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DISCUSSIONS ON DEMOCRACY IN THE OTTOMAN EMPIRE BEFORE THE FIRST CONSTITUTION

**M.A. Thesis in Political Science and
Public Administration**

Thesis submitted to the
Institute of Social Sciences
in partial fulfillment of the requirements
for the degree of
Master of Arts
in
Political Science and Public Administration

by

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Fatih University

January 2014

January - 2014

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To my family...

APPROVAL PAGE

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1. The material included in this thesis has not been submitted wholly or in part for any academic award or qualification other than that for which it is now submitted.

2. The program of advanced study of which this thesis is part has consisted of:

i) Research Methods course during the undergraduate study

ii) Review of the thesis guidelines of several Turkish and international universities as well as a professional book related to the subject matter covered herein.

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January, 2014

ABSTRACT

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January 2014

DISCUSSIONS ON DEMOCRACY IN THE OTTOMAN EMPIRE BEFORE THE FIRST CONSTITUTION

The early discussion of democracy in the Ottoman Empire, mainly before the First Constitution, is a controversial issue. The Young Ottomans struggled with the term democracy in the decade preceding the first Constitution in 1876. The Young Ottomans sometimes defended the term democracy as a representative government, but at other times they used different expressions to indicate democracy. They attempted to find references, such as the concepts *meşveret*, *şûrâ*, *biat*, and *ehlü'l-hal ve'l-akd*, to Islamic law (Shari'a) and the history of Islamic societies related for Western (European) concepts like democracy, parliament, elections, and public opinion.

The "Meşrutî" (Constitutional) government that the Young Ottomans achieved as a result of their struggle was not long lived, but it was the start of a new field of discussion in the tradition of Turkish political thought. This paper attempts to propose the thoughts of a group of the Ottoman intellectuals who defended and argued for the term of democracy and the Meşrutî government.

Key words:

The First Constitution, Democracy, the Young Ottomans, *Usûl-i Meşveret*.

KISA ÖZET

Tuğba BAKIRCI

Ocak 2014

OSMANLI İMPARATORLUĞU'NDA I.MEŞRUTİYET ÖNCESİNDE DEMOKRASİ ÜZERİNDE TARTIŞMALAR

19.yüzyılın ilk yarısında Osmanlı İmparatorluğu'nda yaşanan demokrasi tartışmaları, özellikle I.Meşrutiyet öncesi dönemde, oldukça ihtilaflıdır. I.Meşrutiyet öncesi dönemde, demokrasi üzerine tartışmalar yürüten Yeni Osmanlılar, bazen demokrasi kavramını savunmuş bazen ise demokrasiyi temsili hükümet bağlamında kast ederek farklı açıklamalarda bulunmuşlardır. Batı'dan (Avrupa'dan) aldıkları demokrasi, parlamento, seçim, vb. kavramlara İslam hukukundan (*Şer'i Hukuk'tan*) *meşveret*, *şûrâ*, *biat* and *ehlü'l-hal ve'l-akd* gibi karşılıklar bulmaya çalışmışlardır.

Yeni Osmanlılar'ın uzun süren çabaları sonucunda ulaşılan "Meşruti" (Anayasal) hükümet uzun ömürlü olmamış; fakat Türk siyasi düşünce geleneğinde yeni bir tartışma alanının açılmasına vesile olmuştur.Bu çalışma, demokrasi ve meşruti bir hükümet üzerine fikir yürütmüş olan bir grup entelektüel Osmanlı aydınının düşüncelerini ve argümanlarını ortaya koymayı amaçlamaktadır.

Anahtar Kelimeler:

I.Meşrutiyet, Demokrasi, Yeni Osmanlılar, *Usûl-i Meşveret*.

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LIST OF ABBREVIATIONS

DİVANTAŞ Diyanet Vakfı Neşriyat Pazarlama ve Ticaret Anonim Şirketi (Religious Affairs Agency Foundation Publishing Marketing and Trading Co., Inc.)

TDVİA Türkiye Diyanet Vakfı İslâm Ansiklopedisi (Turkish Religious Affairs Agency Foundation Islamic Encyclopedia)

ACKNOWLEDGEMENTS

I would like to thank my supervisor Prof. Mümtaz'er Türköne for his patience and support.

I would like to express my special thanks to the member of examining committee Assoc. Prof. Michelangelo Guida and Assoc. Prof. Şammas Salur for their patience and care. Their criticisms guided me greatly in the completion of this study.

I am also grateful to Assist. Prof. Ertuğrul Gündoğan for his invaluable support and encouragement.

I must also mention my colleagues and my friends, Mehtap Aydın, Sinem Atakul, Tülin Tuna, and Desantila Hasanaj. Without their moral support, this thesis would not be complete. I am also thankful for the support of my family throughout my entire life.

Last but not least, I would like to express my greatest thanks to Hüseyin Gündoğdu for his invaluable assistance to me in reading the Ottoman texts.

I am quite sure I forget to mention many special people. This study could not be shaped without the presence of all the people in my life.

INTRODUCTION

Different segments of the Ottoman society interacted with the West and the effects of Western culture in different areas at different times and to different extents. However, the political changes that happened in the nineteenth century were the turning point of this impact.

Maintaining a long tradition of absolute monarchy, how and with which arguments constitutional monarchy in the Ottoman Empire had been criticised is a subject that has not been thoroughly researched. In fact, discussing a completely new regime in an Empire, which had a well-established political tradition but not a sufficiently liberal media, may be considered a very daring adventure. This study aimed to expose the debates of a group of well-educated individuals, the Young Ottomans, who discussed and favored a constitutional and representative form of government. The form of government that was achieved as a result of the debates within the ten-year period immediately preceding the proclamation of the First Constitutional Era did not last long and perhaps, did not achieve the expected outcomes. However, the Young Ottomans, thanks to their debates, initiated a new field of discussions in political thought.

The Young Ottomans, in their publications, sometimes used the word democracy directly, but generally speaking, they resorted to concepts they selected from the Islamic political theory and Islamic law in order to achieve this concept. Without a doubt, they employed certain tools that would justify this struggle in their debate against a 600-year tradition of absolute monarchy. To this end, the Young Ottomans chose to present political concepts that were new to them and that they became acquainted with in Europe, utilizing Islamic political theory. For this purpose, they favored and defended concepts including democracy, parliament, elections, and public opinion by reinterpreting them with concepts such as "*usûl-i meşveret*", "*şûrâ*", "*biat*", and "*ehlül-hal ve'l-akd*", respectively.

At the center of the debates between the Young Ottomans was the attempt to restrict absolute authority in order to save the Ottoman Empire. They shaped their debates around the concept of "*usûl-i meşveret*" which they borrowed from Islamic law and political history and reinterpreted in line with the ideal of Western democracy. In this context, one can claim that three factors were central in *usûl-i meşveret* debates. These are the objections against *usûl-i meşveret* that can be seen in the articles of the Young Ottomans¹ and can be grouped under three main titles:

- a. *Usûl-i meşveret* is contrary to Islamic Law;
- b. The Sultan will not allow his sovereignty and powers to be curtailed; and
- c. The people are not capable of electing the "people in charge (*erbâb-i dirayet*)".²

Since the purpose of this study is to expose how the concept of *meşveret*, considered to be a system restricting absolute government by the Young Ottomans, was discussed by them along with their theories, the priority will be the study of these three sources.

To be able to assess the theories of the Young Ottomans, one needs, first of all, to obtain insight into the meanings of the terms borrowed from Islamic political theory and their transformation in the historical process. In doing so, this study will attempt to understand how the Young Ottomans reinterpreted the concepts they borrowed from classical Islamic terminology according to the social and political circumstances of their time, that is, their original interpretations. The purpose in doing so is that no concept can be restricted to its original circumstances, and concepts are transformed in meaning and content in each specific circumstance and condition, and a reinterpretation is made accordingly. Edward Said explains this incessant

¹ These objections can be seen in Namık Kemal's articles "Usûl-i Meşveret Hakkında Mektuplar 1 – 8" and also in Ali Suavi's article "Usûl-i Meşveret".

² These three points will be discussed in depth in the third chapter.

transformation as “travelling theory”.³ According to Said; “Like people and the school of criticism, ideas and theories travel – from person to person, from situation to situation, from one period to another.”⁴ Cultural and intellectual life is fed from this permanent movement and transformation of ideas. The Young Ottomans have, just as argued in this theory, interpreted both the concept of democracy they borrowed from the West and the concept of *meşveret* they borrowed from Islamic political theory, to reflect the particular social and political circumstances of their time. Therefore, in order to be able to expose their ideas, this study should initially test their inner coherence by replacing the concepts borrowed from Islamic political theory into their original context. As such, Chapter I will study the meaning of the term *meşveret* in Islamic political terminology, its transformation over time, and its usage in the Ottoman Empire.

Throughout the nineteenth century, the Western world began to undeniably exert its influence over the entire world, particularly due to the nationalistic movements following the 1789 French Revolution. Taking its share of this influential movement, reform efforts starting from the late seventeenth century in the multi-cultural Ottoman Empire gained a new dimension and military reforms proved to be insufficient, resulting in awareness that the political system should also be reformed. Two important rescripts, produced for the purpose of saving the Empire from dissolution, were proclaimed as a consequence of the reform efforts. Although these texts were far from bearing the qualities of a constitution, they were influential in introducing democratic ideas into the Empire. Chapter II will focus on the political and social circumstances where the ideas of the Young Ottomans were shaped, and how they emerged to defend a fundamental change in the political system, arguing that the reform efforts were inadequate.

³ Edward Said, “Travelling Theory,” in *The World, The Text, and The Critic* (London: Vintage, 1991), 226 – 247.

⁴ *Ibid*, p.226.

The last part of the study, Chapter III, studies how the concept of *meşveret*, historical background of which was given, was discussed by the Young Ottomans under the influence of the political and social developments and changes in the nineteenth century Ottoman Empire as described in Chapter II in the light of criticisms they received. The discussions made by the Young Ottomans on "*usûl-i meşveret*", which forms the basis of this study, will be reviewed within the frame of their own newspaper articles—that is, using primary sources of information—in an effort to explain and obtain insight into their theories.

CHAPTER 1

THE CONCEPT OF *MEŞVERET* IN ISLAMIC LAW AND THE CLASSICAL PERIOD OF THE OTTOMAN EMPIRE

1.1. What is *meşveret*?

The term "*meşveret*" (consultation) was essentially employed by the Young Ottomans to define the concept of constitutional and representative government, which are the premises for a democratic government. However, this term was not used by the Young Ottomans as a reproduction of the original meaning of *meşveret*, but a re-interpretation of it as a political concept under the changing conditions of the time to legitimize their reformist ideals. They have used the classic Islamic political terminology and named the democratic regime "*usûl-i meşveret*" (the principles of consultation). According to Şerif Mardin, Namık Kemal "coined" the word *meşveret* to define the representative government.⁵ The terms *meşveret* and *şûrâ* derive from the same Arabic root, *shawara*. With nuances between these two words, the word *meşveret* means consultation,⁶ whereas *şûrâ* means deliberation or counsel.⁷ The Young Ottomans used the term *meşveret* to describe the rule of law consistent with the constitutional system, the term *şûrâ* to describe the parliament, the legislative body, and structured their demands for "democracy" as a representative government on these concepts.

The word *şûrâ* literally means "consultation, exchange of opinions and advice, talking to people who seek advice and offering guidance to them". It is also an Islamic legal term meaning "consultation and consultative council". In Islamic literature, the term implies the consultation by rulers, particularly

⁵ Mardin (2000), p.308.

⁶ Ferit Devellioğlu, *Osmanlıca Türkçe Ansiklopedik Lûgat* (Ankara, Aydın Kitabevi Yayınları, 2005), 632.

⁷ *Ibid*, p.1003.

by the leaders, to competent persons concerning their expertise and consideration of their dispositions; however, Islamic legal doctrine makes no definition of the term.⁸ Talip Türcan cites from Râğıb el-İsfahânî and reports that many words including *şûrâ* derived from the root word “*shawr*” (*şevr*) share the common definition of “moving something from of its original place to expose and make it visible” and is particularly used to describe the act of moving honey from the honeycomb. In this context, Türcan states that there exists a semantic link between the literal meaning of the word and its root meaning; namely, the act of consultation is making sure that personal opinions are revealed to come to the right decision.⁹

The transformation of the meaning by the Young Ottomans between the terms *şûrâ* and *meşveret* is the result of their re-interpretation based both on Islamic tradition and the practices in the Ottoman Empire. The first focus in this study will be on the usage and practices of these terms and concepts in Islamic political tradition and the Ottoman Empire.

1.2. *Meşveret* in Islamic Law

The term *meşveret* in Islamic political literature is used in reference to Islamic Law. Therefore, it would be appropriate to provide a summary of the examples in Islamic government tradition and the provisions regarding assembly in Islamic Law.

In Islamic states, assemblies and related governmental agencies, the place where official issues were discussed and resolved was called the *divân*. Derived from Persian, the word *divân* was borrowed by Arabic as a term relating to governmental rule, with the first and second meanings being “council” or “conference venue” in Persian and Arabic, respectively.¹⁰ In

⁸ Talip Türcan, “Şûrâ,” in *TDVİA* Vol. 39. (İstanbul: Türkiye Diyanet Vakfı Yayın Matbaacılık ve Ticaret İşletmesi, 2010), 230.

⁹ Ibid.

¹⁰ Ahmet Mumcu, “Divan-ı Hümâyun,” in *TDVİA* Vol. 9. (İstanbul: DİVANTAŞ, 1994), 430.

Islamic history the first *divân* was established by Umar al-Khattab in order to distribute the *cizye*¹¹, *haraç*, and taxes paid by non-Muslims and levied on trade goods, also known as *fey*. Used widely in the subsequent centuries, the term *divân* was given by the Emevis and Abbasids to governmental bodies that were principally in charge of military and financial affairs of the government.¹²

Governments, in the decision making process, acting in consultation (*istişare*) with an assembly composed of people's representatives is considered an order of the religion. One can see the most important grounds for *meşveret* in the Quran. One, and the first of such grounds, the verse ordering "ve şâvirhüm fil emr"¹³ (consult with them upon the conduct of affairs) is the most important evidence legitimizing the concept of assembly; moreover, the Holy Koran encouraged consultation, and *şûrâ* is the name of one of the surahs. The verse "ve emruhum şûrâ beynehum"¹⁴ (whose affairs are a matter of counsel) from the surah *Şûrâ*¹⁵, orders that Muslims resolve their own matters by consultation. *Meşveret* plays an important role not only in the decisions to be made by the government, but also in the selection of the caliph, the head of the state.

Although this has not always been the case, *meşveret* is the basic method to elect the the head of state.¹⁶ Namık Kemal, in defending *usûl-i*

¹¹ The head tax collected from non-Muslim subjects in the Ottoman Empire.

¹² Abdülazîz ed-D ûrî, "Divân," in TDVİA Vol. 9. (İstanbul: DİVANTAŞ, 1994), 378.

¹³ Quran, 3: 159. (Al – İmrân) "and consult them in affairs (of the moment)"

¹⁴ Quran, 42: 38. (Ash-Shûra) "(conduct) their affairs by mutual Consultation"

¹⁵ "Then, it is of the mercy of Allah that O beloved! You became gentle for them and if you had been hot headed, hard hearted, then they certainly would have dispersed from your circle, so pardon them and intercede for them and consult them in the affairs...." The form of consultation is by way of meeting and discussion of affairs between "people of resolution and contract" who have foresight/possess the necessary qualifications to vote, represent the views of the society, and who can solve the problems. As a requisite of the Allah's order "Consult them in the affairs." (Surah Al-i İmrân, 3: 159) Prophet Mohammed consulted with them in matters concerning the gains and losses of war. Then his companions consulted with one another both in such matters and in matters concerning religious provisions." Elmalılı Muhammed Hamdi Yazır, *Kur'ân-ı Kerîm ve Açıklamalı Meâlî* (İstanbul: Batın Yayıncılık, 2012), 488.

¹⁶ For more information, please see: İsmail Köksal, "İslam Tarihinde Uygulanan Devlet Başkanlığı Seçim Şekilleri ve Şer'i Tahlili," Fırat Üniversitesi İlahiyat Fakültesi Dergisi 11: 1 (2006): 25-36.

meşveret (the procedure of consultation) underlined this procedure by highlighting examples from Islamic history. One such example is: “When Abu Bakr as-Siddiq (radiyallâhu anhu) became the caliph and Imam Ali (kerremallahu vechu) spoke in resentment due to his ties of kinship, Hazreti Faruk (radiyallâhu anhu) responded to him saying, “Your superiority is incontrovertible, true, but was he the people’s choice?”¹⁷ As seen here, it is the people’s choice, or *biat* (oath, obedience), that counts when electing the president; and as will be seen in the following sections, the Young Ottomans described the concept of election with the concept of *biat* borrowed from Islamic political literature.

The first verse presented above represents a strong basis to create a consultative council; whereas the second verse orders Muslims to consult, showing them how to resolve issues. However, both verses contain no provisions as to who will be consulted. The pronoun “*hum*” (they) in the verses is ambiguous, and no clarifications are given as to the number of the members of the council that will discuss the matters, and as to the qualifications of the persons involved. To eliminate this ambiguity, the Young Ottomans used the term “*ehlü’l –hal ve’l-akd*” to describe the persons of which the consultative council will be composed.¹⁸

Although the origin of the term of “*ehlü’l –hal ve’l-akd*” (*those who have binding authority*), which is composed of the words *hal*, “unbind, dissolve”, and *akd*, “bind, contract”, in Arabic, is not clear either, and the term began to appear in legal books in the fifth century. The term is the name given to the council of representatives¹⁹ who elects the Caliph as the people’s representative, who oversee him, act as his consultant, and suspend him in

¹⁷ Namık Kemal, “*Usul-i Meşveret Hakkında Mektublar*” No.1, Hürriyet, 14 Eylül 1285.

¹⁸ “*Ehlü’l-hal ve’l-akd* is a term that can be used to define the public opinion; however, sometimes can be used to define the parliament.” Servet Armağan, *Anahatlarıyla İslam Hukuku* (İstanbul: Işık Akademi Yayınları, 2009), 204.

¹⁹ Abdülhamîd İsmâil el-Ensâri, “*Ehlü’l-hal ve’l-akd*,” in TDVİA, Vol.10. (İstanbul: Diyanet Vakfı Neşriyat Pazarlama, 1994), 539.

Islamic Law,²⁰ and is used to describe the legislative body that is known as the parliament. Some sources mention that the term also means “people of resolution” or “group of people with common sense”.²¹

Although the issues concerning the procedure for the appointment of the caliph and his legitimacy are controversial, there is no consensus among Islamic scholars as to the number of the members of *ehlü'l-hal ve'l-akd* that will discuss the matters, and as to the qualifications of the persons involved in Islamic political literature. Some scholars explain that the caliph can be chosen by the entire *ümme't* (*religious community*), as well as those that defend that he can be elected by a council composed of a limited number of members (3, 5, 40, etc.). An overwhelming majority of Islamic scholars have a consensus that the caliph can be elected with the agreement of *ehlü'l-hal ve'l-akd*; however, there are two differing opinions as to whether this council will be elected from among people in the capital of the caliphate or from the entire country.²² In addition to these disputes, however, it has been stated that the members of the council require the possession of mandatory qualifications. The mandatory qualifications of the members of the council are as follows:

1. Equity: Being morally very strong according to Islamic criteria;
2. Knowledge: Having the religious and worldly knowledge required to solve the matters of a Muslim society; and
3. Having *common sense* and foresight.²³

Some scholars, based on these essential qualifications, argue that the *ehlü'l-hal ve'l-akd* should be knowledgeable enough to develop jurisprudence. Other scholars have argued that it would be sufficient for such an electoral council to be knowledgeable enough to select the person who

²⁰ Ibid.

²¹ Armağan, (2009), p. 131.

²² El-Ensari, (1994), p. 540.

²³ Hayreddin Karaman, *Mukayeseli İslam Hukuku, Vol.1* (İstanbul: Nesil Yayınları, 1986), 103.

deserves to be the head of state rather than being legally knowledgeable enough to develop jurisprudence.²⁴

Abdülhamid İsmail el-Ensari states that the disagreement among Islamic scholars, both as to the number of the members of the *ehlül-hal ve'l-akd* and as to their qualifications, results from the shortness of the era of the four caliphs, the basis of such opinions, and dissimilar interpretation of the practices during this era. El-Ensari emphasizes that the political and social conditions in which the scholars lived and the attempts to criticize or legitimize the existing structure have influenced their views.²⁵

Considering the changing conditions of the time and society, the adoption of the practices during the first four caliphs as the main criteria in determining the formation of the political government in subsequent eras does not seem appropriate. This is because the existing social traditions and cultures are interrelated with the formation of political government and its form of governance. Therefore, it would be more appropriate to relate the formation and functioning of the *ehlül-hal ve'l-akd* and the information in classical literature with the social and political conditions of the period rather than accepting them as the general requirements of Islamic law. Therefore, the next chapter discusses *meşveret* practices in the Ottoman Empire, and demonstrates the influence of the political and social conditions of the period on the definition and implementation of the concept.

1.3. *Meşveret* in the Ottoman Empire

Having an important place in the tradition of Islamic government, *meşveret* is a procedure that has often been resorted to during almost all the eras of the Ottoman Empire.²⁶ It is common knowledge that there were such

²⁴ El-Ensari, (1994), p. 540.

²⁵ Ibid.

²⁶ For a report on the venues and applications of "*Meşveret*" in Islamic history as well as its practices in the Ottoman Empire, please see. Bernard Lewis, "*Meşveret*," in *İstanbul Üniversitesi Edebiyat*

exchanges of opinion both during the sessions of the *Divân-ı Hümâyûn* (the Imperial Council) and in assemblies that convened for *meşveret* purposes to discuss various other matters, and as when needed. *Meşveret*, an integral part of Islamic Law and political practice, is a procedure that was resorted to in the Ottoman Empire, depending on the social and political conditions of the nation.

1.3.1. Practices of *Meşveret* during the Classical Ottoman Era

One of the most important applications of the *meşveret* in the Ottoman Empire is *Divân-ı Hümâyûn*, which has been the chief decision-making organ between the fifteenth and the first half of the seventeenth century. It was mentioned above that the term “*divân*” was used to mean council or meeting. However, the Ottomans used the term *divân* to mean “meeting-council, council-organ”, beyond its meaning in Persian, using this term to describe both the meeting itself and the conference venue.²⁷

Divan-ı Hümâyûn was composed of the most important members of the government (the Grand Vizier, *Kubbealtı* viziers, *Rumeli ve Anadolu Kazaskerleri*, *Reisülküttab*, *Nişancı*, etc...) and was used for decision making in the name of the Sultan. Starting from the sixteenth century, the *Divân-ı Hümâyûn* was the most important council of the state, with powers only second to the Sultan. The Council regularly met on certain weekdays within the frame of specific and strict rules, discussed matters of importance for the government, as well as major domestic and international issues, and had a bureaucratic organization that reported to the Council itself. After abandonment of the *divân* meetings, chaired by the Sultan in its early days and then the grand vizier over time, most of the tasks were delegated to the

Fakültesi Tarih Enstitüsü Dergisi Prof.Dr.Tayyib Gökbilgin Hatıra Sayısı Vol.12 (1981 – 1982): 775 – 782.

²⁷ Mumcu, (1994), p. 430.

divan (*secondary divân*)²⁸ of the Grand Vizier at *Bâb-ı Âli* (the Sublime Porte).²⁹ This shift in government is actually the first step in the decline of monarchical powers.

The *Divân-ı Hümayun* was not the only council representing *meşveret* in the Ottoman Empire, and there were other consultative councils (*meclis-i meşveret*), which functioned as the decision-making organs and met to discuss certain topics of importance. These councils have been referred to as *Meclis-i Şûrâ*, *Darü's-şûrâ*, *Meclis-i Müşavere*, *Encümen-i Meşveret*, *Meclis-i Hâssül-Hâs* and *Meclis-i Umûmi* in official documents and texts.³⁰ *Meşveret* meetings were held by gathering the relevant persons from certain governmental and social spheres. Council meetings were not restricted to a certain venue, with the venue determined in accordance with the nature of the topic to be discussed. In consideration of this, it is obvious that the councils other than the *Divân-ı Hümayun* had no regular and continuous meetings. It seems that lack of regular meetings prevented the resolutions of the council to be effective, as well as preventing such councils from establishing a corporate structure. Such councils became relatively more regular during the reigns of Abdülhamid I and Selim III, and therefore one can conclude that this has been a key factor in the establishment of their corporate identity.³¹

The most important cause underlying the non-development and degeneration of *Divân-ı Hümayun*, a council with no examples both in the Western and Eastern worlds between the sixteenth and seventeenth centuries, was the lack of even a simple form of popular representation in the council. Incorporation of the representatives of certain social groups, other than the members who were there to represent the absolute power of the Sultan, was inconceivable. Nonetheless, a much more primitive form of

²⁸ "ikindi divânı"

²⁹ Ibid, pp. 430-431.

³⁰ Ali Akyıldız, "Meclis-i Meşveret," in *TDVİA Vol. 28* (Ankara: DİVANTAŞ, 2003), 248.

³¹ Ibid.

such councils have become better places in the West with the introduction of non-bureaucratic representatives under the influence of various economic and social factors. Yet the *Divân-ı Hümâyûn* underwent no such reorganization. The consultative councils, which were institutionalized and formalized organs convening only occasionally, proved insufficient to eliminate this problem.³²

As a result, the *Divân-ı Hümâyûn* was an organ that formed the central element of the governmental mechanism in the Ottoman Empire. From a functional point of view, it was a structure that shared the balancing divisions of power including the legislative, executive, and judiciary.³³ From here, one can conclude that the Sultan shared his legislative and executive powers, albeit in a limited fashion.

1.3.2. Transition to an Institutionalized Assembly in the Ottoman Empire: *Meclis-i Meşveret*

With the reign of Selim III, who ruled from 1789 to 1807, the Ottoman Empire tended to improve the decaying political system with the assistance of the *meşveret* practice.³⁴ The efforts of Sultan Selim III to institutionalize *meşveret* appeared in two forms. The first was his consultation with various prominent figures of his era and even with some foreign experts about the crippling functioning of the government and asking them to produce and submit their draft reports (*lâyiha*) with solution proposals, which according to

³² Ibid, p. 431 and also; Bülent Tanör, *Osmanlı-Türk Anayasal Gelişmeleri 1789 – 1980* (İstanbul: Yapı Kredi Yayınları, 2010), 26.

³³ Halil İnalcık also describes *Divan-ı Hümayun* as “a high court”, as well as the government, stating, “The fundamental philosophy underlying governmental organization in Middle Eastern countries was the principle of justice and the government used to compose high courts to listen to the complaints of the general public before the Sultan in an effort to protect taxpayers.” Halil İnalcık, *Osmanlı İmparatorluğu Klasik Çağ (1300 - 1600)*, trans. Ruşen Sezer (İstanbul: Yapı Kredi Yayınları, 2003), 94.

³⁴ The cause underlying Selim III’s effort to regularize the *Meclis-i Meşveret* is considered to be the idea of sharing responsibilities and achieving popular consensus in solving political turmoil and problems caused by crises that endangered the very existence of the government following the Ottoman-Russia War of 1768 – 1774. For more information, please see: Akyıldız, (2003), pp. 248 – 249.

Tanör, reflects the Sultan's intention that reform movements should be the property of the government rather than a single person. The second was the reintroduction of *meşveret* practices, and their institutionalization as the *Meclis-i Meşveret*.³⁵

Starting from late eighteenth century, *Meclis-i Meşveret* replaced the high council, with important issues beginning to be discussed in this council. Formerly convening as necessity and time dictated, having no specific venues to convene, having no continuous structure, meeting with a single or multiple topics on its agenda, and having no bureaucratic organization that reported to the council, subsequently the Council obviously had a more regular structure, with the names of council members and the dates of meetings decided in advance.³⁶

The procedure of *meşveret* fed from the Islamic Law practices in the Ottoman Empire and improved, and therefore, one can observe that the discussions about *meşveret* in Islamic law were repeatedly made in the inherent conditions of the Ottoman Empire. The issue of the respondents of the *meşveret*, one of the discussions on *meşveret*, was also a controversial topic during the *Meclis-i Meşveret* era. Convening of the council about one month after the inauguration of Selim III with over 200 people was regarded by Şânizâde Mehmed Atâullah Efendi as the attendance of people who did not possess the necessary qualifications to vote, and was explicitly criticized. Şânizâde, stating that *meşveret* was the tradition of the Prophet, argues that the precondition of benefiting from it was that the attendees had to possess the necessary qualifications to vote and act on precaution.³⁷ Here, one can see that Şânizâde discusses the concept of *ehlül-hal ve'l-akd*. As mentioned herein above, according to this term, *meşveret* cannot be conducted with

³⁵ Tanör, (2010), pp.35 - 37.

³⁶For detailed information on *Meclis-i Meşveret* check: Adil Erken, "Osmanlı Devleti'nde Bir Danışma Organı Olarak Meclis-i Meşveret (1774 - 1838)" (MA diss. Afyon Kocatepe Üniversitesi Sosyal Bilimler Enstitüsü, 2006).

³⁷ Akyıldız, (2003), 249.

just anyone, and there is a restriction to it; that is, *meşveret* should be conducted with people whose opinions may have a certain degree of precision.

One other criticism of Şânizâde about the consultative council emerges from his comparison between the councils of Western nations and the consultative council in the Ottoman Empire. As a result of his comparison, Şânizâde argues that the features of the Western parliamentary system including “general elections, majority rule, and public representation” would not be in harmony with the Ottoman administrative system.³⁸ For Lewis, although Şânizâde considers that the *consultative councils* in Western nations are useful, he is concerned about the justification of the creation of similar councils within the Ottoman Empire both within the frame of Islamic law and Ottoman traditions.³⁹ This is a rightful concern, because although *meşveret* has a place both in Islamic law and government tradition, its reinterpretation and justification by Western-style representative bodies, that is by parliaments, as mentioned above, bring about a difficult problem in light of the provision of *ehlü'l-hal ve'l-akd*.

In the nineteenth century, the concept of *meşveret* was used by Ottoman philosophers, principally by the Young Ottomans, as a replacement of the representative bodies, the parliament and principally the concept of democracy, in Europe. Expressing that the same organs should be created within the Ottoman Empire, the Young Ottomans thus enriched the concepts of *meşveret*, *şûrâ*, *biat* and *ehlü'l-hal ve'l-akd*, which they borrowed from the Islamic law and tradition, with a new meaning.

Now, let us discuss the effects of the ideals of democracy that spread in Europe after the French Revolution of 1789 to the Ottoman Empire.

³⁸ Ibid.

³⁹ Lewis, (1982), p.781.

CHAPTER 2

THE ATMOSPHERE IN WHICH THE THOUGHTS OF THE YOUNG OTTOMANS WERE FORMED

The successes of Western ideologies in the nineteenth century Islamic world are mostly attributed to the acceptance of the economic, political, and also military superiority of Europe in most parts of the Islamic world, that is, the advancement of the financial power of the West. This can also be observed in the prioritization of the military domain in reform efforts started by Selim III in the Ottoman Empire⁴⁰ which can be interpreted as a reasonable choice for a sultan whose first three years of reign were characterized by war.⁴¹ His successor to the throne, Mahmud II, also aimed to strengthen the central government by modernizing the Army just like his predecessor.⁴²

While actual and intended reforms before the eighteenth century were mostly made with the intention and desire to regain the splendor of the Kanuni Sultan Süleyman era, reform efforts during the reigns of Selim III and Mahmud II were not intended to achieve such benefits. Although such an intention was expressed before scholars and in royal rescripts, they were essentially aware that the world had changed and they would have to fall in step with such change.⁴³ Ortaylı also interprets that such reform efforts were not solely due to the requisites of a changing world, but also due to the

⁴⁰ Selim III fought with Russia during the first three years of his reign and signed the Treaty of Jassy in 1792 under the mediation of Britain and Prussia following the worsening of Ottoman military conditions. As a consequence of this distressing process, Selim II launched his reform initiative dubbed the “*Nizam-ı Cedid*” (New Order) immediately after the peace treaty. The fundamental purpose of these reforms was to strengthen the central government by establishing a modern army. For more detail about the “*Nizam-ı Cedid*” please see: Erik J. Zürcher, *Turkey: A Modern History* (London: I.B.Tauris, 2002), 21 – 23.

⁴¹ Russo – Turkish War (1787 - 1792).

⁴² Zürcher, (2002), p.39.

⁴³ İlber Ortaylı, *İmparatorluğun En Uzun Yüzyılı* (İstanbul: İletişim Yayınları, 2005), 35.

Ottomans' "awareness about themselves" and about the changing world around them.⁴⁴ That is to say, the Ottoman Empire had also become aware of its situation in addition to the compelling influence of the power and efficiency of the West.

While Selim III, with his actual and intended reforms, essentially attempted to struggle against the usurpation of the existing system, Mahmud II created new administrative and judicial arrangements.⁴⁵ For Zürcher, Mahmud II's policies after 1826 established the direction of the Ottoman reform efforts in the following eighty years.⁴⁶ One can see that Mahmud II, in an effort to establish an effective bureaucratic machine in order to strengthen the central government, has laid the foundations of the succeeding the *Tanzîmât* (Reorganization) Era (1839 - 1876) with his reforms. The most significant of his reforms for the topic being discussed herein are the councils composed both at the Palace and the Sublime Porte. The most important one of such councils, which were composed to respond to the increasing legislative burden due to the reforms, is the *Meclis-i Vâlâ-i Ahkâm-i Adliye*.⁴⁷

The term *Tanzîmât-ı Hayriye* (Auspicious Reorganization) was first used in 1838 in the rescript aimed at the establishment of the *Meclis-i Vâlâ-i Ahkâm-i Adliye*, which for Zürcher, shows the continuation of efforts from the era of Mahmud II to the era of his predecessors, that is, the *Tanzîmât* Era.⁴⁸

The *Tanzîmât* Era reforms can be described as efforts planned by the bureaucrats at the Sublime Porte to strengthen the Empire against the developments of the nineteenth century in the West, particularly against the

⁴⁴ Ortaylı, (2005), p. 14.

⁴⁵ Zürcher, (2002), p. 39.

⁴⁶ Ibid.

⁴⁷ "Meclis-i Vâlâ-yı Ahkâm-i Adliye is the first modern consultative governmental body established in 1837 by Mustafa Reşit Paşa." Mardin, (2000), p. 12. For detailed information about *Meclis-i Vâlâ-yı Ahkâm-i Adliye* check: Ali Akyıldız, "Meclis-i Vâlâ-yı Ahkâm-ı Adliye," in *TDVİA*, Vol.28. (Ankara: DİVANTAŞ, 2003), 250 –251.

⁴⁸ Zürcher, (2002), p.50.

currents that spread following the French Revolution and affected primarily Europe and the entire world. Therefore, in this chapter, where we will cover the *Tanzîmât* Era reform efforts, the ideals that have emerged and spread with the French Revolution are briefly covered first, followed by a study on the influences of such ideologies on the Ottoman Empire in the context of *Tanzîmât* and the *Hatt-ı Hümayûn* of February 18, 1856. In doing so, an attempt is made to describe the social and political conditions of the era in an effort to obtain insight of the ideas of the Young Ottomans.

2.1. Impact of the Ideas of the French Revolution on the Ottoman Empire in the Nineteenth Century

Bernard Lewis states that the French Revolution is "the first great movement of ideas in Western Christendom that had any real effect on the world of Islam."⁴⁹ Because of the French Revolution,

The politics between 1789 and 1917 were a struggle for the sake of or against the events of 1789 or 1793 (Declaration of the Rights of Man and Citizen). ... France has provided the issues of debate and vocabulary of the liberal and radical democratic politics in many parts of the world.⁵⁰

As Hobsbawm has stated, the eighteenth century was labeled as the age of democratic revolution by many historians,⁵¹ and the French Revolution is one of them. These reforms began in the eighteenth century and spread to all over the world in the next century, and have affected numerous societies and led to many revolutions; therefore, a stage was established for a new world order.

The ideals of the French Revolution can be summarized in three words: *Liberté, Égalité, Fraternité*; however, the word fraternity here means the fraternity among the elements of the same nation, not the fraternity among different nations.

⁴⁹ Bernard Lewis, *The Emergence of Modern Turkey* (London: Oxford University Press, 1969), 41.

⁵⁰ Eric J. Hobsbawm, *The Age of Revolution 1789 – 1848* (New York: Vintage Books, 1996), 63.

⁵¹ *Ibid*, p. 64.

The French Revolution was not an isolated fact from contemporary revolutions but it was far more fundamental and its consequences and impacts were far more profound than them, because only the French Revolution had the capacity to affect the entire world, among the all other contemporary revolutions.⁵² Yet why has the French Revolution so deeply influenced the Islamic world, particularly the Ottoman Empire, which is the topic under discussion here? According to Lewis, the “success” of Western ideas in the Ottoman Empire in nineteenth century should be attributed to “the advance of the material might of the West.”⁵³ In his opinion, the reason that is behind the impact of French Revolution on the Ottoman Empire was, “the initial attraction to these ideas – which were later modified to respond to the political needs of the time and place – is rather to be found in their secularism.”⁵⁴ However, Mardin states that what “Lewis fails to mention is that the ‘secularism’ of which he speaks was limited to palace circles that it was stunted by the deposition of Selim III, and that it never affected the staunchly conservative masses.”⁵⁵ “In fact, Western influences were at work at the court in a small circle that was interested... in the military organization and in the administrative methods, and also in the social life that was characteristic of court circles in Europe.”⁵⁶

Since the nationalism trend that spread with the French Revolution affected all the multi-national empires, its impact on the Ottoman Empire was inevitable. When it comes to the status of the Ottoman Empire, after the spread of the French Revolution, the Ottoman Empire had not shown any interest or fear against this Revolution and considered it as an internal

⁵² Ibid, p. 64.

⁵³ Ibid, p. 106.

⁵⁴ Ibid.

⁵⁵ Şerif Mardin, *The Genesis of Young Ottomans Thought* (Princeton: Syracuse University Press, 2000), footnote 1, 170.

⁵⁶ Ibid, p. 170.

problem of Europe.⁵⁷ However, one can see the influence of the French Revolution on the Ottoman Empire in the proclamation published for the Syrian people in 1799 following the invasion of Syria by France. It is evident that the ideals of the French Revolution are referenced in this proclamation: "all men are equal in humanity and equal in being men, none has superiority or merit over the other and disposes of his life and own livelihood in this life."⁵⁸ Mardin says, this document demonstrates that one of the ways of measuring the extent of the penetration of Western ideas through the Ottoman Empire is to follow the changes in the Ottoman attitude towards the equality of men that "everyone disposes of his ... livelihood in this life" and he argues that "exactly that type of activism, as appeared in this sentence, was promoted and became the hallmark of mid-nineteenth century Ottoman liberal conception."⁵⁹

Demands aimed at the "equality" tenet of the French Revolution, which the French used against the Ottoman Empire, first began to be expressed, particularly in the nineteenth century. However, the principle of equality tended to have a different meaning in the Ottoman Empire. Complaints of social and political injustice underlying the formation of the principle of equality in Europe were not matters of concern in the Ottoman society. For Lewis, the Islamic society did not suffer from the strict social barriers and

⁵⁷ There was a famous anecdote in which a characteristic conversation is recorded by Cevdet Paşa (Cevdet VI), quoted by Bernard Lewis, shows the irrelevance of the Ottoman Empire about the earlier stages of the French revolution, as follows; "One day the Austrian chief dragoman came to the Reis ül-Küttab Rashid Efendi and said, "May God punish these Frenchmen as they deserve; they have caused us much sorrow. For heaven's sake – if only you would have those cockades stripped off their heads." To this request Rashid Efendi replied: "My friend, we have told you several times that the Ottoman Empire is a Muslim state. No one among us pays any attention to those badges of theirs. We recognize the merchants of friendly states as guests. They wear what headgear they wish on their heads, and attach what badges they please. And if they put baskets of grapes on their heads, it is not the business of the Sublime Porte to ask them why they do so. You are troubling yourself for nothing." Bernard Lewis, "The Impact of the French Revolution on Turkey: Some Notes on the Transmission of Ideas," *Journal of World History* Vol.I, (1953): 119.

⁵⁸ Enver Ziya Karal, *Fransa – Mısır ve Osmanlı İmparatorluğu 1797 – 1802* (İstanbul: Millî Mecmua Basımevi, 1938), 108 – 111.

⁵⁹ Şerif Mardin, "The Influence of the French Revolution on the Ottoman Empire," *International Social Science Journal*, Vol. XXIX, No.2, (1977): 23.

class privileges of the pre-revolution Europe. An undeveloped economy restricted both the obtaining and the spending of wealth, preventing the appearance of noticeable inequalities. The corporative structure of the society and the moral and merciful traditions of Islam built, to some extent, a bridge on the gap between the two groups.⁶⁰ However, although the principle of equality was not extremely attractive for the people, it had a higher impact on different *nations (millets)*⁶¹ in the Empire. Before long, there was a higher demand for equality among different nations and this demand merged with the principle of self-determination, a new Western principle. Thus, the *Tanzîmât* Era, which began with the proclamation of the *Hatt-ı Hümayûn* in 1839, is basically a process that focused on maintaining this principle of equality.

2.2. The *Tanzîmât* Era: An Effort to Support the Ottoman Empire in the Age of Nations

The *Tanzîmât* Era should be considered an important start regarding the rights of the subjects: abolition of slavery, introducing equality between Muslim and non-Muslim subjects, and the efforts for the protection of the lives, properties, and dignities of the ruled.⁶² The 1839 Rescript and the *Hatt-ı Hümayûn* of 1856 were proclaimed as indicators of such efforts. Both rescripts provided for the topics mentioned above, but were often the objects of criticism by the Muslim subjects and the Young Ottomans.

⁶⁰ Lewis, (1969), p.55.

⁶¹ When "*millet*" is mentioned in the meaning of "religious community, community of the same confession or the same erite". M.O.H. Ursinus, "Millet," in *The Encyclopaedia of Islam*, Vol. VII (Leiden-New York: E.J. Brill, 1993), 61 – 64. Also, for detailed information about the Ottoman "*millet*" system, please see; Bilal Eryılmaz, *Osmanlı Devletinde Millet Sistemi* (İstanbul: Ağaç Yayınları, Alternatif Üniversite Serisi 28, 1992).

⁶² Ortaylı, (2005), p.92.

2.2.1. The Reform Decree of Gülhane of 1839 (*Tanzîmât Fermanı*)

The *Tanzîmât* period, which began with the Reform Decree of Gülhane in 1839, is the embodiment of the steps taken for modernization, started since Selim III (ruled from 1789 to 1807) and continued in the period of Mahmud II (ruled from 1808 to 1839). Although there are different opinions regarding the exact periodization of the *Tanzîmât*,⁶³ in general, it is dated between the period that begins with the declaration of the Reform Decree in 1839 and ends with the proclamation of the First Constitutional Monarchy (*I. Meşrutiyet*) in 1876, which is the same herein.

The rescript was declared by Mustafa Reşit Paşa with the power of Abdülmecid (ruled from 1839 to 1861), who replaced Mahmut II in 1839, and this edict provided certain basic rights such as the security of life, and initiated some new practices in issues such as taxes and military service, without any change in the structure of the state. The edict was indeed prepared during the reign of Mahmut II, though not the same in terms of content of the Abdülmecid period, but had a similar approach as to the limit of the absolute powers of the sultan with the rule of law; and indeed it was about to be declared according to information available. This fact is important since it indicates that the edict had a long preparation process.⁶⁴ Abdurrahman Şeref states that it was planned to declare the Reform Decree as named *Tanzîmât-i Hayriye* (Auspicious Reorganization) in the late Mahmut II period; however it was delayed because of the opposition of Akif Paşa.⁶⁵

The ultimate aim of Mustafa Reşit Paşa, the creator of the Reform Decree, was to establish "*une système immuablement établi*" (a system based on immutable principles), which he had considered as the only remedy

⁶³According to Şerif Mardin, the period of Tanzimat includes the years 1839 -1878, which means this period began from the decline of the First Constitution in 1876 (*Kanun-i Esasi*) to the annexation of it by the Abdulhamit II in 1877. Mardin, (2000), p. 3.

⁶⁴ Mümtazer Türköne, *Osmanlı Modernleşmesinin Kökleri* (İstanbul: Yeni Şafak Kitaplığı, 1995), 8.

⁶⁵ Abdurrahman Şeref, *Tarih Konuşmaları (Tarih Musahabeleri)* (İstanbul: Kavram Yayınları, 1978), 31.

to save the state by limiting the absolute power of the sultan with the rule of law in preparing the edict. Mustafa Reşit Paşa accordingly had referred to Sadık Rifat Paşa, Vienna Ambassador of the period, who had defined the European states by stating that "the kings of the world act according to the law of the public and rule of law in the administration of the government".⁶⁶

The Reform Decree of Gülhane had not yet emerged due to a public movement, as the Declaration of the Rights of Man and of the Citizen of 1793 was proclaimed after the French Revolution. However, it provided certain fundamental rights unilaterally given by the governor that could be revoked as necessary. The edict is similar to a *charte*, in this aspect, promising that a change will be in force in the relations between the rights of people and their own powers of European rulers.⁶⁷ However, the content of the edict appears to be document that attempts to secure the basic human rights (life, property, and honor).

The Decree begins with a summary of the present situation, namely the lack of the rule of law. Its preamble section states: "For one hundred and fifty years, however, due to not obeying and following the Sharia law and supreme law, because of the continuing distresses and other for various reasons".⁶⁸ Following this opening sentence, it is expressed that a state not ruled by law would not stand longer; "and it is evident that countries not governed by the laws of the Sharia cannot survive."⁶⁹ After highlighting by virtue of the law within this sentence being obeyed, then there comes the truly important issue, and it can be said that this sentence is one of the

⁶⁶ "hükümdaran-ı cihan idare-i emr-i hükümette hukuk-u millet ve kanun-i devlet üzere hareket ettiklerini". Ercümen Kuran, "Osmanlı İmparatorluğu'nda İslam Düşüncesinin Gelişmesi," *Türk Kültürü* 203 – 204 (1979): 277.

⁶⁷ Niyazi Berkes, *Türkiye'de Çağdaşlaşma* (İstanbul: Yapı Kredi Yayınları, 2004), 187.

⁶⁸ "Yüzelli sene vardır ki gavail-i müteakibe ve esbab-ı mütenevviaya mebni ne şer'i şerife ve ne kavanin-i münifeye inkiyat ve imtisal olunmamak hasebiyle". Suna Kili and Şeref Gözübüyük, *Türk Anayasa Metinleri: Senedi İttifaktan Günümüze*. (İstanbul: Türkiye İş Bankası Kültür Yayınları, 1985), 11.

⁶⁹ "ve halbuki kavanin-i şeri'ye tahtında idare olunmayan memalikin payidar olamayacağı vazıhattan". Ibid, p. 11.

crucial provisions of the edict, namely; "the fundamental principle of these laws, however, is to secure life, property and honor."⁷⁰ The reason for the significance of this sentence is that it stresses that the laws are of the nature to secure the fundamental rights mentioned. One of the goals of Mustafa Reşid Paşa was to create the foundations to form an Ottoman nation, which is not based on religion, which automatically renders citizenship, and where all the subjects benefit from the same civil rights.⁷¹ However, he could not realize this ideal, likely due to a lack of reaction from the people.

There are persistent references to Sharia in the Decree. A crucial sentence from the Decree is as follows:

"The Muslim and non-Muslim subjects of our lofty Sultanate shall, without exception, enjoy our imperial concessions. Therefore, we grant perfect security to all the populations of our Empire in their lives, their honor, and their properties, according to Sharia."⁷²

In this sentence, the words "*hüküm-ü şer'i iktizasınca*" emphasize that these rights are also the provision of Sharia. It is obvious that this emphasis was employed to justify the provisions of the edict. In another sentence of the edict it is stated that "...this equality law is clear in the Sharia...",⁷³ and in another sentence, it is stated that "...it is great service for the supreme Sharia..."⁷⁴ Finally, it is specifically stressed that not accepting the provisions of the edict "is considered a disbelief in God."⁷⁵ These references were interpreted as to prevent the possible conservative reactions against the edict, which attempted to reshape the state and indicate a new direction.⁷⁶

⁷⁰"*işbu kavânîn-i mukteziyenin mevadd-ı esasıyesı dahi emniyet-i can ve mahfuziyet-i ırz ve namus ve mal ve*". Ibid, p. 11.

⁷¹ Mardin, (2000), p. 14.

⁷²"*saltanat-ı seniyeimizden olan ehl-i islam ve millet-i saireye bu müsaadat-ı şahanemize bila istisna mazhar olmak üzere can ve ırz ve namus ve mal maddelerinden hüküm-ü şer'i iktizasınca kaffe-i memalik-i mahrusamız ahalisine taraf-ı şahanemizden emniyet-i kamile verilmiş*". Kili and Gözübüyük, (1985), p. 13.

⁷³"*işbu kavanin-i ma'delet-ayin muvafık-ı şer-i mübin olarak*" Ibid, p. 11.

⁷⁴ "*şer-i şerife bundan büyük hizmet*" Ibid, p. 11.

⁷⁵"*ma'zallah-ı teala küfür menzilesinde bulunduğu*". Ibid, p. 11.

⁷⁶ Türköne, (1995), p. 13.

Legitimization concerns manifest themselves here as in many reform attempts. If it is considered that the answers given to the criticisms against the edict were in the form of expressions that state these provisions were already present in Sharia, it is easier to understand how well the legitimizing cover of the edict was employed.⁷⁷

The period beginning with the declaration of the edict, especially by the 1850s, had turned into an administration, in which Âli Paşa and Fuat Paşa were key and decisive actors of the "*Tanzîmât* aristocracy."⁷⁸ The clear indicators of this situation were evident in the provisions of the edict because this was already the primary objective of the people advocating the *Tanzîmât*. The edict gave the public bureaucracy the same power as the sultan in the use of the sovereignty, and primarily issued broader powers to the *Bâb-ı Âli* bureaucrats, in order to allow for the more effective functioning of the state. In addition, one of the important aims of Mustafa Reşid Paşa was to allow the Ottoman statesmen to benefit from the protection of the law, in which the Sultan had guaranteed compliance.⁷⁹ Türköne goes one step further. According to him, the strengthening and centralizing the state was not the primary aim, and more interestingly, the ideal of the rule of law was a means for the advocates of the *Tanzîmât*, not a goal.⁸⁰

According to Hilmi Ziya Ülken, the *Tanzîmât* period was the most dangerous and ongoing obstacle for the supporters of the reform in the process of modernization. He defines the *Tanzîmât* bureaucrats as "a bureaucratic mindset who want to respond to the needs of the present day, without any patience to descend deep into the roots of modern research."⁸¹ In addition, it is among the common opinions that the desire to win the sympathy of foreign states was an important factor in the declaration of the

⁷⁷ Ibid, p. 14.

⁷⁸ Şerif Mardin, "Yeni Osmanlılar ve Siyasi Fikirleri," in *Tanzimattan Cumhuriyete Türkiye Ansiklopedisi*, V. 6. (1985): 1699.

⁷⁹ Mardin, (2000), p. 157.

⁸⁰ Türköne, (1995), p. 18.

⁸¹ Hilmi Ziya Ülken, *Türkiye'de Çağdaş Düşünce Tarihi* (İstanbul: Ülken Yayınları, 1979), 33.

1839 Rescript, and it enabled the European countries to interfere in the internal affairs of the Ottoman Empire from time to time.⁸² According to Oral Sander, the Trade Agreement of 1838 signed with Britain, which had significantly aided the Ottoman Empire in the suppression of the Mehmed Ali Paşa Rebellion (1831-1841), is the basis for the declaration of the Rescript.⁸³

As a result, the Reform Decree of Gülhane in 1839, which defined itself as the “complete change and reform of the old procedures”, had an important place in terms of Turkey's constitutional development and was the first manifesto on the way to rule of law.”⁸⁴

2.2.2. The First Step of Democracy in the Ottoman Empire: Equality (*Müsâvât*) Issue

Due to the policy of Ottomanism (*Osmanlılık*) implemented or maintained during the *Tanzîmât* Era, statesmen of the period deemed the realization of the equality principle to be of vital significance for the wellbeing of the Empire.⁸⁵

2.2.2.1. The *Hatt-ı Hümayûn* of Gülhane of 1856 (*Islahat Fermanı* – 1856)

In the nineteenth century Ottoman historiography, the *Hatt-ı Hümayûn* of 1856 was considered as the last major step after *Tanzîmât* and prior to the Constitutional Monarchy towards democratization. The *Hatt-ı Hümayûn* was declared in front of the ministers, the Shaykh al-Islam and the leaders of the non-Muslim community, 18 days after the Crimean War⁸⁶ armistice

⁸² Sander, (2010), p. 305

⁸³ Ibid, pp. 304-305.

⁸⁴ “*usul-i atıkayı bütün bütün tağyir ve tecdid*” Ortaylı, (2005), p. 88.

⁸⁵ Ortaylı, (2005), p.94.

⁸⁶ The war was a conflict between the Russian Empire and an alliance of the Ottoman Empire, the French Empire, British Empire, and the Kingdom of Sardinia between October 1853 – February 1856.

(1856), just before the Treaty of Paris of 1856,⁸⁷ and was sent to the states that had prepared the Treaty of Paris. With regard to its preparation, there are claims that it was prepared by foreign states (Great Britain and France, which had been allied with Ottoman Empire against Russia in the Crimean War, and which had been influential in the demand for peace), and declared as the *Hatt-ı Hümayûn* by the *Bâb-ı Alî*. In fact, it was also claimed that this heavy western influence was the reason for Mustafa Reşit Paşa, who was the author of the *Hatt-ı Hümayûn*, to not to sign this edict, on the grounds of the heavy terms and conditions.⁸⁸

The *Hatt-ı Hümayûn* had no constitution attribute as in the Reform Decree of Gülhane, since it did not include the basic principles similar constitutional provisions.⁸⁹ The *Hatt-ı Hümayûn* listed the concrete reforms to be utilized in the rights and promises denoted in the Reform Decree of 1839. It provided solutions such as determining a budget, the abolition of the *cizye*, and military duty for the Christians. These considerations were expressed in the *Hatt-ı Hümayûn* as follows: "according to my Imperial Edict of *Hatt-ı Hümayûn*, declared in Gülhane, the necessary precautions and power should be forced in order to be adequately implemented, provided, and promised guarantee from my Sultanate for the security of lives and properties and protection of honor, into practice, for its acknowledgment and intactness."⁹⁰

The principle of equality, spread throughout Europe by the French Revolution, albeit in a limited fashion, has entered into the political life of the Ottoman Empire for the first time through this edict. The fundamental focus

⁸⁷ The Treaty of Paris of 1856 settled after the Crimean War (1853-56), between the Russia Empire and an alliance of the Ottoman Empire, the French Empire, the British Empire and the Kingdom of Sardinia and was signed at the Congress of Paris on March 30, 1856.

⁸⁸ Ahmet Bedevi Kuran, *Osmanlı İmparatorluğu'nda İnkılap Hareketleri ve Milli Mücadele* (İstanbul: Baha Matbaası, 1956), 47.

⁸⁹ Berkes, (2004), p. 216.

⁹⁰ "Gülhane'de kıraat olunan *Hatt-ı Hümayûn* ile *Tanzîmat-ı Hayriyem* mucibince her din ve mezhepte bulunan kaffe-i teb'a-yı şahanem hakkında bila istisna emniyet-i can ve mal ve mahfuziyet-i namus için taraf-ı eşref-i padişahanemden va'd ve ihsan olunmuş olan teminat bu kerre dahi te'kid ve te'yid kılındığından bunun kamilen fiile çıkarılması için tedabir-i müessirenin ittihaz olunması". Kili and Gözübüyük, (1985), p. 15.

of the *Hatt-ı Hümayûn* was to ensure equality between Muslim and non-Muslim subjects.⁹¹ This equality was critically important for the Ottoman statesmen because of the salvation of the Empire according to the policy of maintaining the Empire's unity with its all subjects who belonged to different religion or different ethnic origins.⁹² This point immediately attracts attention when the *Hatt-ı Hümayûn* is analyzed; "whatever the number of people in a sect, this sect shall perform its obligations freely, [...]no discrimination shall be present among sect, language, gender, class issues, no class humiliates other classes in any way, [...]No one may be compelled to respect religious conversion, [...] regardless of their religious sects and nationalities, any person will be accepted in the public service freely".⁹³ These sentences here are the concrete steps to eliminate the inequality between Muslims and non-Muslims in the state and to implement democracy. The presence of many examples as the above expressions is an important factor indicating that it was a document issued for non-Muslims in particular.⁹⁴ With this form, the edict appears as a document issued only to secure the rights of non-Muslims; it was perceived as a second form of the *Hatt-ı Hümayûn* among the Muslim communities, and caused reactions. However, the *Hatt-ı Hümayûn* did not provide a constitution for the Muslim population, whereas it was the beginning of the constitutional developments of the non-Muslim peoples or "nations" living in the Ottoman Empire, and became their manifestations on the road to their national independence.⁹⁵

The aim of the *Hatt-ı Hümayûn* was to provide equal citizenship for all

⁹¹ Tarık Zafer Tunaya, *Türkiye'nin Siyasi Hayatında Batılılaşma Hareketleri* (İstanbul: Yedigün Yayınları, 1960), 39.

⁹² Ortaylı, (2005), p. 95.

⁹³ "___bir mezhebe tabi' olanların adedi ve mikdarı ne olursa olsun ol mezhebin kemal-i serbesti ile icra olunmasını temin için tedabir-i lazime, [...] mezheb ve lisan veyahud cinsiyet cihetleriyle sünuf-u teb'a-yı saltanat-ı seniyemden bir sınıf aher sınıfından aşağı tutulmasını mutazammın olan kaffe-i ta'birat ve elfaz ve temyizat muharrerat-ı dianiyeden ilelebet mahv-ü izale kılınması, [...]teb'a-yı şahanemden hiçbir kimse bulunduğu dinin ayinini icradan menolunmaması, [...]teb'a-yı devlet-i aliyemin cümlesi hangi milletten olursa olsun devletin hizmet ve memuriyetine kabul olunacaklarından". Kili and Gözübüyük, (1985), p. 16.

⁹⁴ Berkes, (2004), p. 217.

⁹⁵ Ibid, p. 192.

the peoples living in the Empire. Herein lies the problem of creating the "citizen" and understanding and explaining the idea. Equality before the law, the universal right to become civil servants without any religious distinction, the abolition of the civil authority of the religious authorities, the allowance of both the Muslim and non-Muslim people in the military, tax reform, and the fight against corruption were among the changes brought by the *Hatt-ı Hümayûn*.

2.3. Reactions against the *Tanzîmât* Reforms

A reaction against the reforms implemented in the *Tanzîmât* period began in the 1870s by the Muslim subjects. Every one of these reforms left a bitter taste in their mouth. As Şerif Mardin quoted from Cevdet Paşa: "Many Moslems began to grumble: 'Today we lost our sacred national rights, which our ancestors attained with their blood. While the Islamic nation used to be the ruling nation, it is now bereft of this sacred right. This is a day of tears and mourning for the Moslem brethren.'"⁹⁶ Another opposition group was from the reformers. These individuals were experienced in the Translation Bureau founded by Mustafa Reşit Paşa during the reign of Mahmut II, were fluent in French, and were sent to study in Europe where they encountered the concepts of nationalism and liberalism at that time. These people were defined as the pioneers of the Ottoman intellectuals,⁹⁷ and called themselves the Young Ottomans.

2.3.1. Muslim opposition against the *Müsâvât*

Due to the policy of Ottomanism implemented and followed in the *Tanzîmât* reform era, the statesmen of that period considered the realization of the principle of equality essential for the salvation of the empire. This is

⁹⁶ Mardin, (2000), p. 18. Zürcher also points to the same critic; Zürcher, (2003), p. 103.

⁹⁷ *Ibid*, p. 103.

because, according to the Ottoman statesman, Ottomanism was intended as a tool against the spread of the nationalist movements in the Balkans after the French Revolution;⁹⁸ and this would have been possible only with the introduction of equality among all the Ottoman subjects.

However, the principle of "*müsâvât*" introduced by the *Hatt-ı Hümayûn* of 1856 had not been regarded favorably by the Muslim population. After the *Hatt-ı Hümayûn* was announced, in the sermons of the mosques in Istanbul, "the issue of the lack of equality in the sermons attracted immediate attention, and the whole crowd was paralyzed with the prayer of: "O God, have mercy on the people of Muhammad. O God, preserve the people of Muhammad" given by the preacher,"⁹⁹ says Davison. The "*Müsâvât*" issue caused a negative reaction of the Muslim people and some intellectuals in the Ottoman Empire. The reaction of the Muslim population relates to the manner of implementation, rather than conducting the *Tanzîmât* reforms through central decisions. As Şerif Mardin stated, the Ottoman Empire had a central government and had a basic policy to establish state control of its vassal directly. This policy was an indication of the continuity of the traditional Middle Eastern state concept, the origins of which date back to ancient Mesopotamia.¹⁰⁰ The reaction of the Muslim population was against the one-sided nature of the reforms, which were prepared according to the wishes of the Christian and non-Muslim population of the empire in general, excluding the Muslim population.¹⁰¹

The social and political status of non-Muslims in the Ottoman society was determined by religious law. One of the undisputed parts in Islamic law was the status of non-Muslims. The Ottoman society was divided into two major *millet*s (nations), having different statuses: Muslims (*millet-i hakime* "ruling nation") and non-Muslims (*millet-i mahkume* "convict nation"). Muslim people

⁹⁸ Ortaylı, (2005), p. 62.

⁹⁹ Davison, (1963), p.3.

¹⁰⁰ Mardin, (1975), pp. 12-13.

¹⁰¹ Mardin, (2000), p.18.

that constituted the upper layer of society considered themselves superior to non-Muslims. An average Ottoman Muslim was an individual with the pride of being a member of the *millet* (nation) that was dominant over non-Muslims, and integrated within the Empire that had provided these privileges to him/her. For these reasons, the rights given to non-Muslims with the *Tanzîmât*, egalitarian practices had very strong reflection, and were perceived as a violation of Sharia principles. This gave rise to a religious response against *mûsâvât* (equality) policies, and Muslims believed their dominant statuses would only be possible when Sharia rules were applied. After the *Hatt-ı Hümayûn -ı Hümayun*, riots in various territories of the Ottoman Empire emerged; however, in Istanbul in 1859, an initiative called *Kuleli Vak'ası* (Kuleli Incidents) occurred, through efforts that are not fully understood even today.¹⁰²

The systematic response to the *mûsâvât* (equality) issue was only possible with the emergence of the Young Ottomans. Young Ottomans were a reflection of the feelings and thoughts of the Muslim people, when they wrote about the subject of equality.¹⁰³ The Young Ottomans renamed the *Hatt-ı Hümayûn* as the "Equality (*Mûsâvât*) Edict" and they criticized it heavily.

2.3.2. The Young Ottomans' Critics of the *Tanzîmât* Reforms

The publications of the Young Ottomans debated the current issues of the Empire and criticized the reforms. In particular, their criticisms of the *Tanzîmât* period, which was between the 1839 Rescript and the First Constitution (1876), are important in emergence of the Young Ottoman concept. The center of their criticism was the *Tanzîmât's* statesmen, which they considered as the reason for the present decline of the state, and their policies, which were considered incorrect.

¹⁰² Berkes, (2004), pp. 272-273.

¹⁰³ Mardin, (2000), p.18.

By the 1850s in particular, the *Tanzîmât* Reform Era had evolved into an administration of “*Tanzîmât* aristocracy”, in which Âli Paşa and Fuat Paşa were key and decisive actors.¹⁰⁴ The reason for this is the fact that the idea to rescue the bureaucracy from the sultan's vagaries, which was attempted and achieved by the *Tanzîmât* Reformers, pushed the officers in the bureaucracy in an uncontrolled state. İlber Ortaylı underlines that the Young Ottomans movement began with a resistance against the highest levels of the bureaucracy in a way.¹⁰⁵ The idea to resist against the *Tanzîmât* aristocracy and the superficially Westernization of *Tanzîmât* Reforms can be considered as one of the important attitudes that the Young Ottomans agreed on.¹⁰⁶ Young Ottomans, Namık Kemal and Ziya Paşa in particular, discussed the *Tanzîmât* issue in many articles, and have focused on the *Tanzîmât*'s objectives, its good and bad aspects, failures in implementation, attitudes of the statesmen in the *Tanzîmât* Reforms era, and the dualities that emerged through the *Tanzîmât* reforms in the empire.

2.3.2.1. Young Ottomans' View of the *Tanzîmât* Reforms

In his article titled “*Tanzîmât*”, Namık Kemal stated that the Decree of Gülhane can be considered as “one of the miracles of justices made for the preservation of civil liberty,”¹⁰⁷ but indeed, the Decree is a document with a political nature, not legal. Although it appears to be promulgated in order to guarantee life, property and security of honor of everyone living in the empire, the same article articulates that it is a document to secure the empire's existence, indeed.¹⁰⁸ Expressing the document's political nature

¹⁰⁴ Şerif Mardin. “Yeni Osmanlılar ve Siyasi Fikirleri” *Tanzimat'tan Cumhuriyet'e Türkiye Ansiklopedisi* V.6 (İstanbul: İletişim Yayınları, 1985), 1699.

¹⁰⁵ Ortaylı, (1985), p. 1702.

¹⁰⁶ Mardin, (1985), p. 1698.

¹⁰⁷ “... *hukuk-ı beşerin muhafazası için yapılan mucizât-ı adaletten biri...*” Namık Kemal. “Tanzimat”. *İbret*, No:46, 4 Ramazan1289/24 Teşrin-i Evvel 1288, s.1-2. Nergiz Y. Aydoğdu and İsmail Kara, *Namık Kemal: Osmanlı Modernleşmesinin Meseleleri, Bütün Makaleleri 1* (İstanbul: Dergâh Yayınları, 2005), 221.

¹⁰⁸ “Accordingly, it is supposed to be a guarantor for the lives, properties, and honor of everyone. However, it was declared to survive the Empire.” (“*Vâkıa zahirine bakılsa herkesin hayatına, malına, ırzına kâfil olmak için yapılmış zannolunur. Fakat hakikat-i halde devletin hayatını temin maksadıyla*

should not imply that it was deemed useless. This is so, because in the article titled “*Nüfus*” (Population) in the newspaper *İbret*, he mentioned the benefits of the Decree of Gülhane to the Empire. He had expressed that the wars and internal turmoil threatening the empire had decreased since the announcement of the Decree: However, he immediately adds that this should not be a reason to relax; the status of that time was not safe and permanent according to him.¹⁰⁹ Apparently Kemal considered the Decree of Gülhane significant, albeit insufficient; however he praised Mustafa Reşit Paşa, the preliminary creator of the decree. According to Namık Kemal, Reşit Paşa was a chance in that dangerous period of the Empire, and stated that the Decree prepared by Reşit Paşa saved the empire.¹¹⁰

2.3.2.2. Criticisms of the Young Ottomans on the *Tanzîmât* Reforms

As mentioned above, the Young Ottomans respected the Decree of Gülhane, and its creator Mustafa Reşit Paşa; however, they expressed their concerns with their critics on the direction of reforms headed after the death of Mustafa Reşit Paşa.¹¹¹ According to the Young Ottomans, the main flaw

ilan olunmuş idi.) Namık Kemal. “Tanzimat”. *İbret*, No:46, 4 Ramazan1289/24 Teşrin-i Evvel 1288, s.1-2. Ibid.

¹⁰⁹ “... since the troubles such as wars, and other troubles from enemies mostly decreased with the Tanzimat Era, do not assume we were declining. We were not declined, but enlightened instead.” (“...asrımızca mebde-i saadet tabirine şayan olan Tanzimat tarihinden beri züküm gibi, ‘ilel-i sariye gibi, muharebe gibi düşman-ı hayat olan belalae bi’nisbe pek çok azalmış olduğundan zannetmeyiz ki tenakusta olalım. Tenakus değil hatta ummayız ki vukuf tabirine Salih bir halde bulunalım.”) Namık Kemal. “Nüfus”. *İbret*, No:9, 19 Rebiulahır 1289/13 June 1288, s.1-3. Ibid, p. 73.

¹¹⁰ “It is one of the largest happiness of Ottoman State that Resit Pasha appearance in such a severe surrounding troubles. And saved the Ottoman Empire with the announcement of the Tanzimat Reforms.” (“Devlet-i Aliyye’nin en büyük bahtiyarlıklarından biridir ki bu kadar şiddetli bir hatar içinde Reşit Paşa Zuhur eyledi. Tanzimat’ı ilan ile Devlet-i Aliyye’yi kurtardı.”) Namık Kemal. “Tanzimat”. *İbret*, No:46, 4 Ramazan1289/24 Teşrin-i Evvel 1288, s.1-2. Ibid, p. 221.

¹¹¹ Namık Kemal, *İbret* gazetesinde yayınlanan “Sebeb-i Kaht-ı Rical” makalesinde ki ifadeleri bu rahatsızlığı ifade etmektedir: “Hal şu merkez-i müşevveşte dair iken Reşit Paşa merhum yine liyakatli, dirayetli ademler yetiştirmeğe çalışır idi. Amma ne çare ki Reşit Paşa vefat eyledikten sonra adem yetiştirmemek modası çıkıp nasiye-i hallerinden asar-ı rüşd ü istidad görülen gençlerimizi ileri çekmek nerede kalmış, mücerred bu misillü müstaidan-ı nev-civananın mucib-i ye’s füturları olmak üzere bir

was the flawed and improper practices of the bureaucrats, which were the main authority in implementing the reforms. At this point, Ali Paşa, the Grand Vizier of that period, was the person they considered most flawed. Abdurrahman Şeref stated in the program of the Young Ottomans that there was a possibility of killing Ali Paşa, should the situation arise necessitating it.¹¹² The critics of *Tanzîmât* can be grouped under three headings. The first of these is the critique on the rumors that the Decree of Gülhane was declared to ensure European support. Şerif Mardin says that the declaration of the Decree was perceived as a concession given to European countries, which shows the protection for non-Muslim subjects, with the purpose of ensuring assistance of European countries against the threats of the governor of Egypt, Mehmet Ali Paşa, against the Empire.¹¹³ The second criticism was about the "equality" (*Müsâvât*) issue, promulgated by the Decree of Gülhane in 1856. According to the Young Ottomans, the *müsâvât* principle was always used against Muslims, in order to not establish equality in the Empire.¹¹⁴

The final criticism of the Young Ottomans regarding *Tanzîmât* was on the lack of rights brought by the Decree. This was exhibited in the lack of regulation on the issues of "freedom of thought and sovereignty of the

alay na-hillere rütbelere, nişanlar ı'ta olunur idi." Namık Kemal. "Sebeb-i Kaht-ı Rical" *İbret*, No:38, 22 Şaban 1289/ 12 Teşrin-i evvel 1288, p.1-2. Ibid, p. 192.

¹¹² Şeref, (1978), p. 121.

¹¹³ Mardin, (2000), p. 163.

¹¹⁴ Ziya Paşa, in one of his articles titled, "*Mesele-i Müsâvât*" that he wrote in the *Hürriyet* newspaper, states that Europeans consider Christians as oppressed; however, Muslims were the truly oppressed ones, because the Christians were protected by both the European states, as well as by the patriarchs in the Empire, and he adds that no one cares if a Muslim gets defrauded. Ziya Paşa. "Mesele-i Müsavat", *Hürriyet* No:15, October 5 1868. Namık Kemal has articulated his views on the same issue in his article titled "*Müsâvât*", written in the *Hadika* newspaper. Kemal, indicating that the most uncertain form of equality was in the Ottoman Empire, says, "We Muslims serve our homeland both with our money and lives. However, our other citizens are of other religions. They only spend money on this issue. Does the quiver for us and goldsmith in a corner for them is a service granted by the Almighty-Council?" ("*Biz ki müslümanlarız, vatanımıza hem paramızla hem canımızla hizmet ederiz. Sair vatandaşlarımız ki edyan-ı saire ahabıdır. Bu hususta yalnız para sarf ederler. Acaba bize kavalık, onlara köşe sarraflığı divan-ı Kudret'ten tevcih olunmuş bir hizmet midir?*") Namık Kemal. "Müsavât". *Hadika*, No:5, 14 Teşrin-i sani 1288/ 13 Ramazan 1289, s.1-2. Ibid, p. 527.

people" (*hürriyet-i efkâr ve hâkimiyet-i ahâlî*) in the regulations made in the *Tanzîmât* Reform era. As stated above, they respected the rights promulgated by the *Tanzîmât* Reforms, but also considered them insufficient. This is expressed by Namık Kemal as follows: "If the Decree of Gülhane would not initially only interpret the laws of Sharia, which it had claimed to be implemented, for the security of life, property, and honor for freedom of individuals, but instead would also cover the many of the essential elements such as freedom of thought and sovereignty of the people and democracy practices then it would be a basic law for the Islamic caliphate."¹¹⁵ Therefore, they did not consider the regulations as a "constitution" (*nizamat-i esasiye*). Namık Kemal, in another article published in *Hürriyet* writes as follows: "Let's look at the principles of our administration,¹¹⁶ today we have the *Hatt-ı Hümayûn -ı Hümayûn* of Gülhane, and earlier we had the Reform Decree of Gülhane. Albeit, if we handle them as a whole it is revealed that there are a number of regulations that can be considered as a constitution, from the examination of the real meanings and the essence of some of the expressions; however, none of them have evidence and regulation enough to be considered as fundamental in the administration of a civilized state. Furthermore, most of them have unnecessary provisions related to administrative explanations and have expressions such as "not to be considered as liberty" (*serbestiyet derecesine varmaksızın*) that denies the freedom of people. Since civil liberty is known with reasoning and free speech, and since the status of our civilization is clear, it is necessary that the announced decrees and edicts should be revised – that is to say, removing the redundancies, clarifying the ambiguities – in accordance with these to the principles; and for example, clarifying the necessary regulations such as freedom, as with the necessity of consensus in the decisions of the

¹¹⁵ Namık Kemal. "Tanzîmât". *İbret*, No:46, 4 Ramazan1289/24 Teşrin-i Evvel 1288, s.1-2. Ibid, p. 222.

¹¹⁶ Namık Kemal also uses the same word "*nizamat-ı esasiye*" here; however there was no constitution in the Ottoman Empire at that time, at least there was no written constitution. Because of this, the preference was to translate "*nizamat-ı esasiye*" here as "the principles of administration".

state affairs with the participation of people in the government, with the sovereignty of people, in order to declare a constitution.”¹¹⁷ As can be seen here, the desires of the Young Ottomans were to have regulations that include both the rights and freedoms of citizens and basic laws that force regulatory bodies to act. As the system to realize their requests on obtaining the political rights, the Young Ottomans considered the “practice of democracy” (“*usûl-i meşveret*” with their own words) and the promulgation of a “constitution” (*Kanûn-i Esâsî*) essential.

¹¹⁷ Namık Kemal. “Ve Şavirhüm fil Emr” *Hürriyet*, No:4, 30 Temmuz 1285.

CHAPTER 3

THE THOUGHTS OF THE YOUNG OTTOMANS ON DEMOCRACY (*USÛL-İ MEŞVERET*)

The reforms of Mahmud II and his successors created a new well-educated, idealist, and passionate ruling elite. The change of the Ottoman government and society offered new opportunities and experiences for them; the translation of European works and "imitation" filled their minds with new beliefs and ideas. Thus, in the second half of the nineteenth century, when the ever-increasing autocratic rule of the sultan and his ministers started to worry them and senior officers glued to their places started blocking their promotions, they did not lack knowledge about the ideology and technique of struggle and revolution.¹¹⁸ Described as the first revolutionist-democratic enlightenment movement¹¹⁹ in the Ottoman history of reforms, the Young Ottomans were the champions of a constitutional government organized under a constitution. Advocating constitutional rule, this opposition group appears as a movement that responded to criticisms aimed at democracy, thanks to their newspaper articles.

Contending that the reforms under the 1839 Rescript were insufficient, harshly criticizing the existing regime, advocating a Constitutional Era rule and *usûl-i meşveret*, the Young Ottomans argued that reforms should primarily aim for change in the form of government. Their attempts and applications around the concept of "*meşrûtiyet*" (constitutional monarchy) and "*meşveret*" (consultation) represent a synthesis between the experiences of western democracy and Islamic political culture.¹²⁰ One of the many important contributions to the idea of the Constitutional Era in Turkey was

¹¹⁸ Lewis, (1969), pp. 150 – 151.

¹¹⁹ Türköne, (2011), p. 101.

¹²⁰ Kemal Karpat, *Türk Demokrasi Tarihi* (İstanbul: Timaş Yayınları, 2012), 44.

the translation, by the Young Ottomans, of a letter written by Mustafa Fazl Paşa in 1867 addressed to Sultan Abdüzzaziz.¹²¹ Let us now have a brief glance at this letter, which from one point of view we can consider to have given the direction of the movement.

3.1. Mustafa Fazl Paşa: A Letter from Paris¹²²

In his letter, Mustafa Fazl Paşa analyzes the current state of affairs of the government, and then he elucidates the necessary steps that should be taken in order to save the Ottoman Empire from its current decline.

The letter starts with the dictum, "Truth is the rarest commodity that finds a way into the palaces of sultans" and justifies this by saying that groups encircling the palace conceal the truth even from themselves in pursuit of their greedy interests. The letter refers to the absolute control of the Sublime Porte during the 1839 Rescript Era¹²³ implying that this has caused the Empire to be in its current state. He then gives an overview of the current state of the Empire: moral corruption; corruption on tax revenues; lack of interest in the arts, agriculture and trade; loss of entrepreneurial ability; unfair practices of poorly-controlled strict civil servants; and a decreasing Turkish population due to corrupt military practices. Stating that all such negative factors put a burden on the shoulders of the Muslim subjects of the Empire heavier than that of the non-Muslim subjects, Mustafa Fazl underlines that they had no superpower to protect them.¹²⁴ He divides the Ottoman subjects into two categories based on the treatment they received from the rulers: the infinitely oppressive and

¹²¹ Mardin, (2000), p. 276.

¹²² The parts of the letter are quoted from M.Kaya Bilgegil, *Yakın Çağ Türk Kültür ve Edebiyatı Üzerine Araştırmalar I: Yeni Osmanlılar* (Ankara: Baylan Matbaası, 1976), 30 – 37.

¹²³ Ortaylı, (2005), p.90.

¹²⁴ "That the people were Christians or Muslims also influenced the circumstances. There are Christian nations that support the Christian subjects. However, the ruling nation was deprived of such support." Bilgegil, (1976), p.31.

the mercilessly oppressed.¹²⁵ The very root of all such malice was the political system that was once a well-established organism but was now transformed into a tool of merciless oppression for subjects of all nations.¹²⁶ Adding that reforms would no more suffice for deliverance, Mustafa Fazl expressed the need for radical changes and compared the Ottoman Empire, on two occasions, to pre-1789 France.¹²⁷

The remedy is a reformed political system in a situation where reforms proved to be a failure; "Your Majesty, please transform this regime and save the government; save the regime by proclaiming a constitution."¹²⁸ Emphasizing that the proclamation of a constitution would ensure absolute equality (*müsâvât*) among Muslim and non-Muslim subjects, also guaranteeing human rights, Mustafa Fazl believes that this would prevent the Europeans from interfering the affairs of the Empire.¹²⁹

Mustafa Fazl argues that constitutional rule (*serbestâne nizâm*) would be possible through *usûl-i meşveret*: "Have recourse to the devotion and goodwill of your subjects. Constitute a grand assembly for each province, whose members will be freely gathered, so that they remind you about the current state of affairs, support you in executing your orders, and inform you from time to time about the needs of the general public upon your personal initiative and the current conditions."¹³⁰ Obviously, the paşa requests a constitutional monarchy. For Mardin, the source of the ideas of Mustafa Fazl

¹²⁵ "Some of them are oppressors, who freely percecuted as they wished and some are the repressed who permanently suffer under pressure..." Ibid.

¹²⁶ "As some treatments that were once considered appropriate now appear oppressive and unfair treatments to the subjects of all nations." Ibid, p. 34.

¹²⁷ Roderic H. Davison, *Reform in the Ottoman Empire 1856 – 1876* (Princeton, New Jersey: Princeton University Press, 1963), 220.

¹²⁸ "Your Majesty, please save the government by changing the form of government, and purify it embellishing it with a constitutional regime." Bilgegil, (1976), p. 36.

¹²⁹ "Yes, Your Majesty, as a constitutional regime will make all Christian and Muslim subjects equal before the law and in their daily duties, it will bring the peace that the Europeans deem to be impossible between the ruling and the ruled." Ibid.

¹³⁰ Bilgegil, (1976), p.37.

Paşa can be inferred in light of his respect for the sovereign and his desire to see the sovereign ruling a constitutional state.¹³¹

One can conclude that he believed that the survival of the Empire, which was composed of many different nations, could only be possible with a constitution against the nationalistic movements of the nineteenth century. His emphasis on "*müsâvât*" can be interpreted to be aimed at the preservation of the cosmopolitan structure of the Empire. However, for Mardin, the non-representation of Namık Kemal's principal idea in his articles advocating that Islamic Law should be made the cornerstone of the political system in Mustafa Fazlî's ideological base shows the degree of ideological dissimilarity that separates him from Kemal.¹³²

3.2. Discussions of the Young Ottomans on "*Usûl-i Meşveret*"

Young Ottomans have attempted to explain the concept of "democracy" by giving new meanings to the present concepts in Islamic history and tradition. Among these concepts there are "*meşveret*" for democracy, "*şûrâ*" for parliament, "*biat*" for election, and "*ehlü'l -hal ve'l-akd*" for public opinion. However, the Young Ottomans were not the first people to make an attempt to redefine these terms.

The term *meşveret* (consultation) was used by the Young Ottomans for the idea of constitutional and representative government and it occurs frequently in particular writings of Namık Kemal.¹³³ However, according to Lewis, Kemal, "has ever been credited, mistakenly, with having coined the word as a Turkish equivalent for representative government." He stated, "In fact, neither the word nor the political concept that it denotes was new, either in Ottoman or indeed in Islamic history."¹³⁴ The term gained the meaning that was used by the Young Ottomans in nineteenth century;

¹³¹ Mardin, (2000), p. 281.

¹³² Ibid, p. 282.

¹³³ Namık Kemal. "Usul-i Meşveret Hakkında Mektuplar 1-8" *Hürriyet*, 1285.

¹³⁴ Lewis,(1982), p. 775.

however, they did not create that interpretation. Lewis stated, *meşveret* was used in the translation of Carlo Botta's *History of Modern Italy from 1789 to 1814*. In this work, *meşveret* is used to describe the parliamentary regimes established by Italian liberals.¹³⁵ Afterwards, this term has been used by many Turkish and Arabic authors, throughout the nineteenth century.¹³⁶ By 1878, the work of Tunisian Hayrettin Paşa, Grand Vizier of Abdülhamid, entitled "*Mukkaddime-i Akvemü'l-Mesâlik Fî Marifet-ü Ahvâl el-Memâlik*"¹³⁷ was published. In this work, Hayrettin Paşa attempted to synthesize the concepts and institutions based on the Islamic ideology for democratic principles.¹³⁸ Essentially, there is an important aspect that separates Tunisian Hayrettin Paşa from his predecessors, though he had not created a synthesis of concepts different from his predecessors; he had performed this conceptualization in order to find a solution to the social and political problems experienced and did so for the survival of the Ottoman Empire. Tunisian Hayrettin Paşa gained the admiration of Âli Paşa, as well as the Young Ottomans, with his ideas. Namık Kemal praised Hayrettin Paşa, in his articles discussing the issue of democracy by references to him; "*Akvemu'l-Mesalik..*" is a major work, in which Tunisian Hayrettin Paşa was successfully published in order to rationally prove, with examples, the necessity of consultancy principle, in favor of convicts, with developments of the current century."¹³⁹ Hayrettin Paşa explains the development of civilization in Europe in his book by the prevalence of justice and freedom in society, and states that dominance is realized with the implementation of the secular laws, not with Christianity, and sought to respond to the Sharia objections of the Muslims. According to Türköne, this thesis of Hayrettin Paşa includes secular

¹³⁵ Ibid, p. 781. Lewis gives some information about the book of Carlo Botta; This book was first printed in Cairo in Turkish as "Bonapart Tarihi" in 1249/1833, and later reprinted in Istanbul. According to Lewis, this book is also known as "İtalya Tarihi" in Turkish.

¹³⁶ Ibid, p. 782.

¹³⁷ The full title of Hayrettin Pasha's book: Türköne, (2011), p. 110.

¹³⁸ Kuran, (1979), p. 278.

¹³⁹ Namık Kemal. "İstanbul'dan Diğer Mektup", Hürriyet, No:31, January 25, 1869. Quoted passage from Türköne, (2011), p. 111.

content, in addition to the adoption his ideas by Islamic community.¹⁴⁰ Hayrettin Paşa explains the development of civilization in Europe in his book by the prevalence of justice and freedom in society, and states that dominance is realized with the implementation of the secular laws, not with Christianity, and sought to respond the Sharia objections of the Muslims. According to Türköne, this thesis of Paşa includes secular content, besides the adoption his ideas by Islamic community.”¹⁴¹ For Hayrettin Paşa, consulting the knowledge of the West only in military and technical fields was insufficient; it was necessary to take the traditions and ideas, in other words, the elements of spiritual culture, because “Wisdom is the lost property of the believer, it should be taken where it is found.”¹⁴²

Hayrettin Paşa stipulated the “*consultancy/counsel*” (“*meşveret*”) for the survival of the Ottoman Empire, but this principle was exclusive for the elite only (statesmen and the Ulemâ).¹⁴³ According to him, for these “prohibitionists”, in other words, head of state was mandatory for the survival of humanity, but if any decision-making authority was given to these “prohibitionists” it would result in bullying. Therefore, a prohibitionist is required to limit the prohibitionist. This prohibitionist was the “Divine Sharia” (“*Şeriat-ı İlahiye*”) or “the Law of mind and customs” (“*Kavân-ı akliye ve örfiye*”). However, since both of the prohibitionists will not act by themselves when the rules are not obeyed, a task is given (delegated “*ihâle* and *tefvîz*”) to the Ulemâ and the Notable (*Ulemâ-yı kirâm* and *âyân*) to respond to the acts against the law.¹⁴⁴ Here, although the “*ulemâ-yı kirâm ve âyân*” and assemblies in Europe seem to have different structures, they have the same tasks; in other words they hold the government, or as can be considered, a prohibitionist president, responsible for any unlawful behavior. That is to say, Hayrettin Paşa argues for the idea of “responsible government”. There is a

¹⁴⁰ Ibid, p. 113.

¹⁴¹ Ibid, p. 112.

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ Ibid, pp. 113-114.

striking point in these views of Hayrettin Paşa. While initially protecting Sharia was a duty of every Muslim,¹⁴⁵ he later limits this task to the Ulemâ and the Notable; that is, he substitutes the "Council of the Notable" ("*âyân meclisi*") in place of the assemblies in Europe. It is because of this that it was stated earlier that Hayrettin Paşa won the admiration of Ali Paşa because Hayrettin Paşa limited the *meşveret* with a distinguished coterie.¹⁴⁶ The *meşveret* concept, with the meaning used by Hayrettin Paşa, had not been used by the Young Ottomans within the precise meaning of democracy. They had taken the Sharia arguments of the concept and continued to stand on the idea of the responsible government; however, they replaced the control by notable, which is a distinguished coterie, by an elected national assembly. At this point, the new meaning given by the Young Ottomans, through the writings of Namık Kemal in particular, attracted attention to the concept. After that time, the term *meşveret* term began to be used for the equivalent of democracy, not the parliamentary system.

As mentioned earlier, the terms *meşveret* and *şûrâ* both derive from the same root word; *meşveret* means a meeting to discuss, consultation;¹⁴⁷ *şûrâ* means a meeting/consultation.¹⁴⁸ In the terminology of the Young Ottomans, *meşveret* was used for democracy, and *şûrâ* was used for the parliament. Both of these concepts, which were taken from Islamic terminology, were the fundamental basis for the democratic demands of the Young Ottomans. The following section will examine the way in which the Young Ottomans discussed democracy.

3.3. Political Ideas of the Young Ottomans

Despite the difficulty discussing the idea of an organic thought of the Young Ottomans, it can generally be defined as follows: "It can be

¹⁴⁵ Ibid, p. 113.

¹⁴⁶ Ibid, p. 112.

¹⁴⁷ Devellioğlu, (2005), p. 632.

¹⁴⁸ Ibid, p. 1003.

summarized as to propose responses from the heritage of thought from Islam mostly and from their history, in line with the answers given to the accepted universal values and questions raised by the West.”¹⁴⁹ As mentioned earlier, this can be expressed as finding the equivalents of concepts taken from the West in an Islamic tradition. Ercüment Kuran supports this idea by expressing that the origin of the Young Ottomans' ideas was the Western philosophers of the eighteenth century, and that they were attempting to reconcile the concepts taken from these philosophers such as natural rights, freedom, and justice with Islamic merits.¹⁵⁰ Mardin argues that the sources of the ideas of the Young Ottomans were religious, and that their arguments were based on the ideal of the Islamic state's official ideal, developed by the political, theological, and traditional authors.¹⁵¹

It would not be wrong to say that the only issue that the Young Ottomans agreed on was the opposition to the *Bâb-ı Âli* (the Sublime Porte), which is the only issue on which they had a consensus. The fundamental characteristics of the ideas of Young Ottomans, however, consist of first the democracy, second the struggle for freedom, and third the radical reforms that strengthen the state for its survival and creating a political fraternity to hold the different peoples of the state together.¹⁵² The solution they found to achieve this was to remove the absolutism of the *Bâb-ı Âli*'s bureaucrats and replacing it with constitutional monarchy and to ensure the self-government of Ottoman people.¹⁵³

3.3.1. Namık Kemal and His Political Views

Namık Kemal is among the main ideologists of the Young Ottoman Society. Furthermore, he is described as the “person who represents the

¹⁴⁹ Türköne ,(2011), p. 100.

¹⁵⁰ Ercüment Kuran, *Türkiye'nin Batılılaşması ve Milli Meseleler*, edit. Mümtaz'er Türköne (Ankara: Türk Diyanet Vakfı Yayınları, 1994), 36.

¹⁵¹ Mardin, (2000), p. 81.

¹⁵² Türköne, (2011), pp. 95-96.

¹⁵³ Kuran, (1994), p. 79.

Young Ottomans most."¹⁵⁴ He was one of the founders of the Society. Both with his articles and literary works (poetry, novels, theatre) he made a great contribution to the intellectual group. Mardin states that Kemal chose to address the issue of government with an Islamic perspective and that religion is given a considerably significant role in the reform agenda.¹⁵⁵

Namık Kemal discussed the most important aspects of his thinking, in other words the use of political power, in his articles titled "*Usûl-i Meşveret Hakkında Mektuplar*" ("Letters on *Usûl-i Meşveret*") written in London.¹⁵⁶ Kemal primarily addressed the concepts of democracy, parliament, and the sovereignty of people in these articles.

3.3.1.1. The source of Government: *Biat*

For Namık Kemal, an ideal government is one that observes the instructions of religious law, the Islamic Law.¹⁵⁷ It is still a topic of debate as to whether the source of the political authority of an ideal government is divine or worldly. For Mardin, there are two theories covering the subject, the first of which is the one that appears in the works of Islamic jurists, and the second is that which appears in the works of both Muslim and Western philosophers; Kemal advocates the first theory.¹⁵⁸

Namık Kemal explains the source of ideal government, which begins from the source of man's freedom, in his article titled, "Veşavirhüm fi'l emr". According to him, people experience freedom, which is a "divine gift" ("*ata-yı ilahlî*") for man, and because of this he has the right to use it. However, maintaining the freedom of an individual can only be ensured, providing that he lives in the society, because this is the only way to protect someone from

¹⁵⁴ Türköne, (2011), p. 95.

¹⁵⁵ Mardin, (2000), p.287.

¹⁵⁶ Berkes, (2004), p. 289.

¹⁵⁷ Mardin, (2000), p.289.

¹⁵⁸ Ibid, pp. 289 - 290.

the assaults of another.¹⁵⁹ Here, one can see that Namık Kemal takes on a Hegelist libertarian approach;¹⁶⁰ that is, being on one's own does not imply that he is free, and he can only be free and liberated if he melts into society, submits himself to political authority, when his freedom is guaranteed by this political authority. Subsequently, Kemal advocates that political authority is a necessity for continued freedom enjoyed by the individual in society; "As one can understand from here, the service of society in this world is by ensuring freedom, which is necessary for the survival of the human kind."¹⁶¹

A society where there is a power by which its legitimacy is based on the sovereignty of people. Kemal expresses that that very power belongs to society in the following sentences: "As can be understood, in order to maintain and render freedom of communities in the world --in which the survival of mankind is in need of this—the invention of a political power (*kuvve-i galebe*) is an absolute necessity. Here, the essential element of the implementation of the rights and representations lies in the assembly of the individual powers. Consequently, since the assembled power of individuals for self-governance belongs to the entire public, the sovereignty right belongs to the public in every community."¹⁶² However, Kemal is aware of the difficulty in using this right by "the public" ("*umûm*") that presents a solution for this as follows: "Since there is no possibility and permission for the public to perform this resultant duty in person, it is mandatory to assign an imam¹⁶³ and to form a government, and this is nothing but to delegate the above-mentioned duties of the public to certain individuals for representation. In this case, sultans have no other duty than to recognize the

¹⁵⁹ "When human beings are weary of power, then they must resort to using freedom, a divine blessing. Freedom is preserved in society because only society can be a fighting force that will secure an individual from the assaults of another individual." Namık Kemal, "Ve Şavirhüm fil Emr" *Hürriyet*, 30 Temmuz 1285.

¹⁶⁰ For more information about freedom according to Hegel, please see: Ömer Çaha, *Siyasi Düşüncelere Giriş* (İstanbul: Dem Yayınları, 2008), pp. 106 – 107.

¹⁶¹ Namık Kemal. "Ve Şavirhüm fil'Emr" *Hürriyet*. 30 Temmuz 1285.

¹⁶² *Ibid.*

¹⁶³ Here, the meaning of "Imam" is sultan or caliph, because the sultan or caliph are the imam of Muslims.

right to execute power by representation acquired by representatives' civil service, on behalf of the community."¹⁶⁴ Here, we see a more or less a Leviathan¹⁶⁵ perception. Each member of society can assign each of their powers to a sovereign and appoint him as the upholder of order and justice. Therefore, for Kemal, since politics is but the assignment of each and every authority of individuals in power, sovereignty rests with the people. He attempts to elucidate Namık Kemal's principle of sovereignty resting with the people (the right to self-government belongs to the general public) with examples.

Islamic evidence of this claim could be exemplified in a specific case where the people in an area come together and unanimously appoint a person as the judge to solve a matter in which they are in dispute—his judgment would be void; jurisdiction can only be exercised and can only be carried out by a judge who represents the monarch because jurisdiction can only be exercised by the government. However, if the people in an area unanimously appoint a person as the sultan and caliph, then that person becomes the sultan or the caliph, and the preceding sultan or caliph will have no authority because leadership is the right of the people.¹⁶⁶

Namık Kemal proposes two solutions to ensure the correct act of the government in power and to keep the governance under "fair administration" ("*daire-yi âdile*"), which are: the announcement of the constitution, which describes how organize the government and democracy principle (*usûl-i meşveret*), which is the only way to obtain legislative power (*kuvvet-i teşri*) from the hands of the executive powers (*erbâb-ı hükümet*). These two principles will ensure the fair administration.¹⁶⁷

¹⁶⁴ Namık Kemal. "Ve Şavirhüm fil'Emr" *Hürriyet*. 30 Temmuz 1285.

¹⁶⁵ For more information about Leviathan and the social contract in Thomas Hobbes, please see: Çaha, (2008), pp. 94 – 96.

¹⁶⁶ Namık Kemal. "Ve Şavirhüm fil'Emr" *Hürriyet*. 30 Temmuz 1285.

¹⁶⁷ Ibid.

Namık Kemal argues that the government is a legal entity (*şahs-i maneviye*), and that enactment is her will, but execution is her action. For him, these two powers vested in a single person would mean that there would be no barriers in front of the government to have absolute power. Here, we see him referencing Montesquieu's principle of "separation of powers."¹⁶⁸ Kemal argues that a parliament (*şûrâ-yı ümmet*) would be essential in preventing the government from becoming an absolute power.¹⁶⁹

First stipulating the creation of a new constitution to contain the government, Namık Kemal justifies this necessity by stating:

Let us consider the principles of the administration¹⁷⁰ of our government; we now have the Gülhane Rescript, the *Hatt-ı Hümayûn*, and the last year's Imperial Speech. In fact, if one reviews all of them, he may understand that some rules, which can be considered as a charter, may be induced from the meanings of the real and intended meanings of some phrases, but none of them is clearly organized to serve as the constitution of a modern state, whereas some of them, e.g. the term "*serbestiyet derecesine varmaksızın*" (not to the extent of freedom), contain provisions that entail the people's freedom to denial, and some others contain many redundant provisions concerning the particulars of government. Since human rights laws are made by reasoning and reference and the current state and position of our civilization is nothing secret, then it is necessary that the said rescripts and edicts should be reviewed to address these two concerns; that is, the redundant provisions should be removed and important provisions should be clarified. For example the basic rules, such as that everyone should

¹⁶⁸ "When the legislative power is united with the executive power in a single person or in a single body of the magistracy, there is no liberty, because one can fear that the same monarch or senate that makes tyrannical laws will execute them tyrannically. Nor is there liberty if the power of judging is not separate from legislative power, the power over the life and liberty of the citizens would be arbitrary, for the judge would be the legislator. If it were joined to the executive power, the judge could have the force of an oppressor." Baron de Charles de Secondat Montesquieu, *The Spirit of the Laws*, trans. and edit. Anne M. Cohler, Basia C. Miller & Harold S. Stone (New York: Cambridge University Press, 2009), 157.

¹⁶⁹ Namık Kemal, "Ve Şavirhüm fil'Emr" *Hürriyet*. 30 Temmuz 1285.

¹⁷⁰ Namık Kemal uses the same term "nizamât-ı esasiye" here; however, at that time, there was no written constitution in the Ottoman Empire, and one could only see imperial edicts (the 1839 Rescript and the Hatt). Therefore, the decision was made to use "principles of the administration" instead of "nizamât-ı esasiye".

supervise the government as it belongs to the people and so freedom should be granted as necessary in questioning governmental affairs before the law, should be clearly incorporated to proclaim a line of basic regulations so that everyone will be convinced that the government of the Ottoman Empire is truly established based on the principles of freedom and justice.¹⁷¹

Namık Kemal also argues that the essential outcome of a constitution is *usûl-i meşveret*; “and its essential outcome is *usûl-i meşveret*, which is the subject of this article.”¹⁷² For Kemal, since there will be a transparent form of government with the practice of *meşveret*, that is the practice of democracy, and since all decisions will be made by consultation, both the concerns of the non-Muslim subjects would be addressed and European countries’ interference with the domestic affairs of the Ottoman Empire over the non-Muslim subjects would be blocked.

Now, the Christians are entitled to anything they ask from the government, no matter if it is all lies or not. Because the basis of the government is rotten, civil servants are free to do anything, no one consults for any matter, and the people do not supervise the government. Because of this, no matter what the Christians, who were promised to be given better civil rights, are permitted to do and how peaceful they live, Europeans will not believe it. And as they are accustomed to freedom, they say, can a nation be safe if its people are not able to inspect its legislation, and if it does not have representatives who will be able to hold its deputies accountable, and can a human being be free if he is not able to judge a minister before the law? They get the idea that Muslims are unaware of the tastes of freedom and have a disposition to be ruled with oppression when the rulers speak about how happy the people are.¹⁷³

¹⁷¹ Namık Kemal. “Ve Şavirhüm fil’Emr” *Hürriyet*. 30 Temmuz 1285. Namık Kemal also discusses the same point in another article; “Now that we agree on this basis, we would not need to invent anything new in its counterparts and particulars, so I would consider adopting, as a sample, the basic laws of any one of constitutional states in the world. I would review the 1839 Rescript, the equality edict, and the last year’s imperial speech. And by making the necessary amendments as necessary in them, I would like to organize our basic laws.” Namık Kemal “Usul-i Meşveret Hakkında Mektublar” Vol.1, *Hürriyet*, September 14, 1285.

¹⁷² Ibid.

¹⁷³ Ibid.

Namık Kemal then, in his articles in *Hürriyet* newspaper titled "Letters on *Usûl-i Meşveret*", in eight issues, sets to respond to the criticisms of *usûl-i meşveret*.

3.3.1.2. Criticisms of *Usûl-i Meşveret* and the Responses of Namık Kemal

Objections to *usûl-i meşveret* can be grouped under three main titles:

- a. *Usûl-i meşveret* is contrary to Islamic law
- b. The Sultan will not allow his sovereignty and powers to be curtailed
- c. The people are not capable of electing the "people in charge"¹⁷⁴

The views of the members of the Young Ottomans in addressing the above objections will be reviewed respectively along with their political views.

a. *Usûl-i meşveret* is contrary to Islamic Law

The first objection to *usûl-i meşveret* argues that this method is contrary to Islamic Law. The objections to this end have two dimensions; first is the argument that a constitutional government to be created based on *usûl-i meşveret*, that is, the creation of a parliament, was "*bid'at*", or non-Islamic, under Islamic Law (Sharia) and that the method would be borrowed from Europe; therefore, its adoption would be impossible. The second objection is the objection against the content of the pronoun "*hum*" (they) in the verse "*ve şavirhüm fil emr*", which is one of the basic arguments of theses of the proponents of the Young Ottomans who advocated democracy and constitutional government. That is, the pronoun "*hum*" encompasses only the deserving and worthier people possessing only certain characteristics,

¹⁷⁴ These objections can be seen in Namık Kemal's articles "*Usul-i Meşveret Hakkında Mektuplar 1 – 8*" and also in Ali Suavi's article "*Usul-i Meşveret*".

instead of the entire population as the electing group with whom consultation is recommended¹⁷⁵ as argued by the proponents of the Constitutional Era. Since the group would include non-Muslims as well, if this was not the case; that is, if it encompassed the entire population, it would be contrary to Islamic law. Below is a review, respectively, of Namık Kemal's responses to such objections.

Namık Kemal responded to the objection claiming that the *meşveret* method was "*bid'at*" and the principle of public sovereignty was contradictory with Islam first by giving examples from Islamic history:

"When Abu Bakr as-Siddiq (radiyallâhu anh) became the caliph and Imam Ali (kerremallahu veche) spoke in resentment due to his ties of kinship, Hazreti Faruk (radiyallâhu anh) responded him saying, your superiority is incontrovertible true but he was the people's choice?"¹⁷⁶

We can also see that Namık Kemal's response also emphasizes the importance of public sovereignty; that is, public *biat*.

Although he tries to legitimize his view giving examples from Islamic history, there is criticism in the subsequent parts of the article arguing that a projected parliamentary model will be borrowed from Europe. "However, the letter addresses an issue that has to be reviewed. It asks whether the acceptance of *usûl-i meşveret* would be achieved by imitating the existing parliament in Europe."¹⁷⁷ In his response to this criticism, Namık Kemal agrees that parliamentary procedures will be borrowed from Europe and argues, by some reasoning, that if its particulars are created by the people, then such a parliament would no more be *bidat* and emerge in harmony with *usûl-i din*.

"Yes, it will inevitably be achieved in this manner... Now, what can we do if you claim that the parliamentary system is a form of *bid'at* (heresy), but I wonder if Melik Cevher were unaware of that it was *bid'at* when he held such a

¹⁷⁵ "*ehlü'l-hal ve'l-akd*"

¹⁷⁶ Namık Kemal, "Usul-i Meşveret Hakkında Mektublar" Vol.1, *Hürriyet*, 14 Eylül 1285.

¹⁷⁷ Ibid.

parliament in Andalusia. Why shall we not introduce ships to prevent Greek lemon boats from invading Crete? Why shall we not use new rifles to prevent Greek street bullies from conquering İstanbul? There are such innovations (*bid'at*) in the world that they would rather be called totally new innovations (*bid'at-i bedi'ya*). Now that we have agreed on *usûl-i meşveret* under Islamic law, its particulars of execution will be determined by public consensus, and any action taken by public consensus will no more be *bid'at*, but be in line with *usûl-i din*.¹⁷⁸

Following paragraphs briefly touch on the criticisms aimed at the content of the pronoun "*hum*". The criticisms insisting that the incorporation of non-Muslims into an intended parliament would conflict with the circumstances were addressed by Namık Kemal who argued that first of all European interference in the interior affairs of the Ottoman Empire could be preventable by doing so. Also stating that there should be equality among the subjects of the Empire, Kemal believes that collective responsibility of all subjects in all decisions and actions taken would be to the benefit of the Ottoman Empire.

"Do you not ever think that if we build a parliament of the people and that parliament passes a bill, we then will have the right to ask the Christians or the Jewish: "Do you not have deputies in the parliament... so why were they as silent as a rock during the parliamentary debates?" when they start complaining about a certain provision of the law under any title whatsoever. Yet it is sufficient for the Europeans just to state that public opinion is not taken into consideration to complain from a law enacted by the government on its own will, and stating that the law complies with Islamic practices would not be just as appropriate."¹⁷⁹

Formulating the parliament as *Meclis-i Şûrâ-yı Ümmet* within the framework of the policy of Ottomanism¹⁸⁰, Namık Kemal argues that the creation of a parliament that would also let non-Muslims in would be in

¹⁷⁸ Ibid.

¹⁷⁹ Namık Kemal, "Usul-i Meşveret Hakkında Mektublar" Vol.6, *Hürriyet*, 26 Teşrin-i Evvel 1285.

¹⁸⁰ İlber Ortaylı advocates that there was "*Osmanlılık*" (Ottomanism) and not "*Osmanlıcilık*" (Ottomanicicism) against the nationalistic currents of the nineteenth-century. Ortaylı, (2005), p. 62.

harmony with the principle of equality. Moreover, for him, such equality among people is something that is also approved by Islamic law.

“Should we enthrone an Alexander to replace Abdülaziz in Istanbul to make sure that the votes cast by Petraki will not suppress the votes cast by Hasan Efendi? No way! Will we not ever wake up, and shall we leave the Russians and deal with our citizens Kevrok and Hristo, shall we consent to the oppression of our ministers and ignore the equality before the laws of our own citizens? Islamic law provides for the equality of general public; keep this aside, reason and knowledge provides for the equality of general public; keep that aside too, only the personal wills of just several people are opposing equality and justice, shall we submit to their decisions until Doomsday? When it comes to rhetoric, we highly praise Islam’s heroism, sense of honor, and wisdom. This is the fact, and now appears the testing arena. Shall we run away with that heroism, sense of honor, and wisdom? No, no!”¹⁸¹

The following parts of the same article state that the demand for *usûl-i meşveret* was actually required just at this point for Islam and Islamic Law.

“No way! Who forgot the nation of Islam! For the sake of Islamic Law and Islam we demand freedom and democracy (*hürriyet ve usûl-i meşveret*). If we will not forget our nationality, shall we take on the occupation of Haccac and be as oppressive, leaving aside the rules and orders of the religion? When did Islam keep someone under the control of another? Which book contains an instruction requiring that a man should be deprived of equity and justice if he follows a specific denomination, or adopts a certain idea?”¹⁸²

On the other hand, to the objection claiming that if non-Muslims are allowed into the parliament they will betray, he responded by stating that this would be unawareness of human nature.

“Let’s return to the point of inevitable betrayal of people following specific denominations or adopting certain ideas. Making such a claim is virtually being ignorant of human nature. With reference to its examples in world history, conflicting in matters of religion is no lower thing for man than conflicting in matters of denominations. Did not the Shiites, at one time, struggle to destroy Sunni Islam, working less to defeat Christendom? Do the Catholics struggle less to defeat Protestantism than destroying Islam? Now that this is the case, there

¹⁸¹ Namık Kemal, “Usul-i Meşveret Hakkında Mektublar” Vol.8, *Hürriyet*, 23 Teşrin-i Sani 1285.

¹⁸² Ibid.

are so many Armenians, Catholics, Protestants, and Jews in Britain, France, Austria, and even in Russia, have you ever seen any of them to take up arms with nationalistic causes and avoid from sacrificing their lives to defend their countries? The Greeks in Crete, Armenians and Mount of Olives, and the Croats in Herzegovina constantly took up arms and fought against the government. Russia helped them so much but the Bulgarians were unwilling to resist, why? Because Mithat Paşa was the governor of Bulgaria for many years, he prevented despotism to a certain degree, and everyone was safe from threats to a certain degree and if the Danube province was left to Hüsni Paşa, or some other guys, would it be difficult to imagine that it would be just like Crete?"¹⁸³

Here, Namık Kemal states that the very foundation of order depends on the maintenance of justice; justice is of chief importance for a government to be created. The next paragraph of the article supports this induction.

It should be very clearly understood that the Islamic Government that the Ottomans are after does not imply that several Muslims should have some desirable posts and oppress and persecute the people no matter what their denominations are. We first desire an impartial government in our country – under the rule of the House of the Ottomans. Secondly, legal administration should be in harmony with Mohammedan Islamic laws.¹⁸⁴

The article, in the following paragraphs, asks why those considering the presence of non-Muslims in the parliament to be contrary to Islamic law do not advocate the same view when it comes to the non-Muslims working for other governmental bodies or in other affairs concerning the government.

The trade chamber, which is busier than the other courts and chambers, is in the hands of all other denominations, and we have fifty Christian officers working for *Hariciye Dairesi* (Ministry of Foreign Affairs). More than half of them are ambassadors, undersecretaries to the embassy, chief embassy officers, or policy officers. We have skiing companies, but no other soldiers made up of Christian youths. We trained so many Christian officers that we can control an army with them, and we are still training. Are there any services where people

¹⁸³ Ibid.

¹⁸⁴ Ibid.

of such other denominations cannot serve as civil servants considering that they serve for the foreign office and the grand vizier's office which are under the monopoly of certain people where even people trusted and required by the sultan are not employed? While they can serve in any executive office, will the Islamic government be destroyed when they are in the people's parliament in order to protect their legitimate rights?¹⁸⁵

Although the last part of Namık Kemal's response to the criticisms against the pronoun "*humi*" is again within the frame of the policy of Ottomanism, he in fact argues that equality that will be enjoyed by all subjects no matter what their religions are would be beneficial for the government and the entire Ottoman nation. He first underlines the economic power enjoyed by non-Muslims and then asks whether transforming this power to the benefit of the Ottoman Empire would be truer from a political and economic perspective.

"As to the benefits that will emerge from the submissive acts of other denominations; the first benefit would be the elimination of their damages seen thus far, and there can be no greater benefits than that for our government. The second benefit is that so many Armenians and Greeks born in Chios, Smyrnia, and Crete or other places now naturalized into other nationalities, and gained incomparable wealth, they are also missing their own homeland. If, as in other European countries, they witness equal treatments in our land and naturalize as Ottomans, our wealth will double; is this not a benefit? Now, taking up arms to protect the country is the duty of just Muslims now, and if people of other denominations also serve to protect the country and if they join us for the protection of the country, we will be able protect Muslim generations from annihilation; is this not yet another benefit?"¹⁸⁶

b. The Sultan will not allow his sovereignty and powers to be curtailed

The following paragraph discusses the second objection against *usûl-i meşveret*. The most-widely raised objection after the objection that *usûl-i*

¹⁸⁵ Ibid.

¹⁸⁶ Ibid.

meşveret contradicts the provisions of religion is the objection arguing that the sultan will not allow his powers to be curtailed, and he will oppose *usûl-i meşveret*; "Will His Majesty be willing to accept anything that will limit his own freedom?"¹⁸⁷ The first argument of the Young Ottomans against this objection is that the Sultan already has a sphere of influence that is limited by Islamic Law and *meşveret* is already available in Islam.¹⁸⁸

Namık Kemal claims that the Sultan did not own absolute powers, in stating;

"Although no nation will want to violate that rule by appointing a person with absolute powers or empowering a person with absolute legislative powers, they will not be properly powerful, because neither an individual is entitled to suppress his own will nor he is entitled to violate the rights of the general public."¹⁸⁹

Here, Kemal argues that neither the Sultan nor any person holds absolute powers in matters concerning freedom of any single person or any people.

At this point, another method used by Namık Kemal is the logical conclusion reached based on the assumption that the sultan accepts all proposals he deems to be in the interests of the country. As an addition to the basic assumption of the Young Ottomans claiming that "the proclamation of the Constitutional Era is the only alternative for the survival of the country", they conclude that the sultan will also accept this method as he also considers this as the only alternative for the survival of the country. On the other hand, giving the Egyptian Khedive as an example in his response, he claims that the sultan "will not cast a shadow both on his reputation and on the reputation of his ancestors" by not accepting this alternative. Thus, in a way, he attempts to force the Sultan to *usûl-i meşveret* in the people's eyes.

¹⁸⁷ Namık Kemal, "Usûl-i Meşveret Hakkında Mektublar" Vol.5, *Hürriyet*, 19 Teşrin-i Evvel 1285.

¹⁸⁸ This subject will not be rediscussed here as it was addressed in Chapter I.

¹⁸⁹ Namık Kemal, "Ve Şavirhüm fil'Emr" *Hürriyet*. 30 Temmuz 1285.

Yes he would accept it because he never rejected any proposal brought to him whenever it was in the interests of the government. Because the House of the Ottomans really sees her subjects as their father. Because the Egyptian Khedive, who is his subordinate, proclaimed *usûl-i meşveret* on his own goodwill and without demand from anyone, thus performing his duty, the Ottoman sultan will not risk his own reputation and the reputation of his ancestors by continuing to deprive the people of their rights despite such demands. Because that freedom is but a perception. The sultan never benefits from it. *Usûl-i meşveret* will not exclude anyone from the provisions of the law, and the sultan breaks the law no more than a simple officer; for example Ali Paşa seized the custom area with no deeds or documents but the Treasury could not even file a lawsuit, and in the end they could recover it paying much more money than it was actually worth.¹⁹⁰

Namık Kemal's other argument in responding to the objection is also remarkable. Kemal argues that the Sultan is already not a free man. Set aside the above argument that the sultan is restricted by the circumstances, he explains his lack of freedom here with the oligarchic structure he has established with the bureaucrats.

We know some people who almost worship His Majesty but they are flatterers and they enjoy promotions higher than they deserve. We know some other people that His Majesty likes but they cannot get along well with the ministers, and cannot escape from falling into disgrace although they are not guilty or sinful. Another minister appoints a person who cannot even write a letter in any language to an embassy as a member of the embassy office, such as Haydar Efendi and Kamil Bey. His Majesty appoints a person whom he trusts to be loyal and of good character to the Telegram Office, and he cannot keep him there. Is this freedom? No, no! Whenever the people's parliament will be opened, and whenever everyone will be required to prove their qualifications and all administrations will be under the control of qualified people, only then

¹⁹⁰ Namık Kemal, "Usul-i Meşveret Hakkında Mektublar" Vol.5, *Hürriyet*, 19 Teşrin-i Evvel 1285.

every officer will act in line with the requirements of his duty, and only then there will be no threats from Europe.¹⁹¹

Criticizing the bureaucrats at the Sublime Porte, this response of Namık Kemal essentially shows that the Young Ottomans defended *usûl-i meşveret* against oligarchy, and not monarchy. However, he argues that the sultan would only truly be free with the maintenance of *usûl-i meşveret* and proclamation of constitutional government. “Then all arrogance and reluctances will end; and only then will His Majesty taste his legitimate freedom, if he will.”¹⁹²

Namık Kemal also argued that either the sultan did not have the time to deal with all issues or this would be disgraceful for him, so if the sultan assigns some of his duties and responsibilities this would make his job easier. Kemal provides the example of France and Britain in this context, saying:

Under the Basic Law, France is ruled by an emperor together with his ministers and three parliaments. The ministers only report to the empire in their affairs and it is the emperor’s job to deal with and be responsible to the people. The empire gathering all duties and jobs in his office is a political deception aimed to reduce the workload of the government. Who can hold this Great Sultan responsible for all major and minor matters? In fact, we will not exclude our Sultan from everything and leave the government only to the ministers as in the case of Britain. Because the Sultan must execute his judicial roles under the Islamic Law. However, would it be appropriate not to inquire about a corrupt company from the Treasury and hold the Sultan accountable for his signatures? How can we hold responsible a person who became the monarch with reluctance and blessings and thanks to his nobleness and truthfulness from all responsibilities that will emerge from all deceptions of some political geniuses who went through the mill to advance in their positions?¹⁹³

¹⁹¹ Ibid.

¹⁹² Ibid.

¹⁹³ Namık Kemal, “Usul-i Meşveret Hakkında Mektublar” Vol.1, *Hürriyet*, 14 Eylül 1285.

At this point, there is an opposition group of people who appear before the Young Ottomans, asking “would he allow this” who are the people and ministers around the Sultan whom Mustafa Fazl Paşa accuses, in his letter, of not allowing truthfulness to enter the palace. The question is: “Considering that His Majesty will accept *usûl-i meşveret*, will the ministers agree to this?” However, Namık Kemal responds harshly to this question:

Who are the ministers? A group of theoretical judges who are there to tell the truth and the sultan is the real judge who will choose whether or not to agree to it? What right will some paid servants have to comment on his decisions? Seeking the consent of ministers in this regard is just as seeking the consents of simple officers such as chamberlains or office clerks.¹⁹⁴

c. The people are not capable of electing the “people in charge”

The following paragraph discusses Namık Kemal’s response to the last objection raised against the Young Ottomans. Namık Kemal’s objection argues that the people’s ignorance would be a barrier to *usûl-i meşveret*. Kemal responds to this objection by comparing the societies in countries with parliaments and the Ottoman society:

There are parliaments in Montenegro, Serbia, and Egypt, why would such an ignorance that does not prevent it in those nations prevent it in our nation? Are we lower in manners than the wild people of Montenegro? While it is possible to find someone from the rural parts of the country to serve as a member of the council of state, a position which requires perfectly learned political skills, could it not be possible to find someone to serve as the member of a parliament who will be required to be naturally elected?¹⁹⁵

One other objection is that the common people are not capable of electing the “people in charge”. Namık Kemal again compares the Ottoman Empire with nations that have parliaments and his response shows his confidence in the Ottoman people.

¹⁹⁴ Namık Kemal, “Usul-i Meşveret Hakkında Mektublar” Vol.5, *Hürriyet*, 19 Teşrin-i Evvel 1285.

¹⁹⁵ Namık Kemal, “Ve Şavirhüm fil’Emr” *Hürriyet*. 30 Temmuz 1285.

Now, all members of the parliament will be elected by the people and everyone's voting rights will naturally be approved. The author of the letter asks how our peasants can be capable of electing the people in charge. How can the government be prevented to act quickly in this context? Does this person think that all peasants in Europe are capable of distinguishing between the right and the wrong, the wise and the stupid, the oppressor and the rightful, and the scholar and the ignorant? No, they are just like our people but they are richer as they take better care of their businesses.¹⁹⁶

One other indicator of Namık Kemal's confidence in the Ottoman people is his references to some important people in Ottoman history in another article. The question is, "Will some students and farm keepers know political issues better than those who have spent their entire lives in service to the government?"¹⁹⁷ Namık Kemal responds to this question, saying:

Interestingly, my challenger claims that the majority power is in the hands of several people within a population of thirty million people. Ottomans are such blessed generations that among the students mentioned by my challenger are very important persons including İbn-i Kemal, Saadettin; and the honorable Köprülü family and Mehmed Ali were among those farm keepers my challenger has belittled. Just you wait to see the opening of the parliament, a testing arena, and we will see the emergence of many speakers and bright people; no one will even think of from among those ordinary people whom we never take into consideration.¹⁹⁸

3.3.2. Ziya Paşa and His Political Views

An important member of the Young Ottomans Society, Ziya Paşa, had plenty of contributions to the publications of the society abroad. However,

¹⁹⁶ Namık Kemal, "Usul-i Meşveret Hakkında Mektublar" Vol.2, *Hürriyet*, 21 Eylül 1285.

¹⁹⁷ Namık Kemal, "Usul-i Meşveret Hakkında Mektublar" Vol.3, *Hürriyet*, 29 Eylül 1285.

¹⁹⁸ Namık Kemal, "Usul-i Meşveret Hakkında Mektublar" Vol.4, *Hürriyet*, 12 Teşrin-i Evvel 1285.

his major contribution to the society was his experience in state administration and bureaucracy.¹⁹⁹

Ziya Paşa has written articles inspired by the eighteenth century philosophical and political views, from Rousseau in particular. He states that freedom of individuals, which is necessary for the progress and happiness of humanity, will only be possible with commitment to the law.²⁰⁰

In his article entitled "*İdare-i Cumhuriye ile İdare-i Şahsiye'nin Farkı*" (The Difference between Republican Administration and Authoritarian Administration), Ziya Paşa compares the "republican" and "monarchy" systems. According to him, the republican administration is a system with no sultan, grand vizier, foreign minister, and the people of the country all together are the emperor and grand vizier of that country.²⁰¹ Having said that, he continues: "In a republican administration, millions of people are free to have the rights of freedom, without distinguishing between rich and poor, without arbitrary administration of a few."²⁰² Here, the opposition of Ziya Paşa arises against the ruling elite, the elites of the Sublime Porte, Ali Paşa in particular. In the rest of the article, Ziya Paşa states that disagreeable characteristics such as mandatory recruitment for military service, chores in shipyards, and flattery are only present in personal administration. In this respect, the second worst administration is at the Sublime Porte, after Iran.

We see the idea of limiting the government, "responsible government", also in Ziya Paşa. Mardin argues that the contents of Paşa's writing were libertarian in content, and the meaning of government as the justice for the people was an important aspect of his theory.²⁰³

Here we analyze the arguments of Ziya Paşa which are the objections of *usûl-i meşveret*.

¹⁹⁹ Mardin, (1985), p. 1701.

²⁰⁰ Mardin, (2000), pp. 344-345.

²⁰¹ Ziya Paşa. "İdare-i Cumhuriye ile İdare-i Şahsiye'nin Farkı" *Hürriyet*. No:99.

²⁰² Ziya Paşa. "İdare-i Cumhuriye ile İdare-i Şahsiye'nin Farkı" *Hürriyet*. No:99.

²⁰³ Mardin, (2000), p. 359.

3.3.2.1. Criticisms against *Usûl-i Meşveret* and the Responses of Ziya Paşa

a. *Usûl-i meşveret* is contrary to Islamic Law

Ziya Paşa argues that the main cause underlying the Young Ottomans' advocacy of *usûl-i meşveret* is that they recognize it as a new system aiming to prevent the illegal or corrupt deeds of the administration or the government. Ziya Paşa summarizes the purposes of those struggling to achieve *usûl-i meşveret* with the following words:

The Young Ottomans claim that the government has the authority to imprison a person whenever she desires and without due trial and to leave him to death or give him some bread to keep him alive and let some unknown people loot the treasury as if it belongs to his father and to act irresponsibly in all matters but instead they demand to be held responsible under *usûl-i meşveret*, which is necessary to guarantee everyone's lives, property, and honor... This is because the Young Ottomans are about demanding *usûl-i meşveret*, and justice is what is meant by *usûl-i meşveret*. Justice prohibits the sultan from mistreating even someone of rank.²⁰⁴

Ziya Paşa reviews the criticisms against the content of the pronoun "hum" in his article on the principle of equality (*müsâvât*) that has become concrete with the *Hatt-ı Hümayûn*.²⁰⁵ Ziya Paşa considers that the perception that the equality between the Muslims and the non-Muslims was maintained before the law with the proclamation of Gülhane Rescript was misleading. "The equality mentioned in the Gülhane Rescript was about personal rights; that is, justice for all before the courts. However, first of all, the Sublime Porte's *Hatt-ı Hümayûn* is certainly an incomplete document."²⁰⁶ Ziya Paşa's objection, in his own words, is about "equality in honor",²⁰⁷ not about equality before the law. Ziya Paşa advocates that all nations in the Empire

²⁰⁴ Ziya Paşa, "Yeni Osmanlıların İ'ân-ı Resmîsi" *Hürriyet* No.16, 12 Octobre 1868. Quoted from Bilgegil, (1976), pp.420 – 428.

²⁰⁵ Ziya Paşa, "Mesele-i Müsavât" *Hürriyet*, 5 Ekim 1868.

²⁰⁶ Ibid.

²⁰⁷ "müsavat-ı fiş'seref" Ibid.

should be represented in all military and civilian offices pro rata to their population. He says that a Muslim, a Jewish, a Catholic, and a Greek general in the Army would be more meaningful in giving equal status to various nations in the Empire than the sultan's changing the color of his suit on every weekday. Furthermore, Ziya Paşa argues, just like Namık Kemal, that with this equal status to be given, European nations will be prevented from interfering with the domestic affairs of the Ottoman Empire.

b. The Sultan will not allow his sovereignty and powers to be curtailed

It was mentioned earlier that one of the theses of those who objected to *usûl-i meşveret* was that the sultan would not let his sovereignty be limited. Ziya Paşa's response to this objection is a clear manifestation of his respect for monarchy in principle. He states that a parliament would never restrict the sultan's freedom.

Since the National Assembly, which has been thought of by your humble servant, would not be anything that would trespass the limits set by the order of Sharia, just as the independence of the sultan is bound by religious law, so with the [new] system would it be limited. For example, what is there in holding ministers responsible before a National Assembly for their actions that could be considered a limitation of your will? Can it be considered a sign of your independence if ministers feel free to oppress the people and rob the treasury? Would you want such independence?²⁰⁸

c. The people are not capable of electing the "people in charge"

To the objection arguing that the people were not yet capable of "electing the people in charge", Ziya Paşa responded accepting that the Ottoman subjects were still not in a position "where they can distinguish

²⁰⁸ Ziya Paşa, "Sultan Abdülaziz Han – Ziya Bey – Âli Paşa," *Hürriyet*, October 11, 1869, p.2. Quoted from Mardin, (2000), pp. 348 – 349.

their own interests". However, he is very certain about the creation of a house of representatives through which good governance and its outcomes could be realized.²⁰⁹ Mardin considers Ziya Paşa's objections that the sultan should be more active in governmental affairs and keep his prime minister from doing the same thing to be the signs of the same attitude.²¹⁰

We can observe that Ziya Paşa respects monarchy in his views but often criticizes the practices of the Sublime Porte bureaucrats. Considering this, in fact, we can maintain that Ziya Paşa opposed the oligarchic rule established by the Sublime Porte rather than monarchy itself and advocated *usûl-i meşveret* as a result of this opposition.

3.3.3. Ali Suavi and His Political Views

As other members of the Young Ottomans Society, Ali Suavi explains his ideas on the political system by arguments from the religion of Islam. Describing his thoughts on the regime, he constantly gives examples from the practices in *Asr-ı Saadet* and *Hulafa-yı Raşidin* periods: "In the first years of Islam, the form of government was democracy. In other words, there was no padişah, sultan, or king, and there was only equality."²¹¹ After this, he gives examples from the Golden Age of Islam to clarify his argument. In his writings, he recommends the *meşveret* system in place of the "authoritarianism" ("*idare-i mutlakâ*").

Suavi analyzed the term democracy from the historical perspective of Islamic countries in his article entitled "Democracy, Republic, Equality" ("*Demokrasi, Hükümet-i Halk, Müsâvât*") is published in the newspaper *Ulûm*. In this article, Suavi presents democracy as an ideal system. However, he states that democracy in practice is a dream due to a highly fragmented ethnic and religious structure within the boundaries of the Ottoman Empire.

²⁰⁹ Mardin, (2000), p. 349.

²¹⁰ Ibid.

²¹¹ "*Evail-İslamda şekl-i hükümet demokrasi idi yani padişahlık, sultan, melik yok, müsavât var idi.*" Ali Suavi. "Demokrasi, Hükümet-i Halk, Müsâvât". *Ulum*, No:18, 1870.

Is the moral disorder only obstacle in the execution of decentralized democracy in the Ottoman Empire? We have talked about morality as a model. The disintegration of the country in various regions and various communities with various languages and traditions and religions resident in the country...²¹²

He states these reasons as the obstacles in the execution of decentralized democracy. In the same article, Suavi exemplifies that the moral disorder prevents democracy as follows: "Democracy is such an egalitarian nightingale that it becomes harmonious in a rose-garden of good moral. Does such a lovable nightingale sing in this garbage of hearts?"²¹³

Suavi says that there are three forms of government: monarchy, aristocracy, and democracy. He also states that the "*Müsâvât* procedure", in other words, democracy, was present in the early years of Islam. He explains this by providing examples such as ordinary people speaking, opposing, and freely challenging the government in front of the caliph, and continues:

Although it is understood that democracy is the government of the people and equality, now we say that this kind of nation had such a community that they have the same language, and the same direction, and are loyal, obedient, pious, and unique. They had no fear, other than fear of God, they had no path, other than service in the way of God; they had only had social ethics, and in short, they were men of God.²¹⁴

Here, it seems Suavi attempts to highlight the parallels between democracy and Sharia practice in the first years of Islam. The same goal becomes more noticeable with the following sentence in the same article: "It is well known that the practice of democracy and equality are the most Sharia-wise and the best governance..."²¹⁵

²¹² "Demokrasi, müsavât bir andelibdir ki gülîstan-ı ahlakî hasenede nağmesaz olur. Böyle mezbele-i kulubda böyle andelibi mahbub öter mi?" Ibid.

²¹³ Ibid.

²¹⁴ Ibid.

²¹⁵ Ibid.

In the same article, Suavi quotes a sentence from Rousseau, which can be considered an extension of the idea stating that democracy conforms to Sharia: "If there are men of God, they govern by means of democracy."²¹⁶

Being aware of the impossibility of direct democracy in the country, Suavi expresses that the representative democracy becomes common with the following sentence: "an assembly of representatives is preferred instead of an assembly of the people" ("*halkın içtimaindan mebusan içtimaina udül olunmuştur*").²¹⁷

Ali Suavi's responses to the objections to *usûl-i meşveret* will be discussed in a review of his two articles.

3.3.3.1. Criticisms against *Usûl-i Meşveret* and the Answers of Ali Suavi

a. *Usûl-i meşveret* is contrary to Islamic Law

Ali Suavi responded to the objections that *usûl-i meşveret* was contrary to Islamic law, just as Namık Kemal and Ziya Paşa, in an effort to prove that it was acceptable under the Islamic law and that it was even an instruction of the religion. Suavi states:

The rhetoric that *usûl-i meşveret* is not acceptable under Islamic law is a great mistake, even the holy prophet himself was ordered to consult with his people. The verse "*Veşavirhüm fi'l emr*" (Consult while ruling) is known to everyone.²¹⁸

He supports his views with this verse from the Quran. In another article, he claims that the current form of government of the Ottoman Empire was not based on *meşveret*, saying;

As you can understand by insight, if a man gathers his dependents and his flatterers who are not capable of opposing his views and asks for their opinions

²¹⁶ Ibid.

²¹⁷ Ibid.

²¹⁸ Ali Suavi, "Usul-i Meşveret", *Muhbir*, No:27, 14 March 1868.

on a certain matter, and if they respond yes, this cannot be called meşveret. Because what is meant by meşveret is consultation and obtaining consent, as well as gathering the opinions of others to get closer to the truth.²¹⁹

In the subsequent paragraphs, he argues that the factor in the weakness of Islamic governments was the abandonment of meşveret. Yet, for Suavi, the prophet, whom he introduces as the "Holder of the Religion", would not take any decisions without first consulting with the people. ". The Quran instructs "*veşavirhüm fi'l emr*,"²²⁰ where the address 'şavir' implies the holy prophet himself and the pronoun 'hüm' implies the people."²²¹ Suavi, in the following paragraphs of his article, explains his claim that *meşveret* complied with Islamic law by giving examples from the lives of people and the four caliphs. He states that the Prophet always observed the decision made in the consultative council. Finally he concludes that, "In summary, an Islamic government is organized based on *şûrâ*. Governments consulting with the people will move forward",²²² Suavi recommends the "reinstatement of *usûl-i meşveret*" in order to ensure a better nation (perhaps to prevent the Empire from disintegration).

One other objection arguing that *usûl-i meşveret* would conflict with the circumstances is that the parliament to accompany the Constitutional Era was borrowed from Europe through imitation and was *bid'at*. In this debate, the Young Ottomans accepted, although tacitly, that the parliamentary system would be borrowed from Europe. However, Ali Suavi brings a new dimension into this debate, asking what the motive of this objection was. If the purpose of this objection is to say that there is no *usûl-i meşveret* is Islam in the European sense, the purpose here is uncertain. That is to say, does the argument "this is not covered by Islamic law" mean that "Islamic law is against it", or does it mean "Islamic law does not address that matter

²¹⁹ Ali Suavi, "Terk-i Meşveret", *Muhbir*, No: 20, 18 January 1868.

²²⁰ In "*veşavirhüm bil emr*" in the article's wording, the word "*bil*" was replaced with "*fi'l*" as in the Quran

²²¹ Ali Suavi, "Terk-i Meşveret", *Muhbir*, No: 20, 18 January 1868.

²²² Ibid.

in detail”? Suavi responds to the first aspect of this objection, which is “Islamic law is against *usûl-i meşveret*”, presenting the verse “*veşavirhüm fil emr*”²²³, which is the very basis of the argument of the Young Ottomans. The second aspect of the objection is:

It is a mistake to say that something is non-Islamic if Islamic law does not address that matter in detail and this is a falsification of the prophet’s all honorable companions who take precaution in discussing every matter (ridvanullahi ta’ala alaihim ajmain). İbn-ül Kayyim cites in his book, saying ‘A man has appeared before İbn-i Akîl (r.a.) and said “lâ siyâsete illâ ma vâfeka’s-şer” meaning, religion does not permit any politics that contradict Islamic law, and the said person responded him saying “if what you mean by saying this is that contradicts the Islamic law, then it is true; but if what you mean is this is not covered by Islamic law, then it is a mistake and a falsification of the prophet’s honorable companions” and then he gave many examples of political matters that the prophet’s companions actually decided about. Later, İbn-ül Kayyim said, “No matter from where or in what form justice comes, it is the Islamic law and the religion.”²²⁴

Here, Suavi argues that even if we accept that Islamic law was not provided for on this subject, that is to say, even if we accept that it is, in a way, bidat, this will not justify an objection of consultation based on Islamic grounds. Here, we can consider that Suavi’s approach is if “*usûl-i meşveret*” was contrary to Islamic law, then it would have been prohibited.

b. The Sultan will not allow his sovereignty and powers to be curtailed

Ali Suavi, in his response to the objections, makes the following comparison to show that the Sultan will consent to *usûl-i meşveret*, reasoning that deciding on matters by consultation would be the most rational and logical method both from a religious and logical perspective:

²²³ For more information on this verse, please see Chapter I.

²²⁴ Ali Suavi, “Usul-i Meşveret”, *Muhbir*, No:27, 14 March 1868.

If the owner of a fruit farm who knows farming recruits qualified gardeners and workers and other people and acts in line with the requirements of the rules of farming by their warnings and suggestions about whether or not the working season has arrived or whether or not the fruits have matured, would that owner be considered to be wasting his money? Nevertheless, this is an irrelevant comparison because the Sultan does not own the country and the subjects as the fruit garden. He is only in charge of and the supervisor of what is in it.²²⁵

As one can understand from these words of Suavi, the sultan is the owner of the Ottoman land, which he compares to a fruit garden, can rule his land by recruiting gardeners who will do their duties smoothly and have the laws enforced, and representatives who know the circumstances of the people. The deputies empowered by the Sultan will never own the land as he does, they will merely serve the land.

The passage clearly demonstrates that Suavi is a proponent of constitutional monarchy.

c. The people are not capable of electing the “people in charge”

As mentioned above, for Ali Suavi, civilized nations enjoy their achievements, which mean that they have become civilized, thanks to “*usûl-i meşveret*”. For him, when the Muslims were ruled under the principles of *meşveret*, they were among the most advanced nations of their time. Then, when they resume being ruled under the principles of *meşveret*, they will again achieve the same level of civilization. In the past, the peoples of nations that are now civilized were not as civilized as they are now. Therefore, Turkish people can become more civilized through “*meşveret*”. This has nothing to do with individuals’ current capabilities.

They say our people are not capable; this is a big mistake because the if we compare the capabilities of peoples of countries that have now become modern and civilized, in the past, when they decided to adopt *usûl-i meşveret*,

²²⁵ Ibid.

with the capabilities of our people, we have more capabilities. Now their current capabilities and superiorities are but the outcomes of the rule of *usûl-i meşveret*.²²⁶

Suavi, in the following paragraphs of the said article, elucidates that “*usûl-i meşveret*” is a necessity even if we accept that the people are not capable, saying:

Let’s assume that just like the criticisms of the proponents of freedom, the Ottoman people are like a child under legal age, is the supervision of the actions of this child the duty of the child itself? Would that be considered supervision unless such supervision is established on a legitimate basis? Is this supervision that will be established on and bound by a legitimate basis not the *usûl-i meşveret* that we are discussing?²²⁷

3.4. General Analysis of the Political Ideas of the Young Ottomans

In the analysis of the writings and ideas of these three leading thinkers of the Young Ottomans Society, we see that Türköne’s argument that “their undisputed characteristics are their democratic nature,”²²⁸ is absolutely correct, despite their different views on many other issues. Three intellectuals suggest the idea of restricted or constitutional government, in other words “responsible government” albeit in different ways.²²⁹ For this reason, their seminal role in the discussion of democracy in the Ottoman Empire stands before us as a fact that cannot be denied.

Finding the efforts aimed at reforming the government starting with the 1839 Rescript to be inadequate and harshly criticizing the established regime, the Young Ottomans argued that reformation would no more be an effective way and the only solution would be a change in the governmental

²²⁶ Ibid.

²²⁷ Ibid.

²²⁸ Türköne, (2011), p. 103.

²²⁹ For example Ali Suavi used the term of “*hükümet-i mukayyede*” to identify restricted, constitutional government and in the same article he used the term “*hükümet-i mutlaka*” to identify the absolute government. Ali Suavi, “*Usul-i Meşveret*”, Muhbir, 14 March 1868.

system. The method of government they were favoring to this end was the "*usûl-i meşveret*", which they borrowed from Islamic law and political tradition and reinterpreted it. They were against an absolute form of government, but one has to emphasize a specific fact at this point. The conclusion derived as a result of the study of the discussions of the Young Ottomans is that they saw the Sublime Porte as the absolute government, not the sultan himself. Therefore, actually it was not monarchy that the Young Ottomans were against, but oligarchy, the absolute rule of Bâb-ı Âli bureaucrats. In order to replace this oligarchic government, they were in favor of a constitutional monarchy rule that would be established on the basis of the concept of "*usûl-i meşveret*".

The Young Ottomans, in defending their ideas in favor of a constitutional rule, primarily focused on presenting their ideas with religious evidence and concepts. As a result of such ideas, concepts such as "*usûl-i meşveret*", "*şûrâ*", "*biat*", and "*ehlü'l-hal ve'l-akd*" were reinterpreted to represent Western concepts such as democracy, parliament, election, and public opinion. The motive that led the Young Ottomans to this way of thinking was their becoming aware that the only way to "legitimately" present the system they defended was to resort to Islamic evidence and concepts. As seen above, considering that the criticism directed at them was generally religious in nature, one can better understand why the Young Ottomans resorted to using such concepts.

The hadiths often used by the Young Ottomans in an effort to legitimize their arguments were: "Consult.", "Those who take action based on consultation will not regret.", "The consulted person is entrusted.", "Knowledge is a well and consultation is a bucket.", "Allah's hand is upon organized societies.", "Allah and his prophet are exempt from such judgment. But Allah made it a blessing on his nation. He who consults will have the majority, finds the truth; and he who abandons consultation will find misfortune, and fall into errors.", "When you consult in your affairs, and

then your life above earth is better than below.”²³⁰ The common point of such religious evidence is their emphasis on the concepts of “*şûrâ*” and “*istişare*”. The aim of the Young Ottomans in resorting to these two concepts was to justify the idea of an assembly and parliament with Islamic terminology, thus legitimizing it in the eyes of the public. At this point, they responded in two different ways to the criticisms they received. While they responded to the criticisms from a religious perspective when they were able to produce religious evidence, they abstracted their response from religious content as best as they could where they were unable to respond to criticisms with religious evidence, thus minimizing both the criticism and its public impact, and setting a more comfortable basis for themselves in responding to such criticisms.

²³⁰ İsmail Kara, *İslâmcıların Siyasî Görüşleri I: Hilafet ve Meşrutiyet* (İstanbul: Dergâh Yayınları, 2001), p. 165.

CONCLUSION

According to the Young Ottomans, who attempted to demonstrate that democratic and constitutional rule were legitimate and in line with the teachings of Islam with Islamic evidence and examples from Islamic history, this system that they described as *usûl-i meşveret* is parallel to the orders of and the provisions in the Holy Koran. The Koranic verses, "*veşavirhüm fil emr*" and "*ve emruhum şûrâ beynehum*" were the main evidence. For them, the first verse described *meşveret*, thus, democracy, whereas the word "*şûrâ*" in the second verse described the parliament; two concepts of which are the orders of the religion.

The Young Ottomans, in order to support their *usûl-i meşveret* thesis, also gave examples from Islamic history in addition to the Koranic verses. They particularly reference the prophet's period, "*asr-i saadet*" (the time of peace), and his established traditions (*sunnah*) as well as the practices during the time of his predecessors, the rashid caliphs, as legitimizing practices. They also use the practices of various Islamic states to support their theses.

One can say that the Young Ottomans were successful in their responses to the objections raised to them in *usûl-i meşveret* discussions. The factor that facilitated this judgment was focusing on the arrangements to be made in this system in *usûl-i meşveret* discussions, rather than discussing whether this system was in harmony with religion. It can be seen that the antitheses brought against the Young Ottomans arguing that *usûl-i meşveret* was contrary to religion were weak. The criticisms mostly focused on the meaning of the pronoun "*hum*", and the objections that the Sultan would not favor such a system and it would be ineffective for the general public to elect the rulers rather than on the nonexistence of the democratic parliamentary regime described as *usûl-i meşveret* in religious practice. The fact that the objections based on the contrariness of *usûl-i meşveret* legitimized the use of concepts such as *meşveret*, *şûrâ*, *biat*, and *ehlül-hal ve'l-akd* to the religion

were undefendable was a sign of the achievements of the Young Ottomans.

The extent of the discussion ranges from content of the pronoun "*hum'*", those who were instructed to be consulted in the verse "*veşavirhüm fi'l emr'*", to whether the "ignorant" general public and peasants would be consulted in governmental matters and whether it would be appropriate, from a religious point of view, to consult to non-Muslims. Obviously the most heated debate was the interference of non-Muslim in Muslims' affairs, their interference in matters of *teşrî* (legislative) and *tenfîz* (executive), and whether they could be given a say on the decisions. Objections raised at *usûl-i meşveret* from this point of view argue that non-Muslims would not be given a say in matters relating to the Muslims. However, the Young Ottomans, while on the one hand presented specific religious evidence from the prophet's time, on the other hand they made some reasoning in order to legitimize their participation of non-Muslims in a parliament to be composed – both by casting their votes at the stage of its composition and being in it as members of the parliament after its composition.

Trying to demonstrate that democratic values and institutions were viable in the Ottoman land based on the premise that Western democracy understanding was in harmony with the requisites of the governmental system projected by Islam, the Young Ottomans formulated their struggle as the struggle of *usûl-i meşveret*. Their first expectation from *usûl-i meşveret* was a law-based government and the composition of a Basic Law that would cover and regulate the basic principles of the government, which was desirable as the equivalent of the concept of constitution in Western democracies. The benefits expected from the composition of a constitution was the achievement of a well-established governmental structure and a government based on law instead of the absolute rule of *Bâb-ı Âli*.

The Young Ottomans, in the system they described as *usûl-i meşveret*, desire a characteristic favoring the separation of legislative and executive functions based on their examples in Western democracies. For them,

gathering legislative and executive powers in the same person or body is an attribute of a *hükümet-i mutlaka* (*absolute government*), an autocratic form of government. *Usûl-i meşveret* is *hükümet-i meşruta* (*constitutional government*), and as a requisite of this, these two powers should be given to persons or bodies that are separate and independent from one another.

One other important benefit expected from *usûl-i meşveret* are the principles described by the Young Ottomans as "*tevkîl*" (delegation) and "*temsîl*" (representation), which are the most important characteristics of democratic regimes, and which conceptualize the principle of public participation in the government. These concepts, in the general sense, express public participation into governmental rule not directly but through elected representatives. The elected persons are the representatives and deputies of the public, and at the same time, they act as the representative of the people, and in proxy. Such meanings of these concepts are their aspects constantly emphasized by the Young Ottomans and an important characteristic of "*usûl-i meşveret*".

The *usûl-i meşveret* and constitutional rule discussion that the Young Ottomans struggled for during the 10-year period before the proclamation of the Ottoman Basic Law of 1876 (*Kanûn-i Esasi*) were the stage for a debate where the word democracy was expressly spoken for the first time in Ottoman history. Stating that the proclaimed constitutional regime is an absolute democracy would be unfair just as understating these discussions. Although the Basic Law enacted and the First Constitutional Era proclaimed in the aftermath of the discussions throughout this process was short-lived, their importance in Turkey's democratic experience must be recognized.

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