices of the constitutional era? Not only the Macedonian-Bulgarist memorandum described in the previous chapter but also the ensuing developments suggest that these words of Boussios cannot be interpreted as an individual exclamation.

5.1.6 *Mahmud Şevket Pasha as the Voice of Common Sense*

In the next session, the Chamber of Deputies witnessed an intervention. As a result of the deadlock on Article 5, the parliamentary commission invited the Minister of War, the highly-esteemed Mahmud Şevket Pasha, to the session.⁶⁷ Mahmud Şevket Pasha's opening speech was emblematic. He boldly stated that he had been following the parliamentary debates on the Law on Conscription for a couple of days in the newspapers, and he denounced the chamber

⁶⁶ See Chapter 2.

⁶⁷ MMZC, Term 1, Year 3, Volume 2, Session 25, 3 Kanun-1 Sani 326 (16 January 1911), 157.

for occupying itself with this article for such a long time. His rhetoric implied that he desired to end the debate with a decisive, bold injection of common sense with a solid, concrete basis, on which everyone could agree. He was there to slam his fist on the table, and in his words, he wanted "the disagreement to be resolved when he descended from the lectern."⁶⁸

Mahmud Şevket Pasha did not elaborate on theoretical, judicial, and historical debates, but instead, embraced a simple, new approach, based solely on the principles of revolution. Essentially, in Mahmud Şevket Pasha's view, the points of deadlock were easy to resolve, on the condition that each side had "good intentions" (*hüsn-ü niyet*). For Mahmud Şevket Pasha, the law of conscription concerned the principle of *musavat* ("equality"). This principle was the direct product of the constitutional regime and required the abolition of any exemptions and privileges vis-à-vis the military service; therefore the exemption of Christians should be abolished, the possible burdens on the State Treasury notwithstanding. Then the only privilege that remained was that of the educated youth, which was a "temporary," undesirable consequence of the actual conditions of society. In Mahmud Şevket Pasha's chain of reasoning, to maintain the principle of *musavat* in the exemption of the educated class from conscription, an identical system of control must operate for every school: To have equal education, equal quality of teachers, and a system of inspectors to maintain this equality, all the schools must be assembled under a single authority — that is, under the authority of the Ministry of Education. Indeed, the Ministry of Education would confer certificates and diplomas that would provide students with the exemption from military service.⁶⁹

Remarkably, no Christian deputies opposed this argument linking equality and unity. At the beginning of the debate, deputies reached agreement concerning the authorization of schools in the empire. When Kozmidis Pandelakis, the Liberal Party deputy of Istanbul, responded to the speech of Mahmud Şevket Pasha, he also accepted the necessity of the authorization of

68 MMZC, Term 1, Year 3, Volume 2, Session 25, 3 Kanun-1 Sani 326 (16 January 1911), 159.

69 MMZC, Term 1, Year 3, Volume 2, Session 25, 3 Kanun-1 Sani 326 (16 January 1911), 157-158.

private and community schools by the Ministry of Education, although the method of this authorization remained problematic.⁷⁰

However, the other problem concerning the authorization of foreign schools created a friction in this atmosphere, further dividing the chamber. For Mahmud Şevket Pasha, the only issue here was to determine if students were really continuing their education during their period of postponement. On this issue, Christian deputies favored limiting the control of the state as much as possible. For Krikor Zohrab, this limitation was required by the lack of capability and competence of the civil bureaucracy of the empire. For him, the more Ottoman civil officials were authorized to control who — and which schools — merited a postponement of military service, the more the problems would increase.⁷¹

However, with the intervention of CUP deputy Rahmi Bey,⁷² the underlying tension of the extraterritorial affiliations of Christian subjects became apparent again. According to Rahmi Bey, only foreign countries whose education systems were superior to that of the Ottomans, should be taken into account in evaluating the postponement of students' military service. For him, "the government should be convinced that the student is pursuing an education that can really contribute to the country." Another CUP deputy of Kütahya, Ahmet Ferit Bey, supported this idea saying that, "for example, Tehran would not be acceptable."⁷³ Although the example was chosen from the opposite side of the empire, Christian deputies understood that CUP deputies

70 MMZC, Term 1, Year 3, Volume 2, Session 25, 3 Kanun-1 Sani 326 (16 January 1911), 170. On the other side, Rahmi Bey, who was the CUP deputy of Thessaloniki, underscored that students of every school in the empire, be they in community schools, private schools, or schools of foreign states — would be accepted in terms of postponement "but only if these schools were subject to equal and same regulations." This emphasis also drew the approval of the chamber: MMZC, Term 1, Year 3, Volume 2, Session 25, 3 Kanun-1 Sani 326 (16 January 1911), 165.

71 MMZC, Term 1, Year 3, Volume 2, Session 25, 3 Kanun-1 Sani 326 (16 January 1911), 160.

72 Kansu, *1908 Devrimi*, 369.

73 MMZC, Term 1, Year 3, Volume 2, Session 25, 3 Kanun-1 Sani 326 (16 January 1911) 166; Kansu, *1908 Devrimi*, 380.

were implying schools in Balkan states. Indeed, the response of Pavlos Karolidis, the deputy of İzmir, enflamed the polemic. Karolidis noted that in every country there could be specific schools and places, as was the case of studying Fine Arts in Greece in the midst of the Acropolis. Hence the political concerns should be separated from scientific concerns.⁷⁴ Pancho Dorev, the Manastir deputy affiliated with the Bulgarian Constitutional Clubs, added that many teachers from non-Muslim communities studied abroad, as there were no schools producing Christian teachers in the empire.⁷⁵ Christo Dalchev, another Bulgarist deputy of the Serres faction, energetically responded by defining the government's proposal as an obstacle to progress; if the government's intent was to control the students studying abroad, then the solution was simple: It could be done through the consulates of the empire. "But," Dalchev continued, "if the intent is to prevent those who want to go to Sofia or Athens to study, as is the case to an extent in Rahmi Bey's speech, then this will lead many problems."⁷⁶

This reference to possible extraterritorial affiliations of the Ottoman Christians instantly destroyed the atmosphere of conciliation during the speech of Mahmud Şevket Pasha. Notably, ethnoreligious identities were rapidly put forward in the confrontation. When the chair of the chamber told he would "give the word to the Christian deputies," Nisim Mazeliyah, the Jewish origin deputy of Izmir harshly objected that "Mr. President, no one can be identified here as Christian or Muslim, it would be an utter violation of Kanun-1 Esasi."⁷⁷ On the other hand, Mehmet Tal'at Bey, the CUP deputy of Ankara, increased tensions addressing the chair of the chamber: "Why is the opinion of a Chamber of 280 deputies being manipulated by twenty to twenty-five Christians?"⁷⁸

74 Rahmi Bey's bitter language against Karolidis importantly shows the heatedness of the debate. For him, it was for the government to decide this issue for each discipline and school, since "the government's web of information would be much better than that of Karolidi Efendi." MMZC, Term 1, Year 3, Volume 2, Session 25, 3 Kanun-1 Sani 326 (16 January 1911), 166.

75 MMZC, Term 1, Year 3, Volume 2, Session 25, 3 Kanun-1 Sani 326 (16 January 1911), 167.

76 MMZC, Term 1, Year 3, Volume 2, Session 25, 3 Kanun-1 Sani 326 (16 January 1911), 167.

77 Mazeliyah found the draft law of conscription sufficiently reasonable. MMZC, Term 1, Year 3, Volume 2, Session 25, 3 Kanun-1 Sani 326 (16 January 1911), 169.

78 MMZC, Term 1, Year 3, Volume 2, Session 25, 3 Kanun-1 Sani 326 (16 January 1911) 169. For Tal'at Bey, Kansu, *1908 Devrimi*, 391.

The underlying factor enflaming the tension was suspicion about the loyalty of Ottoman Christians to the Ottoman Empire, which was in line with the general atmosphere of the 1909-1910 period. However, the suspicions were not unidirectional, but mutual, even if the Christian representatives expressed their concerns in a more moderate, diplomatic framework. Just after the conflict about studying in Balkan States, Kozmidis Pandelakis, who answered Mahmud Şevket Pasha, indicated other problematic areas: Namely, teachers in Christian schools and the issue of conducting final exams for Christians under the authority of Ministry of Education. Pandelakis accepted that the official language was Turkish and underlined that everyone in the chamber agreed with this principle. However, for him, "various elements in the empire has a religious existence (*mevcudiyet-i diniyye*) as well as a racial one (*mevcudiyet-i irkiyye*)." For him, the authorization of Christian teachers was necessitated by their "racial" existence, and thus, the Ministry of Education must assign a special cadre for the examination of Christians, considering that Christian youth did not know Turkish well. It was, in his view, a necessity for Christians not to remain behind of their Turkish peers.⁷⁹ The approach of Kozmidis Efendi revealed the friction mentioned in the first chapter, that the institutional body — the millet institution the Christians had acquired in times of reform — had a dual aspect. It was a communitarian privilege based on religious criteria in the eyes of the Ottoman state, but it was also a cradle for the national (and racial, in Pandelakis' words) existence of the communities.

5.1.7 *Zohrab's problematization of ittihad-ı anasır*

Krikor Zohrab, a liberal and respectable man of politics, aptly described the reason for the tense atmosphere when he took the floor to describe a general picture. In his speech it became clear that, contrary to Emrullah Efendi's accusation, it was not only Yorgos Boussios who continuously revived the ambiguity around the term Ottomanity. The problem lay beneath almost any problem of reform in the constitutional era. Zohrab, at the beginning of the speech,

79 MMZC, Term 1, Year 3, Volume 2, Session 25, 3 Kanun-ı Sani 326 (16 January 1911), 171.

drew attention to the fact that the ongoing debate was not only about the reform of conscription, but about the reform of education.

However, the chain of problems were born from to the ambiguity of the term unity of elements. As Zohrab put it: "In the beginning of the constitutional era, the motto *ittihad-ı anasır*, which was referred every time by every one." "But," he continued, "What does *ittihad-ı anasır* mean? There is a great conflict over this question." Why did this vagueness result in timidity among Christians vis-à-vis the reforms? Because "the government had never duly guaranteed and protected the development of the ethnicity (*tekamülât-ı kavmiyye*) of Christians." In Zohrab's interpretation, *ittihad-ı anasır* was not something established in its complete form, but an ideal in progress. He clearly expressed that the essence of the problem was not the reforms themselves, but the speed and the way in which they were enforced. These, in turn, hamper the development of unity: "Does the government not have the authority to provide homogenous education and formation? Surely it has." But, he continued, this authority should not mean banning the Latin alphabet for Albanians. In the same context, government's control over education was problematic as Zohrab revived the issue of school inspectors, saying that: "For example, today there are many complaints about officers who perform their duties under title of 'school inspectors'." This was an allusion to the issue of inspection put on the public agenda with the Jovanovich case and

Zohrab supported "the gradual (*tedrici*)" development of *ittihad-ı anasır* and to act tactfully. "Thus, my desire is to seriously work for the development of the *ittihad-ı anasır*, but not to pursue it violently. Rather the moderation and gentleness of the time and of reason (*zamanın, efkârın mülayemetini*) should be taken into account.⁸⁰" Here Zohrab reflected a typical constitutionalism proposing an *a posteriori* construction of the sovereign body. However, the factor of "speed" was real, and CUP cadres did not have time to wait. Upon Zohrab's speech, Halil Bey, the Menteşe deputy and a well-known CUP cadre, tactfully ended the session: "This issue is about the army and schools, and thus,

80 MMZC, Term 1, Year 3, Volume 2, Session 25, 3 Kanun-ı Sani 326 (16 January 1911), 177.

it is completely a problem concerning the state. Zohrab Efendi does not oppose the idea of control but to the way of enforcing it. Controlling is the condition of providing the *ittihad-ı anasır*." He proposed to move on to voting, and the debate ended with the approval of the article.⁸¹

Given this conclusion to the session the question must be asked: Did the debate and the opposition of Christian deputies, produce any changes to the original draft? The proposition of Kozmidis Pandelakis (that final examinations in schools should be carried out by a special commission from the Ministry of Education) was added to the draft. However, Christo Dalchev's proposal removed all expressions that legitimized the control of the government over schools, and it was not accepted.⁸² Therefore, with the slow pace of the negotiation of articles, the law of conscription was an example of constitutional legislation, despite various disputes.

As mentioned above, parliamentary negotiations on the law of conscription continued until the abolition of parliament in January 1912, throughout which seventy-seven articles on various topics were discussed. However, after 1911, the agenda of the parliament radically changed; the parliamentary process was subject to two effects pushing concerns over individual articles to a secondary position. First, due to the ineffectiveness of the parliament, the Christian communities sought a solution by constituting a pressure group to pressure the executive organ, thereby creating a common political initiative, similar to what had been made at the local level. Second, the central constitutional apparatus was gradually dissolved by the conflict between the CUP and the Liberals, which directly affecting the position of Christian networks to the parliament and the regime. Hence, we will trace the effects of the conscription problem in relation to these two factors, which in short shifted the process from one of negotiation to one of confrontation with the regime.

81 MMZC, Term 1, Year 3, Volume 2, Session 25, 3 Kanun-1 Sani 326 (16 January 1911), 178-179.

82 Dalchev proposed to change the draft in favor of more neutral definitions, demanding the postponement of military service for "students who are studying in the official schools, private schools, and foreign schools." MMZC, Term 1, Year 3, Volume 2, Session 25, 3 Kanun-1 Sani 326 (16 January 1911), 180.

§ 5.2 Intercommunal Alliance: The Common Memorandum of Churches

The beginning of the process of unification among the different political actors of the Bulgarian and Hellenic communities can be dated to the beginning of 1910. At the time, the Ottoman press reported several attempts to create an entente between Ottoman Bulgarians and Greeks in various regions of Macedonia, above all in Thessaloniki.⁸³ In Skopje, the reconciliation of Bulgarian and Serbian circles accompanied these endeavors within the same period of time. The hostilities between the Exarchists and Patriarchists started to disappear replaced by sympathy. Although some Christian local elites still some had confidence in the new regime, the admission of Christians into administrative posts as civil servants was still inadequate, and the sense that Christians were not treated equally was the main motivation of such a quest for reconciliation.⁸⁴ In summer 1910, after a year of tension, conflict, and political ambiguity proved to be more or less permanent. The law on brigandage and the enforcement of martial law created the immediate pretext of alliance between two opposing Macedonian-Bulgarist movements — namely, the Constitutional Club, which resonated with Pan-Bulgarian mobilization in the Principality of Bulgaria and Sandanski, who up to that time had allied with the Young Turks to such a degree that he would be declared a traitor.

Starting in September 1910, as region-wide tensions grew with the enforcement of the law on brigandage accompanied by the ambiguity revolving around the law on conscription, news of a wider, intercommunal unification between Bulgarists and Hellenists started to circulate. It seemed that the idea of an alliance initially sprung up among secret organizations. In addition to the development of rapprochement between the Bulgarian Constitutional Club and Sandanski, the new information concerned a conciliation of Hellenist and Bulgarist bands in order to start a campaign in Rumelia contrasting the conflict between the states of Bulgaria and Greece. This was a novelty in the

83 Cited from *Monitor Oriental* in *İkdam*, no: 5536, 2 Şubat 1325 (15 February 1325), p. 2.

84 AMAE, Turquie, 197, supplement XI, "Vice-Consulat de France à Uskub," no: 5, 25 February 1910.

history of the region; for instance, during the 1903 Uprising of the Bulgarists, not only did the Hellenists, no help the insurgents, they volunteered to fight against them.⁸⁵ Now, Bulgarist and Hellenist partisans were searching for a basis of solidarity. As the French envoy in Athens recounted, the enforcement of the Law on Brigandage had an indirect impact on this development by crushing the organizational network of individual bands, which, in turn, sought to gain strength through such alliances. Consequently, the Bulgarist and Hellenist bands would “unite their forces against the Turks,” and this time they planned a solution to overcome the problems that had undermined their previous attempts: In order not to violate one another’s spheres of influence, Bulgarist bands would limit their actions in southern regions of Ottoman Rumelia, and the Hellenists would make the same for the northern regions.⁸⁶ Similar developments were confirmed by the French envoys in Sofia. According to the reports from the Principality of Bulgaria even the Bulgarian high military authorities put at the top of their agenda a possible alliance against the Ottoman Empire with the Greek army, which they had so far highly looked down upon.⁸⁷

However, the rapprochement between Hellenist and Bulgarists was not limited to partisan bands. The liberal Ottoman journal, *İkdam*, covered the matter in detail noting that “the development of a conciliation between the *Rums* and Bulgarians has now been confirmed.” The editorial of the journal drew attention to the fact that these were two *anasırs* had been living in conflict for centuries. According to *İkdam*, despite this history, the strength of the current reconciliatory trend was so strong that one might think that the Bulgarian and *Rum* churches would convene a common Synod. For *İkdam*, overcoming this centuries-old schism was, while highly improbable, was not impossible, as it was essentially a political issue. The editorial appeared to favor

85 “Grytskitje dobrovoltsi razpusnati,” *Bjuletiny na Vestniky Avtonomija*, no. 58, 10 Oktomvrii 1903, p. 1.

86 AMAE, Turquie, 200, supplement XIV, “M. Deville, Ministre de France en Grèce,” no. 189, 2 Décembre 1910.

87 AMAE, Turquie, 199, supplement XIII, “Legation de la Publique Française en Bulgarie,” no. 125, 23 August 1910.

preserving the schism and warned the Patriarchate that in the case of unification, Rums would inevitably lose influence in the church vis-à-vis the Slavs. The liberal *İkdam* proposed the same policy for the Turks, a term which they used along with the Ottoman government (*biz Türkler için, hükümet-i Osmaniyeye için fevkalade şâyân-ı tenkididir*).⁸⁸ Whatever the extent of negotiations were in the upper strata of churches, at the local level tables were set to solve issues between the communities. The ecclesiastical representatives in Thessaloniki negotiated the foundation for conciliation to prevent future conflicts between Rums and Bulgarians, although there was hesitation that it could actually be implemented for every problem the two communities faced.⁸⁹

5.2.1 *The Alliance of Confessional Leaderships*

The decisive manifestation of the intercommunal alliance was revealed in May and July 1911, after the parliamentary process proved inefficient to solve various problems. On 22 May 1911, as far as the Hellenic journal *Proodos* reported, the *kapıkethüda* (the official of ecclesiastical authority who was the direct collocator of Sublime Porte) of the Rum Patriarchate visited the Ministry of Justice and Religious Denominations and submitted a memorandum. The minister responded that he could make a statement only after consulting with the Grand Vizier. After the Rum Patriarchate, the Bulgarian Exarchate came and submitted its text, followed by the Armenian Patriarchate and the Armenian Catholic Church. The Chaldean Church did not arrive a decision on the participation to this action, so the Chaldeans were absent. The newspaper stated that this act of submitting a common memorandum influenced the governmental circles, for it was the first time that various spiritual leaders had shown

88 *Yeni İkdam*, no. 249, 7 Teşrin-i Sani 1326 (20 November 1910), p. 1.

89 *Osmanischer Lloyd* from Thessaloniki, trans. in *İkdam*, no: 5518, 15 Kanun-ı Sâni 1325 (28 January 1910) p. 3; the Hellenic newspaper of Thessaloniki, *Pharos* reported a comment that the alliance would remain only in theory; see *İkdam*, no. 5521, 19 Kanun-ı Sâni 1325 (1 Şubat 1910), p. 2.

such a collective action.⁹⁰ The memorandums consisted of demands listed under two headings — the school system and the conscription of Christians — which were also the two main issues of the parliamentary negotiations on the law of conscription.⁹¹ The texts of the memorandums were more or less identical, except for the combination of some clauses in the Armenian Catholic version.⁹² On 30^t May, the Grand Vizierate ordered the Ministry of War and the Ministry of Justice and Religious Denominations, along with the Ministry of Education to establish a special commission to negotiate the demands. The special commission would be constituted of ministers who would present their opinion to the Special Council of Ministers (*Meclis-i Mahsus-u Vükelâ*), which, in turn, would declare the government's final response.⁹³

The demands on education were aimed to preserve the autonomy that the communities enjoyed through their churches. However, the communities did not demand to preserve the status as it had been; in response to the expanding domain of central regulations, the communities sought to expand the authority of their institutions, too. For instance, the memorandum demanded official certificates for communal schools that had not yet received an official license, and even requested pre-approval of every communal school to be opened henceforth (Article 1). Again, according to the memorandum, the respective churches should prepare and authorize their programs of education. The Ministry of Education would approve the program in the end, but the memorandum claimed that this authority did not mean it would monitor the schools

90 *Proodos* cited in *Sanin*, no. 979-3, 1 Mayıs 1327 (24 May 1911) p. 3

91 The memorandum was published in the *Rum* press. *Sanin*, no: 980, 12 Mayıs 1327 (25 May 1911) p. 3.

92 BOA., BEO., 3899/29241, “9 Mayıs 327 tarihiyle verilen Rum Patrikhanesi takrir suretidir;” “Bulgar Egzarhanesinden Verilen 23 Cemaziyülevvel 329 ve 9 Mayıs 327 tarihli takrir suretidir;” “Ermeni Katolik Patrikhanesinden Verilen 12 Cemaziyülevvel ve 9 Mayıs 327 tarihli takrir suretidir,” (the *hicri* date was wrong in the document; and the Article 15 of other texts was included in the Article 14); “Ermeni Patrikhanesinden Verilen 23 Cemaziyülevvel 329 ve 9 Mayıs 327 tarihli takrir suretidir.” For practical reasons, I will henceforth use the text of the Bulgarian Exarchate to refer to the memorandum.

93 BOA., BEO., 3899/29241, “Harbiye Nazırı Mahmud Şevket Paşa Hazretleriyle Adliye Ve Meza-hib Nazırı Necmeddin ve Maarif Nazırı Abdülhak Beyefendiler Hazretlerine,” 17 May 1327.

perpetually. Having been approved by the ministry at first, the approval procedure would not be repeated every year. The licenses and diplomas of teachers would also be approved by churches (Articles 3 and 12), and hence would be valid in the eyes of the government. Moreover, on the controversial issue of the inspection of schools, the churches would accept the control of inspectors by the Ministry of Education but also wanted the authority to assign their own inspectors, and a guarantee that the government would not interfere. If government inspectors discovered an anomalous and illegal course in a school or an unauthorized teacher, then the local government (or if in Istanbul, the Ministry of Education) had the right to remove the course or teacher in question, but only in collaboration with central or local ecclesiastical authorities (Article 9). Additionally, churches demanded complete legalization of the employment of “foreign teachers, until a sufficient number of teachers could be produced.”⁹⁴ This last demand in particular indicated that the churches wanted to maintain their extraterritorial ties, particularly with the Balkan States.

The sphere of governmental authority was strictly defined in the document. In the view of the memorandum, the government would have the authority to certify the equality of a community school with governmental schools. Once this equality was accepted, the community school graduates would have the same legal rights as governmental ones, including postponement of their military service (Articles 12 and 13).

A crucial aspect of the memorandum was its articles regulating disputes between governmental and ecclesiastical authorities. In the case of a conflict between the local directorate of education or the government inspector, and the local clergy, the issue would be negotiated between the Ministry of Education and the Exarchate (or Patriarchate). Significantly, until the issue was resolved at the center, local authorities would not have authority to take an action (Article 10). Hence, the memorandums stipulated an ecclesiastical network parallel to Ottoman administration stretching from the local to the center. This is a demand of centralism, an official hierarchy that would restrict the decision-making authority of local Ottoman bureaucracy.

94 Articles 2 and 3, BOA., BEO., 3899/29241, “Bulgar Egzarhanesinden Verilen 23 Cemaziyülevvel 329 ve 9 Mayıs 327 tarihli takrir suretidir”.

Concerning the last three points, the churches demanded that for the graduates of all governmental schools, Turkish should be obligatory only if — and to the degree to which — their post in governmental service required it (Article 15). Government funds for community schools should be allocated to the churches; and the government would not prevent any campaign by the clergy to raise funds for their community schools (Article 17).⁹⁵

As for conscription, the eleven demands touched on regulations concerning methods of appeal and enlistment, the regional distribution of conscripts, the religious status of the soldiers, and their knowledge of Turkish.

In formulating their demands, the churches aimed to promote regionalization and to limit the initiative of the government to assign the place a conscript's military service would be fulfilled. Reflecting concerns that military service could be used as a tool to de-Christianize Rumelia, the memorandum proposed the division of the empire into regions that would determine the places where enlistment and fulfillment of service would take place (Article 2). The reason for this proposal was formulated as shortcomings of transportation in the empire, but a similar demand (Article 11) to restrict the circulation of conscripts demonstrated their insistence on this point that was coherent with previous demands of Bulgarists. The Article 6 was of particular importance as it addressed the religious status of the soldiers. The churches demanded a special regulation to prevent any conversion during military service and equal representation of Christianity in the army. Also, in Article 1 they called for a strict determination of the number of conscripts to be enlisted each year in each region, to prevent additional drafting of Christians who are older than the usual conscription age. There had been complaints that some military offices tried to conscript non-Muslim oldsters.

As far as the problem of language was concerned, the churches demanded some measures to fill the gap caused by the lack of knowledge of Turkish. The churches wanted enlistment papers and all regulations about military service to be translated into their respective languages (Article 3); as a provisional measure, they demanded the admission of Christians with their mother

95 BOA., BEO., 3899/29241, "Bulgar Egzarhanesinden Verilen 23 Cemaziyülevvel 329 ve 9 Mayıs 327 tarihli tahrir suretidir".

tongue to the entrance exams of military schools and a compromise on the requirement of the Turkish language at different levels of military service (Article 4).

The memorandum favored restricting the number of conscripts and the duration of military service, too. The demand that twenty-one-year-old boys rather than seventeen-year-olds should be considered self-sufficient and the demand that the only son in a family should be exempt from military service. All these demands would lead to practical restrictions on the military service (Articles 7, 8, 9, and 10).⁹⁶

5.2.2 *Hüseyin Cahit's Response: Rights versus Privileges*

A radical opposition to the memorandums revealed itself in public debates. The influential newspaper affiliated with the CUP, *Tanin*, energetically covered the issue of the memorandum, and a piece by Hüseyin Cahit Yalçın reflected how the demands were perceived in the CUP.⁹⁷ The article was published the day after the memorandums were delivered, though apparently Hüseyin Cahit had not seen the texts. Indeed, his article revealed that he had no certain information on their content, even though he had close relations with the government and was a leading figure of the CUP.⁹⁸ For instance, Hüseyin Cahit thought that the memorandums addressed the problem of the property of Armenians. He wrote that this issue would have to be dealt with through a law, and he expressed his disappointment about its inclusion.

Hüseyin Cahit began making sense of this act of the churches from the point of view of a public figure of the CUP. He insisted on defining this rapprochement as a “unity of confessional leaderships” (*rüesa-i ruhaniyye ittihadı*), differentiating it from “unity of the elements” (*anasırın ittihadı*), in order to “prevent a misunderstanding.” As for the education issue, he drew attention to the fact that the churches were leaning on their existing privileges

96 The response of the commission to the Grand Vizirate, annexed to BOA., BEO., 3899/29241, “Adliye Ve Mezahib Dairesi” 5 Temmuz 1327 (18 July 1911).

97 The newspaper changed its name to *Sanin* due to the governmental pressures. Hüseyin Cahit Yalçın, “Rüesa-yı Ruhaniyye İttihadı,” *Sanin*, no. 978-2, 10 Mayıs 1327 (23 May 1911) p. 1.

98 The memorandum was published in the Ottoman Greek newspapers on 24 May, and *Sanin* (*Tanin*) translated it the other day, on the issue of 12 Mayıs 1327 (25 May 1911), p. 3.

(*imtiyazat*) and edicts of the sultan (*ferman*). But according to him, the problem should not be dealt with as a problem of natural rights (*hukuk-u tabiiyye*), instead, it should be considered as one of vested rights (*hukuk-u meksûbe*).

The thesis about vested rights, albeit ambiguous overall, was a sophisticated challenge to the logic of the memorandums, for it strips the demands of their constitutional character. After all, “if we had considered the issue from the point of view of ‘rights’, then the concept of ‘privileges for churches’ could not have found any *raison d’être* within a regime of *Meşrutiyet*.”⁹⁹ Following this logic, if the demands of the churches cannot be based on natural rights, and by that virtue, on the constitutional frame as an embodiment of natural rights, then these demands of churches should be seen as rights acquired *a posteriori*, that is to say, subject to negotiation and to judicial procedure.

This theoretical introduction gave Hüseyin Cahit a basis to redefine the status of churches within the constitutional regime. For him, the demand of the churches was not a demand for equal treatment before the government; because the churches had already been standing on an unequal ground, because of the privileges (*imtiyazat*). “Are the *fermans* that have been so far given to Patriarchates identical? Are the privileges identical for all the elements? ... For instance, Rum schools are treated differently from Armenian schools.” Since the privileges of the churches were not identical, and their communities enjoyed various and different privileges, equal status before the government would either mean diminished privileges for some churches or increased privileges for others, neither of which the government had any reason to approve. For Cahit, the only reason for unity between elements with different desires, was to protect their status quo. And this was useless, because no one wanted to remove the educational regulations of non-Muslim communities.¹⁰⁰

99 Hüseyin Cahit Yalçın, “Rüesa-yı Ruhaniyye İttihadı,” *Sanin*, no. 978-2, 10 Mayıs 1327 (23 May 1911) p. 1.

100 As for the problem of conscription, Hüseyin Cahit Yalçın, being uninformed of the details, only criticised efforts to intervene in the harmony that the Ottomans enjoyed in the barracks. “Rüesa-yı Ruhaniyye İttihadı,” *Sanin*, no. 978-2, 10 Mayıs 1327 (23 May 1911) p. 1.

5.2.3 *The July Memorandum*

While the May memorandum was still under the examination of the ministers, the Rum Patriarchate submitted another memorandum in July. This text consisted of a list of abuses and violations in Macedonia.¹⁰¹ Similar to the Bulgarian memorandum, the perpetrators were local governmental officials who either harassed local churches and metropolitans, or who unlawfully provoked conversions among the Christian population, or who sabotaged Easter rituals on the pretext of security. The memorandum had the support of other churches, too.

The timing implied an effort to expand their front by extending the scope of their demands to a broader domain. By including the theme of Macedonia, the demands of churches overlapped the agenda of violations through security measures and more precisely, the agenda of the martial law.

Hüseyin Cahit again prepared a response to this second memorandum. He considered the July memorandum as a demand to improve security in Macedonia, which was also the intention of the government. However, he added, the task of coping with crime in Macedonia belonged not only to the government but also to confessional leaders, for “the *Rums* and Bulgarians in Macedonia are materially connected to the government, and spiritually to confessional leaders.” He received this demand positively and wanted the active contribution of the Bulgarian and Rum churches to appease the people and establish security in the region.¹⁰²

As a journalist occupying a critical position in the CUP networks, especially vis-à-vis its local organizations, Hüseyin Cahit’s responses revealed the lack of comprehension and barriers in the mentality of the churches and the CUP. It must be asked, then, how the government, — known for its affiliations to the CUP — perceived the demands and how local administrators reacted to the memorandum.

101 BOA., BEO., 3899/29241, “Patrikhane-i Millet- Rum,” 28 Haziran 1327 (10 July 1911).

102 Hüseyin Cahit Yalçın, “Patrikhanelerin Takriri,” *Renin*, no. 1030-15, 1 Temmuz 1327 (14 July 1911) p. 1. Hüseyin Cahit dedicated the greater part of the same article to the land problem of Armenians.

5.2.4 *Government Response to the Memorandums*

The response of the İbrahim Hakkı Pasha government can be observed in two aspects: First, the response of the commission and the final decision of the Special Council of Ministers. According to documents in the Ottoman archives, the earliest response to the demands was dated four days after the July memorandum.¹⁰³ The response consisted of the opinions of the commission corresponding one-to-one with the demands; the demands were signed with the Arabic letter “*mim*.” According to the documents, the commission responded to complaints in the July memorandum and to demands concerning conscription in the May memorandum. Their responses, if any, to the demands about the educational system are lacking.

Apparently, upon receiving the memorandums, the ministers immediately asked local administrators for their explanation concerning the claims, and included only a summary of responses to the report they prepared. As the report did not include the direct responses of local administrators, we have no opportunity — as we had in the Bulgarian memorandum — to grasp their actual reactions and their rhetoric vis-à-vis these complaints from the Rum Patriarchate. However, the final opinions again provide clues: Just as with the case of the memorandum of Bulgarian deputies, the complaints of the Patriarchate were either declared to be exaggerations or under investigation.¹⁰⁴

As for the demands concerning the conscription system, the commission answered positively with respect to compromises in the knowledge of Turkish language. However, the demands to limit the places of enlistment and assignment of the conscripts within the empire — that is, about strict regionalization in the drafting of soldiers — were denied. The commission underlined that the government, in practice, paid attention not to send conscripts to areas remote

103 The response of the commission to the Grand Vizirate, annexed in BOA., BEO., 3899/29241, “Adliye Ve Mezahib Dairesi,” 5 Temmuz 1327 (18 July 1911).

104 These answers were far from satisfactory for the Patriarchate. For instance, in cases of conversion of Christians (in one case, of a *Rum* girl from Tekfurdağı, Erikli) to Islam, the commission responded no unlawful act had been committed. See second and third paragraphs of the response of the commission to the Grand Vizierate, annexed to BOA., BEO., 3899/29241, “Adliye Ve Mezahib Dairesi,” 5 Temmuz 1327 (18 July 1911).

from their hometowns, but the military service by definition did not permit it to be established as a guarantee. Other demands, such as diminishing the duration of military service and changing the ages for certain government aids were denied on the same ground, that they would harm the effectiveness of the army.¹⁰⁵

§ 5.3 The Rupture: The Advent of Wartime and Ottoman Christians

The first signs of a reconciliation over an alliance in the Balkans arose as early as 1909, due to the potential irredentism of the Principality of Bulgaria. Müfit Bey, the deputy of Ergiri from the liberal wing, submitted a parliamentary question in November 1909 to the Minister of Foreign Affairs regarding measures to be taken against possible intervention of the principality in the domestic affairs of the Ottoman Empire. As the Principality of Bulgaria tried to manipulate the international law, the danger of a Slavic alliance was gradually increasing, according to Müfit Bey. In case of its realization, the power balance in the whole region would change.¹⁰⁶

The reconciliation of the Principality with other Balkan states would continue walking the line of a diplomatic balance with the Ottoman Empire and taking advantage of new opportunities to expand the sphere of its influence among Ottoman Bulgarist political circles. In January 1910 — that is to say, in a period when the tensions in Ottoman Rumelia had rapidly risen — the prime minister of the principality, Alexandre Malinov declared that an amnesty that included Sandanski was a prominent agenda for the Bulgarian government. Such an amnesty, for Malinov, was inevitable. It would appease the Ottomans as well as Bulgarians of the principality and would overcome the problems rising with small and large scale murders in Rumelia, again referring to assassinations including that of Jovanovich. However, the legislature should

105 The response of the commission to the Grand Vizierate, annexed to BOA., BEO., 3899/29241, “Adliye Ve Mezahib Dairesi” 5 Temmuz 1327 (18 July 1911).

106 Ahmet Ali Gazel, *Osmanlı Meclis-i Mebusanı'nda Parlamenter Denetim (1908-1920)* (Konya: Çizgi Kitabevi, 2007), 240.

pay utmost attention to the design of such an amnesty “in an atmosphere where even the blood of victims were still on the floor.”¹⁰⁷

This political manoeuvre to assimilate Sandanski, the principle Macedonian-Bulgarist ally of the CUP into a general Bulgarist alliance was reflected in attempts by Pancho Dorev to create a new party encompassing all major Bulgarian factions. As was detailed in the Chapter 4, the enforcement of the 1909 laws, particularly the Law on Brigandage, showed the ineffectiveness of parliamentary procedures, pushed Pancho Dorev to create his political front. Of course, Dorev’s attempt to create a Pan-Bulgarian political initiative was not in itself a rupture from the legal basis of the constitutional regime, but it certainly represented an secession from the politics of *ittihad-ı anasır*. In this manner, one can think of it as a parallel to the alliance of Rum deputies created within the same period of time.

Signs of an imminent Balkan War were abundant in 1910. Toward summer 1910, as a common brigandage activity was negotiated between Sofia and Athens, the border tensions between the Principality of Bulgaria and the Ottoman Empire rose to their highest level, and there were even armed clashes between Bulgarian and Ottoman frontier troops. Sultan Mehmed Reşad and King Ferdinand started negotiations to settle the question.¹⁰⁸ On the other hand, a newspaper in Berlin wrote that the Sublime Porte had declared war on Greece, which was categorically denied by the Ottoman ambassador in Paris.¹⁰⁹ These militarist confrontations affected public opinions on both sides, and the congress of radical democrats in the Principality of Bulgaria decided conclusively to call Bulgarian government to develop alliances with other Balkan nations (*sblizhenie Bylgaria sy Balkanskitjia narodi*).¹¹⁰

107 Cited from the Bulgarian newspaper *Kampana in İkdam*, no: 5518, 15 Kanun-ı Sani 1325 (28 January 1910), p. 5.

108 *Rech*, no. 1084, 24 Avgust 1910, p 2.

109 *Rech*, no. 81, 21 Avgust 1910, p. 3, and *Debyrski Glas*, no. 19, 27 Avgust 1910, p. 4.

110 *Rech*, “Radikalitje za Polozhenieto vy Turtsija,” no. 1080, 20 Avgust 1910, p. 3. (On our copy, the issue number incorrectly typed as 1079 on page 3.)

5.3.1 *After the Weakening of the CUP Initiative (1911-1913)*

When the Italian-Ottoman War erupted, the council of ministers in the İbrahim Hakkı Pasha government meticulously examined the demands of churches, and by the aforementioned opinions, had drawn the framework of the future negotiations. However, with the eruption of the Italian-Ottoman War on 29 September 1911, the government resigned. On 1 October, Sultan Mehmet Reşad appointed Said Pasha to form the new cabinet in which CUP influence was considerably diminished. Now that one side of the negotiations had collapsed, the Rum Patriarchate had the upper hand and invited other churches to renew pressure on the new government to accept the clauses of their memorandums. However, remarkably, the Armenian Patriarchate opposed this move by the Rum Patriarchate referencing the difficult conditions with which the Ottoman government had to deal. With this initiative of the Armenian Patriarchate, the collective action of the churches was halted.¹¹¹

Wartime tensions rose, and within a month, on November 1911, the new government of Said Pasha accepted the demands of that part of the memorandum of the Patriarchate and Exarchate churches concerning education. In addition to aforementioned decisions of the commission, all demands on education were approved by the government — that is, the status and autonomy of communitarian schools, the ecclesiastical control over inspectors, the official recognition of teachers in terms of exempting them from military service, the compromise about the requirement to have Turkish vis-à-vis employing graduates of Christian schools in governmental posts and even the employment of foreign subjects as teachers (extraterritorial ties).¹¹² With this approval, the Islahat paradigm determined by individual treaties with different communities was replaced with a new system that defined “Christians” altogether as a legal body, having their administrations centralized in the ecclesiastical leaderships. However, the scope of this authorization or jurisdiction was still confined by what had been granted by the Islahat — that is, between churches and schools, with the extensions to social care institutions. It was not comprised

111 *Yeni İkdam*, no. 568, 25 Eylül 1327 (08 October 1911) p. 4.

112 Osman Nuri Ergin, *Türkiye Maarif Tarihi*. Vol. 4 (İstanbul: Eser Matbaası, 1977), 1473-1475; see also, Hacısalihioğlu, *Jön Türkler Ve Makedonya Sorunu*, 337-338.

of other spheres such as the economy, which would remain the subject of “national” development. Therefore, this authorization far from satisfied nationalistic ambitions, only opening a space for confessional institutions within the constitutional regime resembling a status of “minorities.” Even after the Balkan Wars and the loss of Rumelia, the CUP did not use its monopoly on power to withdraw from this framework and approved it with a bylaw.¹¹³

The acceptance of these clauses of the memorandum obviously could not overcome the tensions. Indeed, with the advent of the war, the rhetoric and attitudes of non-Muslim deputies changed radically. The chamber — formally a scene of conciliatory discourses by non-Muslims and, expectedly, a bastion of Ottomanism — witnessed sharp confrontation.

5.3.2 *The Law on Conscription and Parliamentary Tensions*

The new government’s policy to overcome deadlock in the parliamentary system by stirring up the legislative process caused the increasing reaction. In the new government program, the essential promise was to complete the ratification of critical laws. The Law on Conscription was at the top of the agenda, as it had already been presented to the chamber. However, as it was comprised of controversial issues, the push to rush the bill through the chamber was confronted with strict opposition from non-Muslim deputies. Particularly during negotiations concerning the correction of subjects’ ages (*tashih-i sin*) — which directly related to the conscription of the Christian population — non-Muslim deputies resisted the enactment of the law on the grounds that the majority of the chamber was absent from the voting.¹¹⁴ Yorgos Haneus’ energetic opposition and Krikor Zohrab’s warning that the chairman of the chamber was

113 The government even accepted that the allowance from the state budget to Christian denominational schools would be given to the churches: see Article L, in Ergin, *Türkiye Maarif Tarihi*, 1475.

114 The reason of the significance of the *tashih-i sin* emerged from another regulation. Article 76, stipulating that after the correction, the liables would have to join to their peers who had not been exempted from military service. For instance, if after the correction it was determined that the obligant was born in 1881 so was 30 years old, he would have to join in his peers who had not been exempted, most probably as a reservist. The Christian deputies wanted to make

“abusing his authority,” did not prevent the chamber to vote for the law.¹¹⁵ In the next session, on 04 November 1911, Harris Vamvaka and Ohannes Varteks Efendi actively joined the opposition. Vamvaka declared such an act as a “coup d’état against our constitutional regime.” Ohannes Varteks Efendi complained that voting without a majority of the chamber present had occurred many times, and such a *fait accompli* was intolerable. All the more striking was Yorgos Boussios’ outburst saying that “If I cannot protect my own rights here inside the chamber, I will start a revolt outside. Consider it carefully.”¹¹⁶ However, not only was the article subjected to a revote and accepted again, but afterwards, the same complaints of the non-Muslims were repeated time and again.¹¹⁷

The prestige of the chamber rapidly diminished along with expectations from the constitutional experience. By the end of December 1911, negotiations in the chamber were locked on the amendment of Article 35, and the crisis led to the eventual dissolution of the chamber on 18 January 1912. Although a new chamber would be elected, suspicions of the parliamentary system increased as a result of the rivalry between the CUP and the Liberal Entente.

After the collapse of the CUP initiative, the crisis at the central authority — of the cabinet, parliament and army — became evident. As the CUP was overthrown from the government, it resorted to means to prevent further progress of the liberals. CUP deputies in parliament pushed to restore the sultan’s right to abolish the legislature and executive branch in the case of a deadlock

sure Christians would not be enlisted as *nizami* soldiers, in which case, their civilian and business lives would be interrupted. Here again, the local practices topped the list of complains. Yorgos Boussios insisted that even thirty-five-year-old Christians were being drafted as *nizami*, and insisted upon it despite the denial of Kemal Bey, the representative of the Minister of War. MMZC Term 1, Year 4, Volume 2, Session 25, 3 Kanun-ı Evvel 1327 (16 December 1911), 189-190.

115 MMZC, Term 1 Year 4 Volume 1, Session 9, 19 Teşrin-i Evvel 1327 (1 November 1911), 230.

116 MMZC, Term 1, Year 4, Volume 1, Session 10, 22 Teşrin-i Evvel 1327 (04 November 1911), 232-233.

117 In one occasion, it was mentioned that both the parties of *Ahali* and *Mutedil* were absent in the Chamber. MMZC, Term 1, Year 4, Volume 2, Session 20, 13 Teşrin-i Sani 1327 (26 November 1911), 62.

between the cabinet and parliament. They relied on their majority in the parliament and their massive base among the population. As a blow to the CUP initiative, the governmental and parliamentary crisis turned into a military one with the mutiny of Liberator Officers (*Halaskaran Zabitan*). The conciliatory government of Gazi Ahmed Muhtar Pasha did not satisfy the parties, and in October 1912, after the attack of the Balkan States to the Ottoman Rumelia, the internal war merged with an external war. The deadlock was radically resolved by the eventual collapse of Ottoman sovereignty in the region.¹¹⁸ The liberals' taking the Ottoman government coincided with a culmination of external crises and did not change the course of events. Even relations with Ottoman Bulgarian and Rums were radically ruptured in this period. In a sense, the wheel of history started to turn in the opposite direction, erasing the first constitutional steps taken in 1909, then those taken in 1908, and then the region was returned to the pre-revolutionary conditions in 1903.

Wars beginning with the Italian-Ottoman War in September 1911 and continuing until summer 1913 with the Balkan Wars, started during this phase of the crisis in domestic politics. The ambiguous conception of Ottomanism, the diverse and conflicting understandings of the constitutional regime, the inability of the chamber to create a conciliatory bastion and effectively legislate added up to create a centrifugal wave in the political configuration of the Ottoman Empire.

5.3.3 *The Balkan Wars: The Return of the Berlin Status Quo and the Fait Accompli*

The tendencies that accompanied the practices of the new regime throughout the previous two years continued in a sharpened manner during the Balkan Wars. The Balkan Wars catalyzed the disintegration and divergence among communities, and rising nationalist ambitions fatally struck a regime that could not achieve its legal restructuring and tended to put off the problem of containing nationalisms.

118 See, Shaw and Shaw, *History of the Ottoman Empire*, 291-292, and Gad Franco, *Développements Constitutionnels en Turquie* (Paris: Librairie Arthur Rousseau, 1925), 60-61.

The liberal government of Kâmil Pasha was marked by a clear anti-CUP stance and searched for a new ground of conciliation with non-Muslim communities. In contrast to analyses of the Ottoman liberals in previous years, the alliance between the Balkan states proved hostile to Ottoman sovereignty in Rumelia, and the duty of Kâmil Pasha now was to specify the position of Ottoman non-Muslims. Memoirs indicate that on the eve of war, bargaining was still going on behind closed doors. The Rum delegation, including deputies, contacted the government and suggested that if the government compromised with the Rum Patriarchate, they would definitely convince the Greece government to disengage from the Balkan Alliance. Although the Minister of the Interior, Dâniş Bey, was not enthusiastic about this proposition, Sadrazam Kâmil Pasha summoned Yorgos Boussios to examine the details of the offer. Kâmil Pasha was convinced and a meeting with Patriarch Joachim was arranged, but the war erupted with the attack of Montenegro. Kâmil Pasha refused to grant an audience to Yorgos Boussios who knocked on the door of the Sadrazam to pursue negotiations saying “Are you making fun of us or of the country’s future?”¹¹⁹

As to the primary problem of preparing for war, the abeyance concerning Christian conscription had an its effect. Remarkably, despite the two years of public and political discussions on conscription, the war mobilization plans did not specify the exact numbers of Christians to be enlisted. Christians were considered secondary, as supplements for absent Muslims.¹²⁰

As a matter of fact, certain Christian circles were not particularly busy at stick to go to the war front. The organ of the Bulgarian Exarchate, *Vjesti*, presented the address of the sultan to the Ottoman army, but set a specific piece about the Christian conscription part. Interestingly, rather than specifying the procedures of enrolling, the three-column article largely dealt with the issue of the exoneration of Christians, providing readers with clues as to how to avoid the warfront. Referring in detail to the laws of 1909 and 1911, the piece described which parts of Christian society were exonerated from the military

119 Şehbenderzade Filibeli Ahmed Hilmi, *Muhalefetin İflası: İtilaf Ve Hürriyet Fırkası* (İstanbul: Nehir Yayınları, 1991) 49-50.

120 Serkan Er, “Balkan Harbi’nde Osmanlı Ordusunun Seferberlik Planı,” *Tarih Dergisi*, no. 59, (2014), 147-148.

service: "... the ecclesiastical officials, teachers, high school students, students in the last two years of a gymnasium, those who were responsible for supporting their families, those who were disabled and therefore could not perform any service." Apart from that, it was possible to serve in logistics. Or if a distant relative needed to be supported, conscripts could enroll in the second group and serve only six months, but in the cavalry, artillery or naval fleet.¹²¹

Reports from the region embraced a language suggesting a massive agitation of Christian population in Rumelia. Reading between the lines, one sees that the strategy of collaboration with Balkan states became a widespread strategy, but it was not adopted without quarrels or disputes. For instance, an official reconnaissance report about a Bulgarist meeting in Manastir provides us hints that the Ottoman Bulgarian community still had to overcome internal disputes before preparing their strategy vis-à-vis the upcoming war. The call to a meeting was addressed to wider Bulgarian community rather than the narrow circles of one Bulgarist faction.¹²² According to the report, the main proposal in the meeting was to unite under the frame of the committee (*komita*) and act out against the Ottoman government in support of the Principality of Bulgaria. This drew the opposition of a certain participant. A Bulgarian member of the Manastir Court of Appeals (*Manastir İstinâf Mahkemesi*), Malinov Efendi, opposed the proposal, saying that in the case of a revolt the Ottoman Bulgarian population would suffer in many respects. This opposition solicited a violent reaction from other participants, and not were only his arguments rejected, but Malinov himself was excluded from the subsequent meetings.¹²³

121 "Za Mobilizatsijata," *Vjesti*, no. 14, 2 Oktomvrii 1912, p.1.

122 The document does not identify the Bulgarian faction that organized the meeting. However, the network, which stretched from school teachers to the ecclesiastical cadres along with the call for a unification under the *komita*, suggest that it was probably the Bulgarian Constitutionalist Club, which was powerful in Manastir. This faction had already established contacts with the Principality of Bulgaria, as was shown in Chapters 3 and 4.

123 BOA., DH., SYS., 112-13/16-02 "Manastir Vilayeti; Dahiliye Nezaret-i Celilesine, 26 Eylül 328" (09 October 1912).

5.3.4 *The Return of the Berlin Status Quo*

As tensions rose, the conciliatory government of Gazi Ahmed Muhtar Pasha was prone to appease the situation. On 6 October, the Ottoman government accepted to enforce reforms for Macedonia which were envisaged by Ottoman delegates in 1880. As mentioned in the first chapter, this regulation for the Rumelia provinces was a diluted version of what was envisaged in the Treaty of Berlin, and it stipulated a decentralization of the empire which had also been acceptable for the Yıldız Palace. In the absence of a new provincial law produced in the constitutional era, the Ottoman government would have to be content with the return of this regulation. By the optimistic estimation of the French envoy in Istanbul, this would prevent a war between the empire and the Balkan States.¹²⁴ A few days later, consulates of five Great Powers — Austro-Hungary, Britain, Germany, Russia, and France — publicly declared that they were authorized by their respective governments to supervise the enforcement of the reforms envisaged in 1880 and also to ensure that the territorial integrity of the Ottoman Empire was not harmed.¹²⁵ However, if the return of the Berlin status quo implied a return to a quasi-Mürzsteg foreign protection over the empire and to the uncontrollable nationalist ambitions too. On the initiative of the Serbian government, the Bulgarian, Greek and Serbian governments relayed an ultimatum to the Sublime Porte via the Great Powers listing demands for a “radical and integrally-applied reforms” that “would be the only way to improve the miserable situation of Christians in the *vilayets* of the empire.”¹²⁶ The Balkan states based their demands on the framework of the Treaty of Berlin and the 1878-1880 era, as it was specified in the ultimatum that the demands were in accord with the Article 23 of the Berlin Treaty, which envisaged “the principle of ethnic nationalities.” It was a demand for administrative autonomy concerning the provinces, meaning for Macedonia, the election of general governors from Belgium or Switzerland (Clause 8), elected

124 AMAE, Turquie, 237, IX, "Pera: 6/10/1912, Information Paris," no 622248, 6 October 1912.

125 AMAE, Turquie, 238, X "Reformes en Turquie d'Europe, Note collective des Puissances" signed by Pallavicini, Gerard Lowther, M. Bompard, Giers, Wangenheim, 10 October 1912.

126 "Legation de la République Française en Serbie," no. 142, 14 October 1912, annex to the AMAE, Turquie, 238, Belgrade, le 30 September 1912.

general assemblies, an autonomous gendarmerie (Clause 7), free education, and militias.¹²⁷

More importantly, the ultimatum was inspired by the Ottoman Christians' memorandum and was a radical version of the demands that had been made since the beginning of the constitutional era. In addition to the demand of general autonomy (Clause 1), the demands included the proportional representation of every nationality in parliament (Clause 2); the admission of Christians to any governmental post (Clause 3); the recognition of the equality of Christian schools of every level to Ottoman schools (Clause 4); a guarantee by the Sublime Porte for the protection of the ethnical character of the Ottoman provinces, and an end the policy of transplanting Muslim populations (Clause 5). The demands about military service were similar in character. The Balkan Alliance ordered that Christians be recruited on regional basis and by the Christian officials. More significantly, until Christian officials were in place, it advocated the "suspension of Christian enrollment"(Clause 6).¹²⁸

Along with these demands encompassing Ottoman Christians, the last clause indicated a general awareness of the problem of enforcement, and thus proposed a project to consolidate the central government. In Clause 9, the Balkan Alliance demanded the establishment of a Supreme Council around the Grand Vizierate, which would be constituted of Muslims and Christians in equal numbers, and which would oversee the "application of reforms."¹²⁹ This ultimatum was rejected by the Sublime Porte opening the way for the Balkan wars.

5.3.5 *Increase of Political Brigandage*

As soon as the first skirmishes began, information about intensive guerrilla activity along with ethnoreligious conflicts start to flow to the Sublime Porte. On 3 October, a cryptic telegram of the Kosovo governor was delivered by

127 Ibid.

128 Ibid.

129 Ibid.

hand to the Sadrazam and the Ministry of Foreign Affairs. The telegram informed them that a Serbian band (*çete*) had crossed the Ottoman border and had started to kill Muslims in order to agitate the Muslim population.¹³⁰ The Ministry of the Interior immediately sent a dispatch to all the provinces of Rumelia to take necessary precautions to confront the guerrillas. The Grand Vizierate added that civilian authorities should also actively participate in the pursuit of guerrilla bands.¹³¹

Among the initial items of news, striking ones concerned the active participation of the Christian population in skirmishes with Ottoman soldiers and Muslims. Indeed, guerrilla activity in the hinterlands of the war was a more prominent trigger of ethnoreligious conflict than the events on the front lines. In the villages of Skopje and Pristina, the Christian population (*Hristiyan ahali*) took up arms, blocked roads, and threatened Muslim villages by firing their rifles. But how had the Christians gotten these arms, given the years of so-called successful disarmament? According to the vali the military equipment had been brought in from Serbia. Christians were then organized in groups, and leaving their children at home, they started to patrol mountainous areas.¹³² This same explanation appears in the letter of Hamdi Bey, who insisted that Greece had armed the local Christian population to form new guerrilla bands (*komitalar*).¹³³ Additionally, the cases of ambushes to seize ammunition to be delivered to the Ottoman army occurred. An incident in Janina would shape the ensuing attitude of the local government to the Christian population as well as to the Sublime Porte: An armed band carried out an attack on the deployment of ammunition, killing eight, and taking prisoners

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- 130 BOA., DH. SYS., 112-13/16-01, "Kosova Vilayetinden Alınan Şifre Telgrafname, 20 Eylül 328" (03 October 1912).
- 131 BOA., DH. SYS., 112-13/16-01, "Dahiliye Nezaret-i Muhaberat-ı Umumiye Dairesi, Edirne, Selanik, Manastır, Yanya, İşkodra, Kosova Vilayetlerine Şifre," 22 Eylül 328 (05 October 1912); and from Dar-üs-Sadaret "Dahiliye Nezaret-i Celilesine; 20 Eylül 328" (03 October 1912).
- 132 BOA., DH. SYS., 112-13/16-01, telegram of the *Vali* of Skopje "Dahiliye Nezaretine; 29 Eylül 328" (12 October 1912).
- 133 BOA., DH. SYS., 112-13/16-01, Preveze Müşir-i Sabıkı Miralay Müttekaidlerinden Hamdi, Dahiliye Nezaret-i Celilesine, 20 Eylül 328 (03 October 1912).

along with the ammunition.¹³⁴ A similar story was attributed to the Rums. In the district of Serfice in Manastir, “*Rum bandits*” (*Rum eşkıyası*) took Muslim villages under siege, reportedly with the support of local Rum villagers.¹³⁵ In Janina, too, armed Hellenist bands attacked to the Army as it deployed ammunition, seizing a considerable amount and causing a great anger in the local administration.¹³⁶ In Dedeğaç, the populations of Rum villages such as Cami Kebir and Kara Pınar held Muslim villages under fire for a whole day.¹³⁷

No sooner than that, the first telegrams of attacks by Bulgarist guerrilla bands started to circulate. But this time, the emphasis on the active participation of local Ottoman Bulgarians in the war. An emblematic development was Sandanski’s resumption of partisan warfare against the empire, while the constitutional clubs had already completed preparations in Manastir. As mentioned in the Chapter 4, Sandanski was under threat of isolation after the enforcement of the martial law in Rumelia and had therefore already begun to cooperate with other Bulgarist factions. Until 1912, he had nevertheless maintained his ties to the constitutional regime, though with certain fluctuations. When war broke out, Sandanski became involved in the war on the Bulgarian side, both due to the risk of being kept out of any post-war organization in the region and due to the fact that the CUP, his primary ally was no longer in power. Hence, he became one of the most ardent warriors on the side of the Bulgarian army.¹³⁸

The rise of Bulgarist brigandage was inevitably followed by Ottoman gendarmerie raids on Bulgarian villages.¹³⁹ In the sub-district of Yenice-Vardar and in various villages, local peasants participated in the Bulgarian armed

134 BOA., DH. SYS., 112-13/16-01, two telegrams of *Kosova Valisi* from Skopje “Dahiliye Nezaretine; 04 Teşrin-i Evvel 328” (17 October 1912).

135 BOA., DH. SYS., 112-13/16-04, “Manastır Vilayetinden Alınan Şifredir; 10 Teşrin-i Evvel 328” (23 October 1912).

136 AMAE, Turquie, 239, XI, telegram from Janina, no. 10, 16 October 1912.

137 BOA., DH. SYS., 112-13/16-04, telegram from the *mutasarrıf* of Dedeğaç, 21 Teşrin-i Evvel 328 (03 November 1912).

138 Mehmet Hacısalıhoğlu, “Yane Sandanski as a political leader,” § 28-30.

139 BOA., DH. SYS., 112-13/16-01, “Yanya Vilayetinden alınan şifredir; 03 Teşrin-i Evvel 328” (16 October 1912).

bands and clashed with Ottoman troops.¹⁴⁰ In Thessaloniki, the Ottoman army discovered ammunition and bombs during operations in villages of the sub-province of Karacaabat, and immediately encircling the village, whose Bulgarian inhabitants were “prone to revolt and intrigues.”¹⁴¹ As the armies of the Balkan states advanced and as the lines separating the front and the hinterlands of the war became more ambiguous, the polarization of the Christian and Muslim populations became more clear. Particularly along the line from Dedeğaç to Edirne, which was one area about which Ottoman Bulgarians had complained of confiscation of properties, irregular armed activity by civilians was the precursor of the the rapid advance of the Bulgarian army. It even preceded Bulgarian guerrilla operations. The first news of skirmishes with the gendarmerie pointed to the local Bulgarian populations as the perpetrators.¹⁴² At the beginning of November 1912, a raid by some armed Bulgarians at Dimetoka triggered a panic among the Muslims. The Muslim population along with local Ottoman officials rapidly took refuge to the south, in Keşan, and upon this influx of refugees, the people of Keşan panicked too. They attempted to evacuate the town, which could hardly be prevented by the local administration. Upon a first investigation, it was understood that “the attack was carried out by fugitive Christian soldiers and local non-Muslims with the backing of Bulgarian military brigands.”¹⁴³

140 AMAE, Turquie, 238, X, "Consulat de France à Salonique," no. 148, 14 October 1912.

141 BOA., DH. SYS., 112-13/16-04, “*Selanik Vilayetinden Gelen Şifre*,” 15 Teşrin-i Evvel 328 (28 October 1912).

142 BOA., DH. SYS., 112-13/16-04, “*Edirne Vilayetinden Alınan Şifredir*,” 16 Teşrin-i Evvel 328 (29 October 1912).

143 BOA., DH. SYS., 112-13/16-04, “*Gelibolu Mutasarrıflığından alınan şifre telgrafname*,” 18 Teşrin-i Evvel 328 (31 October 1912), and dispatch from Dahiliye Nezareti Muhaberat-ı Umumiyye Dairesi, “*Harbiye Nezaret-i Celilesine*,” 20 Teşrin-i Evvel 328 (02 November 1912). The aforementioned document states that this kind of attack became possible because the Ottoman military was absent in the region. Indeed, defending the line from Dedeğaç to Dimetoka turned out to be a crucial problem, since the army presence was not sufficient to hold both the front and the rear. The Ottoman authorities could not mobilize the army for an advance, because its rear would have been left defenseless. There were attempts to replace the army with a gendarmerie, but apparently this also proved unsuccessful. This event demonstrate the failure of Ottoman military mobilization, which went hand in hand with a moral

The state of panic was not specific to the Muslim population, and the correspondence of foreign consulates was full of such narratives about Christian civilians. As a typical example, the Ottoman soldiers in Manastir, allegedly left their posts, looted the workshops of Bulgarian craftsmen, beat a baker and seized all his breads and confiscated the first of a Bulgarian peasant. Meanwhile some reservists fired on the Bulgarian church of Tsveti Nedela to celebrate their deployment to the frontline. Christian quarters were emptied, shops were closed, and Hellenic and Bulgarian parents rushed to the schools to return their children to home. The chaos ended only when authorities arrived and disarmed the local Muslims.¹⁴⁴

5.3.6 *Local Tensions*

At the local level of Rumelia, the Balkan Wars were experienced as a war between segments of the civil population led by notables of each community. In Thessaloniki, the security of the downtown was entrusted to *mustahfiz* class soldiers, which were directed by the youth of Muslim notables who had fulfilled their military service. This added to the general concerns of local Christians, and the Rum population evacuated the city.¹⁴⁵ On the other hand, as evident in the earliest reports on the eve of the Balkan Wars, notables of the Ottoman Christian society in Rumelia had been placed at the top of the list of potential or actual threats. A report written at the beginning of the war by a retired Ottoman commander, found in the official records, demonstrated that

collapse among civilian Muslim population. See various telegrams in BOA., DH. SYS., 112-13/16-04, various telegrams from Dedeğaç Mutasarrıfı "Dahiliye Nezaret-i Celilesine," 26 Teşrin-i Evvel 328 (08 November 1912); from Hadımköy "Dahiliye Nezaretine," 28 Teşrin-i Evvel 328 (10 November 1912); from Dedeğaç Mutasarrıfı "Dahiliye Nezaret-i Celilesine," 28 Teşrin-i Evvel 328 (10 November 1912).

144 AMAE, Turquie, 238, X, "Consulat de France à Monastir," no. 62, 15 October 1912. The disobedience of the Ottoman soldiers can be observed in Ottoman documents too. In Silivri, irregular Ottoman soldiers (*gayri muntazam askerler tarafından*) attacked farms and shops, looting and robbing the estates. BOA., DH. SYS., 112-13/16-04, telegram from the *mutasarrıf* of Çatalca, 24 Teşrin-i Evvel 328 (06 November 1912).

145 AMAE, Turquie, 238, X, "Consulat de France à Salonique," no. 148, 14 October 1912.

this perception of threat vis-à-vis the intellectual segments of Christian communities had its roots in the old regime, phenomena of which revived in the Balkan Wars. Hamdi Bey recounted that the Ottoman gendarmerie under his command in Serfice in a critical year as 1898 had caught a militant of Ethniki Hetaireia who was carrying on him the program of the organization. The program involved an appeal for a revolt of “the whole Christian population” (*umum ahali-i hristiyanıyye*). In this context, he recalled that the plans of Ethniki Hetaireia involved local priests, doctors, school teachers and qualified orators (*nâfiz-ül-keîâm*). As Miralay Hamdi recounted a year earlier, when tensions rose in the region, he warned about the threat in Rumelia with regard to these segments. Although he applied both the local governor and local chief of the CUP, Said Bey, he received no reply.¹⁴⁶

Some Christian communities had undertaken the role of mediator between the Balkan states and the Ottoman Christian population, wherever they had a sufficient network stretching both sides. For example, in Manastir, where Bulgarian politics was considerably influential, Bulgarian teachers and priests came together in the local church to decide on their stance in case of a declaration of war by the Principality of Bulgaria, which was seen as high probable at the time.¹⁴⁷ Remarkably, another local component of Christian guerrilla activities was carried out by fugitive Christian soldiers from the Ottoman army. Hamdi Bey, in his report, also recounted that according to intelligence he got, these Christian fugitives posed an actual threat. They were organized under several captains of the Greek army, twenty of them from Crete, and planned to prevent free movement of the Ottoman army in the region.¹⁴⁸ A report from Manastir confirmed that mobilization for war in the province was being sabotaged by the Christian fugitives who took refuge in the mountainous areas.

146 BOA., DH. SYS., 112-13/16-01, "Preveze Müşir-i Sabıkı Miralay Mütেকaidlerinden Hamdi, Dahiliye Nezaret-i Celilesine," 20 Eylül 328 (03 October 1912).

147 The meeting had been carried out a week before the report was sent. BOA., DH., SYS., 112-13/16-02 "Manastır Vilayeti; Dahiliye Nezaret-i Celilesine," 26 Eylül 328 (09 October 1912).

148 BOA., DH. SYS., 112-13/16-01, "Preveze Müşir-i Sabıkı Miralay Mütেকaidlerinden Hamdi, Dahiliye Nezaret-i Celilesine," 20 Eylül 328 (03 October 1912).

They were between the ages of twenty-nine and forty-five and their daily economic and social activities have been hit by the conscription law of 1909.¹⁴⁹ This segment of Ottoman Christians — outlawed by the pre-war regulations — provided a vast human resource for the irregular military activities of the Balkan states.

5.3.7 *The Return of Martial Law*

As a first administrative response, the regime of *idare-i örfiyye* returned to Rumelia. Manastir was immediately taken under martial law and act aimed at organizing the war mobilization, and above all, the military draft, causing great concern among the local Christian population.¹⁵⁰ In Janina, a state of siege started to be strictly enforced. A curfew was declared and the shops, restaurants, and coffeehouses were obliged to close by sunset, leaving the streets to the armed patrols. Unlike the hybrid martial law of 1909-1911, this was a typical martial law, in which authority was in the hands of the military command. Army officers ordered the population to hand in their weapons to military authorities. The directors of Rum newspapers were arrested.¹⁵¹ In Gümülcine, upon declaration of *idare-i örfiyye*, complaints about abuse by local administrators started to flow in to the Sublime Porte. According to the allegations, as soon as martial law was declared, the non-Muslim population (*ahali-i gayri müslime*) and the whole population of a Christian village was arrested at midnight, and officials in uniforms beat Christian civilians in front of the government office, threatening to burn their villages.¹⁵²

149 AMAE, Turquie, 238, X, "Le Vice-Consul de France à Monastir," no. 61, 12 October 1912.

150 AMAE, Turquie, 238, X, "Le Vice-Consul de France à Monastir," no. 61, 12 October 1912.

151 AMAE, Turquie, 238, X "Vice-Consulate de France à Janina," no. 44, 13 October 1912.

152 The investigation of the event ended in the summer 1913. The allegations were mostly denied except that the captain of a local military detachment arrested the priest of the village and the inhabitants were deported to a remote region, from which they later returned with the permission of the military administration. BOA., DH. SYS., 112-13/16-04, "Gümülcine Mutasarrıflığının 4 Eylül 329 tarihli ve 129 numaralı tahrirati suretidir" (17 September 1913).

During wartime, the security issue naturally had the priority and the principle legal reference in adjusting the administrative apparatus to the requirements of the war mobilization was the Regulation of Range Services (*Menzil Hidematı Nizamnamesi*). The regulation divided the country into four zones (*mintika*): The zone of war operations (*Harekât-ı Harbiye Mintikası*), the zone of range administration (*Menzil Mintikası*), the zone of governorship (*Valilik Mintikası*), and the zone of the interior country (*Dahil-i Memleket Mintikası*). During the Balkan Wars, the Rumelia region was declared the zone of war operations and was thus subject to the Decree of Martial Law. On 3 November by the order of Sadrazam Kâmil Pasha, whole of Rumelia was brought under the rule of martial law.¹⁵³

That the foreseen and planned framework for administrating war was exposed to frictions and bifurcations (resembling the pre-war conditions) is particularly significant for our purposes. According to the Regulation of Range Services, the security of the hinterlands of the war depended on the related army corps (*kolordu*). In accordance with this measure, the army corps would take command of the local gendarmerie, which, if necessary, would be supported by soldiers from the regular army. The rule of martial law was integrated into this organization, and again placed under the leading authority of the army corps. However, in the context of the Balkan Wars, where the guerrilla activity had powerfully entered the scene by the time the war erupted, the local officials warned the central government about the inconveniences of such an administration depended on the military. The case of Janina ambush again played a role in revealing this contradiction. Two soldiers survived the attack and during their escape, they came across with a reservist battalion from Florina that was already mobilized due to the conditions of war. Upon being informed of the attack, the regiment expectedly and immediately moved to pursue the guerrillas. However, the commander of the battalion hesitated

153 BOA., DH. SYS. 112-13/16-01, from Dar-üs-Sadaret "Dahiliye Nezaret-i Celilesine," 21 Teşrin-i Evvel 1328 (03 November 1912). The relevant administrative regulation was also referred to in the document.

and chose to wait for the order of the high command of the army corps at the district center.¹⁵⁴

This rift caused a disagreement between local and central authorities, and local administrators increased their demands of authority. According to the governor of Janina, if command of the gendarmerie is transferred to the local army corps, the possibility for an effective response to the guerrilla groups would disappear. Additionally, separate force would remain to deal with the rising brigandage activity, in which case he would not accept responsibility.¹⁵⁵ This warning was at the same time a request to return to the structure of the Law on Brigandage, which gave a considerable leeway for local authorities and irregular organizations to act.¹⁵⁶ This warning of the vali is interesting: It revealed his concern to acquire the range of authority that he lost to the central government. Additionally, it suggests that the governors of Rumelia in 1909-1911 had considered themselves not in a peaceful atmosphere of a constitutional government, but in the hinterlands of a war as it was the case in 1912. So a structure of war had already been established in 1910 by their insistence of a martial law.

Indeed, the political patterns that emerged in the 1910 period were maintained in the hinterlands of the Balkan Wars. Courts-martial rapidly started investigations and in line with the practices of the 1910-11, targeted local Christian notables. No sooner than martial law was installed, complaints began flowing from Christian communities. As the Rum Patriarchate recounted, in various communes and towns of the sub-province of Drama, Christian notables, including doctors, pharmacists, school administrators, teachers, metropolitan bishops, priests, and village headmen were arrested by the police (*zabit*) and transferred to Thessaloniki. The metropolitans of Manastır additionally reported that the local Christian population and priests were exposed to various abuses such as the forced evacuations of their confessional facilities

154 BOA., DH. SYS. 112-13/16-01, "Yanya Vilayetinden alınan şifredir," 03 Teşrin-i Evvel 328 (16 October 1912).

155 BOA., DH. SYS. 112-13/16-01, "Yanya Vilayetinden Alınan Şifredir," 14 Teşrin-i Evvel 328 (27 October 1912).

156 The government insisted on enforcement of the regulation: BOA., DH. SYS. 112-13/16-01, "Yanya Vilayet-i 'Alisine," 29 Teşrin-i Evvel 328 (11 November 1912).

by police without reason. The Rum Patriarchate argued that despite all the abuses, the Rum Orthodox population fulfilled its patriotic duties (*vazife-i vataniyye*), participated in public donation campaigns to collect for war logistics or the treatment of injured soldiers. For the Patriarchate, Rums had done nothing to legitimize their position as a suspect community, so it demanded the immediate release of the innocent notables to prevent agitation among the civil population.¹⁵⁷ However, operations led by the courts-martial did not stop. The Patriarchate prepared a memorandum, according to which the armed Muslim population were patrolling the streets, and the court-martial of Thessaloniki had summoned the priest and metropolitan bishops of the Rum community, threatening to slay all Christians in case of their revolt.¹⁵⁸

Various Christian communities not only presented their separate complaints, but again in a repeat of the prewar experience, developed a common platform that expressed itself in common memorandums at the local level. On 29 October, the Rum and Bulgarian deputy metropolitan bishops of Gevgili sent a co-signed telegram to the Grand Vizierate reporting that notables and local religious leaders of both communities had been arrested without a reason for accusation, leaving their families in misery, the market closed and the Christian population in fear.¹⁵⁹ Two identical telegrams from Ustrumca which bore the signatures of the local Bulgarian and Rum metropolitan bishops, were written in the name of people who were arrested. These local ecclesiastical leaders not only listed claims of abuse, but based their complaints on the general principles of law. According to the metropolitan bishops, the state's engagement in a war to defend its rights could not be a pretext for the oppression of its subjects (*tebaa*). The telegram asserted that the government had withdrawn from the claim of justice and was putting severe policies into practice

157 BOA., DH. SYS., 112-13/16-02, dispatch of Patrikhane-i Millet-i Rum "Adliye Nezaret-i Celile-sine," 15 Teşrin-i Evvel 328 (28 October 1912).

158 "(...) hıristiyanlar tarafından kıyama teşebbüs edildiği takdirde bütün hıristiyanların kılıçdan geçirileceğini makam-ı tehdidâne ile beyân ve (...)" BOA., DH. SYS., 112-13/16-02, "Patrikhane-i Millet-i Rum, Muhtıra," 17 Teşrin-i Evvel 328 (30 October 1912).

159 BOA., DH. SYS., 112-13/16-02, telegram of "Rum ve Bulgar metropolid vekilleri Yovakim Anatsi, Papa İvan Şişkof" sent from Gevgili, 16 Teşrin-i Evvel 328 (29 October 1912).

vis-à-vis Christians who were legally defined as citizens (*kanun ile vatandaş denilen hıristiyanların*). This oppressive policy was in conflict with every custom and law and would be outlawed even the subjects of a hostile country were in question.¹⁶⁰

Upon receiving these claims, the Ministry of the Interior sent a dispatch to the governor of Thessaloniki demanding a rapid investigation of the situation.¹⁶¹ But the responses from local administrations were not unlike earlier memorandums. The governor of Thessaloniki conceded that village headmen and local religious leaders had been under investigation, but there was no threat to the Christian population and the allegedly armed Muslims were merely soldiers preserving the security.¹⁶²

No matter the truth, the daily pressure from Christian communities and various consulates on the Ottoman government had already produced certain results. The government ordered the release of some suspects after demanding certain guarantees and warrants. However, in practice, this order did not directly apply at the local scale, and the wartime division of administration again caused the chain of command to be blocked. As a striking example, the governor of Manastır reported that there were nearly a thousand suspects "from Rum and Bulgarian elements" under arrest, and as they were arrested in the middle of a war alarm, there had been no meticulous investigations, which had led to the suffering of some innocent people. Vali Behçet complained in his dispatch that following government policy, he ordered the deputy military commander of the Manastır zone to release these suspects, but the military did not follow his orders. The governor clearly stated that this noncompliance was not exceptional and had reached a point to which it to

160 BOA., DH. SYS., 112-13/16-02, two telegrams signed "Ustrumcada Mevkufinler Namına Bulgar Metropolidi" and "Dahiliye Nezaretine," 13 Teşrin-i Evvel 328 (26 October 1912) and Mevkufin Namına Rum Metropolidi "Dahiliye Nezaret-i Celilesine," 14 Teşrin-i Evvel 328 (27 October 1912).

161 BOA., DH. SYS., 112-13/16-02, "Selanik Vilayet-i Alisine," 20 Teşrin-i Evvel 328 (02 November 1912).

162 BOA., DH. SYS., 112-13/16-02, "Selanik Vilayetinden alınan şifredir," 22 Teşrin-i Evvel 328 (04 November 1912).

hampered the general administrative order.¹⁶³ The central government was surprisingly incoherent in its decisions. Sadrazam Kâmil Pasha personally intervened and ordered the commander of Manastır to release the suspects, but only after receiving a warrant from the governor, accepting all responsibility.¹⁶⁴

§ 5.4 The Ottoman Christians in Wartime as the Ottoman Subject: The Case of “Bulgarians”

It was no rhetoric that the memorandum of local ecclesiastical authorities referred to their Ottoman citizenship in protesting the local tensions. The latent frictions stretching to mid-nineteenth century with regard to the status of Christian subjects as Ottoman nationals became more clear during the nationalist climate of Balkan Wars. As recounted in Chapter 2, in the long history of Ottoman reforms the Christians were multi-affiliated, cosmopolitan individuals creating an ambiguity which Ottoman official discourse tried to contain by using a specific terminology separating its Christian citizens (as was the case of *Yunan* or *Rum*). As the ethnoreligious conflicts grew, the practices of exclusion became often at the social level. In Meşrutiyet, this cosmopolitan identity became a target of a political discourse stigmatizing Ottoman Christians as the agents of foreign ambitions, and in certain cases, they were excluded from Ottoman subjecthood, as was seen in the confiscation policy vis-à-vis the Ottoman Bulgarians.¹⁶⁵ The Balkan Wars in 1912-13 — a total war and a cyclone that drew in the civilian populations of Macedonia — sharpened this tendency of exclusion. Contradicting to the early claims of *ittihad-ı anasır*, now the grounds for “unity” among the “elements” irrevocably diminished, as the Ottoman administration gradually renounced the neutral term “element” and defined the “Christians” as a menace. Moreover, the common national identifications of Ottoman Christians with neighboring Balkan states were not

163 BOA., DH. SYS., 112-13/16-04, “Manastır Vilayetinden Gelen Şifre,” 15 Teşrin-i Evvel 328 (28 October 1912).

164 BOA., DH. SYS., 112-13/16-04, dispatch of Dar-üs-Sadaret “Dahiliye Nezaret-i Celilesine,” 20 Teşrin-i Evvel 328, (02 November 1912), and of Dahiliye Nezareti Muhaberat-ı Umumiyye Dairesi “Manastır Vilayetine Şifre” 21 Teşrin-i Evvel 328 (03 November 1912).

165 See Chapter 4.

an ambiguity to struggle with. Now it served to a total exclusion of a certain Christian population. The use of “Bulgarian” in the Ottoman war correspondence clearly exhibits this tendency.

The problem of subjecthood in the Balkan War period was a product of decisions to evacuate the zone of operation and its hinterlands. During the war, in the month of November 1912, the Ottoman state started to disperse certain Bulgarians from various regions of Rumelia — from Manastir to Edirne and then to remote regions of Anatolia: To Diyarbekir, Samsun, Ankara, or Konya.¹⁶⁶ This decision originated from the *idare-i örfiyye* and was taken up by the courts-martial. The courts-martial functioned in accord with prewar practices of Law on Brigandage: That is, they targeted potential threats and took preventive measures. Remarkably, the policy of redistribution was not confined to the zones of war operations, but also included Istanbul, which was under *idare-i örfiyye* but not within the war zone.¹⁶⁷

In official correspondence, the term “Bulgarian” usually referred to the Ottoman Bulgarians, but rarely indicated subjecthood. The court-martial of Edirne arrested Bulgarians suspected of agitation, clearly defining them as Ottoman subjects (*teba’-a-i devlet-i ‘aliyyeden, Bulgar milletinden*), and exiled them to İzmit and Sivas.¹⁶⁸ However, the affiliation of individuals would not always be defined so clearly. When the identities of prisoners was not particularly significant, the person in question was simply referred to as “Bulgarian”

166 On 04 Teşrin-i Sani 328 (17 November 1912). Bulgarians working on the railway in Adana were arrested and sent to Ankara and Konya on the order of the General Police Directorate. BOA., DH. SYS., 112-13/16-09, from Dahiliye Nezareti Muhaberat-ı Umumiyye Dairesi “Emniyet-i Umumiyye Müdüriyetine Müzekkere,” 1 Haziran 329 (14 June 1913).

167 BOA., DH. SYS., 112-13/16-09, from Dahiliye Nezareti Muhaberat-ı Umumiyye Dairesi, “Harbiye Nezaret-i Celilesine,” 5 Haziran 329 (18 June 1913).

168 BOA., DH. SYS., 112-13/16-07, telegram of the Vali of Sivas, “Dahiliye Nezaretine,” 21 Teşrin-i Sani 328 (04 December 1912); The exiled Bulgarians consisted of school teachers and tradesmen. They had to leave behind their families who did not get any news about their whereabouts for a considerable time. BOA. DH. SYS., 112-13/16-09, from Adliye Ve Mezahib Nezareti “Dahiliye Nezaret-i Celilesine; Hülâsa: Edirnedeki Anadoluya Gönderilen Bulgarlar Hakkında,” 27 Teşrin-i Sani 328 (10 December 1912).

(*Bulgar*), omitting his or her subjecthood. This was also the case for the aforementioned individuals who were identified in other correspondences simply as “Bulgarians”.¹⁶⁹ Similarly, on January 1913, certain Bulgarians of Edirne defined as “*Bulgar teba’asından*” had been arrested on their suspicious behaviors, but they fled to Istanbul during the chaos of the war mobilization.¹⁷⁰ A similar case concerned an inhabitant of Edirne, a student of the Edirne Catholic School, a certain Petre Zelatov, who was again defined as “from among Bulgarian subjects” (*Bulgar teba’asından*) who were exiled to Diyarbakır.¹⁷¹ Then, did this term “Bulgarian subject” denote an Ottoman subject or the subject of the principality? The answer was not important even in the eyes of Ottoman authorities who under the pressure of the Balkan Wars, adopted the nationalistic identifications of its enemies.

The question became important when the heat of the wartime passed. With the end of the First Balkan War, the Ottoman administration was faced with the problem of exiles: Should the government permit the return of exiled Bulgarians or maintain their status under another regulation? In early May 1913, the Ottoman administration led by the the CUP which had grasped the power in January, decided to expatriate the “Bulgarians” who were arrested and exiled by the decision of courts-martial during the war.¹⁷² The *müftü* of

169 BOA., DH. SYS., 112-13/16-07, telegram of the mutasarrıf of Samsun, “Dahiliye Nezaretine,” 09 Haziran 329 (22 June 1913); and from Dahiliye Nezareti Muhaberat-ı Umumiyye Dairesi, “Emniyet-i Umumiyye Müdüriyyet-i Beriyyesine,” 10 Haziran 329 (23 June 1913).

170 They returned to Edirne after the capture of the city by the Bulgarian army. BOA., DH. SYS., 112-13/16-08, dispatch from Edirne Vilayeti “Dahiliye Nezaret-i Celilesine,” 29 Temmuz 329 (11 August 1913).

171 BOA., DH. SYS., 112-13/16-08, dispatch from Dahiliye Nezaret-i Celilesi Muhaberat-ı Umumiyye Dairesi, “Edirne Vilayet-i Alisine, Diyarbekir Vilayet-i Alisine” 06 Kanun-ı Sani 328 (19 January 1913).

172 The decision was taken by the Grand Vizierate on 28 Nisan 329 (11 May 1913). BOA., DH. SYS., 112-13/16-09, dispatch from Grand Vizierate “Dahiliye Nezaret-i Celilesine” 28 Nisan 329 (11 May 1913). The Russian State volunteered to organize the process of expatriating the Bulgarians. BOA., DH. SYS. 112-13/16-09, BOA., DH. SYS., 112-13/16-09, dispatch from Grand Vizierate “Dahiliye Nezaret-i Celilesine” 28 Nisan 329 (11 May 1913), and Hariciye Nezareti, “Dahiliye Nezaret-i Celilesine. Hülâsa: Edirnedeki memurin ve aileleriyle harice sevk olunacak Bulgarlar hakkında” 2 Mayıs 1329 (15 May 1913).

Edirne had demanded an exchange of Ottoman civil officials who remained in the city which was now under Bulgarian control, with the Bulgarians of Edirne who had been exiled to İzmit.¹⁷³ On May 1913, they were brought to Istanbul by train to be deported. They were identified as Bulgarians of Edirne (Edirne Bulgarları), who were 105 in number, with professions such as school teacher, grocer, coffeehouse keeper, and various trades.¹⁷⁴ The group was deployed to a Russian ship in Istanbul and expelled to Odessa.¹⁷⁵

The decision of expatriation was limited to the an İzmit-Edirne exchange. It was consistent with the demands of local Ottoman administrators and had their consent, too. In Malatya, one destination for wartime exiles, the *mutasarrıf* reported that up to that day, twenty-eight “Bulgarians” had been sent from İstanbul to Harput. They were welcomed and helped by certain local elements, but it would be appropriate to expatriate these exiles.¹⁷⁶ In the same time, a general alarm was caused by rumors that the Russian Empire had helped two Turkish-speaking Bulgarians infiltrate Anatolia through Batumi in order to incite a revolt. This contributed to the perception that Ottoman Bulgarians were an hostile element so the aforementioned Bulgarians in Malatya were sent to Bagdad and then to internal regions.¹⁷⁷ This decision was followed by a more radical one, to deport all Bulgarians who had been exiled to Anatolia.¹⁷⁸

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- 173 The *müftü* of Edirne sent a note to the Ministry of the Interior asking for a rapid exchange of Edirne Bulgarians and Ottoman officials, whose conditions were miserable. BOA., DH. SYS., 112-13/16-09, note from Edirne Müftüsü “Dahiliye Nezaret-i Celilesine” 15 Nisan 1329 (28 April 1913).
- 174 BOA, DH. SYS., 112-13/16-09, from İzmit Redif Dairesi “Edirne Vilayetinden mevrud olub maznunen mevkuf bulunan mikdarını irae eder defterdir” 2 Mayıs 329 (15 May 1913)
- 175 There were also two Greeks in the convoy, who were referred to as *Yunan*, implying most that they were probably not Ottoman subjects. BOA., DH. SYS. 112-13/16-09, from İstanbul Polisi Umumisi “Dahiliye Nezaret-i Celilesi Canib-i Alisine” 5 Mayıs 325 (18 May 1913).
- 176 BOA., DH. SYS., 112-13/16-08, “Malatya Mutasarrıflığından Varid olan şifredir” 12 Mayıs 329 (25 May 1913).
- 177 BOA., DH. SYS., 112-13/16-08, dispatch of Dahiliye Nezareti “Huzur-u Sami Cenab-ı Sadaretpenahiye” 14 Mayıs 329 (27 May 1913).
- 178 BOA., DH. SYS., 112-13/16-09, dispatch from Dahiliye Nezareti Muhaberat-ı Umumiyye Kalemi, “Emniyet-i Umumiyye Müdüriyetine Müzekkere” 22 Mayıs 329 (04 June 1913); and

Given this order, certifying the identities of prisoners became more important. When the governor of Diyarbakır reported the affiliations of some exiles with unknown, the uncertainty revolving around the issue of Ottoman subjecthood was revealed once more. The governor of Diyarbakır reported some exiles who claimed that they were Bulgarians and spoke Bulgarian and wanted to confirm their identities.¹⁷⁹ The Istanbul Police Department was in control of these records and reported that the people in question were from Bulgarian *millet* (*Bulgar milletinden oldukları icra kılman tedkikatdan anlaşıldığı...*).¹⁸⁰ In short, these were Ottoman Bulgarians, from Serres, Thessaloniki. One was Dimitri oğlu Mano, a teacher from a Bulgarian schools. Another, from Edirne (Hristo oğlu İstefan), whose Ottoman citizenship had been cloaked under the term “Bulgarian” in war correspondence.¹⁸¹

Another case demonstrating the uncertainty of Ottoman subjecthood when it concerned Christians was the Exarchate’s mediation of the return of some exiled Istanbulite Bulgarians. On 4 June, the Bulgarian Exarchate wrote a petition to the Ministry of Justice and Religious Denominations saying that during wartime, a primary school teacher, Konstantin Pandarev, along with other Bulgarian tradesmen who had been living in Istanbul, and had been occupied only with their daily businesses, had been exiled by the military administration (*hükümet-i askeriyye*) to various places in Anatolia, leaving their families in miserable conditions. The Exarchate argued that now that the war

BOA. DH. SYS., 112-13/16-08, dispatch from Dahiliye Nezareti “İstanbul polis müdüriyet-i umumisine” 29 Haziran 329 (12 July 1913).

179 BOA., DH. SYS., 112-13/16-08, dispatch from the Vali of Diyarbakır, “Dahiliye Nezaret-i Celilesine” 11 Temmuz 329 (24 July 1913).

180 BOA., DH. SYS., 112-13/16-08, dispatch from İstanbul Polis Müdüriyeti “Dahiliye Nezareti Canib-i Alisine” 4 Temmuz 329 (17 July 1913).

181 BOA., DH. SYS., 112-13/16-08, dispatch from İstanbul Polis Müdüriyeti “Dahiliye Nezareti Canib-i Alisine” 4 Temmuz 329 (17 July 1913); and dispatch from the Vali of Diyarbakır, “Dahiliye Nezaret-i Celilesine” 11 Temmuz 329 (24 July 1913). The identities were written on the rear of the documents.

was over and the peace had been established, there was no basis for them to continue living in exile.¹⁸²

Following this petition, correspondence took place between the Ministry of the Interior and the Ministry of War, in which the position of these exiles was redefined and elaborated in terms of government practices. First, the Ministry of the Interior sent its opinion to the Ministry of War delineating the framework under which these exiles should be evaluated. According to the Ministry of the Interior, the situation of these exiles was distinct from other Bulgarian exiles: As inhabitants of Istanbul, they had been exiled not from the war zone, but from its hinterland. Thus, they were not among the group to be expatriated and their demand to return should be evaluated according to their specific conditions.¹⁸³

However, that they were separate from the Bulgarian population from the war zone who were to be deported, did not mean that the response to their demand to return would be positive: Rather, it meant that a specific pretext should be produced. As such a pretext, the Ministry of the Interior stated that the situation of these Bulgarians was no different than those of Muslims and Rums who exiled from Istanbul on the order of *idare-i örfiyye* at the time, and thus to permit their return would be inconsistent with the rule of justice. Thus, they should remain where they were but their conditions may be relieved if necessary.¹⁸⁴

No exact information available to assess the postwar practices vis-à-vis Muslims and Rums of Istanbul exiled under the martial law. But the response of the Ministry of War reveals that it made no difference. The Ministry of War was in full agreement with the opinion of the Ministry of the Interior, adding that the term “Bulgarian” in the note of the Exarchate was suspicious, as it

182 BOA., DH. SYS., 112-13/16-09, note from Egzarhane-i Millet-i Bulgar “Adliye ve Mezahib Nezaret-i Celilesi Canib-i Alisine” 22 Mayıs 1329 (04 June 1913). The Exarchate provided a list of twenty-two Bulgarians, including the places to which they were exiled: BOA., DH. SYS., 112-13/16-09, note from Egzarhane-i Millet-i Bulgar “Dersaadetde sakin olub Anadoluya nefy edilmiş olan teba’a-i Osmaniyyeden Bulgarların isimlerine havi cedveldir”.

183 BOA., DH. SYS., 112-13/16-09, note from Dahiliye Nezareti Muhaberat-ı Umumiye Dairesi, “Harbiye Nezaret-i Celilesine” 5 Haziran 329 (18 June 1913).

184 *ibid.*

would not define their subjecthood. According to the position of the Ministry of War, the people in question were either “possessed the Bulgarian subjecthood or were from among the Bulgarian population of Rumelia.”¹⁸⁵ In the first case, the response continued, the Ottoman state had made no legal promises to Bulgaria, except concerning some commercial regulations. For the time being, postwar regulations were no firm legal basis: Therefore, these people would be rightfully deported from the empire as was the case with all the other suspect people. In the second case, that is, “if they were from among the Bulgarians having Ottoman subjecthood, they were more certainly subject to the same decision.”¹⁸⁶ Hence, in the eyes of the Ottoman administration, the policy of deportation would be equally legitimate whether a Bulgarian was a national of the Ottoman Empire or of Bulgaria.

At this point, the Russian Empire proposed to take on the cost of the deportation of Bulgarians, in addition to actively participating in mediating the tensions between Ottoman Bulgarians and the Sublime Porte.¹⁸⁷ When the General Police Directorate asked the Ministry of the Interior about the details and cost of the expatriation of local (*yerli*) Bulgarians, the response was that the Bulgarians of Edirne would be deported via a Russian organization, but only as long as the Ottoman Empire permitted it, for “the costs of the prisoners of a certain country should first belong to that country according to the current laws.”¹⁸⁸ Thus, in the correspondence, Bulgarians of Edirne who were generally exiled as a preventive measures, were being defined as having the status

185 “(...) tabi’iyyet-i Osmaniyyeyi haiz Bulgarlardan bulunursalar bunlar da aynı kanuna daha emniyetle tabi tutulabilirler.” BOA., DH. SYS., 112-13/16-09, note form Harbiye Nezareti “Dahiliye Nezaret-i Celilesine,” 8 Haziran 329 (21 June 1913).

186 BOA., DH. SYS., 112-13/16-09, note form Harbiye Nezareti “Dahiliye Nezaret-i Celilesine,” 8 Haziran 329 (21 June 1913).

187 During wartime, the Russian Empire closely investigated the process of the the exile of Ottoman Bulgarians to Anatolia; for instance, on 11 January 1913, the Russian consulate intervened and asked the fate of an exiled Bulgarian bishop from Serres BOA., DH. SYS., 112-13/16-09, note of Hariciye Nezareti “Dahiliye Nezaret-i Celilesine,” 29 Kanun-ı Evvel 328 (11 January 1913).

188 “(...) Zaten bir devlet nezdinde bulunan userânın mesârif-i seferiyyesinin evvel emirde o devlete ‘âidiyeti kavâ'id-i mer'iyye icâbâtından bulunmasına nazaran (...)” BOA., DH. SYS.,

of war prisoners (*userâ*). Therefore, given these initial policies adopted during exchanges of prisoners, we see the first traces of population exchanges that would govern the demography of the region in the wars to come.

§ 5.5 Concluding Remarks

In this chapter, we have seen the effects of constitutional rule on the judicial status derived from millet system as a holdover from the Islahat paradigm and as a framework dividing the Christian communities into confessional institutions. The confrontation with the millet system and the constitutional regulations occurred on the occasion of the Law on Conscription of Christians to the Ottoman army. In terms of parliamentary process, the pattern of other laws repeated. The law was initially enacted in a premature form as a provisional law that did not elaborate the crucial relation among rights, obligations and privileges of Christian communities. In response, the Christian communities sought to accommodate their status via demands put forth by parliamentary action and by memorandums. A growing opposition led by the Rum Patriarchate, initially demanded separate battalions within the army. However, the demand was subject to negotiation. As we saw in Yorgos Boussios' attitude, the Hellenist side easily made concessions in order to constrain Bulgarist influence and to gain the government's support. In the Bulgarist view, confining the military obligation in terms of geography was a prominent demand. A common demand for both Hellenist and Bulgarist sides a common demand was the prohibition of religious conversion in barracks. Hence, given a precarious legal framework, much depended on practice.

Despite celebrations of Ottomanism, particularly in Rumelia, the conscription process faced resistance in various forms at the local scale. In a context marked by the enforcement of martial law, concerns about the influx of Muslim immigrants, and the fact that rapid enforcement of caption unexpectedly pull Christians apart from their daily lives, various suspicions emerged.

112-03/16-09, from Hariciye Nezaretî "Dahiliye Nezaret-i Celilesine; Hülâsa: Hudud Haricine Çıkarılan Edirneli Bulgarların Mesarif-i Seferiyyeleri Hakkında" 22 Mayıs 1329 (04 June 1913); the same Bulgarians of Edirne were defined as "yerli" on the rear of the paper of dispatch from the Dahiliye Nezâreti, "Huzûr-u 'Ali Nezâretpenâhiye," 22 Mayıs 1329 (04 June 1913).

Rumors as a prominent means by which propaganda circulated in Rumelia suggested that the empire enforced the rapid mobilization to increase revenues from the tax of military exemption and to de-Christianize the region. In addition to such rumors, local ecclesiastical authorities showed reluctance with respect to enrollment try.

In the parliamentary debate, Christians stepped forward to redefine their institutional autonomy and their religious status vis-à-vis rival Christian communities within the constitutional framework. Their concerns determined their perception of the Ottoman nation and we see that theoretical ambiguity about the "constitutional sovereign" became a theme in the parliamentary disputes. Yorgos Boussios, as a conservative Hellenist figure, stated that the sultan was the sovereign, but considered the Ottoman nation an ambiguous identity that was not yet agreed upon. This position not only suggests his reluctance to participate in the Ottoman national framework but also his insistence on maintaining communal boundaries. Due to the specific configuration of the old regime, establishing the sultan as the sovereign became a way of defending the autonomous status of the community. On the other hand, as Zohrab stated, the problematics in the disputes were dependent on the same root: The vagueness of the term *ittihad-ı anasır*. Since the Ottoman government did not guarantee the development of ethnicity, Christian communities were reluctant to give up their autonomy in favor of an ambiguous concept of "unity."

Concern of accommodating their status and deadlocks in the parliament during the enactment of the law united the Christian communities on a common agenda which was expressed in form of memorandums of churches. The memorandums constructed the "Christian collective action" after a long history marked by schisms. In fact, starting in 1910, the first efforts toward a unification of Christian fractions started within secret organizations with the consolidation within the Macedonian-Bulgarist movement. However, the alliance of churches was a turning point in that the ecclesiastical authorities became political actors. Almost all Christian churches submitted a common memorandum to the Sublime Porte relating points of friction between the government and their respective communities.

The common memorandum of churches became an arena in which one could clearly follow the demands of Christian communities more so than in

debates in the chamber. Although these demands seemingly consolidated the “privileges” of these communities, in fact, they suggested a quest for recognition in the eyes of the government by levelling their status vis-à-vis the state. Now, these memorandums suggested a demand of a collective, permanent contract (a constitutional regulation) instead of individual communitarian regulations contingent on the actual politics, as the Islahat system suggested. The CUP ideologue Hüseyin Cahid saw this point, but refused to recognize the churches as representatives of the “elements,” and, in his response, he strictly separated the *anasır* and ecclesiastical authorities. He underscored the disproportionate status of communities in comparison to one another and thought that the alliance would not work.

However, the churches insisted on a collective recognition in the eyes of the Ottoman state. The memorandums envisaged an autonomous legal order that would limit government’s intervention in community affairs and thus a division of tasks in the administration of Christians. As such, the Christian communities tended to accept a status of minority that would constitutionalize their institutional bodies. On the other hand, such a formalization would undoubtedly narrow the space for the government to maneuver in the pursuit of a divide-and-rule policy. It would close the doors for bargaining with respect to school licenses, and the assignment of teachers and inspectors. In the end, Christian schools would have the same status as government ones, particularly concerning the postponement of students’ military service. The memorandums also defined a concentration of power in the center in the sense that it stipulated transmission of authority from local ones to the center. They deferred local action on critical issues until negotiation between the church and the government would be resolved. And the churches positioned themselves as the central organs for solving problems at the local level. Unsurprisingly, the Patriarchate would soon localize its demands by concentrating on Macedonia in another memorandum.

After the collapse of the CUP initiative in the government in autumn 1911, the new government of Said Pasha confirmed the articles of the memorandums. With the acceptance of the memorandums, the Islahat paradigm would be overridden by a new regulation levelling all Christian denominations to an

identical status. This approval was not canonized due to the start of the Balkan Wars, and after the war, the CUP enacted it through a bylaw.¹⁸⁹

The deadlock of crises and problems exceeded the subjective program and structure of the CUP. Instead, tensions and power balances in Rumelia restricted the ability of central government to maneuver, and it was further hampered by the rivalry between the CUP and the liberals. In the process of the establishing the liberal government from autumn 1911 to autumn 1912, there was no return from the process the CUP had started in terms of relations with the Christians. Moreover, with the deadlock in parliament and the collapse of the executive branch, the constitutional center was weakened even more. The strategies of the liberal government proved in vain under the pressures of wartime.

On the other hand, tensions in the parliament and in Rumelia created a new political front by consolidating Hellenist and Bulgarist networks at the same side. At the beginning of constitutional era, this alliance resembled the emergence of Balkan alliance but was still fragile until the very last moment.

With the Balkan Wars, the crisis in Rumelia arrived at a point of radical dissolution. With the outbreak of the war, Pandora's Box was opened in Rumelia after four years of Ottomanist policies. The fact that the Berlin status quo was put on the agenda again, meant that constitutional ties were mostly broken up. The empire's administration continued with the practices and regime that had been organized for Rumelia in preceding years. The weightiness of the local remained even in wartime as the main central apparatus, the army, collapsed.

In the wartime, particularly the home front became a scene of a substantial transformation in terms of Ottoman subjecthood. In the scope of population transfers to secure the frontline, the Rum and Bulgarian population became objects of purges. In these purges, the criterion was strictly national and Ottoman subjecthood was concealed. As we could trace from the official discourse, the imperial bureaucracy rapidly adopted a language of nationalistic

189 This approval was not a "compromise" but the preference of the constitutional regime, for the constitutional logic involved assembling means of administration of communities in the center and fix the status of Christian institutions.

segregation early in the war, replacing the discourse of “elements” with generalized nationalistic identifications, as we saw in case of “Bulgarians.”



Conclusion

In this study we examined the formation of constitutional rule in an imperial geography exhibiting a high degree of variation in terms of legal and political possibilities, as well as in terms of the self-identification of the population. Constitutional revolution in 1908 confronted with a set of intermingled problems: A fragmented jurisdiction, an ambiguous and uneven framework of regulations in administrating the Christian communities, extraterritorial infiltrations through capitulations and the nationalistic ambitions of neighboring states, high density of local politics, the irregular warfare of political brigandage. Despite the “old regime” in the discourse of the constitutional era — designating the Hamidian regime — the actual “old regime” included a heritage of reforms as early as the Tanzimat and specifically the Islahat paradigm.¹

In accordance with the vision of constitutional revolutions, it was the parliament that would solve this complexity by transforming the old corpus juris by legislation in the parliament. Nevertheless, such expectations from the establishment of parliament added to its burdens the task of being the cradle of Ottoman nation and transforming Ottoman population into a legal personality. Accordingly, it was deemed as an organ in which the union of elements in

1 Thus common suggestion of a continuum between the Tanzimat and Constitutional eras, in which the Hamidian regime in-between was an anomaly, falls short of explaining the difficulties the constitutional regime inherited from the Tanzimat era.

the Ottoman Empire would be achieved. This task of parliament to establish such a constitutional sovereignty was closely related to establishing territorial integrity of the empire.

The study shows that these categories of constitutionalization — a coherent legal system, territorial organization and creating a legal personality as nation — transcended the scope of the parliament and even of any central, formal, institutional structure.

Despite enthusiasm for developments created by the revolution with respect to parliament, the constitutional rule functioned as an exceptional regime (in various hybrid forms) from 1909 until the end of the Balkan Wars particularly in its centers of Rumelia and Istanbul. Exceptionality was seen not only in the administration of Rumelia but also in legal attitudes against extra-territorial legal ties such as capitulations, as was seen in the case of Serres. The parliament remained a forum in which deputies debated over sociopolitical issues that awaited urgent solutions. On the other hand, actual legislation was implemented on the initiative of the government, either in form of bylaws or provisional laws. Moreover, this role of the government and the imposition of an exceptional regime did not imply a powerful central imposition of legalism; instead local tensions maintained the upper hand and, in the enforcement of the laws and orders, effectively subjugated the initiative of the central government.

From the beginning of the revolution, the constitutional understanding was not uniform, and the articles of the Kanun-ı Esasi was subject to interpretations by various segments of ethno-religious political factions. In such interpretations, theoretical considerations on the nature of constitution came to surface as well. Whatever the interpretations, the inability of the central authority (both of parliament and government) in overcoming local rivalries and power relations in Rumelia determined the fate of the early years of Kanun-ı Esasi marked by the belief in the constructive capacity of parliament.

§ 6.1 From de facto to de jure

As we explored local power relations through the law on brigandage certain patterns appeared. First, the Chamber of Deputies remained highly ineffective

in legislation. Most crucial laws were enacted through *fait accompli* as an immediate method of overcoming moments of political crisis. The electoral law, the Law on Conscription of Christians, the Law on Churches and Schools, and the Law on Brigandage were enacted either as “bylaws” or as temporary and premature regulations, leaving a considerable initiative in the hands of the bureaucracy. This factor determined formal construction of the regime in Istanbul. Although the 1909 amendments gave a considerable sovereignty to the chamber, and hence theoretically solved the problem of ambiguity in the representation of sovereignty by the sultan and parliament in constitutional monarchy, further moves of enacting laws increased tensions in the parliament. The wave of legalism of the constitutional regime in 1909 did not create a legal personality as an Ottoman nation but instead triggered frictions. The debates on crucial laws that are the focal points in this study led to new debates that concerned whole existing legal and administrative structure of the empire.

Disputes on education, military conscription and security were accompanied by a divergence in the constitutional understanding. Christian political factions which in the debate on Macedonia in 1908 had maintained their pre-revolutionary rivalries, now tended to formulate their demands around natural rights — a legal discourse which served to guarantee their communitarian autonomy. While the deputies of Hellenist network gradually left their Helleno-Ottomanist discourse that had prioritized Ottoman sovereignty and started to problematize Ottomanism, the Macedonian-Bulgarist deputies underscored this indistinguishability of constitutional regime with the right to a defense or confessional freedom. An understanding of constitution that was primarily put forth by Macedonian-Bulgarist circles, described constitution in terms of inalienable rights it provided. Without these rights, the constitution would remain invalid. On the other hand, the deputies affiliated with the government coalition (comprised of the CUP, Mahmud Şevket Pasha and reformist statesmen in the government such as İbrahim Hakkı Pasha) prioritized the demonstration of Ottoman sovereignty both in administration and in legislation. This strategy was in accord with a constitutional understanding that underscored Ottoman unification as a homogenous body. However, Christian political factions interpreted such attempts as a policy of assimilation, even

though their existing statuses were guaranteed in the Kanun-ı Esasi or in public debates. Hence, as the disputes evolved the Macedonian-Bulgarist and Hellenist networks tended to accept a separate status resembling that of minority. As presented in Chapter 5, for Armenian intellectual and deputy Krikor Zohrab, what triggered concerns of Christian communities was actually the speed of the regime in reforms.

On the other hand, the events in Rumelia provinces which we focused in this study suggest that local tensions played a considerable role in this general atmosphere of mistrust in the parliament. Remarkably, the government put as much effort on controlling local bureaucracy as it did on Christian political factions. Government assumed legislative power and bypassed the parliament, but this did not designate an imposition of bylaws by a coherent executive body that could perform the role of being a centralized authority: The course of enacting and enforcing laws revealed the discrepancies between the central and local authorities and the weakness of the central government in imposing its framework.

Local bureaucrats, — the plenipotentiaries of the regime — were not “impersonal” representatives of the central government, but were autonomous organizers of local networks, pursuing their own agendas, and resisting central initiatives. As a common pattern observed in this study, when the tension between the center and the local authorities turned into crises, local authorities in Rumelia imposed their will on the central government by collective resignations. Whereas the polemic over memorandums gives a regional picture of the resistance of local governors to the parliament, the Serres case suggests that in some cases governors formulated their authority with reference to constitutional sovereignty prioritizing a strong state and pushing aside the notion of natural rights. This authority was justified by a discourse of dignity and aimed at removing extraterritorial ties through public mobilization. While parliament proved slow to respond to local crises, the government remained a stand-between inevitably adopting the role of arbitrator among the competing local centers of power. In Istanbul, as the CUP and liberals — neither of which was a homogenous political entity — competed for state power, the expectations that parliament would create a new legal personality and a new constitutional sovereign collapsed by the year 1912.

A remarkable outcome of observing the local scale is the ineffectiveness of the CUP despite its prestige as the revolutionary party and its attention to create links with provinces. Attempts to infiltrate into or break local power relations, gradually failed. The early strategy of the CUP, to penetrate in provincial networks and create a “controlling,” “supervising” actor successfully stimulated common agendas for mass mobilization but remained ineffective vis-à-vis the enforcement of the laws. The local tensions magnified the friction within the CUP, cadres of which exhibited considerable heterogeneity and even antagonism vis-à-vis the decisions of the center. In that sense, the cases on which we focused in this study, problematize the representation of the CUP as a coherent, central, self-imposing revolutionary party. Instead, it can be asserted that the CUP underwent a substantial transformation with schisms, frictions and alliances as was the case with other political groups.

Undoubtedly, the decisive position of local politics primarily affected visions of Ottoman unity. For Christian political factions, the critical point was liberation from local antagonism. Both Hellenists and Macedonian-Bulgarists continuously complained about arbitrary administrative practices, local bureaucracy’s secret network that threatened existence of Christians in Rumelia. On the other side, local Ottoman bureaucracy hampered any advance with respect to demands of Christian population (as was seen in the mitigation of martial law) on the pretexts of establishing sovereignty. When Macedonian-Bulgarist deputies appealed to central authority by presenting petitions to parliament and government, the actual point of resistance to their demands was the local authorities in Rumelia, reproaching the deputies alongside the government. Hence, the memorandums became an arena of contestation between the deputies and local bureaucrats.

Local bureaucracy not only rejected the authority of Christian deputies, but also criticized the constitutional network that the CUP had promoted such as the integration of the illegal figures of political brigandage. In this dispute it was revealed that legalization of brigands — an important issue of achieving *ittihad-ı anasır* — still depended on bargainings between local administrators and actors of Christian factions, as was the case for Sandanski. Besides, local administrators at various levels expressed their discontent with the rights provided by the constitution, which they believed, undermined Ottoman unity.

On the other hand, these outcomes of the study does not necessarily mean that one cannot speak of a constitutionalization in the Ottoman Empire or constitutionalism remained a rhetoric vis-à-vis political ambitions. Rather, the aforementioned picture suggests that formation of constitutional rule was not materialized within institutional and formal framework established by the new regime. It was, so to speak, a spontaneous constitutional formation.

First, beginning with the preparations to first elections, it is obvious that constitutional culture was remarkably developed among public actors. Parties expressed themselves in political programs, proposed administrative regulations, connected their vision of coexistence under the constitutional framework. Particularly the parliamentary debates show that deputies of various political factions who were intellectually cultivated in the imperial system, articulated their demands via a legal discourse emphasizing constitutional rights, formal requirements, rule of law, coherence in jurisdiction. Not only the elites but also popular segments of these movements were upholders of constitutional consciousness. A paralyzed administrative hierarchy, gravity of local politics and also a quest for an imperialwide integrated jurisdiction amounted to a new channel of transmission of legal procedures between the local and the center. Political or criminal cases at the micro scale produced macro legal results; judicial demands of various actors other than jurists, such as brigands, militants, local intellectuals, labor immigrants, religious authorities, low or mid-ranking bureaucrats reflected on general corpus juris of the empire. The petitions from local pressure groups referred to constitutional rights and Kanun-ı Esasi as the source of legitimacy. This was not merely a demand to benefit from a ready-made constitutional text. As the local Rums' initiative against the arrests of courts-martial demonstrate, the active participation to struggle for constitution (namely, participation in the Army of Action) was deemed as a proof of loyalty and foundation to acquire certain rights. The political culture in general was so "constitutionalized" that it even bound the sultan, as the petitions praised him for his fidelity to *hürriyet*.²

Second, as mentioned above, a new corpus juris emerged from outside of the formal framework. Both the enforcement of martial law and the Serres

2 For these specific cases, see above, chapters 4.3.7 and 4.3.8.

case in Chapter 4, demonstrate that development of the laws and legal framework followed the *fait accompli* and political conflicts. As seen in the cases of Manastir and Serres, local resistance and political mobilization proved effective as the occasions to reshape or produce laws. The evolution of the enforcement of the Law on Brigandage demonstrates that a bylaw, no matter how crucial in aims, could be reshaped with the resistance on the ground. Both the Christian political opposition or the local bureaucracy which occupied rival positions in our cases, could pressure the central government, inciting mass mobilization through protests and petition campaigns.

In the case of Jovanovich in the scope of the the law on brigandage it is remarkable that tradesmen of Manastir as well as sisters of suspects actively participated in the public pressure for the establishment of right to a defense in courts-martial, which was canonized with the ensuing martial law. In the case of Serres, the whole tension concerning extraterritorial links resulted in a common regulation over prisons. With both cases one can see a trend of legislation shaped by local struggles in Rumelia and then become an imperial-wide jurisdiction. Such leading cases in which common people actively participated did not only produce laws but also shaped the judicial apparatus, as can be seen in the formation of a defense status and in the separation of investigative judges in courts-martial. This tendency is accompanied by a geographical expansion of the martial law. What was designed specifically for Rumelia, then covered Aydın province and Archipelago, lateron was included in the general regulation of martial law while it was evolving within local struggles.

As for the politics of *ittihad-ı anasır*, the form that the Christian communities would take within the constitutional framework was determined throughout these struggles too. The notion of an Ottoman nation was not a status inherent in the *Kanun-ı Esasi* but was articulated within the disputes and struggles triggered by the laws. As given in the introduction, Babanzade İsmail Hakkı implied that the Ottoman population was bound to come together under a constitutional framework either as a homogenous national unity having common causes and working in one direction, as a nation of separate entities having mutual interests, or in a hierarchical form characterized by a dominant identity and its subordinates. In the scope of our study, we see

that the boundaries separating these alternatives were not as clearcut as one might imagine. While the political movements of various ethnoreligious affiliations exhibited considerable internal heterogeneity, the formal and informal ties and alliances offered by the constitutional period, sometimes in form of public mobilization or of a voluntary army, suggested the possibility for a unification transcending nationalistic ambitions. Other visions of Ottoman coexistence existed too, such as federation programs — suggested in the second option of Babanzade — or the framework of memorandums of churches which stipulated legal personalities under a hierarchy of dominant identity and subordinates. All three options were put on the agenda through various occasions in the constitutional politics.

The construction of legal statuses (or formal consolidation around ethnoreligious identities) for Christians evolved as constitutionalization formed its own parties. While in 1908 one could not speak of a coherent Christian political party, the alliance of Christian communities, which for some preceded the Balkan alliance, grew in this atmosphere. Adding to the agitation and propaganda that reflected the fears of Christian population, the ambiguous local strategies pushed political actors into common ground. The enforcement of the laws in Rumelia mounted to a continuation of the divide-and-rule strategy, but this time, in our case, the suppression over the Constitutionalist Clubs led to consolidation around nationalistic agendas, as Sandanski's isolation and the resulting alignment with other Macedonian-Bulgarist actors exemplifies. The constitutional regime imposed its strategies weakly, and in the face of crises with the local bureaucracy, the alliances that the CUP had established gradually started to dissolve. Starting in the 1910s, the representatives of Christian factions in Istanbul presented the central state organs with common memorandums. After a period of ineffective parliamentary legislation, deputies tried to use the Chamber as medium of pressure redefining their positions vis-à-vis constitutional rule. On the eve of the Balkan wars, the demands of Christians to acquire a coherent legal status was accepted by the Ottoman government. This levelled the statuses of Christian communities and was canonized after the war.

The fluidity of positions revolving around formation of the constitutional regime suggests that the points of tension between various Christian political

factions and the constitutional regime were neither caused by Turkification — for they declared their readiness in accepting Turkishness as a main identity, particularly in language issues — nor centralism — for they continuously resorted to central authorities or demanded its restoration to overcome the restrictions placed on them by local authorities. This became clear in the common memorandum of churches in which ecclesiastical authorities demanded the elimination of delegation of authority to local bureaucracy in case of a disagreement at the local and the establishment of the central government as the organ of solution.

If the periodization of Hildebrand that marked Balkan Wars as the end of the status quo after the Treaty of Berlin was right, early constitutional regime in the Ottoman Empire was an attempt to assume sovereignty within this status quo.³ However, parliamentarianism, constitutional rights, and ittihad-ı anasır fell short of overcoming this broader context that provoked deconcentration of power.

In his book published in 1912, Sarrou who served as infantry captain in the ranks of Ottoman gendarmarie concluded that he was optimistic with constitutional reforms but such a regime needed ten years to produce solid bases for the future.⁴ However, the Balkan Wars signified that the regime would not have that time. How can this complicated evolution of constitutional endeavor be interpreted? Why did the revolutionary enthusiasm that promoted Ottoman coexistence so dramatically collapse? Why, despite all expectations of parliamentary system, was it the exceptional regime and legislation that prevailed? Can it be accounted for malicious secret agendas that hampered parliamentary and legal development? Or was it the traditional cultural features of Ottomans that prevented this plurality?

Undoubtedly, as presented throughout the study, there were abundant suspicions about intrigues against constitutional rule either by Young Turks or Christian komitacıs. Such suspicions were nourished by nationalist propagandas of respective sides, too. Similarly, contemporaneous observations reflect views on Turks' traditional reliance on strong figures in politics as a pretext of

3 See Chapter 2.2.

4 A. Sarrou, *La Jeune-Turquie et la Révolution* (Paris: Berger-Levrault, 1912), 249-251.

enduring martial law; hence, despite all improvements, “the ideas of the French Revolution or of the London County Council will ever be living realities in the Ottoman Empire.”⁵ According to memoirs of Ottoman governors, the factor that prevented constitutional evolution was the geography of the empire. For Tahsin Uzer, it was “unreasonable” and “illogical” to punish various types of men “from Persian Gulf to Taşlıca on the border of Austro-Hungary according to a few articles of the Criminal Law.” He added that the young governors and commanders who believed that equality was the essential of constitutional regime, enforced the same law on habitants of enlightened cities such as Istanbul and of remote provinces such as Malisors in Albania.⁶ Hüseyin Kazım, on the other hand, thought that “a form of government which brought peace and happiness in one country caused disasters and misery in another one.” After all, for him, “everyone” saw how freedom and equality led to “pathetic” ideas.⁷ These retrospective accounts also show how the mentality of governors shaped by extension of authority (both in forms of deconcentration and delegation) contrasted to a integrated jurisdiction as an element of constitutional logic.

On the other hand, apart from these cynical and teleological remarks there were considerations that approached the problem of Ottoman constitutionalism in terms of constitutional paradigm that had dominated global political struggles and parties at least since the French Revolution. Until the reconsideration and criticism of this paradigm by ensuing revolutions, politicians felt these limits in practice and thinkers endeavored to theoretically overcome them. The criticism of Nicolaides concerning the early constitutional era of the Ottoman Empire was one of such approaches.

§ 6.2 The Balzacian Insight of Nicolaides

Among various debates in the press on the position of various non-Muslim factions vis-à-vis the new regime and legal studies focusing on constitutional

5 Maurice Baring, *Letters From The Near East: 1909 and 1912* (London: Smith Elder & Co., 1913), 82.

6 Uzer, *Makedonya Eşkiyalık Tarihi*, 99-100.

7 Hüseyin Kazım Kadri, *10 Temmuz İnkılabı ve Netayıcı*, 17.

theory Nicolas Nicolaïdes, a Greek journalist and an intellectual of the late Hamidian and constitutional era, problematized the sovereignty problem in a liberal constitution in connection with the expectations for Ottoman unification. Nicolaïdes observed the evolution of the new regime and wrote a book criticizing the structural problems that had been revealed by the eve of the 1909 legal breakthrough.⁸

Nicolaïdes was known to be an open conservative and an ardent supporter of the reign of Abdülhamid. According to Yusuf Fehmi, Nicolaïdes' conformance with Abdülhamid's policies disturbed Hellenist political networks both in Athens and diaspora in Paris.⁹ In Paris, he consistently pursued the same policy, attacking the opponents of the Hamidian regime, even the most conciliatory ones like Mizancı Murat. In return for his efforts, he even drew financial support from Abdülhamid for his journal *L'Orient*.¹⁰

Presumably his Hamidist attitude could be attributed to the general pragmatism of the Rum Patriarchate in Istanbul, which promoted the Hamidian alliance with the ideology of Helleno-Ottomanism. However, with the aforementioned book, Nicolaïdes proved to be a devoted monarchist maintaining his point of view even after Abdülhamid's dethronement. In the first paragraph of the preface, Nicolaïdes repeated the Hamidist discourse stating that Sultan Abdülhamid II had "reestablished the constitution," and "opened a new era for the Ottoman Empire." He ardently criticized opposition to Abdülhamid condemning the mobilization of the Army of Action as an undisciplined military act.¹¹ In accord with the typical, conservative discourse, he dedicated

8 N. Nicolaïdes, *L'Empire Ottoman: Une Année de Constitution, 11/24 Julliet 1908-11/14 Julliet 1909* (Bruxelles: Imprimerie Th. Dewarichet, 1909).

9 Youssouf Fehmi, *La Révolution Ottomane (1908-1910)* (Paris: V. Giard & E. Brière, 1911), 110.

10 Johann Strauss, "Kütüp ve Resail-i Mevkute': Printing and Publishing in a Multi-ethnic Society," in *Late Ottoman Society: The Intellectual Legacy*, ed. Elisabeth Özdalga (London: Routledge, 2005), 238.

11 Nicolaïdes did not reject the constitutional order in his discourse and thus approved the intervention of the Army of Action to save the constitution as principle. What he opposed was that its mobilization was on the order neither of parliament nor of the sovereign, that is of Abdülhamid. For him, the violation of military discipline was manifest in the defection of Berlin and Vienna military attachés to take command of the Army of Action. Obviously, the

a chapter to “the absolutism of the CUP and the roles of free-masonry and the Jews in the revolution.”¹²

On the other hand, certain characteristics distinguished Nicolaïdes from usual conservatives of his time. What made Nicolaïdes’ work remarkable was the aloofness vis-à-vis the popular agendas of debates of the constitutional era. Similar to Balzac, who, as a legitimist, stood at a distance to be able to identify the ideological, social, and cultural breaches of the post-revolutionary France Nicolaïdes’ resolute conservatism permitted him to describe the challenges of the constitutional regime from a bird’s-eye view.¹³ The same distance inevitably reflected on his method. He prioritized investigating the developments through a theoretical model. By this token, unlike most of his contemporaries, he discussed the problems of the *Meşrutiyet* in terms of constitutional theory with its practical extensions.

To express his views, Nicolaïdes wrote a letter to the CUP immediately after the revolution and stated that the introduction of the constitution and parliament should not mean or lead to a decrease in the authority of the sovereign personality. For him, the role of the sovereign personality should be felt even more strongly. As parliament become active, the sovereign would be the mediatory authority among the parties and groupings — all of the contradictory arguments and antagonisms that the parliamentary order would reveal. His insistence on a strengthened sovereign, who would be above all accountability and would not take part in daily controversies, was obviously inspired by Hobbesian framework. It directly confronted with the widespread democratic expectations with respect to parliament after the declaration of Kanun-ı Esasi. Nicolaïdes stated clearly that “the diminishment in the power of sovereign will directly lead to democracy, which, we can safely say, is the reign of

object of his criticism was primarily Enver Bey; Nicolaïdes, *Une Année de Constitution*, 200-203.

12 Ibid., 129.

13 For the discrepancy between “Balzac’s conservative intentions and his performance,” see Georg Lukacs, *Studies in European Realism* (New York: Grosset & Dunlap, 1974), esp. 22:25, 47.

mediocrity.” For him, a democracy would drag “our country to disintegration and to the worst of catastrophes.”¹⁴

However, what he defined as the embodiment of sovereign was not only the sultan. “Yesterday,” Nicolaides asserted, “this personality reigned and governed alone; today, it must reign and govern with the support of the Ottoman Nation, and this is where its new force lies.” Thus, “to downgrade it [i.e. the sovereign personality] even only rhetorically, would mean to downgrade the whole Ottoman Nation, for it is also an element of the sovereign personality.”¹⁵

Where or through what channel should this Ottoman nation express itself? As an ardent dissident of democratic theory, he distanced himself from parliamentarianism and instead, formulated a distinguished function for the CUP to represent the nation — another point separating him from other conservative, reactionary actors of the era. In his letter to the CUP in the early days of the revolution, he proposed the CUP to play the role of an aristocracy within the constitutional regime. By aristocracy, the writer underscored, he did not mean the nobility, but the elite, whose capability and indispensability of sustaining the regime could be seen in all countries with constitutional monarchies. “Because you, being the members of the Committee of Union and Progress, constitute an *elite*,” an elite which could use military power and hence could be “recognized by other *aristocracies which are different religious corps, Muslim or Christian.*” It was such a “reign of aristocracies,” the letter concluded, “that would provide the Ottoman Empire with the necessary power not only to preserve its existence, but also to advance successfully along the path of progress.”¹⁶ This emphasis of Nicolaides was not only a calling for a collaboration between the CUP and existing Christian administrative bodies. He saw the CUP as the means to embody the Ottoman nation and army, and he thus placed the organization in his scheme of state apparatus. Aside from the sultan at the top of the state, the CUP would claim the responsibility to take the lead in handling the task of enforcing the sovereignty. So in his design, the CUP would fill the gap between the center and the population.

14 Ibid., 10-11.

15 Ibid., 10.

16 Ibid., 11-12.

“Hélas!” — Nicolaides started his book, expressing his extreme disappointment with the first year. In the meantime, his warnings in the letter were not taken into consideration: “One can see no progress had been achieved, and we have only witnessed the destruction of the past without any novel replacement.” In contrast to what contemporary constitutionalism preached, his view implied that the foundation of “unity” was not a posteriori to the social contract; the contractual gathering of various social and political groups in a parliament did not sum up to creation of a new legal collective personality.

This role in power that Nicolaides preached to the CUP was in accord with what pro-CUP cadres and observers of the era felt was necessary: The CUP should have taken the power directly.¹⁷ However, the strategy of a direct revolutionary takeover was a result of another view perceiving the state power as a whole, and it would not be formulated as a doctrine until the experience of Bolshevik Revolution which would replace the French, constitutional of type as the dominant strategy of the twentieth century.¹⁸ On the other hand, the CUP was dragged to the same strategy by the disappointment with parliament and ittihad-ı anasır of early constitutional period. Thus, In January 1913, amid tumult in the military and the political collapse of the Ottoman Empire vis-à-vis the nationalistic Balkan states, the CUP took the power through a coup d'état.

This power monopoly was an urgent measure necessitated by the defeat in war and theoretical considerations remained aside. However, again the following events suggest that the constitutionalization of the Ottoman Empire occupied a place within the universal fall of liberalism in the early twentieth century. The later history of the CUP in power reveals a certain dominance of the military bureaucracy over the palace and civil bureaucracy. Early on in the

17 “İttihatçıların hükümet mesuliyetlerini doğrudan doğruya ellerine almakta gecikmeleri, memleket bakımından iyi olmadı sanırım,” Kazım Nâmi Duru, *İttihat Ve Terakki Hatıralarım* (İstanbul: Sucuoğlu Matbaası, 1957), 44; “İnkılapçılığa kalkanın ilk işi devleti eline almak ve cesaretle fikirlerini hayata geçirmek olacağını İttihatçılar bildirmediler. Hepimiz bilmedik; bilenlerimizin de söylemeleri yavaş yavaş oldu.” Muhittin Birgen, *İttihat Ve Terakki'de On Sene*, Vol 1: İttihat Ve Terakki Neydi? 2nd ed. (İstanbul: Kitap Yayınevi, 2009), 71.

18 Sohrabi, *Revolution and Constitutionalism*, 5-6.

decade of total war (comprising the Balkan Wars 1912-13, the collapse of CUP power in 1918, and War of Liberation which ended in 1923), both the CUP and the Ottoman administration underwent radical changes.

The loss of Rumelia, accompanied by the transfer of the center of the CUP from Thessaloniki to Istanbul, impacted the constitutional government as well the CUP.¹⁹ On the intellectual plane, Turkism and populism arose as the quest of a new political and legal personality for the Ottoman population. The intellectual turn was an aspect of the mobilization and organization of the “national” economy, *Milli İktisat*, which accumulated capital in the hands of Muslims.²⁰

On the administrative plane, in 1913, a provincial law stipulating decentralization, the Law of Provinces was enacted as a turning point in the legal framework inherited from 1870s. It also replaced the 1880 Province of Rumelia that resulted from the Treaty of Berlin. Actual enforcement of this new administrative law, clarifying if this transition to one-party rule reflected in administration as what Schmitt would call transition from commissarial to sovereign dictatorship merit specific studies.²¹

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- 19 For the effect of Thessaloniki on the mentality and attitude of constitutional cadres and the CUP, see Zafer Toprak, *Türkiye’de Popülizm: 1908-1923* (İstanbul: Doğan Kitap, 2013), 117.
- 20 The early constitutional period was marked by a quest of a liberal economy, which would in turn be replaced by a Prussian-type economic model, in accordance with the rising illiberalism of the era; see Zafer Toprak, *Türkiye’de “Milli İktisat” (1908-1918)* (Ankara: Tarih Vakfı Yurt Yayınları, 1982), 23-30.
- 21 Schmitt, in his elaborations of the relation of constitution, dictatorship and sovereignty, distinguishes the absolutism, as the commissarial form, in which the ruler delegates agents to implement exceptional methods in his name, and in which the concepts of sovereign and dictatorship were still separated. (This form resembles the administrative balance established by Hamidian regime and martial law, in which the local bureaucracy was given a considerable authority while the central government maintained a normative authority distancing itself from administrative apparatus.) In Schmitt’s view, the French Revolution was a change in this type. The dictatorship claimed sovereign power and the two notions were thus merged as a constitutive power: see Carl Schmitt, *Dictatorship: From the Origin of the Modern Concept of Sovereignty to Proletarian Struggle* (Cambridge: Polity Press, 2014), 34-64, and 112-130.

As for legal reform, many more laws were enacted in the post-1913 era than in the era of *ittihad-ı anasır*.²² While the knot of crises in Balkans disappeared with the Balkan wars, the leadership of the empire was withdrawn to Anatolia and concentrated on laws concerning crucial issues. In the same year with law on provinces, a new Land Code was accepted, replacing the version from 1858. The demography politics went full speed. It was empowered by anti-Christian campaigns including the massive deportation of Armenians in 1915. The extraterritorial infiltrations were radically curtailed with the abolition of capitulations and the *dragoman* status on the eve of the First World War. The discourse of *ittihad-ı anasır* disappeared, but the ottomanist discourse was never left.²³ Now, as was seen in the utopia of Halide Edip — *Yeni Turan* — written during the Ottoman defeat in the Balkan Wars, the Turks would be the locomotive leading the whole Ottoman world separated in nationalities administrated under autonomous provinces.²⁴

22 Shaw, and Shaw, *History of the Ottoman Empire*, 285.

23 Erik Jan Zürcher assumes that the Ottomanist project of the CUP was a “peculiar brand of Ottoman-Muslim nationalism.” Erik J. Zürcher, *The Young Turk Legacy*, 230.

24 Halide Edip, *Yeni Turan: Raik'in Annesi* (İstanbul : Atlas Kitabevi, 1990), 37-38.

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