

**ULEMA AND POLITICS: THE LIFE AND POLITICAL WORKS OF ÖMER
ZİYÂEDDİN DAĞISTÂNÎ (1849-1921)**

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ISTANBUL ŞEHİR UNIVERSITY

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**ULEMA AND POLITICS: THE LIFE AND POLITICAL WORKS OF ÖMER
ZİYÂEDDİN DAĞISTÂNÎ (1849-1921)**

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ABSTRACT

ULEMA AND POLITICS: THE LIFE AND POLITICAL WORKS OF ÖMER ZİYÂEDDİN DAĞİSTÂNÎ (1849-1921)

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This thesis is an analysis of the life of Ömer Ziyâeddin Dağistânî (1849-1921) and two of his political works, which he completed as a Sufi scholar (*âlim*). Throughout his life, he served in various parts of the Ottoman Empire as well as occupying various positions such as mufti of a regiment (*alay müftüsü*), deputy judge (*nâib*), professor (*müderris*), and Naqshbandi sheikh. He wrote two political works during the Second Constitutional Period: *Hadis-i Erbaîn fi Hukuki's-Selâtîn* and *Mir'ât-ı Kânûn-i Esâsî*. These two works were published in the same year of 1908 and are about two key political concepts in Islam at the time, the Caliphate and constitutionalism. The first work was on the subject of the Caliphate and the latter was about constitutionalism within the concepts of political Islamic thought. Dağistânî was sent to exile in 1909, because of his work regarding the Caliphate question in particular his appraisal of Sultan Abdulhamid II. He was also accused of being involved in the 31 March Incident and having an affiliation with the oppositional movement the Muhammadan Union (*İttihad-ı Muhammedi Cemiyeti*). His life journey, especially after the Counter Revolution of 1909, the process of his dispatch to Medina and the difficulties he faced are analyzed within the historical context of the period. This study makes use of the biography writing as a theoretical framework. The method of analysis consists of qualitative research and written history found in archival documents. This study will shed light on Dağistânî's life and the events that occurred during his life span, and makes use of primary sources as well as secondary sources. By focusing on his life, political works, and ideas as a scholar, this thesis will contribute to the studies on interconnectedness between individual and institutional aspects of social reality in the context of biography.

Keywords: Sufi scholar, 31 March Incident, Constitutionalism, the Caliphate.

ÖZ

ULEMA VE SİYASET: ÖMER ZİYÂEDDİN DAĞISTÂNÎ'NİN HAYATI VE SİYASÎ ESERLERİ

Erçetin, Zeynep

MA, Tarih Bölümü

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Bu tez Sûfi bir âlim olan Ömer Ziyâeddin Dağistânî'nin hayatının ve iki siyasî eserinin analizidir. Hayatı boyunca Dağistânî, Osmanlı İmparatorluğu'nun çeşitli bölgelerinde hizmet etmiş, sırasıyla alay müftüsü, kadı nâibi, medrese hocası ve Nakşibendi tarikatının şeyhi pozisyonlarında bulunmuştur. İkinci Meşrutiyet döneminde iki siyasî eser kaleme almıştır; *Hadis-i Erbaîn fi Hukuki's-Selâtin* ve *Mir'ât-ı Kânûn-i Esâsî*. 1908'de yayımlanan bu iki eser o dönemde İslam'ın iki anahtar kavramı olan hilâfet ve meşrutiyeti işlemektedir. Bahsi geçen ilk eser hilâfet konusu üzerinedir ve ikincisi meşrutiyet hakkındadır. İki eser de İslamî siyaset düşüncesi çerçevesindedir. Dağistânî, hilâfet sorusu ile ilgili yazdığı eserden ve özellikle Sultan II. Abdülhamid'i övmesinden dolayı 1909 yılında sürgüne gönderilmiştir. Ayrıca, 31 Mart Vak'ası'na karışmakla ve muhalif bir hareket olan İttihad-ı Muhammedi Cemiyeti ile yakınlık kurmakla suçlanmıştır. Dağistânî'nin yaşam serüveni, özellikle 31 Mart Vak'ası'ndan sonrası, Medine'ye sürgüne gönderilme süreci ve karşılaştığı zorluklar dönemin tarihsel bağlamı içerisinde incelenmiştir. Bu tez teorik çerçeve olarak biyografi yazımını kullanmıştır. Analiz metodu, nitel araştırma metodu ve arşiv belgelerinde bulunan yazılı tarih incelemelerinden oluşmaktadır. Bu çalışma Dağistânî'nin yaşamına ve yaşam süresi içerisinde meydana gelen olaylara ışık tutacaktır. Çalışma, birincil ve ikincil tarihsel kaynaklara dayanmaktadır. Hayatı, siyasî eserleri ve fikirlerine odaklanılarak yazılan bu tez, biyografi bağlamında, sosyal gerçekliğin bireysel ve kurumsal yönleri arasındaki bağlantısını ortaya çıkartarak alana katkıda bulunacaktır.

Anahtar kelimeler: Sûfi âlim, 31 Mart Vak'ası, Meşrutiyet, Hilâfet.

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CHAPTER 1

INTRODUCTION

Ömer Ziyâeddin Dağıştânî lived in the Ottoman Empire in the late nineteenth and early twentieth century which underwent many social, political, economic, and cultural changes. In this context, as a member of the ulema and Naqshbandi order, Dağıştânî responded to the changing circumstances of the period. Instead of staying out of politics he chose to become an active participant. By writing political works he expressed his opinions with regards to the Caliphate and constitutionalism. This thesis aims to analyze the life and two political works of Dağıştânî.

Throughout his life, Dağıştânî held many positions, and became respectively a mufti of a regiment (*alay müftüsü*), deputy judge (*nâib*), professor (*müderris*), and Naqshbandi sheikh, and he lived in various parts of the empire. He was born in Daghestan and received his primary education from his father; later on he went to madrasa to continue his religious education. In his twenties, he fought in the wars against Russia in the retinue of Gazi Mehmet Pasha who was the son of Sheikh Shamil. After the Russo-Turkish war of 1877-78 he migrated to the capital of the Ottoman Empire. There, he continued his education in one of the *tekkes* of Naqshbandi Khalidi suborder. He became a follower of Sheikh Ahmed Ziyâeddîn Gümüřhanevî who gave him the name “Ziyâeddîn”. Upon completion of his education he received ratification (*icazet*) in Islamic sciences, and was appointed to Edirne as mufti of the nineteenth regiment of the Second Army (*alay müftüsü*), in December 1879. He remained in this service until December 1894. From 8 July 1895 to 11 March 1906 he served in the Malkara office as deputy judge. In 1903 he was appointed to the Kudüs *mevleviyet*. On 12 March 1906 he was appointed as the deputy judge of Tekirdağ. After staying in this duty for two years, on 14 August 1908 he resigned from his post. In 1908 he returned to and settled in Istanbul. In December 1908 he published his two political works *Hadîs-i Erbaîn fî Hukûki's-*

selâtin, in which he defended the Caliphate and sovereignty, and *Mir'ât-ı Kânûn-i Esâsî*, in which he explains the convenience of the constitution with reference to Sharia, article-by-article and clause-by-clause. He was sentenced to life imprisonment in 1909, because of his work on the Caliphate and was accused of being involved in the 31 Mach Incident and having affairs with the Muhammadan Union (*İttihad-ı Muhammedi Cemiyeti*) and Dervish Vahdetî. After some time, his penalty was overturned into sending him into exile. He was sent to Medina where he lived for five and a half months. In the meantime, he met the Egyptian Khedive Abbas Hilmi Pasha and he went under his protection. He lived in Egypt in the palace of Abbas Hilmi Pasha as scholar and *imam* for approximately ten years. After the general amnesty in April 1912 he applied to the office of Sheikh ul-Islam to ask for work. However, he was refused due to his work regarding the Caliphate. He returned to Istanbul in 1919 and became a Naqshbandi sheikh in the Gümüşhanevî *tekke* at the age of seventy and he stayed in that position for two years until his death. He was sent to prison by the English for one year of during the First World War, because he published various articles in newspapers and he published brochures in order to protect the unity and territorial integrity of the empire, which he sought to continue. In 1919 he became *müderris* at Darü'l-Hilâfeti'l-Aliyye Medresesi, then in October 1920 he was appointed as hadith *müderrisi* in the same madrasa. He died on 18 November 1921 and was buried in the cemetery of the Süleymaniye Mosque. As understood from this short biography Dağistânî lived in various parts of the empire and held various positions.

Having served for around fifteen years in the military this might have given him the opportunity to make an observation on the situation of the army. He may have understood the relationship between the state and the army, and religion and the army. Being a deputy judge in a number of provinces in the empire he might have found a chance to observe the socio-political circumstances of the Ottoman population and the viewpoints of the people. By writing two political works at the beginning of the Second Constitutional Period, he expressed his opinions about the present conditions of the empire. He suffered from the consequences of his ideas and the political stance vis-à-vis the developing events of the late Ottoman period. In

Egypt his scholarly activities continued. There, he published a number of works. His activism continued as well in Egypt and he wrote various articles in newspapers and distributed brochures in order to prevent the plan of the English to recruit Egyptian people to fight in World War I. He tried to inform people that it is forbidden for a Muslim to fight another Muslim. He faced, once again a penalty for his actions and was sent to prison by the English. It is worth noting he did not hesitate to react at the risk of being sentenced and he was influential in many turning points and important developments in the Empire.

The Sufi orders played significant role in the socio-political life of the Ottoman Empire.¹ As a member of the ulema as well as a follower of the Naqshbandi order his biography will present important insights for people who study the late Ottoman ulema. As a Sufi scholar he was concerned with politics and he responded to the socio-political events taking place in his environment throughout his life. A detailed analysis of his works shall provide an important insight to people who are interested in the late Ottoman political mindset of the ulema. The use of the Qur'anic verses and hadiths for the legitimization of political ideas was a common tendency among the ulema. However, as a Sufi scholar (*âlim*) Dağıştânî's political opinions deserve greater interest because Sufism is generally associated with the spiritual approach to life and Sufis are regarded as apolitical. Yet, Dağıştânî's life will reveal this was not the case. As did many Sufis, he reacted to the changing social and political circumstances of the period in which he lived. His works are mostly religious, however; these two works may specifically be defined as political and ideological, because suddenly in 1908 he began touching upon the political agents of the era. By writing two political works he expressed his ideas about the political theory of Islam and manifested his involvement in politics.

As an educated class, the ulema, had many important functions in the Ottoman Empire. If the class of Ottoman ulema is analyzed, one will see the general portrayal of the ulema as obstructionists in late Ottoman historiography. The Ulema

¹ Ahmet Yaşar Ocak, "Introduction" in *Sufism and Sufis in Ottoman Society: Sources-doctrine-rituals-turuq-architecture-literature-iconography-modernism*, ed. Ahmet Yaşar Ocak, Ankara: Türk Tarih Kurumu, 2005, p. XV.

were represented as a homogeneous group symbolizing traditionalism, backwardness, stagnation, and reaction. These negative connotations blur the perception and prevent accurate analysis and interpretation of ulema. From 1980 onwards historians started to evaluate the Ottoman ulema in a new light. Since the 1980s a new approach has been adopted in the studies of the ulema by avoiding reductionist interpretations.² The ulema in late Ottoman historiography were approached as backward, stagnant, and as a class who did not follow innovation. This may be defined as the reductionist interpretation. As aforementioned, beginning in the 1980s new approaches have been adopted tending to avoid these reductionist interpretations in that they approach the ulema as a more heterogeneous group where there were segments that did not follow innovation as well as those who did.

Western scholarship has enriched the knowledge on the history of the late Ottoman ulema. The works of Richard Chambers, Madeline Zilfi, Uriel Heyd, David Kushner, Rudolph Peters, and Amit Bein on the Ottoman ulema of the eighteenth, nineteenth and early twentieth centuries have enriched what is known and have shed light on the need for further studies in the matter. They categorized the ulema on the basis of their relationships with modernization, reforms, and institutions.³ The role of the ulema in education, the judiciary, administration, and in the councils of the state with the transformations in the late Ottoman period are worthy of investigation.

If the literature on ulema biographies in the late Ottoman Empire is examined, one may notice there is a shortage of sources on the subject. Sadik Albayrak has provided significant data about the life of the late Ottoman ulema. He

² Elisabeth Özdalga, "Introduction," in *Late Ottoman Society: The Intellectual Legacy*, ed. Elisabeth Özdalga, London: RoutledgeCurzon, 2005, p. 5-7.

³ Richard L. Chambers, "The Ottoman Ulema and the Tanzimat" in *Scholars, Saints and Sufis: Muslim Religious Institutions in the Middle East Since 1500*, ed. Nikki R. Keddie, Berkeley: University of California Press, 1972, p. 33-46; Madeline Zilfi, *The Politics of Piety: The Ottoman Ulema in the Postclassical Age (1600-1800)*, Minneapolis: Bibliotheca Islamica, 1988; Uriel Heyd, "The Ottoman 'Ulema and Westernization in the Time of Selim III and Mahmud II" in *Studies in Islamic History and Civilization*, ed. Uriel Heyd, Jerusalem: Magnes Press, Hebrew University, 1961; David Kushner, "The Place of the Ulema in the Ottoman Empire During the Age of Reform (1839-1918)," *Turcica* 29 (1987): 51-74; Rudolph Peters, "Religious Attitudes Towards Modernization in the Ottoman Empire. A Nineteenth Century Pious Texts on Steamships, Factories and the Telegraph," *Die Welt des Islams*, XXVI, 1986, p. 76-105; Amit Bein, *Ottoman Ulema Turkish Republic: Agents of Change and Guardians of Tradition*, Stanford: Stanford University Press, 2011.

collected the biographies of the ulema He made use of the archival documents, such as the Sharia court records (*Şer'iyye sicilleri*) and personnel registers (*sicil-i ahval*). Thus, his work is worthwhile for researchers to go beyond and complete detailed studies.⁴ İsmail Kara has contributed to the advancement of knowledge with regards to the mindset of the late Ottoman ulema and new religious intellectuals, i.e. Islamists (*İslamcılar*). Despite these works, which are the source of reference, there is still need for further research and studies in this field.⁵

There is detailed information about the biography of Ömer Ziyâeddin Dağıştânî in Ethem Cebecioğlu's and Hüseyin Vassaf's works. These works are in the genre of *menakıb*, i.e. the examination of the life of Sufi personalities.⁶ On the subject of Dağıştânî there are a number of short encyclopedia chapters, one of which was written by his son Yusuf Ziya Binatlı in the *Encyclopedia of Islam*.⁷ In addition, there are two theses written by students of the Faculty of Islamic Sciences about the life of Dağıştânî. These theses generally focused on the life and religious ideas of Dağıştânî, especially in the field of *tasawwuf*.⁸ There is an interview conducted with Yusuf Ziya Binatlı in *Büyük İslam ve Tasavvuf Önderleri Ansiklopedisi*.⁹ Moreover,

⁴ Sadık Albayrak, *Son devir Osmanlı Uleması: (İlmiye Ricalinin Teracim-i Ahvali)*, İstanbul: Medrese Yayınları, 1980, see also Hümeysra Zerdecı, "Osmanlı Ulema Biyografilerinin Arşiv Kaynakları: (Şer'iyye Sicilleri)," İstanbul, İstanbul University, MA. Thesis, 1998.

⁵ İsmail Kara, *İslamcıların Siyasi Görüşleri*, İstanbul: İz Yayıncılık, 1993.

⁶ Ethem Cebecioğlu, *Allah Dostları: 20.Yüzyıl Türkiye Evliya Menakıbı*, Ankara: Alperen kitapları, 2002, v. III; Hüseyin Vassaf, *Sefine-i Evliya*, ed. Ali Yılmaz, Mehmet Akkuş, İstanbul: Seha Neşriyat, 1999.

⁷ Yusuf Ziya Binatlı, "Dağıştânî Ömer Ziyâeddin", *DİA*, İstanbul, 1993, p. 406-407; *Evlialar Ansiklopedisi*, İstanbul: Türkiye Gazetesi Yay., 1993, v. 9, p. 432; Mehmed Zeki Pakalın, *Sicil-i Osmanî Zeyli: Son Devir Osmanlı Meşhurları Ansiklopedisi*, v. XIV, ed. Prof. Dr. Mustafa Keskin, Ankara: Türk Tarih Kurumu Yay., 2008.

⁸ Arif Hakan Demirel, "Ömer Ziyâüddîn Dağıştânî'nin Hayatı, Eserleri ve Tasavvuf Anlayışı", Ankara Uni. Social Sciences Institute, Department of Tasawwuf, MA. Thesis, Ankara, 2006; Ramazan Özgün Türkmen, "Ömer Ziyâüddîn Dağıştânî," BA. Thesis, Ankara, 1999 (unpublished).

⁹ Süleyman Zeki Bağlan, "Ömer Ziyâüddîn Dağıştânî üzerine Yusuf Ziya Binatlı ile Yapılan Röportaj," *Büyük İslam ve Tasavvuf Önderleri Ansiklopedisi*, İstanbul: Vefa Yay., 1993.

there are a number of articles with regards to his short biography and evaluation of his works in academic journals.¹⁰

The above-mentioned works, which formed the basis of my thesis, deserve great appreciation. However, there is no complete biography of Dağıstânî, which employs both archival documents and secondary sources. Furthermore, there is no work done so far in English on the subject of Dağıstânî's life and political ideas. My intention is to focus on a single (*âlim*) scholar's life and political opinions based on his two works. His political activities are different from his regular work. 1908 is significant because Dağıstânî's emphasis on political ideas can be seen in his works *Hadîs-i Erbaîn fî Hukûkî's-selâtîn* and *Mir'ât-ı Kânûn-i Esâsî*. This is necessary to understand his actions. When one looks at his works, his previous studies are on the Qur'an, hadith, and *tasawwuf*, then he comes to a point in 1908 where he starts writing about politics, the Qur'an and hadith. This is a movement in a different direction. I believe this thesis will fill an important gap in the late Ottoman ulema literature.

This study makes use of biography writing as a theoretical framework. Biography writing is one of the oldest and prevalent methods of writing history. It has been an accepted genre since ancient times.¹¹ In my opinion, biography studies are important in that they can provide details based on experiences of the people themselves which can be otherwise missed or ignored in a general study. If one examines the biography of Dağıstânî one may learn a host of ideas related to late Ottoman political life, historical events, culture, and religion. The analysis consists of qualitative research based on primary and secondary sources. Drawing on a wide range of archival documents situated in the Prime Ministry Ottoman Archives (Başbakanlık Osmanlı Arşivleri, BOA), the office of the Sheik ul-Islam (the Meşîhât

¹⁰ Harun Reşit Demirel, 'Dağıstanî ve "Hadis-i Erbaîn fî Hukûkî Selâtîn" İsimli Risalesi', *Dinî Araştırmalar*, v. 7, p. 265-276, İsmail Kara, "27 Mayıs Anayasası (Yahut Yeni Anayasa) Hakkında 'Dinî Görüş'", *Derin Tarih*, May 2013, nu. 14, p. 100-103, Ahmet Altundere, "Türk Anayasa Tarihinde Mir'ât-ı Kanun-i Esasi'nin Yeri ve Önemi", *Tarih Bilinci*, October 2011, nu. 15-16, p. 123-125; Kadir Güler, "Gümüştânevî Dergâhından Osmanlı-Türk Modernleşmesi Sürecine Bir Destek: Ömer Ziyâuddin Dağıstânî", *1. Uluslararası Ahmet Ziyâuddin Gümüştânevî Sempozyumu Bildirileri*, 03-05 October 2013, Gümüştâne: T.C. Gümüştâne Valiliği Yay., 2014, p. 561-576.

¹¹ Barbara Caine, *Biography and History*, Basingstoke; New York: Palgrave Macmillan, 2010.

Archives), as well as the National Archives, formerly The Public Record Office (PRO), in the United Kingdom. I will also, make use of oral history. The oral history depends on conducted interviews with Dağistânî's grandchildren. In addition, I will compare and contrast the data found in primary and secondary sources and present the data, which is closest to being the most accurate. The quotes taken from sources which, were not originally in English are given as my own translations into English within the main body of this text, and the originals may be found as footnotes.

In the first chapter of the thesis, I examine the life of Dağistânî by situating him in his historical context. I present a complete account of his life and professional career by employing available primary and secondary sources. The second chapter of the thesis will then analyze his two political works, *Hadîs-i Erbaîn fî Hukûki's-selâtîn* and *Mir'ât-ı Kânûn-i Esâsî*.

CHAPTER 2

THE LIFE OF ÖMER ZİYÂEDDİN DAĞİSTÂNÎ

2.1 Ömer Dağıstânî's Early Life in Daghestan

El-hac Hafız Ömer Ziyâeddin Efendi ibn'ül-hac Abdullah ed-Dağıstanî el-Avari¹² was born in the North Caucasus near the Koysu River in Daghestan. His birthplace was the Miyatlı Village, which was linked to the Çerkay Town.¹³ He was born in 1849 (1266). The residents of the village belonged to the Lezgi tribe of the Avar Turks.¹⁴ His father was müderris el-Haj¹⁵ Abdullah-ı Dağıstânî el-Avârî and his mother was Fatma Hanım. He was the seventh of eight siblings. He received his primary education from his father who taught him Islamic studies, Arabic, and various Caucasus dialects. Then, he went on to the madrasa to continue his education.¹⁶ In the madrasa the last book he read was Taftâzânî's *Şerh-i Akâid*.¹⁷

He explained his early life in the questionnaire asked for his personnel record (*sicill-i ahval*) at the Meşîhât Archives (the office of the Şeyhülislâm) as follows:

In Daghestan, which is my hometown I was instructed until the *akaid* discipline (doctrines of religious faith), then I went to the dervish lodge (*tekke*) of Ahmed Ziyâeddin Efendi. I graduated and received my certificate (*ijaza*) there. I speak and write in Arabic,

¹² He wrote his name in the personnel records (*sicill-i ahval*) at the Meşîhât Archives as it is.

¹³ Binatlı, p. 406. (According to Hijri calendar he was born in 1266)

¹⁴ Bağlan, p. 327.

¹⁵ It is a title given for people who go on a pilgrimage to Mecca.

¹⁶ Binatlı, p. 406.

¹⁷ Cebecioğlu, v. III, p. 152. (It is a degree in the madrasa education.)

Turkish, and in the Daghestan languages. And in these languages, I have over twenty works, poetical and prose, printed and manuscript.¹⁸

As can be understood from the document above, he received his primary education in his hometown Daghestan, and later, he moved to the imperial center of the Ottoman Empire where he continued his education in the dervish lodge of Sheikh Ahmed Ziyâeddin Gümüşhânevî. He knew Arabic, Turkish, and the Daghestan languages, and he produced works in these languages.¹⁹ It is not surprising that in Daghestan he learned the local languages. However, it is interesting that he also learned Arabic and studied Islamic sciences. Perhaps, this is because Daghestan had been an important center of knowledge from very early on. Daghestani madrasas served the function of international centers of scholarship. Mastery of Islamic studies among the Daghestani people was common. In this sense, the author of *Shattering Empires*, Michael A. Reynolds states, “Its most famous export was religious scholars, and indeed Daghestan was known even in Arabia for producing experts in the Islamic sciences and Arabic.”²⁰ Hence, Dağıştânî’s knowledge of the Islamic sciences can be explained within this context. His roots and educational basis in Daghestan gave him eligibility in Islamic studies and prepared him for his future.

2.2 Geography and History of Daghestan

The geography of the Caucasus area, where Dağıştânî was born and grew up, need to be described and examined in order to better understand his biography. The Caucasus is very important geographically, because it is a gateway between Asia and

¹⁸ Meşîhât Archives [Herein after MA], File no. 1396. I wish to thank Dr. Necdet Yılmaz for helping me to obtain this file situated in the Meşîhât archives.

¹⁹ Although Dağıştânî did not mention in his personnel register, in some sources it is mentioned that he also knew Russian and Persian. (Seferî E. Berzeg, “Ömer Ziyâuddin Dağıştânî”, *Kafkas Diasporası'nda Edebiyatçılar ve Yazarlar Sözlüğü*, Samsun: Sönmez Ofset Matbaacılık, 1995.)

²⁰ Michael A. Reynolds, *Shattering Empires: The Clash and Collapse of Ottoman and Russian Empires 1908-1918*, Cambridge: Cambridge University Press, 2011, p. 258.

Europe. It is a strategic place to defend the Near East, Iran, and India from encroaching forces.²¹ In terms of the ethnic and linguistic composition of its people, the Caucasus is presumably the most diverse place in the world. More than 30 ethno-linguistic groups reside in this area. Avars, the Darghis, the Laks, and the Lesghians are the most significant groups.²² Dağıstânî belonged to the Lezgi tribe of the Avar Turks.

Lesghians lived in the southeast of Daghestan and the northeast of Azerbaijan. They lived in the Basin of the Samur River; this is why they were called the *Samurs* or *Samurids*. They spoke the Lezgi language. This language was under the influence of Arabic, Persian, Turkish, and Russian. The Russians called the people living in Daghestan Lesghians. Lesghians were generally known for their warrior lifestyle and for having long lives. Their warrior nature resulted from their geographical situation, because the area was strategic in that people who wanted to go to the South Caucasus from the north of the Caspian Sea and those who wanted to go to the north area from the south had to pass through this area. Some of the Lesghians were converted to Islam by the Arab warriors who came to the area around the seventh and eighth centuries. Lesghians played an important role in Sheikh Shamil's activities regarding the independence struggle against the Russians between 1828 and 1859, which will be explored in greater detail later on.²³

The Arab historian Alazizi named the Eastern Caucasus as 'the mountain of languages'. According to him 300 languages are spoken in this area. Even if we consider this estimate to be exaggerated, we have to admit the latest researches which say that 40 different languages are spoken in Daghestan and all of them have no relation to each other. There is hardly any other place in

²¹ Kadircan Kafli, *Kuzey Kafkasya*, ed. Erol Cihangir, Istanbul: Turan Kültür Vakfı, 2004, p. 24.

²² Moshe Gammer, *Muslim Resistance to the Tsar: Shamil and the Conquest of Chechnia and Daghestan*, London: Frank Cass, 1994, p. 18.

²³ Davut Dursun, "Lezgiler", *DİA*, 2003, v. 27, p. 169, 170.

the World where people, speaking so many different languages, are settled down in such a small tract of land.²⁴

“Daghestan” (Dağstan in local languages) is a word that has been derived from the Turkish word “dağ” (mountain) and Persian suffix “istan” (region, locality). It is as the Arabic word “el-cibal” (mountains), which expresses a geographic-topographic meaning.²⁵ The name of the area is very meaningful, because high mountains surround the whole Daghestan area. Therefore, “Daghestan” means Mountain Region. The history of Daghestan goes back to prehistoric times. The area was under the ruling of the ancient Albanian state during the fourth and fifth centuries. Christianity expanded to the mountains and plains of Daghestan. Then, it was raided from 664 A.D. and captured by the Arabs in the beginning of the eighth century during the reign of Caliph Hisham. With the circulation of the Arabs, Islam spread rapidly. The main cause for the drop in Christianity among the Daghestani population was the lack of a centralized government.²⁶ In his article “Abu Muslim in Islamic History and Mythology of the Northern Caucasus”, Vladimir Bobrovnikov mentions the expansion of Islam in the Caucasus and “a legendary local Muslim hero” Abu Muslim. He examines the process of Islamization in the Caucasus as divided into three main stages. According to him, the first period starts with the Arab conquests in the late seventh century and continues towards the tenth century. The second period of Islamization began in the tenth century and continued until the seventeenth century. During the Islamization of the region merchant travelers, missionaries, Sufis, and scholars played an important role. According to a local legend Abu Muslim sent sheikhs to convert the people to Islam. In various parts of Daghestan there were tombs of sheikhs, and one of them was buried in the village of

²⁴ Muhammad Hamid, *Imam Shamil: The First Muslim Guerilla Leader*, Lahore: Islamic Publications Ltd., 1979, p. 15.

²⁵ Ziya Musa Bunyatov, “Dağistan”, *DIA*, 1993, v. 8, p. 404.

²⁶ Harun İbrahimov, “Daghestan and The Near East before Islam”, *Daghestan and the World of Islam*, ed. by Moshe Gammer and David J. Wasser, Helsinki: Academia Scientiarum Fennica, 2006, p. 21.

Dağıstânî, Miatly. The third stage of the islamization of the area took place between the late sixteenth and the late nineteenth centuries:²⁷

From the sixteenth century, Daghestan, where the process of Islamization had a relatively profound effect, became an important pan-Caucasian center of Arab-Muslim knowledge and missionary activities. In the context of the struggle for the Caucasus between Sunni Muslim Ottoman Turkey, Shi'i Iran and Christian Russia, Islam acquired an important political dimension. The resistance of the highlanders to the Russian and Iranian advances in the northern Caucasus was regarded as a permanent holy war against 'infidels' (Ar. *kuffar*), Shi'i 'heretics' (Ar. *rawafid*) and local 'hypocrites' (Ar. *munafiqun*) who supported them. The warrior (Ar. *ghazi*) became the main actor of this time. In the local cultural memory of *ghazis* of the nineteenth century Caucasian war are often confused with companions (Ar. *ashab*) of Abu Muslim.²⁸

The complete conversion of Daghestan to Islam took place in the sixteenth century and onwards. "Many Arab immigrants claimed to be descendants of the Prophet Muhammad (Ar. *sada, ashraf*), thus asserting an identity that allowed them to gain prestigious positions in the Caucasian Muslim communities."²⁹ Most of the noblemen enjoyed linking their lineage to the Arab conquerors³⁰ such as Abu Muslim and his relatives and companions.³¹ The Seljuks had struggled to capture Daghestan in the eleventh century, followed by the Mongols in the thirteenth century, and Timur in the fourteenth century.³² Between the years 1578-1606 Daghestan remained under the authority of the Ottoman Empire. In 1607 Şah Abbas I surrounded and took the Shemahi Fortress. In the seventeenth century the Safavids

²⁷ Vladimir Bobrovnikov, "Abu Muslim in Islamic History and Mythology of the Northern Caucasus", *Daghestan and the World of Islam*, ed. by Moshe Gammer and David J. Wasser, Helsinki: Academia Scientiarum Fennica, 2006, p. 28-30.

²⁸ Bobrovnikov, p. 32.

²⁹ Ibid., p. 33.

³⁰ Shirin Akiner, *Sovyet Müslümanları*, trans. Tufan Buzpınar-Ahmet Mutu, Istanbul: İnsan Yay., 1995, p. 109.

³¹ Bobrovnikov, p. 29.

³² Ibid., p. 109, 110.

attempted to spread Shiism in the area and encountered a severe reaction from the Daghestanis. In the seventeenth century Russia also became interested in the Caucasus, and the area became an arena for supremacy among the Ottomans, Safavids, and Russians. In the eighteenth century the Safavids started to lose power, and the people of Daghestan gained victory over the Safavids and retook Shemahi. The Daghestanis wanted the aid of the Ottoman administration. The Babiâli (Sublime Porte) sent aid and gifts to their governors (*han*). In the eighteenth century, the Russians captured many places in the Caucasus, thus resulting in the *jihad* movement which began against Russian control. Respectively Imam Mansur and Gazi Muhammad led the *jihad* movement. In the time of Gazi Muhammad, in 1813, the Gulistan Treaty was signed between the Russians and Iranians; consequently, the Russians took Daghestan. Later Sheikh Shamil led the *jihad* movement and fought against the Russians for around twenty-five years.³³

2.3 The *Jihad* Movement and Muridism

If the *jihad* movement is examined in detail one needs to know about the Naqshbandiyya-Mujaddidiyya-Khalidiyya order which came to the lands of Caucasus around the 1810s and 1820s.³⁴ “The most remarkable and consistent expression of Khalidi militancy has been the Daghistani resistance to Russian imperialism, conducted largely under the leadership of Naqshbandi shaykhs, Shaykh Shamil and his successors.”³⁵ In other words, Khalidi teachings and strategies were

³³ Bunyatov, “Dağistan”, v. 8, p. 405.

³⁴ Moshe Gammer, “The Introduction of the Khalidiyya and the Qadiriyya into Daghestan in the Nineteenth Century”, *Daghestan and the World of Islam*, ed. by Moshe Gammer and David J. Wasser, Helsinki: Academia Scientiarum Fennica, 2006, p. 55. See also, B. Abu Manneh, “A New Look at the Rise and Expansion of the Khalidi Suborder” in *Sufism and Sufis in Ottoman Society: Sources-doctrine-rituals-turuq-architecture-literature-iconography-modernism*, ed. Ahmet Yaşar Ocak, Ankara: Türk Tarih Kurumu, 2005, p. 279-314.

³⁵ Hamid Algar, “A Brief History of the Naqshbandi Order”, in Marc Gaborieau, Alexandre Popovic, Thierry Zarcone, eds., *Naqshbandis: cheminements et situation actuelle d'un ordre mystique musulman*, Istanbul-Paris: Editions Isis, 1990, p. 5.

the main driving forces of the resistance of the Caucasian people against the expansion of the Russians.³⁶ In opposition to some views that Sufism and Sufi orders led people to stagnation and laziness, it is evident in this context that the teachings of the Naqshbandi-Khalidi order and its leaders directed Muslims towards activism and political movements. If one is to speak of Dağstânî's character, it can be observed that the activism he represented during his lifetime probably had to do with his ties to the Naqshbandi-Khalidi order.

In general, Russian and later Soviet sources subsumed the Naqshbandiyya-Khalidiyya in Caucasus as "Muridism"³⁷, they labeled "Muridism" as their main enemy, and considered Islamic resistance and Sufism one of the same thing.³⁸ The word, "murid" refers to the disciple of a Sufi master. Muridism is explained as well in Russian sources as a 'fanatic' movement; in the sense of being anti-Russian.³⁹ "Strictly speaking, Muridism and Sufism are one, and that the mystic teaching found its way at a very early period to the Caucasus."⁴⁰ However, when the Russians began to invade the area Muridism turned into a form of political struggle.⁴¹ The first Naqshbandi leader of the Daghestanis was Ghazi Muhammad ibn İsmâ'il al-Gimrawi al-Daghistani, the second was Hamza Bek ibn Ali İskandar Bek al-Hutsali, and the third was Imam Shamil. There are many stories and legends about the strength of these leaders, especially, Sheikh Shamil.⁴²

³⁶ Michael Kemper, "The North Caucasian Khalidiyya and 'Muridism': Historiographical Problems", *Journal of the History of Sufism*, v. 5, Paris: 2007, p. 151-167.

³⁷ Gammer, *Muslim Resistance to the Tsar*, p. 40, Alexander Knysh, *Islamic Mysticism: A Short History*, Leiden, The Netherlands; Boston: Brill, 2000, p. 289-300.

³⁸ Kemper, "The North Caucasian Khalidiyya and 'Muridism': Historiographical Problems", p. 152.

³⁹ *Ibid.*, p. 45.

⁴⁰ John F. Baddeley, *The Russian Conquest of the Caucasus*, London : Longmans Green, 1908, p. 233.

⁴¹ John F. Baddeley, *Rusya'nın Kafkasya'yı İstilası ve Şeyh Şamil*, trans. Sedat Özden, Istanbul: Kayihan Yay., 1989, p. 230, 231.

⁴² Gammer, *Muslim Resistance to the Tsar*, p. 49-69.

There were continuous struggles between the Russians and the people of the Caucasus during the nineteenth century. According to the statement of Sadık Müfit Bilge, “The Russians increased their military and political activities in the area because from 1821 the Ottoman State dealt with Greek uprisings and did not pay enough attention to the North Caucasus.”⁴³ After 1821, Russian control became more apparent. Among the Daghestani principalities, firstly, Avar Khanate accepted Russian domination. Until the defeat of Sheikh Shamil in 1859 there were continuous struggles between the Russians and the people of Daghestan and Chechnia. Sheikhs, who were a part of the Nakshbandi order ruled the area.⁴⁴

On 9 October 1853, before the Crimean War, Sultan Abdülmecid sent a *ferman* to Sheikh Shamil and asked him to organize a *jihad* against the Russians. Imam Shamil took over the control of the khanates and emirs in the south of the Caucasus and Circassia, and he subordinated them under the Ottoman State. He reported the conditions in the Caucasus to Istanbul in 1854. In May 1855 the Ottoman army had to abandon the West Caucasus because of the pressure of Britain and France.⁴⁵ After a long period of struggle Sheikh Shamil had to surrender along with his sons Ghazi Muhammad and Muhammad Shafi on 6 September 1859. It is worth mentioning Sheikh Shamil did not lose his ties with the Ottoman Empire. After receiving permission from the Russian authorities he went to Hijaz for his *hajj* (pilgrimage) duty in 1869. On his way, before going to Mecca, he first went to Istanbul and visited some Ottoman officials as well as Sultan Abdülaziz. He was welcomed by the people of Istanbul and by the sultan. He died in 1871 in Medina. His son Ghazi Muhammad served in the Ottoman army and fought in the 1877-1878

⁴³ Sadık Müfit Bilge, *Osmanlı Çağı'nda Kafkasya 1454-1829 (Tarih-Toplum-Ekonomi)*, Istanbul: Kitabevi Yay., 2012, p. 343.

⁴⁴ Akiner, p. 117, 118.

⁴⁵ Bilge, p. 531. [Başbakanlık Osmanlı Arşivleri / Prime Ministry Ottoman Archives (Herein after BOA) İrade-i Dâhiliye No. 17605, Lef. 6, BOA, Cevdet Hâriciye No. 5454. *Kafkas Araştırmaları*, I, Istanbul, 1988, 132-133.]

Russo Turkish War against the Russians.⁴⁶ Dağıştânî also fought in this war under the commandship of Ghazi Muhammad.

The goal in describing the life of Sheikh Shamil, his predecessors, and successors is to better understand the life of Dağıştânî because Dağıştânî's family had special ties with Sheikh Shamil's family. Dağıştânî's daughter, Ümran Sipahiođlu mentions that Sheikh Shamil's son Kamil Pasha and his family would come to their house. Her father had a close relationship with Sheikh Shamil's son and relatives.⁴⁷ This relationship, on a small scale, and the social and political context in which Dağıştânî was born and grew up, on a large scale, might have had impact on the activism and the way he coped with the challenges of life, in the later stages of his life. The reason why I have explained the geography and the socio-political context of Caucasus is to better understand the early life of Dağıştânî.

2.4 Migration to Istanbul

Migrations from Daghestan started with the defeat of the Muridism movement⁴⁸ under the leadership of Sheykh Shamil and continued before and after the Bolshevik Revolution (1917). The resistance of the Daghestani people for 300 years ended with the surrendering of Sheykh Shamil in 1859. Then, under the leadership of the successors of Shaykh Shamil, local rebellions and riots took place, on a small scale. These rebellions happened until the end of the Russo-Turkish War (1877-78). It is argued that Dağıştânî's father participated in the struggle against Russia led by Sheikh Shamil. Dağıştânî attended campaigns alongside Sheykh Shamil's son Ghazi Muhammad at the Caucasian front. With the defeat of the Ottoman army as a consequence of the war, the area completely came under the

⁴⁶ Mustafa Budak, "Şeyh Şâmil", *DİA*, 2010, v. 39, p. 69.

⁴⁷ Cebeciođlu, v. III, p. 192.

⁴⁸ Abdullah Temizkan, "Kuzey Kafkasya Müridizmi", İzmir, *Türk Dünyası İncelemeleri Dergisi*, v. IX, no. 2, p. 165-190.

domination of Russia.⁴⁹ When the Russians took most of Caucasus under their control and when the war of 1877 ended and the rebellions failed, the people of Daghestan were forced to leave the region. Many, such as Dağistânî and his family, migrated to the lands of the Ottoman Empire.⁵⁰ According to the narrative of his son, Dağistânî went to Istanbul with the people of Daghestan after the Russo-Turkish War (1877-78).⁵¹

Various scholars have examined the migration wave following the war. I would argue, migration is a significant phenomenon that needs to be analyzed in many ways such as sociologically, psychologically, demographically, and culturally. Leaving one's land and moving to another place is one of the most difficult situations one can face in his life. Kemal Karpat argues "The total number of Muslim immigrants from the Crimea, the Caucasus, and the Balkans who settled in Anatolia (and to some extent in Syria and Iraq) by 1908 was about 5 million. An Ottoman official estimate suggests that the total number of immigrants in the Ottoman territories in the nineteen years between 1877 and 1896 was 1,015,015."⁵² After the Russo-Turkish War (1877-78) the number of Muslims in the Ottoman territory increased perpetually and the empire became a predominantly Muslim state.⁵³

The analysis of the migration pattern of the *ilmiye* class is also another dimension of the issue. How the ulema who took refuge in the Ottoman Empire sought jobs and assistance, how they were settled, and what were the possible difficulties they encountered are some of the questions that need to be examined. In one of the articles analyzing the intensive migration movement after the Crimean

⁴⁹ Bunyatov, v. 8, p. 405.

⁵⁰ Michael Kemper, "Daghestani Shayks and Scholars in Russian Exile: Networks of Sufism, *Fatwas* and Poetry", *Daghestan and the World of Islam*, eds. Moshe Gammer and David J. Wasser, Helsinki: Academia Scientiarum Fennica, 2006, p. 95-97.

⁵¹ Binatli, p. 406.

⁵² Kemal H. Karpat, *Ottoman Population (1830-1914): Demographic and Social Characteristics*, Madison-Wisconsin: The University of Wisconsin Press, 1985, p. 55.

⁵³ *Ibid.*, p. 55.

War of 1856, the author provides examples from archival documents. For example, some ulema members wrote petitions to the government and sought proper positions for themselves. The government held an examination to test their level of knowledge and to place them into proper positions. Sufi orders became important sources of reference while employing the ulema who migrated.⁵⁴ The Ottoman Immigration Commission was established on 5 January 1860 to register and settle the people who migrated to the Ottoman lands after the Crimean War of 1856.⁵⁵ In this context, it is fundamental to state, as aforementioned, Dağıştânî had received his primary education from his father who belonged to the *ilmiye* class (*müderri*) and later he continued his education at the madrasa.⁵⁶ As he was coming from an ulema family and had ties with the Naqshbandi-Khalidi order, Dağıştânî became a follower of Naqshbandi-Khalidi Sheikh Gümüşhanevî Ahmed Ziyâeddin Efendi⁵⁷ when he settled in Istanbul. He continued his education under the instruction of Gümüşhânevî in his *tekke*.⁵⁸ In this regard, it needs to be emphasized that *tekkes* were also widespread educational centers during the Ottoman period.

Islamism was used as an ideology in order to unite all Muslims in the world. Especially, after the Treaty of Küçük Kaynarca, along with the separation of a large

⁵⁴ Ahmet Yüksel and Zafer Karademir, “Ulemâ, Göç ve Devlet: Kırım Harbi’nden sonra Osmanlı Ülkesine Göç Eden Ulemânın İskânına Dair Bazı Bilgiler”, Cumhuriyet Üniversitesi Yay., p. 179-181.

⁵⁵ Derya Derin Paşaoğlu, “Muhacir Komisyonu Maruzatı’na Göre (1877-78) 93 Harbi Sonrası Muhacir İskânı”, *History Studies International Journal of History*, March 2013, p. 351.

⁵⁶ Binatlı, p. 406.

⁵⁷ For detailed information see Butrus Abu-Manneh, *Studies on Islam and the Ottoman Empire in the 19th century: (1826-1876)*, Istanbul: The Isis Press = Isis Yayıncılık, 2001, İrfan Gündüz, *Gümüşhânevî Ahmed Ziyâüddîn (K.S.) Hayatı-Eserleri-Tarikât Anlayışı ve Hâlidîyye, Tarikatı*, Istanbul: Seha Neşriyat, 1984, *Uluslararası Gümüşhânevî Sempozyumu Bildirileri*, 1-2 June 2013, Istanbul: Bağcılar Belediyesi Kültür Yay., 2014.

⁵⁸ See, for example, Semavi Eyice, “İstanbul’un Kaybolan Eski Eserlerinden: Fatma Sultan Camii ve Gümüşhaneli Dergâhı”, *İstanbul Üniversitesi İktisat Fakültesi Mecmuası*, Istanbul, 1987, V. 43, p. 475-511; M. Baha Tanman, “Tanzimat Döneminde Babiâlî’de Bir Nakşibendî-Hâlidî Merkezi: Gümüşhânevî Tekkesi” in *Uluslararası Gümüşhânevî Sempozyumu*, Istanbul, 1-2 June 2013, p. 78-89; M. Baha Tanman, “Le Tekke de Gümüşhânevî à Istanbul: histoire et caractéristiques architecturales d’un tekke Nakşibendî-Halidî”, *Journal of the History of Sufism-Journal d’Histoire du Soufisme*, V, *The Naqshbandiyaa-Khâlidîyya Sufî Order- L’Ordre Soufî Naqshbandiyya-Khâlidîyya*, Paris, 2008, p. 87-106.

number of Muslims, Ottoman sultans claimed that they were the protectors of all Muslims even outside of the Ottoman domains.⁵⁹ As Akarlı suggests “Sultan Abdülhamid II saw Islam as a resource of social solidarity.”⁶⁰ Hence, by the advent of the Hamidian period Islam became ever more proclaimed in outward forms of political expression. Sufi orders played an important role in the Ottoman lands. If the nineteenth century where the subject matter of this thesis took place is evaluated it can be seen that Sufi orders, sheikhs and *tekkes* had a significant influence on the sultans, palace circles, and general folk. Especially, under the reign of Abdülhamid II religious orders became a significant source of political legitimacy.⁶¹ With the help of Sufi sheikhs the sultan as a Caliph attempted to consolidate and safeguard the loyalty of the population mainly in distant provinces of the empire such as the provinces in the North Africa, Syria, Egypt, and India. He sent some of the sheikhs to Ottoman provinces with a mission of gaining the loyalty of the population to the Caliph/Sultan.⁶² For example, with the Rıfâî sheikh from Aleppo Ebu'l Hudâ Efendi, Abdülhamid II sent some sheikhs and dervishes to India and Turkestan, and this disturbed the Russians and the English.⁶³ In addition, Sheikh Zeynullah Hüsrev after taking ratification (*icazet*) from Gümüşhânevî in Istanbul and the learning of the fundamental principles of the Naqshbandi-Mujaddidi order went back to his hometown in Volga-Urals region and founded a madrasa which became an important center of Islamic studies and trained students in the late nineteenth and early

⁵⁹ Selim Deringil, “Legitimacy Structures in the Ottoman State: The Reign of Abdulhamid II (1876-1909)”, *International Journal of Middle East Studies*, Vol. 23, No. 3 (Aug., 1991), p. 350, Gökhan Çetinsaya, “II. Abdülhamid Döneminin ilk Yıllarında ‘İslam Birliği’ Siyaseti (1876-1878)”, Ankara Uni. MA. Thesis, 1988, p. 62-109.

⁶⁰ Engin Deniz Akarlı, “The Tangled Ends of an Empire: Ottoman Encounters with the West and Problems of Westernization-an Overview, *Comparative Studies of South Asia, Africa and the Middle East*, vol. 26, no. 3, 2006, p. 361.

⁶¹ Hür Mahmut Yücer, “Sultan II. Abdülhamid Dönemi Devlet-Tarikat Münasebetleri”, *Sultan II. Abdülhamid ve Dönemi*, ed. Coşkun Yılmaz, İstanbul: Sultanbeyli Belediyesi Kültür Yay., 2014, p. 399-426.

⁶² Ş. Tufan Buzpınar, “Dersaadet’te Bir Arap Şeyhi: Şeyh Muhammed Zafir ve Sultan Abdülhamid ile İlişkileri”, *Akademik Araştırmalar Dergisi*, no. 47-48, 2010-2011, p. 213-223.

⁶³ İrfan Gündüz, *Osmanlılarda Devlet-Tekke Münasebetleri*, İstanbul: Seha Neşriyat, 1984, p. 277.

twentieth century. This also created a threat for the Russians.⁶⁴ This paragraph may not draw the whole picture, but it will briefly explain the influence and the function of the Sufi orders that existed within and outside the late Ottoman Empire.

It is worth mentioning as a part of the reforms in respect to institutionalization and centralization, the establishment of the Assembly of Sufi Sheikhs (*Meclis-i Meşayih*) in 1866 with the consent of the office of Sheikh ul-Islam (*Şeyhülislamlık*), and the Ministry of Pious Foundations (*Evkaf-ı Hümayun Nezareti*) could be as well taken into consideration. The central government tried to control the actions of the Sufi orders and tekkes via this institution.⁶⁵

Dağistânî took ratification (*icazet*) from his sheikh Gümüşhânevî in the fields of Islamic sciences namely Qur'anic Commentaries (*tafsir*), hadith, and Islamic jurisprudence (*fıkıh*).⁶⁶ It is mentioned in Ethem Cebecioğlu's work that one day, his sheikh called him "*hafiz*⁶⁷ Ömer", for this reason, that night; Ömer Dağistânî started reciting the Qur'an. And within four months⁶⁸ or six months⁶⁹ he was able to memorize the whole Qur'an. In order to do so, he would have had to memorize approximately four pages in one day.⁷⁰ According to Cebecioğlu's work and an interview conducted with his son, he had a very strong memory and he memorized the Qur'an quite quickly.⁷¹ This information is mentioned in the sources because in Islamic scholarship, memorization of the Qur'an is significant. There are some hadiths explaining the merits of the memorization of the Qur'an. I would argue, in

⁶⁴ Hamid Algar, "Shaykh Zaynullah Rasulev: The Last Great Naqshbandi Shaykh of the Volga-Urals Region", *Muslims in Central Asia*, ed. Jo-Ann Gross, Durham 1992, p. 112-133.

⁶⁵ Osman Sacid Arı, "Meclis-i Meşâyih Müessesesi, Kuruluşu ve Faaliyetleri", Istanbul, Marmara Uni. M.A. Thesis, 2003, p. 8.

⁶⁶ Binatlı, p. 406.

⁶⁷ One who knows the whole Qur'an by heart. (Sir James Redhouse, *Redhouse Türkçe/Osmanlıca-İngilizce Sözlük*, Istanbul: Sev Matbaacılık, 19th edition, 2011, p. 434.)

⁶⁸ Bağlan, p. 327.

⁶⁹ Cebecioğlu, v. III, p. 153.

⁷⁰ *Ibid.*, p. 153.

⁷¹ Bağlan, p. 327, 328.

terms of sincerity, ability and the knowledge of a Muslim scholar in Islamic studies, memorization of the Qur'an is holy. It increases the people's trust and recognition towards that scholar. If this point were evaluated specifically to Dağıstânî, the information of his achievement of memorization of the Qur'an within four months or six months would have given him credibility regarding his knowledge of Islamic studies. This would have helped him to advance in Islamic scholarship.

It is stated Dağıstânî was as well a hadith *hafiz*, due to his strong ability in memorization he memorized some hadith books primarily the largest collection *Sahih Bukhari*. It has even been recorded in the sources that he was selected for the community of *hafiz* as expert.⁷² He memorized two hundred thousand hadiths with chains of transmission.⁷³ He signed his name as *hafiz-ul Bukhari* at the end of a few of the petitions he wrote.⁷⁴ Although these claims cannot be substantiated, they are part of the narrative. According to this narrative, Dağıstânî had a particular ability, which started to manifest itself in his adulthood. His memorization of the Qur'an and hadiths might have prepared him to write his future works, such as *Hadis-i Erbaîn fi Hukuki's-Selâtin* (1908) and *Mir'ât-ı Kânûn-i Esâsî* (1908), and *Zübdetü'l-Buhârî* (1911-12).

In addition, according to the sources, Dağıstânî was one of the most preferred students of Ahmed Ziyâeddin Gümüřhânevî, because of his seriousness in his studies, his industriousness, and his sincerity (*ihlas*). This is why, one day his sheikh gave him his name by saying "My son, I am giving you the name of Ziyâeddin, live long with your name". From then on, he became Ömer Ziyâeddin Dağıstânî.⁷⁵ This might explain the assumption that he was personally endorsed and recognized by the sheikh. A leader of the Naqsbandî order gave him recognition about being able to carry on the Sufi tradition. Being personally attached to someone who was influential and worth paying attention to might have been important at that

⁷² Bağlan, p. 328. ("Hıfzının isbatı için kendini hafızlar cemiyetine mümeyyiz seçtirmiş.")

⁷³ Ibid., p. 328.

⁷⁴ BOA, Y.EE 71/88 (1), 1327 R 06.

⁷⁵ Cebecioğlu, v. III, p. 153.

time. When Ömer Dağıstânî moved from one place to another, the name “Ziyâeddin” would have given him credibility. When people learned his sheikh had given Ömer Dağıstânî his name, they might have assumed he was a notable person, since his name was given to him by a notable sheikh.

2.5 His Professional Career

Ömer Dağıstânî wrote his first work *Tecvid-i Umûmî* when he was in the Gümüşhânevî *tekke*, which he presented to the office of Sheikh-ul Islam in 1877-8⁷⁶. After the examination of his work by the jury, he was attained to “Taşra Rûûsu”.⁷⁷ In March 1877 (1294) he earned a salary; which was called *tarik maaşı*.⁷⁸ After entering the scholarly area (*ilmiye*) he started to receive a regular salary. He explains how he attained this duty in his personnel records (*sicill-i ahval*) as follows:

In 1293 I presented my work *Tecvid-i Umûmî* to the office of Sheikh-ul Islam and I was rewarded with the *Edirne rûûsu* honored with appreciation. Later, in 1294 when Kara Halil Efendi was Sheik ul Islam, as a consequence of the *rûûs* I attained a salary of 61 *guruş*. And I received this salary continually until my duty of *mevleviyet*. Then, in 1295 during an examination I became *alay müftüsü* proving my qualifications. I attained *Istanbul Rûûs-u Hümayunu* in 1297.⁷⁹

Ömer Ziyâeddîn Dağıstânî consecutively attained the position of *Edirne rûûsu* and *Istanbul Rûûs-u Hümayunu*. These were the high levels in the ulema hierarchy. As he proved his qualification he advanced both in the scholarly world as

⁷⁶ Cebecioğlu, v. III, p. 153.

⁷⁷ Arif Hakan Demirel, p. 46; Hülya Yılmaz, *Dünden Bugüne Gümüşhânevî Mektebi*, Istanbul: Seha Neşriyat, 1997, p. 98.

⁷⁸ Gündüz, *Gümüşhânevî Ahmed Ziyâüddîn (K.S.) Hayatı-Eserleri-Tarikât Anlayışı ve Hâlidîyye, Tarikatı*, Istanbul: Seçil Ofset, 2013, p. 149.

⁷⁹ MA, no. 1396.

well as Sufi one. He first received the *ilmiye* ratification (*icazet*).⁸⁰ He completed his formal education in the Gümüşhânevî *Dergah*.⁸¹ Then, he attained the permission of *irshad* on the path of *tasawwuf*, which would allow him to instruct/teach the known hadith book, *Ramuz el-Ehadis* classified and prepared by his sheikh Ahmed Ziyâeddin Gümüşhânevî.⁸²

He was appointed to Edirne as the mufti of the nineteenth regiment of the Second Army (*alay müftüsü*), in December 1879. With regards to the argument of Dağıştânî's son Ziya Binatlı, he was appointed in December 1878,⁸³ whereas according to his own register and İrfan Gündüz he was appointed in December 1879.⁸⁴ During the Ottoman Russian War of 1877-1878 the Russian military forces occupied Edirne, which continued over 13 months until the restoration of the Ottoman rule on 13 March 1879.⁸⁵ As a result, based on his own narrative and historical conjecture, it is highly possible that he became mufti of the regiment in December 1879 after the war and the restoration of Edirne.

There are inconsistencies in the dates among different sources. According to the personnel register of Dağıştânî, he served in Edirne until December 1894 or January 1895 (Receb 1312).⁸⁶ According to the reference of his son Yusuf Ziya Binatlı, he served until December 1892.⁸⁷ If based on his official register, he served in this position for around fifteen years which was a very long time. The person who

⁸⁰ The original copy of his *icazet* now situates in Istanbul Mufti Office.

⁸¹ Cebecioğlu, v. III, p. 153.

⁸² Ömer Ziyâuddîn Dağıştânî, *Tasavvuf ve Tarikatlarla İlgili Fetvalar*, eds. İrfan Gündüz, Yakup Çiçek, Istanbul: Seha Neşriyat, 1992, p. IX.

⁸³ Binatlı, p. 406.

⁸⁴ MA, no. 1396, Gündüz, *Gümüşhânevî Ahmed Ziyâüddîn (K.S.) Hayatı-Eserleri-Tarikât Anlayışı ve Hâlidîyye, Tarikâtı*, 2013, p. 149.

⁸⁵ Engin Özendes, *The Second Ottoman Capital Edirne: A Photographic History*, trans. Priscilla Mary Işın, Istanbul: Yapı Yayımları, 2005, p. 18.

⁸⁶ MA, no. 1396.

⁸⁷ Binatlı, p. 406.

held this service (*alay müftüsü*) is explained in the *Dictionary of Ottoman Historical Idioms and Terms* as the ‘turbaned officer’ above the imam of the regiment. During official ceremonies, it was the antecedence of major (*binbaşı*⁸⁸). In order to teach the soldiers their religious duties there was an imam of the battalion (*tabur*⁸⁹) in the battalions and the mufti of regiment in the regiments. The imam of the battalion (*tabur imamı*) would be the mufti of the regiment (*alay müftüsü*) advancing in rank.⁹⁰ Teaching soldiers their religious duties was not the only function of the mufti of the regiment (*alay müftüsü*). Muftis also improved the morale of the soldiers and encouraged them to fight in the war because in the Ottoman army religious and spiritual values would take an important place. These missions of the muftis of the regiments decreasingly continued until the end of the Ottoman Empire. Since the first half of the nineteenth century, a condition of receiving a regular education was required for military imams.⁹¹ In this regard, it can be argued that Dağıstânî played an important role for the military of the Ottoman Empire in Edirne. Presumably, he worked to teach the soldiers about their religious responsibilities. He led prayers in the army. He worked to boost the morale of the soldiers, as well as to encourage them to fight in the wars against the enemies.

Moreover, Dağıstânî’s earlier life seems to have affected his appointment to the second Ottoman capital, Edirne, because he was part of the rebellions in Daghestan, which was well known for its military resistance and encouraging *jihād* expeditions. He was also affiliated with the Naqshbandi order, which was famous for militarization and motivating people to go to war. He had already resisted the Russians when he came to Istanbul. He was assigned as an imam of the military in the biggest military city in the Ottoman Empire, Edirne. As Ottoman capitals Bursa, Edirne, and Istanbul were important cities in Ottoman times, therefore, experienced

⁸⁸ Redhouse, p. 180.

⁸⁹ Redhouse, p. 1075.

⁹⁰ Mehmet Zeki Pakalın, *Osmanlı Tarih Deyimleri ve Terimleri Sözlüğü I*, Istanbul: Milli Eğitim Bakanlığı Yay., 1993, p. 46.

⁹¹ M. Birol Ülker, “Tabur İmamlığından Moral Subaylığına”, *Çanakkale 1915*, August 2010, nu. 6, p. 18-25.

ulema were sent to these cities. This information supports the view that Dağıştânî was evaluated as competent to serve as a mufti of the regiment in the military city of Edirne. He did not become an average *hodja*, but the head of the military, and the *imam* to the soldiers. He was in a position where he could motivate soldiers to fight in wars and encourage them for *jihad*. It seems highly probable that the Ottoman government did not ignore his past experiences when he was appointed to Edirne as *mufti* of the regiment. Also, Edirne was a frontier city and a possible war region. He must have fit to a certain profile and action ready for *jihad*.

When he was in Edirne to serve in the army he wrote various works with regards to Islamic studies. Namely, *Fetevâ-yı Ömeriyye bi-Tarikat'il-Aliyye*⁹² in 1883-84 (1301); the original manuscript is in Arabic and it is in the Süleymaniye Library.⁹³ In this work, he discusses some of the issues regarding the Sufi orders, primarily the Naqshbandî order and its practices in a question and answer form. In 1886-87 (1304) he wrote another book, *Et-Teshîlâtü'l-atire fi'l-Kıraati'l-Aşere* about Qur'anic studies and published in Istanbul Rizeli Hasan Efendi Matbaası (Press). It is located in the National Library in Ankara. He wrote *Mu'cizât-ı Nebeviyye* which was published in Edirne in 1886-87 (1304, Evkaf Matbaası). It is in Ottoman Turkish and in poetical form. The subject matter of the work is about Islamic creedal doctrine (*akaid*), and Islamic theology (*kelam*). It mainly discusses the subject of believing in miracles of the prophets. Later, he wrote *Es'ile ve Ecvibe fi İlmi'l-Hadîs (fi İlmi Usuli'l-Hadisi'l-Mürettebeten)* in 1889-90 (1307). The source is in Arabic and published in Bursa Hüdâvendigâr Matbaası. One of his other works about miracles of the Prophets is *Kitab-ı Mucizat li-Cemi'il Enbiya* which was published in Istanbul in 1890-91 (1308). He wrote *Sünen-i Akvâli'n-Nebeviyye mine'l-Ehâdîsi'l-Buhâriyye* during the same year, in 1890-91 (1308, Istanbul Mahmud Bey Matbaası). It contains 4541 hadiths and the language of the work is Arabic. *Tercüme-i Akaid-i Neseviyye* is another work, which is a translated work by Dağıştânî published in Bursa in 1890-91

⁹² It is 96 pages long.

⁹³ It was translated into Turkish by İrfan Gündüz and Yakup Çiçek and was published by the Seha Publication House only in 1992.

(1308). It is also about the Islamic creedal doctrine (*akaid*).⁹⁴ As is evident from the names of the works he wrote mostly about the Islamic disciplines, such as *akaid*, *kelam*, *hadith*, and *tasawwuf*. It seems his earlier education prepared him to write books on these subjects. He could write in a number languages, local dialects of Daghestan, Ottoman Turkish, and Arabic. Throughout his life, he wrote more than twenty works in total.⁹⁵ Thus far, the works he wrote in Edirne were briefly introduced. Other remaining works will be mentioned later on.

Returning back to his professional career, according to the *Encyclopedia of Islam* he served in the Malkara office of the deputy judge, between the dates July 1893 (1311) and May 1901 (1319). Nevertheless, if one is to take the personnel records (*sicill-i ahval*) as basis, from 8 July 1895 (15 Muharram 1313) to 11 March 1906 (15 Muharram 1324) he served in the office of a deputy judge in Malkara.⁹⁶ As a result, he passed from the military class (*askeriye*) to the ulema class (*ilmiye*). According to his daughter, the reason why he was appointed to the Malkara office of the deputy judge is that there were many students and people around him when he was in Edirne. The number of people increased so much that some people became jealous of this and complained to Sultan Abdülhamid II. The intelligence officers argued, “This person is so powerful he could gather people around him and he could dethrone you.” Hence, it is registered that the sultan became suspicious and transferred Dağistânî to another place, Malkara.⁹⁷ In order to put this into context, it can be noted that the Hamidian regime gave special importance to personal loyalty and employed a spy system (*hafiyeye teşkilatı*) to detect unfavorable situations and disloyal officials.⁹⁸ It is highly probable that after the investigation, the sultan did not find him as dangerous as accused and he simply removed him from Edirne and sent

⁹⁴ Binatlı, p. 406.

⁹⁵ MA, no. 1396.

⁹⁶ Ibid.

⁹⁷ Cebecioğlu, v. III, p. 182.

⁹⁸ M. Şükrü Hanioglu, *A Brief history of the late Ottoman Empire*, Princeton: Princeton University Press, 2008, p. 125.

him to Malkara. If he had been found guilty he would have been punished, however, he was transferred to serve in another place.

He gained the Kudüs *mevleviyet* in 1903, and one year later, in 1904 he advanced in rank⁹⁹ and was assigned to the Tekfurdağı¹⁰⁰ office as deputy judge. He stayed in this position until 1906. He then resigned and went to Istanbul.¹⁰¹ Nonetheless, in terms of his personnel records (*sicil-i ahval*) from 8 July 1895 (15 Muharrem 1313) to 11 March 1906 (15 Muharram 1324) he served as deputy judge in Malkara.¹⁰² *Mevleviyet* was the term used for the position of high rank judges. The judges in the Ottoman Empire were divided into two groups, *mevleviyet* judges and judges of *kazas*.¹⁰³ The office of the judge in large and strategically important cities was called *mevleviyet*. There were a number of ranks in these positions. *Mevleviyets* consisted of four degrees. One could achieve respectively *devriye*, *mahreç*, *bilâd-ı hamse*, and *haremeyn mevleviyets*. The Kudüs *mevleviyet* was under the category of *mahreç mevleviyet*.¹⁰⁴ As understood from the narrative of Dağıştânî, when he was in the Malkara office of deputy judge he was promoted to Kudüs *Mevleviyet*. What is unique is that Dağıştânî held both positions (deputy judge and *mevleviyet*) at the same time. Later, he was promoted to the Tekfurdağı office of the deputy judge. He stayed in this position starting from 12 March 1906 (16 Muharram 1324), to 14 August 1908 (16 Rajab 1326), for thirty months. In addition to serving in the Tekfurdağı office of the deputy judge, at the same time, he fulfilled the position of the office of the law court of first instance.¹⁰⁵ If one is to compare the duration of his services in various places, according to the different sources, there is an

⁹⁹ Mehmed Zeki Pakalın, *Sicill-i Osmanî Zeyli: Son Devir Osmanlı Meşhurları Ansiklopedisi*, v. XIV, ed. Prof. Dr. Mustafa Keskin, Ankara: Türk Tarih Kurumu Yay., 2008, p. 30.

¹⁰⁰ Today's Tekirdağ province in the European part of the northwestern Turkey.

¹⁰¹ Binatlı, p. 406.

¹⁰² MA, no. 1396.

¹⁰³ *Ott. hist.* Administrative and juridical district of a Cadi. (Redhouse, p. 626.)

¹⁰⁴ Unan, p. 467.

¹⁰⁵ MA, no. 1396.

inconsistency among the sources. Generally, in the secondary sources, it is registered that he served in Tekfurdağı until August 1906. Yet, based on his own personnel register it can be confidently argued that he stayed in the Tekfurdağı office of the deputy judge until August 1908. This information shows that, he returned to Istanbul after the proclamation of the Second Constitution¹⁰⁶ (24 July 1908). He was pensioned off after the reorganization of personnel cadre after the Constitutional Revolution of 1908.¹⁰⁷ One other point of note is that when he was in Tekfurdağı as a deputy judge, he also served in the law court which was newly established.

Binatlı reports that he distributed his salary from the *kadiship* to his students who needed money, with the argument “One does not take money from the state for the fulfillment of justice in Sharia.”¹⁰⁸ According to the interviews I conducted with his grandson Cüneyt Binatlı, he would distribute his whole salary immediately after he received it from the government to his students, when he was *müderriş* at the Süleymaniye Madrasa late in his life, too.¹⁰⁹ Moreover, when he was in Malkara he led the *tarawih*¹¹⁰ prayers with *khatm*¹¹¹. Within six hours he performed the *salah* (prayer) with a complete reading of the Qur’an and when he returned home, it would be time for *sahur*¹¹². In other words, in the month of Ramadhan he would finish the whole Qur’an, which he knew by heart, every day in six hours.¹¹³ As noted earlier, this kind of merit would have been explained in the sources in order to increase credibility and admiration of people, especially his followers, towards Dağıstânî. His

¹⁰⁶ Pakalın, *Sicill-i Osmanî Zeyli: Son Devir Osmanlı Meşhurları Ansiklopedisi*, v. XIV, p. 30; Gündüz, *Gümüşhânevi Ahmed Ziyâüddîn (K.S.) Hayatı-Eserleri-Tarikât Anlayışı ve Hâlidîyye Tarikatı*, p. 149.

¹⁰⁷ Pakalın, *Sicill-i Osmanî Zeyli: Son Devir Osmanlı Meşhurları Ansiklopedisi*, p. 30.

¹⁰⁸ Bağlan, p. 328. (“Şeriatte icra-i adalet eden kişi devletten para almaz.”)

¹⁰⁹ I wish to thank Professor Cüneyt Binatlı from Istanbul Ticaret University for allowing me to conduct an oral history interview with him. (28.05.2014)

¹¹⁰ Extra prayers performed by Muslims at night in the Islamic month of Ramadan.

¹¹¹ A complete reading of the Qur’an.

¹¹² Early morning meal consumed by Muslims before fasting during the month of Ramadan.

¹¹³ Bağlan, p. 328.

eligibility in Islamic issues would have been demonstrated in the sources by means of this information.

2.6 His Life in the Beginning of the Second Constitutional Period

After Dağıstânî returned to Istanbul, he published two remarkable works representing his political ideas. These were *Hadis-i Erbaîn fi Hukuki's-Selâtin* published in December 1908 (1326)¹¹⁴ and *Mir'ât-ı Kânûn-ı Esâsî* on 31 December 1908 (7 Zilhicce 1326). The significance of these works was that it seems that these two works were a departure from his previous publications. The change in political climate had prompted Dağıstânî to write such polemical pieces on the current political discussions. In the former work he praised the Caliphate and Ottoman sovereignty, and defended the rights and justice of the sultan. He presented his work to Sultan Abdülhamid II. In return, the sultan gave him 60 gold coins (*altın*) as a gift for this work.¹¹⁵ In the second book he explained the articles of the constitution based on the Qur'an, hadith and the civil code of the Ottoman State (*Mecelle*).¹¹⁶ A detailed analysis of these two political works will be presented in the next chapter. Some sources indicate he also wrote in the journal of *Tasavvuf* and the *Volkan* newspaper. However, there is no article published under his name in these publications and if he had it was probably under a pseudonym. Nevertheless, what is of note is that his work on the Ottoman constitution was praised in the *Volkan* newspaper, thus alluding to his connection to the newspaper. This point is also worth of note as the editor of the newspaper Dervish Vahdeti was implicated as one of the major instigators of the 31 March incident. Hence, we can assume that there was a perception of Dağıstânî's involvement with both the newspaper and the protagonist of the revolts, which shall be explained in detail later.

¹¹⁴ 1326 according to Hijri calendar as written in the beginning of his work.

¹¹⁵ BOA, Y.EE 71/88 (1), 1327 R 06.

¹¹⁶ Civil code of the Ottoman Empire prepared by Ahmed Cevdet Pasha.

During the 1908 Constitutional Revolution Dağıstânî sent a petition to be selected as a member of the Senate (*Meclis-i Ayan*) on 16 December 1908.¹¹⁷ As known, on 23 July 1908, the Second Constitution was promulgated and on 4 December 1908 the third Ottoman Parliament (*Meclis-i Mebusan*) opened. After retiring from the Tekfurdağı office as deputy judge (*niyabet*) because of the reorganization that took place after the 1908 Revolution¹¹⁸, Dağıstânî, returned to Istanbul and applied to become a member of the Ottoman Parliament. However, he was refused in the selection to become a member of the Senate.

In another petition to Sultan Abdülhamid II, Dağıstânî explained his predicament. With his three wives and more than twenty children he said he was in a situation where he had no salary and was unemployed. He respectfully requested the sultan to consider his knowledge of exegetics, hadith, and that he was a member of the ulema. He asked either to be selected as a member of the Assembly of Notables (*Heyet-i Âyân*) and to become a member of the Council of State (*Şûrâ-yı Devlet*) or to become a member of the Assembly of Education in place of Musa Kâzım Efendi who was a member of the Senate. If these requested were not possible, he requested to be employed to read books, which belongs to the special services for the Imperial Palace such as *Bukhari* and *Şifa-ı Şerîf*. Rightfully, if the fulfillment of one of these duties were to be accomplished, he stated he would be most grateful.¹¹⁹

After the promulgation of the constitution, the General Assembly (*Meclis-i Umûmî*) was established. In Istanbul, the Chamber of Deputies (*Meclis-i Mebusan*) consisted of the members elected by the general Ottoman public via the extensive empire wide elections that had taken place that year, whereas, the members of the Senate (*Meclis-i Âyân*) were elected by the sultan. Members in the Senate were high degree members and “it was the duty of the Senate to check proposed laws from the

¹¹⁷ BOA, Y.EE 71/88 (1), 1327 R 06. [In the document the date is indicated as 16 December 1908 (3 Kanun-i Evvel 1324)]

¹¹⁸ Pakalın, *Sicill-i Osmanî Zeyli: Son Devir Osmanlı Meşhurları Ansiklopedisi*, v. XIV, p. 30. [“1324 (1908) Temmuz İnkılabını müteakib yapılan tensikatta tekaüd edildiğinden İstanbul’a geldi.”]

¹¹⁹ BOA, Y.EE 71/88 (1), 1327 R 06 [7 April 1909].

parliament to ensure their harmony was with Islamic law, sultanic privileges, the constitution, the territorial integrity of the empire, internal security, and public morals”.¹²⁰ Within this historical context, why did Dağıstânî send a petition to the sultan in 1908 and apply to hold a position in the senate, what were the conditions that lead him to want to become a member of the parliament, why did he want to become a member of the Assembly of Education in place of Musa Kâzım Efendi? And why was he refused are just some of the questions that need be answered. As understood from the petition Dağıstânî wanted to become a politician, and a member of the parliament, or to become a member of the Assembly of Education in place of Musa Kâzım Efendi who had attended the Senate. Musa Kâzım was a Committee of Union and Progress (CUP) sympathizer. He was a prominent member of the CUP and became Sheikh ul-Islam for around half of the CUP’s years in political authority. He was “the figurehead of the reform-minded ulema after the Young Turk Revolution.”¹²¹ Musa Kâzım Efendi was probably elected by the pressure of the CUP on Abdülhamid II. Possibly, Dağıstânî had the impression that Abdülhamid II had enough power and could still make changes in the parliamentary set up because as is indicated above, parliamentarians were elected by the people, but the members of the Senate were chosen by the Sultan himself. In other words, Dağıstânî might not have understood the level of pressure the Sultan was under from the conditions of the change in political environment, especially the nature and type of authority the CUP were wielding, thus he probably hoped the Sultan could have made some changes in the political system. In other words, the CUP might have applied pressure on the Sultan to elect some members, but it seems Dağıstânî might have assumed that Sultan Abdulhamid II might have had more authority than he actually had. This is why, he might have assumed that because of his two works Abdulhamid might have been pleased with him, and, as a result, he might have listened to his request to be a Senate member. Hence, it is probable that many who were in support of the Sultan may have miscalculated both the position of the Sultan and the CUP. It seems natural

¹²⁰ Selçuk Akşin Somel, *Historical Dictionary of the Ottoman Empire*, Lanham: The Scarecrow Press, 2003, p. 266.

¹²¹ Amit Bein, *Ottoman Ulema, Turkish Republic: Agents of Change and Guardians of Tradition*, Stanford, Calif.: Stanford University Press, 2011 p. 31.

that after almost three decades of Hamidian rule that those in favour of the Sultan would not have expected a shift in style of governance that would regulate the respect and authority of the Sultan to that as simply becoming a pawn in the hands of the CUP. As a result, Dağıştânî's work praising the role of the Sultan and Caliphate and his appeal to the Sultan for a position in parliament seems understandable.

In addition, this kind of a petition written by a person such as Dağıştânî is also worth considering. He was a member of the ulema and the Sufi order (Naqshbandiyya). The difficulties he was facing, due to his unemployment, would probably have made him desperate to seek the help of the Sultan. Although it might have been very difficult for a person coming from a Sufi background to send such a petition to resolve his problems and ask for something from the government, it seems highly probable that Dağıştânî was obliged to send this petition to Sultan Abdülhamid II. There is no date indicated on the document, but, the file of the document shows it was filed on 27 April 1909 (6 Rebiülevvel 1327). However, this date seems quite late for this petition as in April political conflicts appeared, demonstrations against the CUP took place, and Abdülhamid II was dethroned. This petition must have belonged to an earlier date, as 27 April 1909 is a much later date than the 31 March Incident (13 April 1909) as this date given creates incoherency. In relation to the next document which will be subsequently mentioned, he must have written it before 7 March 1909. It is stated in one of the documents dated 7 March 1909, which was sent to the Ministry of Justice:

After fifteen years of presidency of criminal law and law execution and having held the position of deputy judge of the Sharia office, the old deputy judge of Tekfurdağı, Dağıştânî, sent a petition to ask for a favor. As is understood he has great insight in the science of canonical law and the rules of Islam. The Ministry of Justice should start an official procedure regarding a proper service effort for his employment, and provide him a suitable position.¹²²

In this sense, one can see other official documents regarding Dağıştânî's search for a position in the state service. There were correspondences going on

¹²² BOA, BEO 3506/262932 (1), 1327 S 15 [22 February 1324 (7 March 1909)].

among different institutions. After the proclamation of the Second Constitution he left his position in Tekfurdağı and returned to Istanbul. It is not mentioned in the sources why he left the state service and went to Istanbul. This might be related to the socio-political situations in Istanbul. I would argue as an activist he might have wanted to influence the course of events happening in the imperial capital. As is known with the promulgation of the Second Constitution, the so-called 'Constitutional Revolution' or Young Turk Revolution in July 1908, the Committee of Union and Progress started dominating politics. They slowly took control of the state affairs. After the Revolution, elections were carried out for the first time in 30 years.¹²³ In the elections there were two parties, the Committee of Union and Progress and the Liberal Party (*Ahrar Fırkası*). The *Ahrar Fırkası* was founded in September 1908 by Prince Sabahattin and his followers. The CUP won the elections because the *Ahrar Fırkası* in the short space of time after the Revolution was not able to become "a serious nationwide organization". From 23 July 1908 (Proclamation of the Constitution) to 13 April 1909 (31 March Incident), for nine months and five days, there was an environment of freedom and liberty.¹²⁴ People could write and express their opinions with regards to the socio-political circumstances of the empire. Many journals and newspapers were opened. In this kind of environment Dağıstânî wrote his two important works regarding Islamic political theory. These works will be examined in detail within the context of the Second Constitutional Period, in the following chapter. On the eve of the insurrection of 13 April, better known as the '31 March Incident' as mentioned he wrote some petitions to the government and Sultan Abdülhamid II to seek a position in state service. However, he did not achieve what he wanted, probably because of his position in the socio-political circumstances of the period.

2.7 31 March Incident and Its Aftermath

¹²³ Eric J. Zürcher, *Turkey: A Modern History*, London: I. B. Tauris, 2004, p. 95.

¹²⁴ İsmail Hami Danişmend, *31 Mart Vak'ası: Sadr-ı a'zam Teyfik Paşa'nın Dosyasındaki Resmi ve Hususi Kayıtlara Göre*, İstanbul: İstanbul Kitabevi Yayınları , 1974, p. 15.

The 31 March Incident is a very complicated event in Ottoman history. Although it took place in recent history, its organizers and supporters have not been detected with a common agreement among historians. There are different viewpoints about the issue. One reason for the divergence is the lack of qualified historical research about the event. On the basis of archival documents and reliable sources more studies need be carried out in order to illuminate the dark spots of the 31 March Incident. In this part, my aim is to illustrate the incident, to determine how the ulema were involved in the event, and especially what the role of Dağıştânî was during the event.

As mentioned earlier after the Young Turk Revolution or the ‘Declaration of Freedom’ (*İlân-i Hürriyet*) as the Young Turks called it,¹²⁵ there was an environment of freedom and liberty. Proponents and opponents of the constitution could freely express their ideas in various publications of the period. Some ulema members formed close ties with the Committee of Union and Progress in order to protect their position in the new political system.¹²⁶ Other members of the ulema did not avoid criticizing the policies of the CUP. In the beginning of the Second Constitutional Period, pro-constitutionalists expressed their ideas with great joy and hope. Many Islamists welcomed constitutionalism as a savior to the Empire’s problems. Although what seems rational is to assume that there were a host of positions in regards to people’s opinions, affiliations and ideas regarding the CUP, much scholarship is written that Islamists were divided into supporters of the CUP and opponents of the CUP. Although this narrative requires further research what is accepted is that in due course many people became disappointed with the CUP after the euphoria created during the Revolution of 1908 and evident criticism against constitutionalism was

¹²⁵ David Farhi, “The *Şeriat* as a Political Slogan or the ‘Incident of the 31st Mart’”, *Middle Eastern Studies*, vol. 7, No. 3 (Oct. 1971), p. 275.

¹²⁶ Bein, “The Ulema, Their Institutions, and Politics in the Late Ottoman Empire (1876-1924)”, vol. I, Ph.D. Dissertation, Princeton University, 2006, p. 112.

becoming ever more prevalent.¹²⁷ The reason for this disappointment was, in essence, expectations from constitutionalism were seen as impossible.¹²⁸ Importantly, there was dissatisfaction with the conduct of the CUP towards religion and the religious foundation.¹²⁹

According to Eric Zürcher there were two main opponent groups in the way of the CUP. The first one was the opposition of the Liberal Party (*Ahrar Fırkası*) the second was the opposition directed by conservative religious groups “notably the lower ulema and sheikhs of the dervish orders.”¹³⁰ Zürcher states:

During the month of Ramadan, which coincided with October 1908, a number of incidents and at least two serious and violent demonstrations occurred, during which the closure of bars and theatres, the prohibition of photography and restrictions on the freedom of movement of women were demanded. On 3 April the religious extremists, who were already active as a group around the newspaper *Volkan* of the Nakşibendi sheikh Derviş Vahdeti, organized themselves as the *İttihad-ı Muhammedi* (Muhammadan Union). This group organized large-scale propaganda against the policies and secularism of the Young Turks.¹³¹

The *İttihad-ı Muhammedi* (Muhammadan Union) was founded on 5 April 1909 (23 March 1325). The regulation of this union was published on 17 February 1909/4 February 1325. This union was led by the Nakshbandi sheikh Dervish Vahdeti. It presented a religious interpretation of the constitution from the supporters of Vahdeti’s form of thinking.¹³² From the viewpoint of the members of Muhammadan Union constitutionalism should have been designed to protect the Sharia. The laws that did not conform to the Sharia could not be regarded as law. In this context, Dağıştânî played an important role. As an *âlim* taking part in this union,

¹²⁷ Tarık Zafer Tunaya, *İslâmcılık Cereyanı: II. Meşrutiyetin Siyasî Hayatı Boyunca Gelişmesi ve Bugüne Bıraktığı Meseleler*, İstanbul: Baha Matbaası, 1962, p. 51, 52, 65,

¹²⁸ Ali Birinci, *Hürriyet ve İtilaf Fırkası II. Meşrutiyet Devrinde İttihat ve Terakki’ye Karşı Çıkanlar*, İstanbul: Dergah Yayınları, 1990, p. 84.

¹²⁹ Farhi, p. 287.

¹³⁰ Eric J. Zürcher, *Turkey: A Modern History*, London: I. B. Tauris, 2004, p. 96.

¹³¹ *Ibid.*, p. 96.

¹³² Birinci, *Hürriyet ve İtilaf Fırkası*, p. 38.

he wrote a piece claiming the convenience of the constitution to Sharia. He explained any and every article of the constitution based on the Qur'anic verses and hadiths. The *Volkan* newspaper, the organ of the Muhammadan Union gave place to an advertisement of the works of Dağstânî, especially the *Mir'ât-ı Kânûn-i Esâsî*. It is important to note the basis of this union mostly consisted of ulema and *meshayikh* circles. In terms of this union, although the constitutional regime was promulgated, the Ottoman state was in a poor situation, there was famine and poverty. The empire was collapsing and the causes of this collapse were perceived to be from the morals of the West. The failure to live up to the promises of constitutionalism made people miss the autocracy of the Hamidian regime.¹³³ Hence, with similar arguments, the *Volkan* newspaper and the Muhammadan Union were established. *Volkan* directed serious and brave criticisms towards the CUP starting from 11 December 1908 until the 31 March Incident (13 April 1909).

After the Young Turk Revolution, the CUP put their efforts into weakening the sultan. Instead of the officers of the First Corps, new *mektebli* officers were equipped. Troops of the First Corps were sent out from Istanbul to other provinces. Some battalions of light cavalry (*avcı*) were sent to the imperial center.¹³⁴ On the night of 12 April 1909, an armed rebellion took place in Istanbul under the slogan of 'We want the Sharia' (*Şeriat isteriz*). The next morning many troops and ulema attended the insurrection and marched to the building of the parliament. The spokesman of the troops demanded the restoration of the Sharia, the replacement of some members of the CUP, the replacement of Unionist officers, and amnesty for the insurgents.¹³⁵

It can be argued that the lower ranking ulema attended the rebellion. The higher-ranking ulema came together in the Islamic Society of the Ulema (*Cemiyet-i*

¹³³ Tunaya, *İslâmcılık Cereyanı*, p. 120-124.

¹³⁴ Farhi, p. 287.

¹³⁵ Farhi, p. 287; Tunaya, p. 120-124; Zürcher, *Turkey: A Modern History*, p. 96; Vahdettin Engin, *İmparatorluktan Ulus Devlete Türk İnkılâp Tarihi*, ed. Cemil Öztürk, Ankara: Pagem Akademi 2010, p. 75, 76.

İlmiye-i İslamiye) and did not support the revolt. As a result of the rebellion, the CUP had been removed from Istanbul. They reunited in two important centers of the CUP in Macedonia (Rumeli): Thessaloniki and Manastir and quickly began to take countermeasures. They prepared a propaganda campaign and attempted to provoke the people. They convinced the population in some of the provincial towns with the slogan ‘The constitution is in danger’. They made use of a similar argument, which they used in the 1908 Revolution that was ‘Freedom is in danger’.¹³⁶ In this regard, it is important to note the view of Sina Akşin. He claims that it would have been very difficult to move the Rumelian troops, if the revolution was seen simply as an opposition to the CUP, because in this case the army would be regarded as subservient to the CUP and not constitutionalism.¹³⁷ The Action Army (*Hareket Ordusu*) arriving from Thessaloniki was directed by Mahmud Şevket Pasha who forcibly suppressed the rebellion by 24 April 1909. Two Court Martials were established, and they found guilty and sentenced to death a great number of the rebels, including mainly Dervish Vahdeti, many ulema and madrasa students. The Muhammadan Union was disintegrated and its members were punished and exiled. Dağıştânî was found guilty of being a member of the Union and he was sentenced to life imprisonment. Sultan Abdülhamid II was deposed with the fatwa of Sheik ul-Islam Mehmed Ziyâeddin Efendi and Sultan Mehmet V ascended the throne.¹³⁸

This event mentioned above took place on 13 April 1909 and according to the Julian (*rumî*) calendar which corresponds to 31 March, and the reason for the event to be called the 31 March Incident. There are different names for this event; such as, 31 March Incident, Counter Revolution, and Reactionary Insurrection. If one calls the 23 July 1908 a revolution, this rebellion can be called a counter-revolution.¹³⁹ The word “reactionism” (*irticâ*) entered into the political literature of

¹³⁶ Farhi, p. 277.

¹³⁷ Sina Akşin, *31 Mart Olayı*, Istanbul: Sevinç Matbaası, 1970, p. 91.

¹³⁸ Bein, “The Ulema, Their Institutions, and Politics in the Late Ottoman Empire (1876-1924)”, p. 125, Tunaya, p. 140.

¹³⁹ Osman Selim Kocahanoğlu, *Derviş Vahdeti ve Çavuşların İsyanı*, Istanbul: Temel Yay., 2001, p. XIII.

the Ottoman state in the court decisions after the 31 March Incident. It was used in the meaning of attempting to go back to the autocracy of the Hamidian regime. The word “reactionary” (*mürteci*) was used for every person, every group, and every idea, which was against the Committee of Union and Progress. After this incident, the CUP was called the ‘hero of freedom’ or *mujahid* (champion of Islam) of freedom. In order to imply the *ancien régime* the terms “period of autocracy” or “previous period” were used. Therefore, the opponents of the new political order were labeled as “reactionary”. Hereupon, the word “reactionism” has been used as a synonym to the “opposition”.¹⁴⁰

As a result of the 31 March Incident, the Young Turks strengthened their authority. “neo- *Sufi* Islamic militancy”¹⁴¹ was discarded from political life. The Insurrection of 13 April made use of the Sharia as a political slogan.¹⁴² With regard to the question of who prompted this event, the CUP blamed Sultan Abdülhamid II and the Muhammadan Union (*İttihad-ı Muhammedi Cemiyeti*) and its members. Some people got suspicious about British involvement and its close relationship with Ottoman liberals. There is no actual archival document about existence of the involvement of the sultan; some historians argue he supported the rebellion secretly. However, the common view about this is that the Sultan did not get involved in the revolution. Even one of the important members of the CUP, Talat Pasha believes the sultan was not involved in the incident.¹⁴³ Actually, neither the sultan nor the Muhammadan Union and the *Volkan* Community were against the constitution. Instead, they were against the implementations and politics of the CUP. They were unhappy with the socio-political, economic, and moral conditions of the empire. As

¹⁴⁰ Danişmend, *31 Mart Vak'ası*, p. 14, 15; Abdülhamit Kırmızı, *Halep-Kosova Hattı*, 1909: *Arnavutluk'ta Meşrutiyet'e Karşı Bir İsyân Teşebbüsü, Dîvân: Disiplinlerarası Çalışmalara Dergisi*, 2009; vol. 14, nu. 26, p 131, Abdullah Yıldız, *Meşrutiyet'in Meşruiyeti “Sanal İrtica”*, *Umran Dergisi*, July 2008, p. 10.

¹⁴¹ Farhi, p. 289.

¹⁴² *Ibid.*, p. 289.

¹⁴³ Zürcher, *Turkey: A Modern History*, p. 99, Cevdet Küçük, “Sultan II. Abdülhamid’in Sürgün Yılları”, *Sultan II. Abdülhamid ve Dönemi*, ed. Coşkun Yılmaz, İstanbul: Sultanbeyli Belediyesi Kültür Yay., 2014, p. 44.

understood from the references regarding the work of Dağıstânî they supported the constitutional regime because in terms of their viewpoint it was in conjunction with the Sharia. Nevertheless, by using the accusation of “reactionary” in the meaning of demanding to go back to the Hamidian regime of autocracy thus, opponents of the constitution, the Community and Union and Progress suppressed the 31 March Incident and justified their actions. The empire entered into a state of siege and opponents of the CUP were punished.

2.8 Exile to Medina

Turning to the life journey of Dağıstânî, how was he interrogated in the Court Martial (*Divan-ı Harb-i Örfî*), for what reasons was he punished, what was the process of his going into exile, what did he do during his exile, and how did he spend his time there are some of the topics which will be examined in the light of archival sources and secondary sources.

There are many archival documents illuminating his life before and after the 31 March Incident. After the incident the Court Martial was appointed and many people were interrogated and sentenced. The Court Martial interrogated Dağıstânî during a state of siege on 30 June 1909, along with a number of people, namely Hacı Hakkı Beg (from the Şehremaneti members), Abdullah Ferid Efendi (from the Bayezit Madrasa professors), and İsmail Hakkı Beg (from the navy lieutenants).¹⁴⁴ Then, Dağıstânî was sentenced to life imprisonment, due to the assertion that he participated in the 31 March incident and had relations with the *İttihad-ı Muhammedi Cemiyeti* (Muhammadan Union) and Dervish Vahdetî.¹⁴⁵

In July 1909, it was decided in the First Divan-ı Harb-i Örfî that Hacı Hakkı Beg and Dağıstanlı Ömer Ziyâeddin Efendi who were important members of the Volkan community would be given a

¹⁴⁴ Sadık Albayrak, *31 Mart Gerici Bir Hareket mi? İrticâî Tarihçesi I*, İstanbul: Bilim Araştırma Yay., 1987, p. 345.

¹⁴⁵ Binatlı, p. 406.

lifelong sentence, İsmail Hakkı Efendi was sentenced to seven years within the borders of a city (*kalebend*) and Refik Efendi would be exiled for five years, and it was decided on Abdullah Ferid Efendi's exculpation.¹⁴⁶

After some time, Dağıştânî's penalty was overturned to being sent into exile and thus he was sent to Medina. He resided there for seven months.¹⁴⁷ When certain sources are examined, there appears a discrepancy regarding the seven month period of his time in Medina, and this is a point I will further problematize in the following paragraphs.

Dağıştânî explains the reasons for his penalty and the process afterwards in his personnel records (*sicill-i ahvâl*) as follows:

When I was waiting for a position as I compiled the pamphlet of *Hadis-i Erbaîn fî Hukukî's-Selâtîn*, I was labeled as reactionary (*mürteci*), I was dispatched to Medina to pass my time. After staying there busy with instruction, I set out for a journey to Egypt, I stayed there for a while.¹⁴⁸

As a punishment for his actions indicated above he was sent into exile to Medina. In his narrative he does not use the argument "I was dispatched because of my punishment" but rather "I was dispatched to pass my time".¹⁴⁹ Actually, this kind of usage for justification of his situation is not an unexpected thing. "Pass my time" probably means to serve my punishment, lifelong imprisonment or exiled time. In addition, as he states in the document he lived in Medina busy with instruction. As a part of the ulema, he might have taught his students Islamic studies, such as the Qur'an, hadiths, and Islamic jurisprudence (*fiqh*).

From the narrative of Dağıştânî, it can be understood that due to his work *Hadis-i Erbaîn fî Hukukî's-Selâtîn* he was denominated as reactionary in the sense of being pro-Hamidian, proponent of the autocratic regime of Sultan Abdülhamid II,

¹⁴⁶ *Yeni Tasvir-i Efkar*, 20 Cemaziyelahir 1327, no: 38, p. 6.

¹⁴⁷ Binatlı, p. 406.

¹⁴⁸ MA, no. 1396.

¹⁴⁹ Ibid.

and opponent of the CUP. In another official document about Dağıstânî, the reason why he was punished is revealed as his membership and participation in the Muhammadan Union and *Volkan* community. To exemplify:

The previous deputy judge of Tekfurdağı (*Tekfurdağı nâib-i sâbık*) Ömer Ziyâeddin Efendi because he was willing to become the founder of the emergence of political reaction and the head of office and due to his involvement in the Volkan community and his attempt to some political reactions, his judgment was executed.¹⁵⁰

To what extent Dağıstânî belonged to the Volkan community, is an important matter to determine. It is indicated in the secondary sources on Dağıstânî that he wrote for the *Volkan* newspaper. However, there is no article written under his name. It is possible he could have written under a pseudonym. Nevertheless, the relationship between the Muhammadan Union and Dağıstânî can easily be understood when the volumes of the newspaper are evaluated. For example, there are some articles regarding his work that “from the judges and famous scholars in hadith Dağıstânî’s work in which he translated the *Buhari-i Şerif*¹⁵¹ will be printed and published in parts. Translation of this source and providing the benefit of people by a person who is from our community’s members is worth regarding as a big success.”¹⁵² And “With respect to a rumor (*rivayet*) the aforementioned *Kanûn-i Esâsî* was taken from Belgium. However, from the members of the *Ittihad-ı Muhammedi* (Muhammadan Union) and noble judges *faziletli*¹⁵³ Ömer Ziyâeddin Efendi explained every article of the constitution with evidences from the verses of the Qur’an, hadiths of the Prophet, and the books of Muslim canonical jurisprudence (*fiqh*) in his work *Mir’ât-ı Kanûn-i Esâsî*.¹⁵⁴ As understood from the above quotations the *Volkan* newspaper refers to Dağıstânî as a member of the *Ittihad-ı Muhammedi* (Muhammadan Union) and he was mentioned with appraisal due to his work.

¹⁵⁰ BOA, ZB 414/96 (1), 1325 T 12.

¹⁵¹ Şahîh al-Bukharî is one of the Kutub al-Sittah (six major hadith collections) of Sunni Islam.

¹⁵² *Volkan*, Istanbul: Sâkî Bey Matbaası, no. 62, 3 March 1909.

¹⁵³ The official title of high canonical functionaries (Redhouse, p. 362.)

¹⁵⁴ *Volkan*, Istanbul: Sâkî Bey Matbaası, no. 51, 20 February 1909.

The following document was given to the Ministry of Public Security by the head of the Court martial (*Divan-ı Harb-i Örfî*) on 9 July 1909 (6 July 1325). I will give the main points mentioned in this document, which are:

Hacı Hakkı Beg and one of the previous deputy judges of (*Tekfurdağı nâib-i esbakı*) Tekfurdağı Ömer Ziyâeddin Efendi in consequence of the fifty eighth article's first item of the civil service criminal code (*Mülkiye Ceza Kanunnamesi*) was sentenced to life imprisonment within the borders of the city (*kalebend*). The decision emanated from the First Court Martial (*Birinci Divan-ı Harbi Örfiyye*) on 13 July 1909 (30 June 1325).¹⁵⁵

There is a petition sent to the Ministry of Public Security (*Zabtiye Nezareti*) by Dağıstânî on 20 July 1909 (7 July 1325), where it is stated he surrendered to the public prison (*Hapishane-i umûmî*) after the decision of the First Court Martial (*Birinci Divan-ı Harbi Örfiyye*). He requested to be sent to Medina for life long imprisonment in order to pass the rest of his life by praying for the Sultan. On 21 July 1909 (8 July 1325) it was approved by the Action Army that he could spend lifelong imprisonment (*müddet-i mahkûme*) in Medina. As stated in the document before going to Medina he was first sent to a public/general prison and stayed there for a while.¹⁵⁶ If one compares this information to his own personnel records (*sicill-i ahval*) it can be seen that he also did not mention this detail of requesting to be sent to Medina as an expellee.

If one compares first-hand information revealed in the primary sources with the secondary sources, one could argue it is not stated even in the encyclopedia chapter written by his son Yusuf Ziya Binatlı and other secondary sources that Dağıstânî wanted to be sent to Medina in order to serve his sentence. The reason why he wanted to be sent there seems quite simple. Medina, officially al-Madīnah al-Munawwarah, is the second holiest city in Islam after Mecca and the burial place of Prophet Muhammad. However, if one analyzes the possible reasons in-depth for the reasons why he wanted to go there he may find other reasons as well. Thanks to the

¹⁵⁵ BOA, ZB 428 /145 (1), 1325 T 12.

¹⁵⁶ Ibid.

Tunisian historian Professor Mohamed Habib el Hila¹⁵⁷ one plausible interpretation could be made that the ancestors of Dağıstânî migrated to Medina from Daghestan in 1720s (Hijri calendar 1140). Abdussalam bin Muhammad Emin el-Hanefi (H. 1202 - A.D. 1788) was the first person who migrated to Medina from this (Dağıstânî) family. Presumably, Abdussalam and his son Ömer Dağıstânî were the great grandfathers of Ömer Ziyâeddin Dağıstânî. They mostly engaged in learning and instruction of Islamic studies. Sheikh Abdussalam had books on the subject of hadith, Hanafî jurisprudence and biography. He gave lessons in the Masjid of the Prophet and won the respect of Ottoman state officials. In the context of linking this data to the biography of Dağıstânî one could say that he might have wanted to search for the footsteps of his ancestors in the holy city of Medina. Besides, he was a Muslim scholar just as his great-grandfather. Similar to his antecedents he was busy with instruction in Medina. Although I cannot substantiate this information based on sources I am leaning on the scholarly authority of Habib Hila.¹⁵⁸ Sheikh Shamil had gone to Medina, as well. A possible re-union with his fellow tribesmen might have taken place, for this reason, he might have wanted to go to Medina.

Sent from the head of Court martial in a short letter, the above-mentioned Ömer Ziyâeddin Efendi's duration of sentence in Medina was approved by the *Hareket Ordusu Kumandanlığı* (Commandership of Action Army). Then, since, it was made known by the rescript, he was sent there by way of consort.¹⁵⁹

As is seen, the above document demonstrates that his request to be sent to Medina for imprisonment was accepted by the authorities. Another document was sent by governor Nazım to the Exalted Administration of Public Security on 19 September 1909 (6 September 1325) mentioning how the old deputy judge of Tekfurdağı, Ömer Ziyâeddin Efendi will go to Medina from Damascus. It is asked how his travel expenses and comestibles will be met. It says the issue of how 730

¹⁵⁷ In this regard, I should thank also my advisor Abdulhamit Kırmızı and his associate H. Basri Arslan who helped me to contact Habib Hila to receive this further information.

¹⁵⁸ For further information see *el-Cüz'ül Latif min Ensâb'ul Arab, Haşiyeti ala Şerh'ül Şemal'il Tirmizi, Hülasat'ül Cevahir fi Tabakat'ul Eimmet'ül Hanefiyye, Eimmet'ül Hanefiyye el-Vesika fi rical'il Tarika.*

¹⁵⁹ BOA, ZB 414/96 (1), 1325 T 12.

guruş (Ottoman currency), which is seen as necessary for him, will be met, will be communicated via telegraph.¹⁶⁰ On 9 October 1909 (26 September 1325), the deputy defender of Medina sent a cipher telegraph (*şifre*) to the Action Army Commandership (*Hareket Ordusu Kumandanlığı*) in which he asked where Ömer Ziyâeddin Efendi will pass his imprisonment, either as prisoner in prison or free within the city from which he would not be able to leave.¹⁶¹ As a response to the document, on 28 October 1909 (15 Teşrin-i Evvel 1325), the authorities were informed that for the requirement of a judicial decision, Ömer Ziyâeddin Efendi would freely reside within the borders of the city, but could not leave the city.¹⁶² Therefore, he stayed in the city as he could freely wander inside the city of Medina. This way he could continue his scholarly activities.

In another document dated 30 October 1909 (17 Teşrin-i Evvel 1325), subsequently it was reported Ömer Ziyâeddin Efendi reached Medina to spend his life imprisonment within the borders of Medina.¹⁶³ If one wonders how Dağıştânî spent his time in Medina, he can look at his own narrative. He says he stayed there for seven months, busy with instruction (“*tedris ile meşgul olarak*”¹⁶⁴).

Furthermore, one should know about the context of Medina in order to better understand the life of Dağıştânî. As is known, Ottoman rule was established in the Hijaz when Sultan Selim I conquered Syria and Egypt in 1516-17. After the Ottoman sultans became the Caliph of all Muslims in the world, the emir of Mecca, and the leader of the sharifs symbolizing the Prophet’s lineage of Hashim, proclaimed his loyalty to the Ottoman Sultan Selim I. In the beginning of Ottoman rule, the holy cities of Mecca and Medina were under the authority of the local rulers of Egypt. In relation to the regulations of the *Tanzimat*, “the Hijaz was designated as

¹⁶⁰ BOA, DH.EUM.MH 2 /14 1327 N 03.

¹⁶¹ BOA, DH.MUI 8-4/2 (3) 1327 L 15. (“Hapishanede mevkûf olmak suretiyle mi yoksa haric-i kal’â ve şehre çıkmamak üzere derûn-u şehirde serbest bırakılmak tarikiyle mi”)

¹⁶² BOA, DH.MUI 8-4/2 (2) 1327 L 15.

¹⁶³ BOA, DH.EUM.THR 92/63 1327 L 15.

¹⁶⁴ MA, no. 1396.

a distinct province governed by a governor sent from Istanbul.”¹⁶⁵ If the year 1909, when Dağıstânî’s exile is analyzed, one can realize the Committee of Union and Progress dominated Ottoman politics after the Young Turk Revolution of 1908. The period between 1908 and 1918 was called the Second Constitutional Period and the CUP gained the upper hand and consolidated its power after the elections in December 1908. After the revolution, Husayn ibn ‘Ali was appointed to Mecca as a Grand Sharif (or *emir*). His opposition to Sultan Abdülhamid II provided him to be nominated by the CUP. In Medina Ali Rida Pasha was the Guardian (*muhafiz*). Sharif Husayn objected to the increasing centralizing policies of the CUP. As opposed to Turkish nationalist ideology Arab nationalism surfaced in Hijaz. While the CUP carried out centralizing policies, the emir of Mecca Sharif Husayn started to take a stand against the regulations and conduct of the CUP.¹⁶⁶ After having presented the general context of the Hijaz province (*eyalet*) it is appropriate to continue discussing the life of Dağıstânî.

2.9 His Escape to Egypt

By looking at the official documents between Istanbul and Medina Guardianship (*Muhafızlık*), Dağıstânî’s life journey can be better illuminated. The Imperial Government received a ciphered telegram, from the Guardian of Medina, Ali Rida Pasha, on 22 March 1326 (4 April 1910). It reports the escape of Dağıstânî to Egypt through Jeddah. The Khedive had visited Medina, and by this means, he told Dağıstânî he would take care of him if he were ever to visit Egypt. The Khedive paid someone money (*akçe*) and sent a letter to help Dağıstânî flee. In the document it is argued that the investigation and prosecution on this issue would continue and

¹⁶⁵ Hasan Kayalı, *Arabs and Young Turks: Ottomanism, Arabism, and Islamism in the Ottoman Empire, 1908-1918*, Berkeley: University of California Press, 1997, p. 145.

¹⁶⁶ M. Talha Çiçek, “İttihatçılar ve Şerif Hüseyin: Mekke İsyanının Nedenleri Üzerine Bir Değerlendirme”, *Tarih ve Toplum Yeni Yaklaşımlar*, nu. 16, summer 2013, p. 42, Zekeriya Kurşun, “Arap Milliyetçiliği ve İkinci Meşrutiyet”, İstanbul, Marmara University, MA. Thesis, 1987, p. 32.

would be presented.¹⁶⁷ Then, the center wanted from the Guardian of Medina to specify the people who helped the escape of Dağıştânî by a telegraph dated 7 April 1910.¹⁶⁸

There are some inconsistencies between his own narrative in the personnel register situated in Istanbul Mufti's Office Archives (*Meşihat* Archive) and archival documents situated in the the Ottoman Archives of the Office of the Prime Minister (*Başbakanlık Osmanlı Arşivleri*). Dağıştânî in his own narrative says “After staying there busy with instruction, I set out for a journey to Egypt, I stayed there for a while.”¹⁶⁹ He does not mention his escape, but rather he explains the matter by using the expression “setting out for a journey”. In the same document, later on, he states “After the 31 March Incident, I was appointed to stay in Medina and my duration of residence was to be twelve years.”¹⁷⁰ If one evaluates this information along with others it can be said he should have stayed in Medina until 1921. However, after a five and half-month stay in Medina he escaped to Egypt. It is here as well where he indicates his duration in Medina for seven months in his personnel register. However, as is registered in the official documents he arrived to Medina to serve his sentence on 30 October 1909 and he escaped on 4 April 1910. This means he stayed in Medina for about five and a half months. These are some of the examples of the inconsistencies within his own narrative in the personnel register and official documents circulating among different state departments.

In the following cipher telegraph (*şifre*), the Medina Guardianship subsequently reported what was known about the event of 9 April 1910 (27 March 1326) i.e. the escape of Ömer Ziyâeddin Efendi. The central government was informed that Ömer Ziyâeddin recently negotiated with the Khedive of Egypt who had recently come to Medina. The Khedive promised to take Dağıştânî to Egypt

¹⁶⁷ BOA, DH.MUI 82/56 (2) 1328 CA 22.

¹⁶⁸ BOA, DH.MUI 82/56 (1) 1328 CA 22.

¹⁶⁹ MA, no. 1396. (“Orada yedi ay kadar tadrîs ile meşgul olarak ba’dehu Mısır’a azîmet edip bir müddet Mısır’da kaldım.”)

¹⁷⁰ Ibid. (“Otuz Bir Mart vak’asından bir müddet sonra Mahmud Şevket Paşa emriyle Medine-i Münevver’e ye ikâmete me’mur edildim ve müddet-i ikâmetim on iki senedir.”)

when he went back to Egypt via his means. Probably, the Khedive negotiated with the ruler of Mecca and gave some orders to him. One and a half months earlier, one of the agents of the Khedive, the deputy of Mecca's leader in Medina, Sherif Sahat, helped Dağıstânî to escape in disguise with two Bedouins through Jeddah because he could not put to flight Dağıstânî via train. It is here that the guardian of Medina, Ali Rida, repeated that the investigation and prosecution on this issue would continue and would be presented to the relevant state departments.¹⁷¹ As understood from this and following documents, there is a narrative about the process of Dağıstânî's escape to Egypt.

In the following telegraph dated 18 April 1909 (5 April 1326), it is reported that Sharif Shahat who helped the escape of Dağıstânî was afraid of the examination of the event due to his bad drinking habit and thus, he escaped towards the side of the tribes. If he did not hide among the Bedouins in the desert, it seems highly probable he might have gone to the emir of Mecca ("*Mekke-i Mükerrreme emiri nezdine azimet etmesi ağleb ihtimalden bulunduğundan*"¹⁷²). If he were to go there, it was ordered to give him back and dismiss him from his job immediately.¹⁷³ Therefore, Dağıstânî's escape through the collaboration of Sharif Shahat was ascertained by the responsible officials, principally by the Guardian of Medina. The details of the event was under examination and the sanction which would be given to the Sharif Shahat was indicated in the document.

On 30 April 1910, the Mecca emirate sent a document to the Ministry of Interior (*Dahiliye Nezareti*) through which the process about the investigation of the agency in the event of Dağıstânî's escape could be followed. It is mentioned Sharif Shahat did not escape to the side of the Bedouins, but returned to Mecca, and he was dismissed from his work.¹⁷⁴ As predicted in the previous documents he came near the Sharif of Mecca because he was the deputy (*vekil*) of the Mecca emir in Medina.

¹⁷¹ BOA, DH.MUI 82/56 (3) 1328 CA 22.

¹⁷² BOA, DH.MUI 82/56 (4) 1328 CA 22.

¹⁷³ BOA, DH.MUI 82/56 (1) 1328 CA 22 and BOA, BEO 3739/280413 (2) 1328 R 15.

¹⁷⁴ BOA, DH.MUI 82/56 (1) 1328 CA 22.

Furthermore, as is understood from the documents the Medina Guardian Ali Rida was exchanging letters with the central government with regards to Dağıştânî's escape and the mediators in the event. If one looks at the related secondary sources, Kayalı indicates the existence of hostility between Sharif Husayn and the Guardian (*muhafiz*) of Medina Ali Rida Pasha. In addition, there was a crisis among Ali Rida Pasha and the deputy of Sharif Husayn in Medina, Sharif Shahat.¹⁷⁵ This hostility or rivalry can be noticed in the documents related to Dağıştânî in that Ali Rida Pasha reported the collaboration of the Sharif of Mecca, Sharif Husayn and his deputy in Medina, Sharif Shahat to the responsible state departments. In response, Sharif Husayn wrote a number of petitions to various ministries and state officials in order to deny the accusation.¹⁷⁶ With respect to this event, Kayalı mentions:

In the spring of 1910 a crisis broke out between Muhafiz 'Ali Rida Pasha and the grand sharif's deputy in Medina, Sharif Shahat. The muhafiz claimed that Shahat had helped a convict-exiled to Medina for his involvement in the counterrevolutionary uprising of April 1909-escape to Egypt and that subsequently Shahat himself had fled to Mecca. 'Ali Rida asked the minister of interior to have Sharif Husayn dismiss Shahat and to entrust the Medina government with the conduct of the affairs traditionally pertaining to the sharifate's representative in Medina.¹⁷⁷

The convict referred to in the above quotation is probably Ömer Dağıştânî, because if this information is compared to the archival documents related to him they are parallel to one another.

There are other documents as well about the escape of Dağıştânî, found in the correspondence of different state departments.¹⁷⁸ For example, the Ministry of interior sent a document to the Grand Vizier and informed him about the state of affairs.¹⁷⁹ On 27 May 1910 Sharif Shahat wrote petitions to various imperial institutions and persons such as the Ministry of interior, the head of the Parliament,

¹⁷⁵ Kayalı, p. 167.

¹⁷⁶ BOA, DH.MUI 82/56 (11-13) 1328 CA 22.

¹⁷⁷ Kayalı, p. 167.

¹⁷⁸ BOA, BEO 3739/280413 (2-5) 1328 R 15; DH.MUI 82/56 1328 CA 22.

¹⁷⁹ BOA, DH.MUI 82/56 (1) 1328 CA 22.

Hijaz members of the Ottoman Parliament and grand-vizier, and in all the petitions he professed his innocence. He rejected the accusation directed by the guardian of Medina towards him. He demanded to be judged in Istanbul (*Der-Saadet*) by the Court Martial.¹⁸⁰

In the following document dated 29-31 May 1910 (16-18 May 1326), it is mentioned that Sharif Shahat rejected the accusation and claimed he did not help the escape of Ömer Ziyâeddin Dağistânî. However, the accusation was needed to be supported by evidence and if he was guilty, surely, it was asked he appointed another deputy in his place quickly.¹⁸¹

If one is to compare the information presented in the primary and secondary sources about Dağistânî, one should be aware of the consistencies and contradictions. His son Yusuf Ziya Binatlı in the article “Dağistânî Ömer Ziyâeddin” in the *Islam Encyclopedia* states Dağistânî went to Alexandria due to the invitation of Khedive Abbas Hilmi Pasha who had come to Medina.¹⁸² In another source, in an interview conducted with Yusuf Ziya Binatlı, this event was explained by a dream:

I heard this from my mother who heard from my father and the Khedive. The Khedive of Egypt Abbas Hilmi Pasha saw the Prophet Muhammad in his dream where he said ‘take this person under your protection’, probably this event happened in 1909. The Prophet said the name of the person is “Hafiz Ömer”. He saw this dream three nights in a row and he took his retinue and went to Medina. First, he went to visit the Prophet Muhammad with his retinue. While he was marching on with glory and stateliness one man with a turban and cassock stood up and stopped them. The man said, “The place you are going to is the tomb of the Prophet. Go there with humility; go there and crawl on the floor. Never go there any time, with glory. What is this pomp and splendour?” Abbas Hilmi Pasha ran and hugged the man who said ‘you are the messenger of the Prophet. Come let me hug you Hafiz Ömer.’ My father was surprised and looked at his face. He understood this man was important. The Khedive started crying and narrated the event.

¹⁸⁰ BOA, DH.MUI 82/56 (13) 1328 CA 22.

¹⁸¹ BOA, DH.MUI 82/56 (1) 1328 CA 22.

¹⁸² Binatlı, p. 406.

They went together to Egypt and my father resided in Alexandria.¹⁸³

Firstly, the son of Dağıştânî did not mention the dream in the article in the *Islam Encyclopedia*, but he mentioned it in an interview. This might be the result of his hesitation to rely on a dream, which might be seen as un-academic in an academic publication or the political conditions under which Yusuf Ziya Binatlı lived. Dağıştânî lived during the late Ottoman Empire, whereas his son lived in the Turkish Republican period. Maybe this dream was important at the time of Dağıştânî and for his followers. However, for the people of the twenty first century, dreams might not be as significant as to the Ottoman people.

Secondly, if one thinks about the whole series of events which have taken place this dream had an important place in the narrative. Without this dream one cannot understand why the Khedive of Egypt came to Medina and took Dağıştânî under his protection according to secondary sources; or why he helped or found an intermediary for Dağıştânî's escape according to primary sources (archival documents). In other words, even though the validity of the dream cannot be verified, nevertheless, the dream should be attributed to the Dağıştânî's narrative. In addition, as is understood from the above narrative of the Khedive, Khedive Abbas Hilmi Pasha took Dağıştânî to Egypt when he came to Medina. However, if the archival document was merely analyzed it can be said that the Khedive returned to Egypt and he made sure Dağıştânî would come to Egypt with the help of one of his agents.

Finally, at first sight, it seems meaningless for a scholar (*âlim*) to leave the holy city of Islam, Medina and go to Egypt. Food and money related issue could be presented as a problem for Dağıştânî to leave Medina. Actually, in the Ottoman period Mecca and Medina were very rich cities for people to live in because the needs of the poor, students, and religious men were taken care of by the *waqf*.¹⁸⁴ However, as a person who was exiled during the Young Turks period, the life may

¹⁸³ Bağlan, p. 328, 329.

¹⁸⁴ F. E. Peters, *Mecca: A Literary History of the Muslim Holy Land*, Princeton: Princeton University Press, 1994, p. 290-294.

have been very difficult. As some of the archival documents reveal he probably remained moneyless and desperate. Additionally, he might have faced opposition because of his ideas. The CUP might have made life difficult for Dağıştânî. As a result one could speculate a host of ideas of his leaving for Egypt, but it seems more probable that he may have left as a result of the combination of the factors discussed.

Last but not least, dream interpretation is important in Islam. In the Qur'an, dreams of the Prophets Abraham and Yusuf hold signification, and to Prophet Yusuf dream interpretation was taught. The Prophet Muhammad also explains the importance of dreams and their interpretations during the life of a person, and this can be seen in various hadiths. There are few works about dream interpretation written by various Muslim scholars. For instance, Muhammad Ibn Sirin who was born, in Basra, Iraq and lived in the eighth century was a significant dream interpreter. He wrote *Kitâbü Ta'bîr'ir-rüyâ* in which he sorted dreams in terms of their subject matter.¹⁸⁵ In addition, Muslims take seriously and act upon the dreams in which the Prophet is seen in general because it is believed the one who sees the Prophet Muhammad in a dream will see him in his wakefulness, for Satan cannot impersonate the Prophet. Having considered all data, within the narrative of Dağıştânî and taking into account of the impact of the Khedive's dream, the series of events taking place seem quite plausible.

2.10 His Life in Egypt

In order to better understand the life of Dağıştânî in Egypt, one should look at the historical context of the period. Even though Egypt was governed by the Ottoman local elites which were dependant on the central government in Istanbul, the control and influence over Egypt slowly diminished by the late eighteenth and during the nineteenth century. From 1805 onwards, the dynasty of an Albanian military

¹⁸⁵ Ilyas Çelebi, "Rüya", *DİA*, 2008, v. 35, p. 306, 307.

commander of the Ottoman army, Muhammad Ali Pasha ruled Egypt. Egypt continued to be nominally an Ottoman territory. The status of an autonomous system of government (Khedivate) was declared in 1867. After the Anglo-Egyptian War in 1882, Egypt entered under the occupation of Britain.¹⁸⁶ The main reason for the British occupation in Egypt was the desire of the British to control the Suez Canal. With the help of this canal they aimed to accelerate the transfer of troops and goods between Europe and India.¹⁸⁷ The British also wanted to control the country in order to prevent the influence of the other imperialist powers, especially France. As a consequence of this occupation, the ties between Egypt and the Ottoman central government were severely detached. Within this context, as indicated earlier, according to the archival documents Dağıstânî fled to Egypt on 4 April 1910. As is known the ruler of Egypt at that time was the Khedive Abbas Hilmi Pasha (Khedive Abbas II). He governed the country between 1892 and 1914. Lord Cromer (Sir Evelyn Baring) was sent to Egypt in order to underhandedly rule the state in the name of Great Britain since 1883. Therefore, Lord Cromer controlled the government of Khedive Abbas II and prevented the Khedive's inspiring support of nationalist movements in Egypt. When the First World War began in 1914 the British officially declared its protectorate over Egypt. The British Protectorate put an end to the nominal suzerainty of the Ottoman sultans over Egypt continuing for thirty years. Later, the British removed Khedive Abbas Hilmi Pasha from his duty. Instead, they enthroned his uncle Abbas Hilmi with the title of sultan. They made use of the country as a base camp for military operations of the Triple Entente (the Russian Empire, the French Third Republic, and the United Kingdom of Great Britain).¹⁸⁸

¹⁸⁶ M. W. Daly, *The Cambridge History of Egypt: Modern Egypt from 1517 to the end of the Twentieth Century*, ed. M. W. Daly, Cambridge: Cambridge University Press, 1998, vol. 2, p. 239; Afaf Lutfi al-Sayyid Marsot, *Egypt and Cromer: A Study in Anglo-Egyptian Relations*, London: John Murray Publishers, 1968, p. 1; Arthur Goldschmidt, *Historical Dictionary of Egypt*, Lanham: Scarecrow Press, 1994, p. 6.

¹⁸⁷ Arthur Goldschmidt, *Modern Egypt: The Formation of a Nation-State*, Boulder: Westview Press, 1988, p. 42.

¹⁸⁸ Joan Wucher King, *Historical Dictionary of Egypt*, London: The Scarecrow Press, 1984, p. 17, Ersal Yavi-Necla Yazıcıoğlu Yavi, *Tarih öncesi Çağlardan Günümüze Mısır*, Izmir: Yazıcı Yayınevi, 1996, p. 144.

There is very limited information about the life of Dağıstânî in Egypt. How he spent his life there, what he did; one does not have much information. In the article “Dağıstânî Ömer Ziyâeddin” in the *Encyclopedia of Islam* written by his son Yusuf Ziya Binatlı, it is stated he enacted the imamate and preceptorship (*hocalık*) of the palace in the excluded palace of the Khedive.¹⁸⁹ The Khedive consulted on religious affairs with Dağıstânî. Dağıstânî also gave fatwas (*opinion on legal matter*) to the Khedive on various issues. The close relationship of Khedive Abbas Hilmi Pasha and Dağıstânî also continued in the later years. The palace of the Khedive was near to Alexandria but far from Cairo.¹⁹⁰

After a general amnesty on 27 April 1912 (14 April 1328), Dağıstânî applied to the office of Sheikh ul-Islam with a petition to ask for duty.¹⁹¹ In this petition dated 20 December 1912 he explained his professional background, his service in Edirne as mufti of the regiment for more than fifteen years and his service of deputy judge in Malkara and Tekirdağ for around fifteen years. He mentioned his dispatch to Medina after the 31 March Incident. Then, by referring to the general amnesty, he requested either to be appointed to proper official duty or to take his retirement pension in return for his thirty-year state service. Dağıstânî and his wife applied several times to the related state departments to ask for a duty, to request the assignment of unemployment stipends (*mazûliyet maaşı*) or to receive a retirement (*tekaüd*) pension.¹⁹² However, they did not receive any response regarding their requests.¹⁹³ This might be related to the CUP rule because as mentioned he was seen as a threat to the authority of the CUP and sent into exile by the decision of Unionist officers in 1909. Dağıstânî was seen as reactionary and pro-Abdülhamid and thus, anti-CUP. His work *Hadis-i Erbain fi Hukuki's-Selâtin* and his ideas were found

¹⁸⁹ Binatlı, p. 406.

¹⁹⁰ Bağlan, p. 329.

¹⁹¹ Albayrak, *Son devir Osmanlı Uleması*, v. IV, p. 243.

¹⁹² MA, no. 1396.

¹⁹³ Sadık Albayrak, *Şeriat Yolunda Yürüyenler ve Sürünenler*, İstanbul: Medrese Yayınevi, 1979, p. 142-3.

threatening for the authority of the Community of Union and Progress. His affiliation with the Muhammadan Union and *Volkan* Community was perceived as a threat for the government of the CUP. Until 1918 the CUP was in power and controlled the state affairs. Accordingly, the socio-political setting of the time can explain the rejection of Dağıştânî's petition.

In the period when Dağıştânî was in Egypt, the most important event was the First World War (1914-1918). The Ottoman Empire entered the war on the side of Germany and Austria-Hungary. The United Kingdom, France and the Russian Empire formed the opposed alliance "the Triple Entente". After, the signing of a secret treaty, the parliament and government decided to announce the war to the Ottoman population. In the name of Sultan Reşad, an official call (*menşûr*) for *ihad* was made in 1914. The First World War was officially represented as a Holy War (*ihad*).¹⁹⁴

The sultan officially declared Holy War (*Cihat*) after consulting the *şeyhülislam* on 14 November. Expectations about the effect of this declaration on the Muslim inhabitants of the colonies of the Entente (and of Russian Central Asia) were very high among the Germans (though less so among most Ottomans), but in spite of a considerable propaganda effort by the Ottoman government, mainly through the *Teşkilât-ı Mahsusa*, its effect was negligible.¹⁹⁵

Nationalist movements emerged among the various Ottoman communities, both Muslim and non-Muslim in the late Ottoman period. Among the Muslims can be listed Albanians, Arabs, and Kurds. In this regard, one should consider the certain ideologies used by the Ottoman government. During the reign of Sultan Abdülhamid II, an appeal to Islamic emotions that surrounded around emotions attached to the Caliphate and the unity of the ummah was used as an ideology in order to unite all Muslims around the world. In other words, in such a multinational empire, Abdülhamid II resorted to policies derived from Islam in order to unite the Muslim communities of the empire. However, during the Second Constitutional Period,

¹⁹⁴ I wish to thank Professor Edhem Eldem from Boğaziçi University for allowing me to use this document (*menşûr*) from his private collection.

¹⁹⁵ Zürcher, *Turkey: A Modern History*, p. 113.

particularly after the counter-revolution of 1909, the Unionists were profoundly doubtful about Islamic activism. However, they underlined the Islamic face of the Ottoman Empire while entering into the First World War in order to obtain the support of Muslims in the Arab territories and in the colonies. During the course of the war, the Unionists also tried to benefit from Turkism as an ideology, especially in the course of the struggle with Russia to receive the support of the Turks under the rule of the Russians. This was promoted with the collapse of the Russian army in 1917. Proto-nationalist movements prevented by the Islamist policies of the Hamidian era turned into nationalist separatist movements during the Second Constitutional Period. This is why, Turkish nationalism was also reinforced during this period.¹⁹⁶ What is worth of note is how much the ideas of Islam, nationalism, and Ottoman patriotism overlapped and especially how multi-layered many of these ideological positions were. To assume that any of these positions were exclusive from one another would represent a simple reading of the emotions and sentiments of the world at the time. Although this point is not an aim of this study, nevertheless it is worth highlighting that the CUP attempted to appeal to all the emotions that could have moved people for the war effort, and it is highly probable that they did not perceive a contradiction between the multiple layers of identity people might have attached themselves to.

After describing the situation of the former Ottoman land, Egypt, one can move on to the analysis of Dağıştânî's life in Egypt. Yusuf Ziya Binatlı mentions Dağıştânî's years there during the war years as:

Around the time of World War I, the English started collecting mercenaries for five gold coins (*altın*). Those who loved money accepted this and went to war against the Ottomans. Therefore, my father published some handouts (*bildiri*) and brochures and distributed them. He said: 'Muslims are the brothers of Muslims. A Muslim does not fire a gun to another Muslim, do not disobey the

¹⁹⁶ Zürcher, *Turkey: A Modern History*, p. 130-132 and Hanioglu, *A Brief history of the late Ottoman Empire*, p. 142, 3.

Caliph.’ However, the English arrested my father and put him in a prison in Giza and condemned him to death.¹⁹⁷

As mentioned by his son, Dağıstânî warned the Muslims not to fight against Muslims because the English were trying to recruit the Egyptians to fight against the Turks in the First World War. He expressed his thoughts as ‘do not attend the army formed by the English against Muslim Turks.’ Although the press in Egypt was under the control of the English and there was censorship between the years 1914-1918 he published brochures and pamphlets in order to direct the Egyptians not to fight in the army of the English.¹⁹⁸ He wrote in the newspapers that had high circulation, gave fatwas, and presented evidence from Islamic sources regarding his ideas to the Egyptians. The English who were aware of the influence of Dağıstânî on the Egyptians arrested him and sent him into prison because of the claim that he was provoking people and preventing them from joining the army.¹⁹⁹

Despite the prevention of people who opposed the British government and policies, the British administration permitted the advocates of Egyptian nationalism, and the British and the French to write freely and criticize the implementation and policies of the Ottoman Empire.²⁰⁰ Egypt was also an important center for the CUP because they could easily gather and share their ideas, and publish journals criticizing the Hamidian regime. As a scholar being aware of this situation and being related to the socio-political circumstances of the period Dağıstânî reacted to the nationalist separatist movements and British policies in Egypt. His goal seems to have been to protect the Ottoman Empire, the center of the Caliphate and prevent it from dissolution. For doing so, he did not hesitate to react and withstand at the risk of a possible death sentence or imprisonment by British authorities.

¹⁹⁷ Bağlan, p. 329.

¹⁹⁸ Hilal Görgün, “Mısır”, *DİA*, İstanbul, 2004 v. 29, p. 570, Charles Wendell, *The Evolution of the Egyptian National Image: From Its Origins to Ahmad Lutfi al-Sayyid*, Berkeley: University of California Press, 1972, p. 219.

¹⁹⁹ Cebecioğlu v. III, p. 164.

²⁰⁰ Kayalı, p. 145.

As one learns from historical sources on Egypt, and the memoir of Dağıstânî's son that the English kept the Khedive Abbas Hilmi Pasha out of Egypt after the beginning of the World War I. He was dismissed from his position as Khedivate by the English on 19 December 1914 when the war broke out. The Khedive was kept out of Egypt and lived in Switzerland, and Dağıstânî remained defenseless, especially since the Khedive had seen him as the trust (*emanet*) of the Prophet thus guarded him. When the Khedive heard about the predicament of Dağıstânî and his imprisonment by the English, he intervened immediately and used his influence on the English. From 1914 to end of his life he spent the rest of his life in Vienna and in Istanbul.²⁰¹

Following is the narrative of Binatlı:

We were residing in the palace of the Khedive in Alexandria where I was born. My mother would cry every day. We would ask and she would answer that our father was in prison. Her eyes were bloodshot. She saw a dream that there was a bottle in which there were a lot of men. At the bottom, there was the judge (*kadı efendi*). They turned and went out to throw away the cap. Everybody interpreted this, as he will be gotten rid of. My mother did not know about the death sentence. She was relaxed. The English were keeping Khedive Abbas Hilmi Pasha out of Egypt because Abbas Hilmi was the supporter of the Ottomans. The Khedive was in Switzerland. When he heard of the event he sent a message to the English King George V, saying 'He, is the trust (*emanet*) of the Prophet. You cannot touch him. Please, forgive him.' With the indication of the King my father was released from prison and came to the palace where we were residing.²⁰²

When this narrative took place the war was continuing. After he was released from prison, the English continued monitoring him.²⁰³ One can prove this claim by the primary sources in the National Archives of the United Kingdom. There are a number of archival documents in the National Archives that are explicit enough to substantiate the continuation of the prosecution of Dağıstânî by the English

²⁰¹ İlhan Şahin, "Abbas Hilmi II", *DİA*, 1988, vol. I, p. 26, Bağlan, p. 329.

²⁰² Bağlan, p. 329.

²⁰³ *Ibid.*, p. 330.

authorities. The title of one of the archival documents is titled “Visits of Omar Daghestani to Mecca and of Sherifs Hanvoi and Nasip to Egypt.” and is dated 1919. Under this title there are two articles, one of which is about Dağıştânî: “Omar Daghestani and family can be sent to Mecca”²⁰⁴ In the following document dated February 1919, in the same file, it is registered “King Hussein is ready to receive Omar Daghestani and family at Mecca where he owns a small flour mill. Please send his party when convenient.”²⁰⁵ This kind of archival sources are also evidence for the alliance between King Hussayn and the English government. Furthermore, these documents clearly indicate the English controlled the actions of Dağıştânî and prosecuted him after the World War I. However, there is no evidence as to why he went to Mecca in the month of Cemaziyel-evvel (1337) in the secondary sources.²⁰⁶ It might be possible that he went to Mecca in order to perform the recommended pilgrimage (*umrah*) because the obligatory pilgrimage (*hajj*) is performed during the eighth to twelfth of Dhu al-Hijjah (*Zilhicce*), the last month of the Islamic calendar.

Importantly, starting from the retirement from the Tekfurdağı office of deputy judge, Dağıştânî had faced many difficulties throughout his life. In the file about Dağıştânî in the *Meşîhât* Archives there are petitions of Dağıştânî and his wife expressing financial trouble and the despair of their family. Dağıştânî sent petitions (*istid’a*) to the office of Sheik ul-Islam to request for the assignment of unemployment stipends (*mazûliyet maaşı*).²⁰⁷ There are correspondences between various departments about the matter. Later, in a document dated 26 March 1910, the wealth of Dağıştânî was demanded to be specified by the Ministry of Pious Foundations (*Evkaf-ı Hümayun Nezareti*). As a response to this document, it was

²⁰⁴ The second article was “Sherif Hanvoi and party can be received in Egypt at any time but visit of Sherif Nasip must wait owing to difficulties caused by question of his rank and provision of suitable residence for him, unless he would accept incognito status and ordinary house.” Then it is noted in the document that “Repeated to Constantinople in February 3, 1919.” (The National Archives, FO 608/94/7.)

²⁰⁵ The National Archives, FO 608/94/7. (D. 2.5 p.m. February 3rd, 1919. R. 1.5 p.m. February 5th, 1919.) It is noted as well, “This document was addressed to Foreign Office No. 181 repeated to Constantinople.”

²⁰⁶ February 1919 corresponds to Cemaziyelevvel 1337 in the Islamic calendar.

²⁰⁷ MA, no. 1396.

written that presently, he was living in Medina, he did not have any salary, property, or estate as investigated by the officials.²⁰⁸ In addition, there is a petition dated 13 May 1913 written by his wife explaining her predicament and financial difficulties with her youngest son while living separately from her husband because Dağıştânî was in Egypt at the time. Dağıştânî and his wife claimed on many occasions their rights from the offices concerned. However, they did not receive any positive responses for their claims. There is another document, which belongs to a later date, the 22 October 1911 (22 Teşrin-i Evvel 1337) about the request of Dağıştânî to receive his unemployment stipends (*mazûliyet maaşı*) and retirement (*tekaüd*) pension. In this date he was *müderriis* at the Süleymaniye Madrasa. It is stated in the document that Dağıştânî could not receive unemployment stipends (*mazûliyet maaşı*) because when his papers showing his employee status and his birth certificate were examined, due to his birth date (1266) he was not seen as deserving to receive this stipend in terms of the law. However, he could be retired and receive a retirement pension. It is pointed out that the necessary official procedures would be started.

It is mentioned by Ziya Binatlı that his family had relations with Turkish families while they were living in Egypt. As he narrates “a complex existed next to the palace of the Khedive where there were people who were exiled by the CUP. We would speak to them.”²⁰⁹ In terms of Dağıştânî’s intellectual circle his son states “We had contact with Sheikh ul-Islam Cemaleddin Efendi, Abdülaziz Mecdi Tolun, and Ahmet Muhtar (Müşir) Pasha.”²¹⁰ From his data it can be argued that Dağıştânî did have contact with people who were sent to exile by the Community of Union and Progress. As understood from the narrative of his son, Dağıştânî had a scholarly circle in Egypt. He would meet and discuss ideas with the ulema. For example, he would have discussions with Abdülaziz Mecdi Efendi on various subjects.

Dağıştânî continued his scholarly activities in Egypt. He wrote his work *Zübdetü’l Buhârî* related to the hadith discipline and it was published after the

²⁰⁸ BOA, DH.EUM.THR 29/3 1328 RA 14.

²⁰⁹ Bağlan, p. 330.

²¹⁰ Ibid., p. 330.

confirmation and appreciation of Sheikh el-Ezher Efendi in Matbaa-i Kübrâ, in Egypt, in 1911-12 (1330). As the name of the book implies, it is an essence of the famous hadith book *Sahîhü'l-Buhârî*. After the Qur'an this work of hadith is one of the most authentic and credible books in Islam. It contains 7275 hadiths. Dağistânî made this book shorter by uniting the same hadiths in the same meaning, but reported from different companions of the Prophet. Thus, he reduced the number of hadiths to 1527 in his book and named it *Zübdetü'l Buharî*. This work was also published in later times in various places. The first volume of this work was published in İstikbâl Matbaası, Trabzon in 1925 (1341). The second volume was published in 1926 and the third was in 1927 by the same press. He also wrote another book *Zevâidü'z-Zebidî* and it was published in Egypt in 1919 (1335). He compiled *Mirkat metni* (text) in Arabic and in poetical form (*manzum*). It is a book about the principles of Islamic jurisprudence. In it, he explained and expounded (*şerh*) the known book of Hanafî madhab (school of law), *Mirkat*. Yet, as he informed in the personnel register, it vanished.²¹¹ As is evident from their names and contents these works are all related to Islamic studies mainly hadith and *fiqh* (Islamic jurisprudence). His competence on various Islamic disciplines could be evaluated from his works.

2.11 His Return to Istanbul

After having mentioned Dağistânî's scholarly works one can continue investigating his life. In different sources there is varying information regarding how many years he lived in Egypt. In his personnel records at the Meşihât Archives (the office of the Şeyhülislâm) the duration of his residence in Egypt is not exactly stated. In his own register, he states:

After the general amnesty I returned to Istanbul. In the course of my return from Egypt in the noble retinue of Şehzade Cemaleddin

²¹¹ MA 1396, Albayrak, *Son devir Osmanlı Uleması: (İlmiye Ricalinin Teracim-i Ahvali)*, p. 243, Gündüz, *Ahmed Ziyâüddîn (K.S.): Hayatı, Eserleri, Tarikat Anlayışı ve Hâlidîyye Târikatı*, p. 151.

Efendi His Excellency among the committee of counselors (*heyet-i nâsiha*) I went to Edirne. In the beginning of September 1919 (September 1335), I became a *Hilafiyat* professor (*müderris*) in the Medresetü'l-Mütehassısın with the salary of 3500 *guruş* (Ottoman currency). This year my instruction was transformed to the hadith class, therefore, now I am busy with instruction.²¹²

The reason of Dağıstânî and his family's return to Istanbul is explained by his son Ziya Binatlı as follows:

I do not know which month of the year of 1919. Our rooms with my father were next to each other. I heard the sob of my father. My mom was said "Molla Efendi, Molla Efendi". We got up and went to them. My father saw Mustafa Necâti Efendi who said "Come and take your coat." That day we caught the ship as it was pulling away from Alexandria. The only photograph of my father, was compulsorily taken for a passport at that day. We moved. After three or four days later we went to Çanakkale. We met with his fellows (*ihvan*), and they boarded on the ship. We saw sunken ships in the Çanakkale strait. We arrived to Istanbul at night...²¹³

In continuation of the above narrative, Binatlı said his father caught up the funeral prayer of İsmail Necati Efendi. After the death of the Naqshbandi sheikh, İsmail Necati Efendi in 1919, Dağıstânî took up his position and became a sheikh in the *tekke* of Gümüşhânevî (founded in 1864) at the age of 70 and he stayed in that position for two years.²¹⁴ He was Ahmed Ziyâeddin Gümüşhânevî's third Caliph. After Hasan Hilmi Kastamonî and İsmail Necati Zağferanbolî, Dağıstânî became the sheikh of the *tekke* of Gümüşhânevî which was next to the Fatma Sultan Mosque.²¹⁵ This mosque and the *tekke* were both across from the Sublime Porte (Bâbıalî). Bardakçı and Bağlan reported Sultan Mehmed VI (Vahdeddin) would come to this *tekke* and he became a follower of Naqshbandi-Khalidi sub-order.²¹⁶ It is also noted in some sources that Sultan Mehmed VI proposed Ömer Ziyâeddin Dağıstânî to

²¹² MA, no. 1396.

²¹³ Bağlan, p. 331. (See Appendix, p. 110)

²¹⁴ Binatlı, p. 407.

²¹⁵ Fatma Sultan was the wife of Grand Vizier Nevşehirli Damat İbrahim Pasha.

²¹⁶ Murat Bardakçı, *Şahbaba: Osmanlı'nın Son Hükümdarları VI. Mehmed Vahideddin'in Hayatı, Hatıraları ve Özel Mektupları*, İstanbul: Pan Yayıncılık, 1998, p. 39; Bağlan, p. 331.

become a Sheik ul-Islam, however, he rejected it by making an excuse: “In a country that is under siege one cannot acquire the position of the Caliphate.”²¹⁷ In addition, it is mentioned in Cebecioğlu’s work that he could not attend the Turkish War of Independence (*İstiklâl Harbi*) due to his old age and not having enough power to fight, but he directed many people in Istanbul to go to Ankara in order to fight in the war.²¹⁸ Although I cannot substantiate such information based on archival documents, they are part of the Dağıstânî’s narrative.

On 5 August 1919 Dağıstânî became *müderriş* at the Darü’l-Hilâfeti’l-Aliyye Medresesi, then on 27 October 1920 Dağıstânî was appointed as hadith *müderriş*²¹⁹ in the same (Süleymaniye) madrasa.²²⁰ *Darü’l-Hilâfe* was the name for Istanbul and *Darü’l-Hilâfeti’l-Aliyye* meant the Seat of the Holy Caliphate. *Darü’l-Hilâfe Madrasas* was the name for the madrasas in Istanbul. In order to separate the madrasas in Istanbul from those in the provinces this expression was used.²²¹ Moreover, these madrasas were established after the reorganization of madrasas (*ıslah-ı medâris nizâmnâmesi*) in 1914.²²² He was both a *müderriş* at the madrasa as well as a sheikh in the *tekke* between the years of 1919 and 1921. It is noted in the sources that he instructed and explained the hadiths in the work *Ramuz el-Ehadis* classified and prepared by his Sheikh Ahmad Ziyâeddin Gümüşhânevî in the *tekke*.²²³

Dağıstânî died on 18 November 1921 (18 Teşrin-i Sani 1337) and was buried in the cemetery of the Süleymaniye Mosque in the section reserved for Sheikh

²¹⁷ Cebecioğlu, v. III, p. 170.

²¹⁸ *Ibid.*, p. 181.

²¹⁹ 1. University professor 2. *Ott. hist.*, a grade in the hierarchy of the Ulema. (Redhouse, p. 811.)

²²⁰ Binatlı, p. 407.

²²¹ Mehmet Zeki Pakalın, *Osmanlı Tarih Deyimleri ve Terimleri Sözlüğü I*, p. 399.

²²² Seyit Ali Kahraman, Ahmet Nezih Galitekin, and Cevdet Dadaş (eds.), *İlmiye Salnamesi: Birinci defa: Osmanlı İlmiye Teşkilatı ve Şeyhülislamı*, Istanbul: İşaret Yay., 1998, p. 549.

²²³ Cebecioğlu, v. III, p. 169.

Ahmed Ziyâeddin Gümüşhânevî and his successors.²²⁴ The date of his death differs from source to source. This is also one of the inconsistencies one may come across by looking at the sources.

²²⁴ Albayrak, *Şeriat Yolunda Yürüyenler ve Sürünenler*, p. 144. (The date of death was also indicated one of Dağistânî's successors in Gümüşhânevî *tekke*, M. Zahid Kotku, in his diary situated in M. Es'ad Coşan Araştırma ve Eğitim Merkezi as it is. "18 Teşrîn-i Sâni sene [13]37 Cuma günü Şeyh Ömer Ziyâeddin Efendi vefât etmişlerdi. Cenazesine gittim. Süleymaniye Kabristanı'nda mahall-i mahsûsuna defnedildi." M. Es'ad Coşan Arşivi, Fon: Kotku, 1/1, "Hatıra Defteri")

CHAPTER 3

DAĞISTÂNÎ'S POLITICAL WORKS DURING THE SECOND CONSTITUTIONAL PERIOD

The goal of this chapter is first to illustrate the historical context of “the longest decade of the late Ottoman Empire”²²⁵, i.e. the Second Constitutional Period (1908-1918) in which the two political works of Dağistânî; *Hadis-i Erbaîn fi Hukuki's-Selâtin* and *Mir'ât-ı Kânûn-i Esâsî* were written. These two works, published in the same year of 1908, are linked to one another, because one is about constitutionalism, and the other is about the Caliphate. They are interconnected and about the political theory of Islam. Although Dağistânî's works vary on a host of subjects, 1908 is significant because his emphasis on political ideas was published in a political climate of revolution, a return of the constitution of 1876, and the idea of the Caliphate. Following the description of the main events and actors of the period, I will provide a textual analysis of these works that will include the content and features, as well as evaluation and analysis. Lastly, I will provide a brief and general commentary on both works placing them in context of historical reality in order to examine Dağistânî's position during the period of the Young Turk Revolution and attempt to place him within a specific narrative of his political thoughts and the general narrative of the time.

Little is known about the Second Constitutional Period compared to other periods of the Ottoman history. Although it is already difficult to find the actual sources of this period, as a subject of study this period is part of recent history, and thus studies illuminating this period are quite rare. There are some causes for the neglect of this period. There is an irregularity of sources due to the impairment that resulted from the revolutionary change. Some official records were lost, and some remain in the hands of persons unknown. In addition, the ideological stance towards

²²⁵ M. Şükrü Hanioglu, *A Brief History of the Late Ottoman Empire*, Princeton: Princeton University Press, 2008, p. 151.

this period led to the neglect of the period. As a period close to the downfall of the empire this period has failed to attract much scholarly investigation. Last but not least, the nationalistic position lead to an environment that minimized the study of this period. Even the term “Young Turks”²²⁶ is a sign of the existing nationalistic perspective. Nationalism was represented as “a major political force” during the late period of the Ottoman Empire. However, nationalism should not be evaluated as if there was strict polarization in the society based on people’s understanding of nation at the time.²²⁷ It is not enough to see the whole picture but I will try to briefly explain the historical conjecture of the Second Constitutional Period in which Dağıştânî wrote his works.

3.1 Historical Context

In order to better understand the historical background of the constitution, the main actors and events of the period need be described. Upon coming to the throne Sultan Abdülhamid II was enthroned for promising to promulgate the constitution in 1876. On 23 December 1876, he promulgated the first Ottoman Constitution (*Kânûn-i Esâsî*) and elections took place between January and March 1877. The Grand Vizier Midhat Pasha and Muslim intellectuals known as the ‘Young Ottomans’ were the leading figures of the constitutional movement in 1876. The era generally referred to as the First Constitutional Period (23 December 1876-13 February 1878) ended with the suspension of the Ottoman constitution and the parliament by the sultan due to the Russo-Ottoman war of 1877-78. The proclamation of the constitution and the establishment of the General Assembly (*Meclis-i Mebusan*) in 1876 were important steps towards the modernization of the Ottoman Empire. Nevertheless, Hanioglu argues, the First Constitutional Era (1876-78) cannot completely be regarded as constitutional in the strict sense, because the

²²⁶ This term comes from French “Les Jeunes Turcs”. Young Turks wanted to establish a constitutional regime.

²²⁷ Kayalı, p. 2-5.

sultan was above the constitution. Yet, it was a preparatory process for the Second Constitutional Period (1908-18).²²⁸

3.1.1 The Committee of Union and Progress

In 1895, an important actor of the Second Constitutional Period, the Committee of Union and Progress (CUP) was founded by a number of students in the Ottoman Military School of Medicine; namely, Ahmed Rıza, İbrahim Temo, Mehmet Reşit, and Abdullah Cevdet. Students from War school (Harbiye), School of Civil Service (Mülkiye), and Medical School (Tıbbiye) and graduates of these schools secretly became members of this committee. They prepared a regulation (*nizamnâme*), but could not publish it in Istanbul, but in Cairo, in 1897.²²⁹ Their first declaration, which was titled as the “Motherland is in danger” (*Vatan Tehlikede*) is an indication of their main viewpoint which was published in 1895.²³⁰ This in actuality is a translation of the French verse “La patrie est en danger” used when French patriots were invited to the army. This shows the Young Turks were affected by the ideas developing in France. From the nineteenth century onwards, French culture had a dominant effect on the Ottoman elites. The Young Turks regarded themselves as the heirs of the ideals of the French Revolution of 1879 in the Ottoman domains. They used the verse mentioned above against the Hamidian government in order to challenge what they perceived as Sultanic authoritarianism. Moreover, most of the writers and intellectuals in the late Ottoman Empire were learning to know the West via France.²³¹

²²⁸ M. Şükrü Hanioglu, *A Brief History of the Late Ottoman Empire*, p. 117-121.

²²⁹ Ali Birinci, *Tarih yolunda: Yakın Mazinin Siyasî ve Fikrî Ahvali*, Istanbul: Dergah Yay., 2012, p. 53.

²³⁰ *Ibid.*, p. 101.

²³¹ François Georgeon, *Türk Milliyetçiliğinin Kökenleri: Yusuf Akçura, 1876-1935*, trans. Alev Er, Istanbul: Tarih Vakfı Yay., 2005, p. 99.

Historians of the late Ottoman period, generally analyze the Committee of Union and Progress (CUP) dividing it into two phases. The first phase (1889/1895-1902) was led by Ahmed Rıza and the second phase (1902-1918) was led by young officers Enver Pasha, Talat Pasha, and Cemal Pasha.²³² Before 1902, there was a large mix of non-Turkish Muslims who had a role in the committee, accordingly, the emphasis to use “Muslim variants of Ottomanism” as ideology, also became important. In both periods, the CUP’s fundamentals were restoring Constitutionalism, the re-opening of the parliament, constructing Ottomanism, and the overthrowing of Sultan Abdülhamid II.²³³

Even though this committee operated as an “umbrella organization” under which various groups cooperated to set against Abdülhamid II, they did not have the same program. In addition, the CUP was not the only opposing group against the sultan, there were also various ulema, bureaucrats, and people embracing various kind of ideologies.²³⁴

3.1.2 1908 Revolution

In mid April 1908 the Young Turk revolution took place. The sultan was forced to restore the constitution of 1876 and re-open the parliament. Under the heading of “Liberty, Equality, Fraternity, and Justice” the Committee of Union and Progress specifically the Turk and Albanian young officer corps of the Ottoman

²³² M. Şükrü Hanioglu, *A Brief history of the late Ottoman Empire*, p. 145 and Nurullah Ardiç, *Islam and Politics of Secularism: The Caliphate and Middle Eastern Modernization in the Early 20th Century*, London ; New York : Routledge, 2012, p. 43.

²³³ Ardiç, *Islam and Politics of Secularism*, p. 43.

²³⁴ Hanioglu, *A Brief History of the Late Ottoman Empire*, p. 144-5 and Şükrü Hanioglu, *The Young Turks in Opposition*, New York, Oxford: Oxford University Press, 1995, p. 33.

army revolted against the Hamidian regime.²³⁵ There were preparatory movements for this revolution by various opposition groups as well.²³⁶ Their central motive is explained by a number of historians namely Zürcher, Tarık Zafer Tunaya, and Hanioglu as attempting to “save the empire”. According to these historians, in order to reach this aim the CUP attempted to take control of the empire.²³⁷ Civilians in some parts of the empire took advantage of this revolution and rebelled against the government for various reasons such as high commodity prices, taxation, and low wages, as a result, according to Hanioglu and Kansu the revolution was turned into a popular uprising.²³⁸ The revolutionaries criticized the Hamidian regime because of its suppression of political activities and freedoms. They accused Sultan Abdülhamid II’s regime of being absolutist and rigid.²³⁹

The Young Turk revolution represented the triumph of the supporters of such notions as freedom, constitution and parliament which were considered as the only solutions to the problems of the Ottoman polity, including the preservation of the unity of the empire (to put an end to the separatist nationalism of minority groups) through the establishment of the Second Constitutional Monarchy.²⁴⁰

According to dominant Turkish historiography, 1908 is not an important date or turning point compared to 1923, because the real change was brought by the Kemalist Revolution in 1923. Continuities and ruptures are generally analyzed based on this date. Therefore, the general name given to the 1908 revolution is the Proclamation of the Second Constitution. According to Kemalist ideology, the

²³⁵ Hanioglu, *The Young Turks in Opposition*, p. 150 and Zürcher, *The Unionist Factor : The role of the Committee of Union and Progress in the Turkish National Movement, 1905-1926*, Leiden : Brill , 1984, p. 22-23.

²³⁶ See, Aykut Kansu, *1908 Devrimi*, 1995, and Eric Zürcher, 2010.

²³⁷ Hanioglu, *The Young Turks in Opposition*, p. 148 and Zürcher, *The Unionist Factor*, p. 22.

²³⁸ *Ibid.*, Aykut Kansu, *1908 Devrimi*, trans. Ayda Erbal, Istanbul: İletişim Yay., 1995, p. 74.

²³⁹ Kansu, p. 79, 80.

²⁴⁰ Burhanettin Duran, “Transformation of Islamist Political Thought in Turkey from the Empire to the Early Republic (1908-1960): Necip Fazıl Kısakürek’s Political Ideas”, Ankara, Bilkent University, MA. Thesis, 2001, p. 5.

country before 1923 had many problems, because the regime was a monarchy and there was an autocracy. Foreign academicians such as Roderic H. Davison, Richard L. Chambers, and Stanford J. Shaw who have researched on Turkey's history also viewed the period within the boundaries of the theory of modernization. They argue that Turkey passed from traditionalism to modernization in the twentieth century, and it did not go through this process by a revolution but rather, an evolution. There was no rupture but a series of continuities between the Ottoman Empire and the Turkish Republic. In the 1970s the modernization theory and the Kemalist ideology from different positions, nevertheless went hand in hand in presenting a restricted interpretation of the late Ottoman period. According to the modernization theory, as other modern countries, Turkey achieved its modernity without revolution because if there was a revolution, this would represent failure. Successful modernization can only be achieved by small steps and gradually. According to Aykut Kansu the greatest deficiency of the modernization theory is blindness towards the non-evolutionary changes and ruptures in social life. In addition, change does not automatically bring modernity in the greater scale. The main example for the modernization theory is the work of Bernard Lewis, *The Emergence of Modern Turkey*. Turkish academicians who especially follow the modernization theory tended to see Atatürk and his colleagues responsible for modernization efforts. In terms of these researchers, modern Turkish history starts from the proclamation of the Turkish Republic in 1923. For the reason of rejection of the Ottoman heritage by the new state, the existence of an exact rupture is demonstrated.²⁴¹

After the Young Turk Revolution in 1908, elections were carried out. During the elections there were two parties, the Committee of Union and Progress and the Party of Ottoman Liberals (Osmanlı Ahrar Fırkası). The CUP won the election and in January 1909 the Second Ottoman Parliament assembled in Istanbul. After the revolution the power of the palace was restrained. Bureaucrats of the Sublime Porte re-appeared as independent political actors as the CUP remained at the

²⁴¹ Kansu, p. 8-17.

backdrop depending on the predominance in the parliament to see over the government.²⁴²

In general, there were two main opponent groups the CUP faced; that of the Ahrar Party and the opposition directed by conservative religious groups. Because of the pressure of the CUP, the Grand Vizier Kâmil Pasha collaborated with the *Ahrar Fırkası*.²⁴³ The second opposition came from conservative religious circles with the expression of “notably the lower ulema and sheikhs of the dervish orders.”²⁴⁴

During the Second Constitutional Period, Ottoman intellectuals made efforts to save the state. According to Niyazi Berkes this brought forth three ideologies, namely, Westernism, Islamism, and Turkism.²⁴⁵ However, although much of the earlier scholarship tends to rely on these three ideological positions as distinct from one another, it seems fairer to assume that the ideological positions were a lot more merged, meshed, and complicated. After the 1908 Revolution, according to Zürcher the Committee of Union and Progress used political ideologies such as “*İttihad-ı Anasır*” (Union of the peoples) which is Ottomanism and subsequently Islamism, and Turkism.²⁴⁶ As mentioned this was a time where there was no sharp distinction among the four ideologies, and an intellectual could refer to any one of these four ideologies, or all four of them at once while searching for approaches.

From 23 July 1908 (Proclamation of the Constitution) to 13 April 1909 (31 March Incident), for nine months and five days, there was an environment of freedom and liberty.²⁴⁷ In the first months of the revolution there was no strong governmental administration, as a result, this condition gave great opportunity to free press activity. “Just as censorship had become the symbol of Hamidian despotism,

²⁴² Eric J. Zürcher, *Turkey: A Modern History*, London: I. B. Tauris, p. 95.

²⁴³ *Ibid.*, p. 149.

²⁴⁴ *Ibid.*, p. 96.

²⁴⁵ Niyazi Berkes, *The Development of Secularism in Turkey*, London: Hurst & Company, 1998, p. 337.

²⁴⁶ Zürcher, *The Unionist factor*, p. 23.

²⁴⁷ Danişmend, *31 Mart Vak'ası*, p. 15.

the free press became the symbol of the revolution. In the first year, 353 journals and newspapers were published in Istanbul alone, and 200 permits to publish were granted in just the first month of the revolution.”²⁴⁸ Articles, which were against some pashas, ministers, and even the sultan, began to circulate in various newspapers and journals. Because of the lack of control before and after publication and because it was known that the authors would not receive any punishment due to their writings, the authors started to engage in activity that can be described as creating an environment of much intellectual diversity but at the same time chaos. Since the promulgation of the Second Constitution in 1908, political factions began to appear in parallel with factions in the press.²⁴⁹ In other words, after the Young Turk Revolution of 1908 the intellectual activity of people started to progress. The government called for a general amnesty for political prisoners and exiled persons. Moreover, the CUP abolished the spy network used by the Hamidian regime.²⁵⁰ In this environment of freedom, the ulema wrote important works and presented their ideas about contemporary politics. Two of these works were written in the same year by the same author, Dağıştânî. These works not only inform the readers about the author, but also, the impressions of the group of people who would have supported Dağıştânî in relation to their opinions and concerns towards the changing political environment.

3.2 *Hadis-i Erbaîn fî Hukuki’s-Selâfîn*

As mentioned Dağıştânî’s two significant works were regarding the Caliphate, and about the constitution respectively. With regard to the Caliphate and

²⁴⁸ Kayalı, p. 55.

²⁴⁹ Necla Odyakmaz, “Osmanlı’da Anayasal Düzenlemeler ve Basına Etkileri”, *Istanbul Üniversitesi İletişim Fakültesi Hakemli Dergisi*, 2003, nu. 16, p. 223, 225.

²⁵⁰ Nader Sohrabi, *Revolution and Constitutionalism in the Ottoman Empire and Iran*, New York: Cambridge University Press, 2011, p. 136, 137.

the rights of sultans he wrote the *Hadis-i Erbaîn fi Hukuki's-Selâtin* which was published in December 1908 (h. 1326) in Istanbul.²⁵¹

3.2.1 The Caliphate

In order to better understand the work *Hadis-i Erbaîn fi Hukuki's-Selâtin* the institution and concept of the Caliphate needs to be examined. “The Caliphate was both a source and a symbol of a universalistic political culture throughout much of Islamic history.”²⁵² In the context of Ottoman history, since the reign of Süleyman I (1520-66) Ottoman Sultans used the title Caliph, which implied a religious leadership over the Muslim world. However, the institution of the Caliphate came into prominence especially during the reign of the last Ottoman sultans. The Treaty of Küçük Kaynarca signed after the Crimean war is generally evaluated as a turning point in terms of the sultans’ increased concentration on institution of the Caliphate. This treaty was the first official document in which a Western state recognized the Ottoman sultan with the title “Caliph” in the international arena. Although the term the Great Caliphate (*hilâfetü'l-uzma*) was not new, the use of it in an international treaty was new. The treaty allowed Ottoman sultans to continue exercising their rights there in the name of the Caliph over all Muslims. In addition, the Crimea was also significant in terms of being the first territory of which there was a Muslim population by a majority.²⁵³ Although the Crimea became independent, however, the Ottoman sultan remained the Caliph, in other words, the religious leader of the Crimeans. Buzpınar who analyzes the Ottoman Caliphate by dividing it into two phases, as before and after the Treaty of Küçük Kaynarca, primarily focuses on the period after in his article. He explains how Sultan Abdülhamid II employed the

²⁵¹ The original manuscript version of this work situates in Istanbul University Library, nu: 3729. There is also printed version of this work. It is 31 pages and costs 20 para.

²⁵² Ardiç, *Islam and Politics of Secularism*, p. 7.

²⁵³ Azmi Özcan, “Hilafet”, *DİA*, v. XVII, p. 546, 547; see also, Mümtazer Türköne, *Siyasî İdeoloji Olarak İslâmcılığın Doğuşu*, Istanbul: Etkileşim Yay., 2011, p. 183-205.

institution of the Caliphate in internal and foreign politics. The growing significance of the Caliphate and making use of it as a tool of political legitimization became evident during the period of Abdülhamid II. The Caliphate is important with regards to understanding the international political situations of this period. Britain, France, Germany, and Italy took a close interest to this institution. The increasing influence of the English on the Arab lands and their aim of breaking the Ottoman Empire led them to use the institution of the Caliphate for their objectives. The English, especially, challenged the position of Abdülhamid II as the Caliph of all Muslims. Nevertheless, Sultan Abdülhamid II was also aware of the challenges directed towards his authority and tried to take some counter measures. Opponents of the Ottoman Caliphate argued that the Caliph should be chosen from the descendants of Quraysh.²⁵⁴ The English claimed the Sharifs of Mecca should be Caliph of the Muslims in the world. As a result, they wanted to delegitimize the authority of the Ottoman Caliph. Some works were written by British authors supporting the aforementioned idea that the Caliph should belong to the tribe of Quraysh so as to challenge the validity of Ottoman Caliphate based on religious references.²⁵⁵ As opposed to this view, some scholars defended Sultan Abdülhamid II's Caliphate by their works and tried to refute the opposing views.²⁵⁶ Since the 1870s the works praising the Caliphate and the Caliph increased in number. In these works or booklets the reasons of obedience to the Caliph were explained by Qur'an verses and hadiths.²⁵⁷

İsmail Kara who has written significant works related to the Caliphate institution argues that during the Second Constitutional Period authors who were

²⁵⁴ Nurullah Ardiç, "Genealogy or 'Asabiyya? Ibn Khaldun between Arab Nationalism and the Ottoman Caliphate", *Journal of Near Eastern Studies*, vol. 71, no. 2 (SSCI), 2012, p. 315.

²⁵⁵ For example, Wilfrid Scawen Blunt, *The Future of Islam*, 1882.

²⁵⁶ For example, Hasan Bey Husni al-Tuyrani responded the work of Blunt and defended the Ottoman Caliphate by his work *Ijmal al-kalam 'ala masa'il al-khilafa bayna ahl al-Islam*.

²⁵⁷ Buzpinar, "The Question of Caliphate under the Last Ottoman Sultans", in *Ottoman Reform and Muslim Regeneration: Studies in Honour of Butrus Abu-Manneh*, eds. Itzhak Weismann and Fruma Zachs, London; New York: I. B. Tauris, 2004, p. 17-30, see also Azmi Özcan, "İngiltere'de Hilafet Tartışmaları 1873-19091, *Hilafet Risaleleri: II.Meşrutiyet Devri*, ed. İsmail Kara, v. I, Istanbul: Klasik Yay., 2003, p. 63-91.

close to the mindset of the Committee of Union and Progress, insistently approached the understanding of Islamic rule based on obedience during the reign of Abdülhamid II. In other words, in order to take advantage of the political, physical and spiritual authority of the Caliphate opponent groups avoided the critical discourse towards Abdülhamid II. Although the opponents of Abdülhamid II avoided the use of spiritual elements regarding the Caliphate during the Abdülhamid's reign, they used these elements during the time of the next sultan, Sultan Reşad. They made use of Islamic references for the legitimacy of the reign of Sultan Reşad.²⁵⁸

After the re-enactment of the Constitution of 1876 in 1908, a considerable relief and freedom came into existence in the press. The number of the publications relatively increased. There was an environment for ulema participation in socio-political affairs. In newspapers, journals, and periodicals the ulema could write and express their opinions. This is one of the reasons Dağıştânî could write his work as there was initially an environment of freedom. Consequently, within the historical context depicted above, the work of Dağıştânî on the Caliphate and the rights of sultans is meaningful.

3.2.2 Content and Features of the Work

On the front page of the work, *Hadis-i Erbaîn fî Hukuki's-Selâtîn*, there are the names of the booklet and the author, and date of compilation as 1326 according to the hijri calendar, 1908 according to the Gregorian calendar, but in which month it was actually written is not stated in the work. According to other works related, the month of publication was December. As understood from the first few lines of the work, Dağıştânî wrote it after the restoration of the constitution of 1876 and the opening of the parliament in 1908. Sultan Abdülhamid II still occupied the throne and Dağıştânî presented this pamphlet to him before his deposition by the CUP. In return, it is indicated in the archival document that the Sultan gave him 60 gold coins

²⁵⁸ İsmail Kara, *Hilafet Risaleleri: II.Meşrutiyet Devri*, v. III, Istanbul: Klasik Yay., 2003, p. V, VI, 4.

(*altın*) as a gift for this work.²⁵⁹ Then, there is a short part under the title of warning (*muhtıra*) in which he mentions about the proclamation of the constitution and the opening of the parliament and formation of freedom, justice, equality, fraternity, and the council of ummah (*şura-yı ümmet*) by the desire of the Committee of Union and Progress and the “noble Ottoman nation” (*millet-i necibe-i Osmaniye*).²⁶⁰ After thanking God, he praises the CUP, the opening of all the new institutions, and then he praises the Sultan by referring to several articles of the constitution about the rights of the sultans and the sacredness of the position of the Caliphate. With the proclamation of the Constitution in 1876 the position of the Sultan and the basis of legitimacy as Caliph to all Muslims were consolidated. Dağıştânî does this by referring to the fourth, fifth, and seventh articles of the constitution. In the fourth article of the constitution, the sultan was referred to as the “protector of the religion Islam” and the ruler of all Ottoman subjects. The fifth article announces the sultan as sacred and free of liability. By referring to the seventh article, he says that as they are obliged to obey the rights of the sultan by law, in the same way, they are obliged to obey the rights of the sultans with regards to the Sharia.²⁶¹ He ends this short part with two Qur’anic verses and one hadith describing that the unification of people as significant and separation as bad. This beginning part is very significant in terms of demonstrating the main subject of the work and the primary aim of the author. In the first lines of his work, Dağıştânî thanks the CUP and the newly opened institutions. As a discursive strategy, people did not openly criticize a person or an institution. After stating good aspects they could touch upon the points they do not approve. As mentioned in a document such as this one, one did not criticize people or institutions

²⁵⁹ BOA, Y.EE 71/88 (1), 1327 R 06.

²⁶⁰ “Elhamdülillah, bu kerre devlet-i ebed-müddet İttihad ve Terakki Cemiyet-i celilesinin ve millet-i necibe-i Osmaniye’nin arzuları vechile hürriyet, müsavat, uhuvvet ve şura-yı ümmetin teşkili gibi milletin hukukunu bir gûna itiraz ve uygunsuz hâlâta meydan vermeksizin millete bahş u ihsan ve Kanun-ı Esasi’nin mevki-i tatbika vaz’ıyla iadeten Meclis-i Mebusan’ın teşkiline emr u ferman buyurduğu cümlelerin malumudur.” (Ömer Ziyâeddin Dağıştânî, *Hadis-i Erbaîn fi Hukukî’s-Selâtîn*, 1326, p. 2.)

²⁶¹ “Hukuk-ı padişahîye riayete mecbur olduğumuz gibi şer’an dahi hukuk-i selâtine riayet ve emr u ferman-ı hümayunlarına itaat ve inkiyad ile memur ve mükellef ve hâkeza taraf-ı padişahîden bizzat ve bi’l-vasıta mansûb bilcümle vükelâ ve vüzera ve erkân ve umera-yı askeriye ve memurîne dahi itaat ile şer’an ve kanunen mükellefiz. Şer’ân olan hukuk-ı selâtin neden ibaret ise ehâdis-i şerife ile inşaallahu te’âlâ risalemizde mufassalan beyan olunacaktır.” (Dağıştânî, *Hadis-i Erbaîn*, p. 2, 3.)

openly. Likewise, Dağstânî firstly thanks the Committee of Union and Progress for its initiative to bring back the constitution and parliament, afterwards, he reminds the superiority of the Sultan/Caliph to the members of the CUP. This might be a tactic in order to draw the attention of the Committee of Union and Progress. After reverence to the CUP, he might have wanted to send some tacit messages to them reminding them of the position, status, and importance of the seat of the Caliphate. This legitimizes his subsequent remarks.

In the preface (*mukaddime*), he renders thanks to Allah and pronounces salawat to the Prophet by saying “Praise be to Allah and may His blessings and peace be upon our Prophet Muhammad.”²⁶² Then, he praises Sultan Abdülhamid II by using positive adjectives. He refers to him as the founder of the Constitution (*Kânûn-i Esâsî*) and the assistant of the parliament. This is a general way of writing an introduction in any book at that time. Ottoman scholars generally start writing on their subject matter after thanking Allah, pronouncing salawat to the Prophet, and praising the caliph or sultan of the period.

Dağstânî explains the reasons why he wrote this work that is to reach the good state of the Prophet mentioned in the hadith. He cites the hadith of the Prophet, "Whoever memorizes and preserves for my people forty Hadith relating to their religion, Allah will resurrect him on the Day of Judgment in the company of Jurists and religious scholars."²⁶³ In order to attain the praise mentioned in this hadith and other similar hadiths many Muslim scholars compiled forty hadiths. In Islamic scholarship, there is a tradition of compiling forty hadiths.²⁶⁴ On various matters such as religion, politics, and economics, Muslim scholars have been compiling forty hadiths. Dağstânî is one of the scholars who followed this tradition in the late Ottoman period. This is especially important as he was known for his expertise on hadith memorization. Moreover, he explains other reasons of compiling this

²⁶² Dağstânî, *Hadis-i Erbaîn*, p. 4.

²⁶³ *Ibid.*, p. 4.

²⁶⁴ See for detailed information in M. Yaşar Kandemir, “Hadis”, *DİA*, v. 15, p. 27-64, M. Yaşar Kandemir, “Kırk Hadis”, *DİA*, v. 25, p. 467-470, Abdülkadir Karahan, “Kırk Hadis” (Türk Edebiyatı), *DİA*, v. 25, p. 470-473.

pamphlet with complimentary words. One is the worth of the Sultan of the time in the eyes of Allah and the Prophet which should be known by everybody, he states.²⁶⁵ Second, all are obliged to obey the rights of the sultan, in the same way, they are obliged to obey rights of sultans with regards to the Sharia.²⁶⁶ He states this as a closing remark in the introduction part as “success is from Allah.”²⁶⁷ Then, as a last point, before presenting the forty hadiths, he quotes two Qur’anic verses, one hadith, and one verse from Ali Ibn Talib, the fourth Caliph about the importance of consultation.

From the beginning sections, the reader may understand the historical context in which the pamphlet was written. Interestingly, Dağıstânî praised both Sultan Abdülhamid II and the Committee of Union and Progress together in the introduction (*mukaddime*) part. Therefore, it seems to be written after the 1908 Revolution and the restoration of the constitutional monarchy. In terms of the evaluation of İsmail Kara, this work was reviewed after the re-enactment of the constitution of 1908 and the warning (*muhtıra*) part in which primarily the CUP is praised might have probably been added on.²⁶⁸ However, praising both the Sultan/Caliph and the CUP may not necessarily mean this part was added later. It is also remarkable that the work does not start with the introduction (*mukaddime*) part, instead, the warning (*muhtıra*) part. The beginning chapter of any work is important with regards to showing the intended audience and main the subject. Therefore, with this work Dağıstânî most likely aimed at addressing the Committee of Union and Progress.

²⁶⁵ “Taht-ı âlî-baht-ı Osmanîde erike-nişîn-i saltanat u celâdet olan padişah-ı zamanın indallah ve nezd-i Peygamberî’de olan kadr-ı hümayunlarının herkesçe bilinmesi.” (Dağıstânî, *Hadis-i Erbain*, p. 4.)

²⁶⁶ “Hukuk-ı padişahîye riayete mecbur olduğumuz gibi şer’an dahi hukuk-i selâtine riayet ve emr u ferman-ı hümayunlarına itaat ve inkiyad ile memur ve mükellef ve hâkeza taraf-ı padişahîden bizzat ve bi’l-vasıta mansûb bilcümle vükelâ ve vüzerâ ve erkân ve umera-yı askeriye ve memurâne dahi itaat ile şer’an ve kanunen mükellefiz. Şer’ân olan hukuk-ı selâtın neden ibaret ise ehâdis-i şerife ile inşaallahu te’âlâ risalemizde mufassalan beyan olunacaktır.” (Dağıstânî, *Hadis-i Erbain*, p. 2, 3.)

²⁶⁷ *Ibid.*, p. 3.

²⁶⁸ Kara, *Hilafet Risaleleri: II.Meşrutiyet Devri*, v. III, p. 9.

After two short introductory sections (the warning and introduction) Dağıstânî starts the main body of the pamphlet. After saying in the name of Allah, the beneficent the merciful (*Bismillahirrahmanirrahim*) he respectively presents the translations of the forty hadiths concerning the Caliphate. By taking some of the themes and a number of hadiths into account, I will analyze this main part of the pamphlet. The first hadith mentions whoever sees the Caliph on earth, the owner of those eyes becoming joyful would incline to love the sultan.²⁶⁹ The first point, Dağıstânî chose was a hadith praising the Caliph. According to this, anyone who sees the Caliph tends to love him. In the second hadith, the Caliph is referred to as the sultan of Muslims and God's shadow on earth (*Zillullah fil-arz*).²⁷⁰ This concept has very deep connotations, one of which is that the Caliph is the protector of all Muslims in the world. "Shadow" as a word symbolizes an important relationship between God and the Caliph. The Caliph is the deputy or representative of God on earth. He is responsible for securing justice and rights of individuals. This nomination also gives a divine character to the Caliph.

In the third hadith, it is mentioned that whoever betrays unrightfully the sultan of Islam will be punished by Allah in this world, Allah will make him lose face.²⁷¹ The fifteenth hadith is "Whoever may deliberately betray or cast a shadow on the sultan of the Muslims, will have abolished Islam and he will have opened a breach in it."²⁷² These two hadiths on the same theme convey very important messages to the secret or open institutions opposing Sultan Abdülhamid II. Dağıstânî says discretely that if one goes against the caliph and threatens his authority, Allah, even in this world, will punish him. He is sending a warning to the opponents of the Ottoman Sultan/ Caliph Abdülhamid II.

²⁶⁹ Dağıstânî, *Hadis-i Erbaîn*, p. 6.

²⁷⁰ *Ibid.*, p. 7.

²⁷¹ *Ibid.*, p. 7, 8.

²⁷² *Ibid.*, p. 15.

The sixteenth hadith is about what the Prophet says, "Whoever obeys me, obeys Allah, and whoever disobeys me, disobeys Allah, and whoever obeys the ruler I appoint, obeys me, and whoever disobeys him, disobeys me."²⁷³ Dağıştânî supports this hadith via a number of Qur'anic verses and his own explanation. It is crucial to mention by choosing this hadith, which takes place in Bukhari and other supportive evidence, he claims obeying the Caliph is fundamental as obeying Allah and the Prophet. To rebel against him is as rebelling against Allah. One of the worthwhile themes in the pamphlet is obedience. As is well known, there were threats towards the ruling of the sultan from inside and outside of the empire. By choosing hadiths related to obedience to the Caliph, Dağıştânî might have wanted to consolidate the authority of the Sultan/Caliph Abdülhamid II.

The seventeenth hadith is "If somebody sees his Muslim ruler doing something he disapproves of, he should be patient, for whoever becomes separate from the Muslim group even for a span and then dies, he will die as those who died in the Pre-Islamic period of ignorance."²⁷⁴ Via selecting this hadith, Dağıştânî sends a political message to the people who were against Abdülhamid II that is even if one does not approve of some of the implementations of the sultan he should be patient and not go against him.

There is a particular emphasis on the subject of justice in a number of hadiths. With regards to the just ruler there are praises and compliments. For example, the fifth hadith is about one prayer of a just ruler who is equal to ninety thousand prayers of others. In the twenty-ninth hadith, it is stated one hour of justice is more fortunate than sixty years of worship.²⁷⁵ Considering these and similar hadiths one may argue Dağıştânî wants a ruler to have certain qualities one of which is being just. Considering the constant mention of Islamic justice, one has to take into account the constant theme of justice with Ottoman political discourse and particularly as an inherent theme in the pamphlet.

²⁷³ Dağıştânî, *Hadis-i Erbaîn*, p. 16.

²⁷⁴ *Ibid.*, p. 17.

²⁷⁵ *Ibid.*, p. 24.

Interestingly, there is a hadith (the thirty sixth) about the conquest of Constantinople in this compilation. Although it is not directly related to the main subject of the pamphlet, in the explanation part, this hadith is linked to the sultan of the period, Abdülhamid II. Dağstânî praises the Sultan due to his coming from a noble lineage, which is complimented with the saying of the Prophet the conquest of the city, Constantinople. He connects Sultan Abdülhamid II, to his noble lineage. If the historical context in which this pamphlet was written one can understand why he gives a place to this hadith about the conquest of Constantinople in his pamphlet regarding the rights of the sultans. I would argue this could be due to the fact that there were few ulema, especially in the Arab provinces who claimed the Caliphate of Abdülhamid II was not valid because he was not from the Quraysh Tribe. In addition, the European powers, including Britain, France, Italy, and Germany had similar interests in the Islamic Caliphate. They wanted to break the authority of the Ottoman Sultan/Caliph. As mentioned before, regarding the Caliphate issue, they drew on the Qurayshi Hadith in order to break the bonds of the Muslims with their colonies and the Ottoman Caliphate. Dağstânî might have responded to this kind of argument through his work. Particularly, the explanation of this hadith reveals that he praised the Sultan/Caliph Abdülhamid II for his noble lineage because his ancestor, Mehmed II, achieved to conquer the city and was honored with the appraisal of the Prophet, as mentioned in the hadith. This hadith reinforces the legitimacy of the Ottoman Caliphate. It is important to understand that the concept of noble lineage is of importance in Islamic culture. The endorsement of this point to a Prophetic saying exemplifies both the Sultan and his family as people of a great legacy.

Some of his sentences in the explanation of this hadith are worth closer attention. He states “It is obvious from this hadith that sultans of the Ottoman state [May Allah make this state continue until the day of gathering (*haşr*) and weighing (*mizan*)] who came and will come until the end of the world will be included in the appraisal of the Prophet.”²⁷⁶ Although the state was facing many challenges,

²⁷⁶ “Peyderpey kıyamete kadar gelmiş ve gelecek olan selâtîn-i Devlet-i Âl-i Osman –edamallahu devletelum ilâ yevmi’l-*haşri* ve’l-*mizan* hazarâtı işbu medh u sitayiş-i Risalet-penahi’ye dahil olacağı hadis-i şeriften müstebândır.” (Dağstânî, *Hadis-i Erbaîn*, p. 27.)

Dağıstânî as a scholar living in the late Ottoman Empire could not have ever envisaged that the empire could end one day. He was assuming it would last until the end of the world and he was supplicating for the future of the state.

After the thirty-seventh hadith and its explanation there is a supplication that states “May Allah give success to the Sultan, his illustrious highness, the members of the military, officers, national assembly, and the council of state in the fulfillment of justice and fairness, in the name of Allah.” The work ends with the supplement part (*lahika*) in which there are three short hadiths and sayings and one Qur’anic verse about consultation (*istişare*). This part unlike the introduction looks more likely that it was added later to the work.

The language of the work is Ottoman Turkish, in some of the hadiths he gives the Arabic version of the hadith and Qur’anic verses. Dağıstânî does not use simple words, but rather technical words, for example, when he mentions the Sultan, he refers to him as the shadow of Allah and deputy of the Prophet (*zill-i zalil-i Huda ve vekil-i Seyyidü’l-enbiya hazretleri*²⁷⁷) or compassionate father (*eb-i müşfik*²⁷⁸). Although this form of referencing was quite common when addressing the Sultan nevertheless another reason for this might lie in the fact that he wrote this work in order to present it to Sultan Abdülhamid II. Moreover, this might have resulted from his madrasa and *tekke* education and the high level Arabic he learned there.

In some of the hadiths, Dağıstânî only presents the Ottoman Turkish translations of the hadiths, yet, in some others he gives short explanations in addition to the translation. To exemplify, after the thirtieth hadith which is about being a just ruler he briefly explains that this hadith means the sultan who is God’s shadow on earth (*Zillullah fi’l-arz*) will be kept under the throne of God as (*Zillullah fi’l-ahiret*), for this reason, he will be admired. He simply explains it in one sentence. On the contrary, in some hadiths he gives very long explanations such as the sixteenth hadith which is about obeying the Caliph and the thirty sixth hadith which is about the conquest of Constantinople.

²⁷⁷ Dağıstânî, *Hadis-i Erbain*, p. 7.

²⁷⁸ *Ibid.*, p. 12.

Dağistânî does not give the chain of narration (*sanad*) in the hadiths, but rather, he gives the name of the hadith book and the name of the first narrator (*raavi* in Arabic). This might have resulted from the fact that he did not want to lengthen the work. Or, the scholars of the hadiths would probably have known the hadiths by heart and when the name of the source is mentioned in the pamphlet they would remember their exact place. In the explanation of some of the hadiths he makes use of other hadiths, Qur'an verses, and rarely some verses from anonymous sources and the companions of the Prophet such as Ali ibn Abī Ṭālib.

The length of the explanations for hadiths vary from one hadith to another. In a number of the hadiths he provides long explanations. Mostly, he either presents the translation of the hadiths or explains the hadiths briefly. The hadiths which are clarified in detail may show the reader the importance attributed to the subject matter. To illustrate, he provides a two page long explanation for the hadith about the conquest of Constantinople despite the fact that it is not even directly related to the rights of the Sultan/Caliph which is the main subject of the work. On the other hand, he does not explain some hadiths about consultation with his own words in detail, rather he employs several short verses to reveal his ideas. This may give the reader an opinion about the author's viewpoint towards different subject matters. Furthermore, the reason for giving little space for the issue of consultation might be that he wrote a separate work on the subject of constitution in the same year and he expressed his ideas about the consultation there.

3.2.3 Evaluation and Analysis of the Work

In this work, *Hadis-i Erbaîn fî Hukuki's-Selâtîn*, Dağistânî endorses the rule of Sultan/Caliph Abdülhamid II. He takes a political position when writing this piece of work. Although it was dangerous at that time to write such a work, he wrote it any way, and in return received punishment for it later on. It is highly probable that he was sent to exile mainly because of this work. This may have left a mark in the

mindset of the CUP who would have perceived Dağıştânî as a Hamidian supporter, hence a possible threat to CUP interests. The CUP and some other groups wanted to limit the authority of the Sultan and weaken the resolve of his supporters. The Ottoman Constitution was designed to restrict the Sultan. However, Dağıştânî praised Sultan/Caliph Abdülhamid II with his work. He expressed high reverence to the sultan based on religious reasons mentioned in hadiths.

The questions worth asking are, why did Dağıştânî use such hadiths for political reasons? Why did he support his political ideas by referring to hadith literature? Answers to both these questions are due to the fact that hadiths are considered as the second most significant source of importance in Islam, after the Qur'an, for Muslims. The Qur'an and hadiths are holy texts in Islam. Thus, many scholars, intellectuals, and bureaucrats make reference to Qur'anic verses and hadiths in order to strengthen their points of view. Consequently, this is a general tendency among Muslim scholars, intellectuals, and bureaucrats throughout history where they want to legitimize their claims by invoking the Qur'an and hadiths. As a hadith scholar, Dağıştânî chose to defend the institution of the Caliphate and the authority of the Ottoman Caliph by depending on the second most important epistemological source in Islam, i.e. hadiths. His educational background might probably prepared him to write such a work. It is also worth of note that much of Islam's political theory is taken from hadith literature. As a result, this would not come as a surprise to his target audience.

If this work is scrutinized in terms of hadith criticism, Dağıştânî compiled forty hadiths by drawing on twenty one different sources. Apart from the *Kutub al-Sittah* (*Sahih Bukhari, Sahih Muslim, al-Nasa-i, Sunan Abu-Dawood, Jami al-Tirmidzi, Sunan Ibn Majah*)²⁷⁹ he benefited from Deylami's Book of Firdaus (*Kitâbu Firdevsi'l-Ahbâr bi Mes'ûri'l Hitâb el-Muharrac alâ Kitâbi li-Şihâb*), Suyuti's *Cem'ul-Cevami'* and Ebu's Şeyh el-Isbehani el-Hayyani's *Sevâbu'l-A'mal*. According to the analysis and interpretation of Harun Reşit Demirel although Dağıştânî did not openly cite some of these sources Demirel ascertained that by

²⁷⁹ Six books compiled by six sunni Muslim scholars contain hadith collections. They are translated as "The Authentic Six" and regarded as the official canonical collections of Sunni Islam.

looking at two hadith sources (*Râmûzu'l-Ehâdis* and *Feyzu'l-Kadîr*) that he made use of three other sources as well: Ibn Ebi'd-Dünya's *Zemmu'l Gadab*, Makdisi's *Kitâbu'l-Ehâdisi'l Ciyadi'l-Mutahâre mimma leyse fi's-Sahîhayn ev Ehadimâ*, and Ibnu'n-Neccar's *Zeylu Târihi Bağdâd*. Demirel gives a useful chart about the hadith sources from which Dağistânî benefited.²⁸⁰ Dağistânî made use of twelve hadiths from the Kutub al-Sittah. The other remaining hadiths are from sources of secondary importance. Thus, some of today's academicians mentioned that Dağistânî used technically "weak hadiths."²⁸¹ Even though Dağistânî was probably aware of this matter as a hadith scholar (*muhaddith*) he mostly drew on "weak" hadiths any way. Through this work he probably aimed to restore the authority of the Sultan/Caliph that was gradually limited by the CUP. In order to praise the Caliph and invigorate his authority in the eyes of Ottoman population and Muslims in the peripheries of the empire he might have chosen some hadiths by overlooking their authenticity. Perhaps, he did not find strong arguments with regards to being obedient to the Sultan/Caliph in the Kutub al-Sittah, hence, he might have resorted to other hadith sources. In addition, İsmail Kara argues that throughout Islamic history and in the period in which this work was written, it was a general tendency not to take much notice to the authenticity of the hadiths. There are many other examples of this attitude towards hadiths in the Islamic history and Ottoman history.²⁸²

It seems Dağistânî omitted or ignored the contradictory evidence i.e. the Quraysh hadith that states the Caliphate belongs to the Quraysh tribe, and that the Caliphate would last thirty years after the Prophet, and it would turn into a dynastic rule. This matter, (Caliphate) remaining with the Quraysh, was generally ignored by the Ottoman loyalists in order not to refute their own arguments. This hadith ("Caliphs are from the tribe of Quraysh") was popularized by the Arab nationalists and the British, French, and Italian colonial rulers so as to undermine the authority of the Ottoman Caliphate in its former territories. Britain and France tried to generate

²⁸⁰ Harun Reşit Demirel, p. 270.

²⁸¹ Kara, *Hilafet Risaleleri: II.Meşrutiyet Devri*, v. III, p. 9; Ardiç, *Islam and Politics of Secularism*, p. 101.

²⁸² Kara, *Hilafet Risaleleri: II.Meşrutiyet Devri*, v. III, p. 11.

puppet-caliphs in the occupied territories for example, e.g. Hashemite Sharif Hussein in the *Hijaz* and Moroccan Sultan in the *Maghrib*, nevertheless, they had to abandon their aims because of the resistance from Muslim colonies.²⁸³ Especially, Britain wanted to weaken the authority of the Ottoman Sultan/Caliph by means of this argument for the purpose of breaking the loyalty of Indian and Arab Muslims under their colonial administration to the Ottoman Caliph. Dağıştânî and some other scholars of the time did not include this Quraysh hadith, which claims that the Caliphate belonged to the Quraysh tribe, the Caliphate would last thirty years after the Prophet, and it would turn into a dynastic rule, in their compilations of hadiths purposefully or not.²⁸⁴ I would argue, he did not include this hadith into his work purposefully, because his aim was to restore the authority of the Ottoman Caliphate. As indicated earlier, he responded to the discourse by some of the explanations in his work. Especially, the explanation of the hadith about the conquest of Constantinople seems to be a direct response to the Quraysh hadith. He praised Abdülhamid II because of having noble ancestors who achieved the conquest of the city, Constantinople. He emphasized the noble lineage of the Sultan/Caliph Abdülhamid II praised in the saying of the Prophet. Dağıştânî wanted to reveal the legitimacy of the Ottoman Caliphate.

With respect to the target audience Nurullah Ardiç argues “the pamphlet that he presented to the Caliph was probably intended both to please the Sultan and to influence the reading public outside the ulema circles.”²⁸⁵ Considering the work, which was written in 1908 it is difficult to substantiate who this work could have reached and who in fact, could have read it. This point requires further investigation regarding the readership patterns of the types of people who were able to read in the Empire, and who would have read this form of literature. However, it is apparent from the information that Dağıştânî presented the pamphlet to the Sultan, and it was “probably intended to please the Sultan”. In my view, in addition to the Sultan and

²⁸³ Ardiç, *Islam and Politics of Secularism*, p. 44.

²⁸⁴ *Ibid.*, p. 138, 139 and Kara, *Hilafet Risaleleri: II.Meşrutiyet Devri*, v. III, p. 10, 11.

²⁸⁵ *Ibid.*, p. 116, 117.

the general public, it seems highly possible that this work was also aimed at the Community of Union and Progress when the preliminary remarks of the work is taken into account. Also with members of the ulema being both educated to read and understand the rhetoric of Islamic doctrine, Dağıştânî might not have only been presenting his own position but one of his followers or people who were alike.

To conclude, by writing about the institution of the Caliphate Dağıştânî presented his political ideas based primarily on the selected forty hadiths of the Prophet. He endorsed the Sultan/Caliph Abdülhamid II via his pamphlet, *Hadis-i Erbaîn fî Hukuki's-Selâtîn*.

3.3 *Mir'ât-ı Kânûn-i Esâsî*

Mir'at means mirror in Arabic. This work is a kind of mirror or reflection of the Constitution in the Islamic fundamental sources; i.e. Qur'an and hadiths. This work was published on 31 December 1908 (18 Kanun-i Evvel 1324). In order to analyze this work, one should evaluate the concept of constitutionalism and experience of the Ottoman experiment. After a general analysis of the concept of constitutionalism and constitutionalist movements, the work will be examined in detail. The printed version of the work can be located in the Beyazıt State Library, in Istanbul.

3.3.1 Constitutionalism (*Meşrutiyet*)

The word *meşrutiyet* has derived from the Arabic word *şart* (condition), which means the regime of constitutional and parliamentary sovereignty and Caliphate in the Ottoman political literature. The proclamation of the Ottoman Constitution, *Kânûn-i Esâsî* on 23 December 1876 marked the beginning of the First Constitutional Era in the Ottoman history. The main proponents of the Constitution

were Midhat Pasha, the grand vizier (*sadrızam*) who was named the “Father of the Constitution”, and Young Ottomans. They wanted the Sultan to promulgate the constitutional regime. In addition, there was the idea that by starting a constitutional movement the government would inhibit the European pressures on the Ottoman government. The constitutional regime would change all Ottoman subjects into equal citizens. “While the constitutionalist movement was primarily a Muslim phenomenon similar calls for greater representation issued from the non-Muslim elites of the empire. At the popular level, Ottoman constitutionalism was fundamentally a reaction to the dictatorship of the bureaucracy coupled with resentment against the preferential treatment granted to non-Muslims.”²⁸⁶ The First Constitutional Period lasted only for two years because after the declaration of the Russo-Ottoman war in 1877-78, Sultan Abdülhamid II suspended the Ottoman parliament (*Meclis-i Mebusan*) on 13 February 1878.

With regards to constitutionalism the standpoints of the ulema and politicians can be analyzed. During the promulgation of the First Constitution (*Meşrutiyet*) in 1876 the ulema had a great impact. The ulema, were the religious scholars who, for centuries, affected the Ottoman elite and the masses, as they kept education under their control in the madrasas and performed an “informal, traditional ‘advise and consent’ role” with regards to a wide range of issues about the Sharia.²⁸⁷ The ulema as a group is a wide concept to explain here, therefore, we cannot easily analyze or categorize this group. There are various factions, groups and ideas stated under the concept of ulema. According to the evaluation of Şükrü Hanioglu, there was a conflict between the ulema and the intellectual class in two ways: one is that the new intellectual class evaluated religion as an obstacle before social developments. Consequently, they looked at the ulema as an opposition group. The second is; in order for the political regimes to take power from the ulema, the CUP

²⁸⁶ M. Şükrü Hanioglu, *A Brief History of the Late Ottoman Empire*, p. 112.

²⁸⁷ Richard C. Repp, “Ottoman Ulema, Turkish Republic: Agents of Change and Guardians of Tradition by Amit Bein, *Journal of Islamic Studies* Vol. 24, Nu. 2 May 2013, p. 231.

had to gain the support of some ulema.²⁸⁸ Therefore, some ulema sided with the CUP, some dissented from the CUP during the Second Constitutional Period. The ulema put forward ideas based on the religious justification. They supported their arguments from the verses of the Qur'an and the hadiths of the Prophet. In other words, the rhetorical basis for both the constitutionalists and anti-constitutionalists in the Ottoman Empire was fundamentally Islamic. In spite of the objection of the high-ranking ulema, the constitutionalist members of the ulema succeeded to convince many other ulema by justifying the idea of a parliament according to the Qur'an and hadiths. Pro-reform groups gathered around a constitutional commission consisting of twenty-eight high rank state officials and ulema (involving Midhat Pasha and Young Ottomans).²⁸⁹

By using Islamic reference, consultation (*şûra*) and the way of consultation (*usul-i meşveret*) have commonly been used instead of constitutionalism (*meşrutiyet*) in the Ottoman political context. The way of consultation (*usul-i meşveret*) in the meaning of “constitutional monarchy, which is convenient to the Sharia” was first used in Ottoman administrative system by the Young Ottomans, because they wanted to limit the sultan's authority via the Constitution (*Kânûn-i Esâsî*) and the Parliament (*Meclis-i Mebusan*).²⁹⁰ They grounded their arguments on the two verses of the Qur'an.²⁹¹ The Young Ottomans; namely, Namık Kemal, Ziya Pasha, Ali Suavi, and İbrahim Şinasi, ulema who attended the preparation of the constitution such as Asım Yakub and Mehmed Sahib indicated the convenience of the constitution with reference to the Sharia, where there were proponents of constitutionalism.²⁹²

²⁸⁸ Hanioglu, *Bir Siyasal Örgüt Olarak: Osmanlı İttihad ve Terakki Cemiyeti ve Jön Türklük* (1889-1902), v. I, p. 112.

²⁸⁹ Hanioglu, *A Brief History of the Late Ottoman Empire*, p. 116.

²⁹⁰ Şükrü Hanioglu, “Meşrutiyet”, *DİA*, 2004, v. 29, p. 389 and M. Akif Aydın, “Anayasa” *DİA*, 1991, v. 3, p. 161.

²⁹¹ Surah 'Âli `Imrân 3/159, Surah Ash-Shu`arâ 42/38.

²⁹² Hanioglu, “Meşrutiyet”, v. 29, p. 390, 391.

The ulema viewed constitutionalism principally as a means of regaining political power. Symbolic of the growing influence of the ulema on the movement as a whole was the shift from the initial secular depiction of a *nizâm-ı serbestâne* (free order) to the more Islamic concept of *mashwarah* (consultation), paying tribute to the assembly was at first referred to in the press as Şûra-yı Ümmet, again a reference to the Islamic value of the consultation.²⁹³

There were mainly two groups opposed the constitutional regime during the reign of Abdülhamid II. The first was a group of ulema that claimed that the constitutional regime is inconvenient to Islam, because it is a forbidden innovation (*bid'at*). The second group stated the constitution politically would harm the state; members of this group were those such as Mehmed Rüşdü and Ahmed Cevdet Pasha. Those who argued constitutionalism is against the Sharia put forward the argument that relevant verses of the Qur'an just refer to Muslims; thus, non-Muslims could not be members of the assembly. The opponents of constitutionalism such as Kara Muhyiddin and Şerif Efendi were arrested and sent into exile in 1876. Accordingly, the resistance of the oppositional group diminished for a while.²⁹⁴ In other words, while anti-constitutionalists argued non-Muslim representatives in the parliament would profane Islamic fundamental principles, constitutionalists put forward that the only way to prevent the imposition of pro-Christian reforms by the European powers was to proclaim a constitution that would turn all Ottoman subjects into equal citizens in the eyes of the law.²⁹⁵

Both the proponents and the opponents of constitutionalism wrote works and articles in various newspapers and expressed their points of view. For example, in 1878, Ahmed Midhat Efendi wrote his work *Üss-i İnkılab* in which he defended the regime and the policies of Sultan Abdülhamid II, where he justified the exile of ex-Grand Vizier Midhat Pasha, and explained the convenience of the constitution to the Sharia. He expressed the political stance of the society under two categories, *hilafgiran* (opponents) and *tarafgiran* (proponents). As mentioned above, a part of

²⁹³ Hanioglu, *A Brief History of the Late Ottoman Empire*, p. 113.

²⁹⁴ Hanioglu, "Meşrutiyet", v. 29, p. 390.

²⁹⁵ Hanioglu, *A Brief History of the Late Ottoman Empire*, p. 116.

the *hilafgiran* saw the constitution as a novelty without roots in Islam and the traditional practice (*bid'at*), another part of the *hilafgiran*, evaluated it as politically harmful. The second group, *tarafgiran* where Ahmed Midhat Efendi situated himself brought forward that the Ottoman Constitution should not be compared to the ones in Europe, since it was carried out by the state and thus, the state would prepare the laws. According to Ahmed Midhat Efendi and the proponents of the Constitution, a constitutional monarchy was not an innovation that would be inconvenient to the Sharia (*bid'at*). Ahmed Midhat proposed counter arguments towards *hilafgiran*. He argued defining the rights of the Sultan in the constitution did not limit the authority of the sultan, yet affirmed and protected them. He expressed the convenience of the constitution to the Sharia based on Qur'anic verses, hadiths, and examples from early Islamic history. Ahmed Midhat Efendi wrote as well another booklet *Tavzih-i Kelam ve Tasrih-i Meram* two years after *Üss-i İnkılab* with regards to the constitutionalism. He emphasized the importance of the constitutional regime for the sultan and the desire of the sultan to re-open the parliament. He named Sultan Abdülhamid II as the father of freedom. In addition, he attempted to reveal the similarity of the Islamic law and the Ottoman Constitution. The Ottoman Constitution (*Kânûn-i Esâsî*) was a kind of Islamic law and had to be put under the protection of the Sultan.²⁹⁶ The reason why Ahmed Midhat Efendi wrote *Tavzih-i Kelam ve Tasrih-i Meram* in 1880 is that some letters that were sent from Istanbul to European newspapers about Sultan Abdülhamid II stated that he wanted to re-open the General Assembly, but some of the deputies and bureaucrats were against this, and the Sultan regretted having acknowledged the Constitution (*Kânûn-i Esâsî*). He wanted to reflect upon these issues in his work. During that period, there was a conviction that the constitution would harm the laws of the Caliphate. Moreover, some people thought that the entrance of non-Muslims to the assembly would make the Sultan end up under control of the non-Muslims. Ahmed Midhat refused these kind of arguments in his work and claimed the source of the Caliphate is divine and it can only be destroyed by divine intervention. He provides evidences for his ideas from the Qur'an. In

²⁹⁶ Abdülhamit Kırmızı, "Authoritarianism and Constitutionalism Combined: Ahmed Midhat Efendi Between the Sultan and the *Kânûn-i Esâsî*", *The First Ottoman Experiment in Democracy*, Würzburg: Ergon Verlag, p. 53-65.

respect to constitutionalism, he argued the parliamentary system is an institution of consultation in which society attends. It is a long-established tradition that sultans have continued the consultation and gave importance to the ideas of the general folk, therefore, it is not a radical change to open the General Assembly (*Meclis-i Umumi*) and to make the representatives of the people take part in the parliament.²⁹⁷

With regards to the opponents of the Constitution a preface, which was added to an old work translated from Arabic can be noted. It was added by Nusret Pasha and was presented to Abdülhamid II. According to this author, there are two state regimes in the Christian world: democracy and aristocracy. And these are not compatible with the Islamic State.²⁹⁸ However, compared to the Second Constitutional Period there was not much opposition.

After handling constitutionalism in the first period, now the early months of the Second Constitutional Period can be investigated. As has been noted earlier, the Young Turk revolution happened in mid April 1908. For the motivation of “Liberty, Equality, Fraternity, and Justice” the Committee of Union and Progress specifically the Turk and Albanian young officer corps of the Ottoman army rebelled against Hamidian rule.²⁹⁹ The idea of the importance of constitutionalism can be seen in the language of the CUP. They used the terms “Liberty, Equality, Fraternity, and Justice” to support their desire for constitutionalism. They saw the Hamidian regime as authoritarian and reactionary.

From 23 July 1908 (Proclamation of the Constitution) to 13 April 1909 (31 March Incident), for nine months and five days, people had an environment of freedom and liberty. During the first months of the revolution there was no strong governmental administration, as a result, this gave great opportunity for free press

²⁹⁷ Ebubekir Sofuoğlu, “Ahmed Midhat Efendi’nin Kanun-ı Esasi ve Meclis-i Mebusan’a Dair Layihası: Tavzih-i Kelâm ve Tasrih-i Merâm”, *Toplumsal Tarih*, November 2000, v. 14, nu. 83, p. 55-57.

²⁹⁸ Nusret, “Mukaddime”, Şihâbüddîn Ahmed bin Muhammed bin edî’r-Râbî, *Kitabü nehci’s-süluk*, Istanbul, 1878. (in Niyazi Berkes, *Türkiye’de Çağdaşlaşma*, ed. Ahmet Kuyaş, Istanbul : Yapı Kredi Yay., 2002, p. 324.)

²⁹⁹ Hanioglu, *The Young Turks in Opposition*, p. 150 and Zürcher, *The Unionist Factor*, p. 22-23.

activity. New journals and newspapers began to be published. For example, *Sırât-ı Müstakim* (August 1908) and *Sebilü'r-Reşad* (August 1908), *Beyânü'l Hak* (September 1908), and *Volkan* newspaper (December 1908) were important in this regard.³⁰⁰ As well, there were few journals focusing mainly on the issues related to *tasavvuf* during the Second Constitutional Period namely, *Ceride-i Sûfiye* (1911), *Tasavvuf* (1911), *Muhibban* (1909), and *Hikmet* (1909).³⁰¹ The praise of the CUP and the Constitution as well as the criticism of the “autocratic regime” of Sultan Abdülhamid II were prevalent in the journals of Sufi orders and people who belonged to a Sufi order.³⁰² *Sırât-ı Müstakim* and *Sebilü'r-Reşad* were the publications of *Heyet-i İlmiye* and the proponent of the CUP. *Beyânü'l Hak* supported the The Freedom and Accord Party (*Hürriyet ve İtilaf Fırkası*) and it was the mouthpiece of the Ulema Association (*Cemiyet-i İlmiye-i Osmaniyye*). The *Volkan* newspaper was the organ of Muhammadan Union (*İttihad-ı Muhammedi Cemiyeti*) and was founded by Dervish Vahdetî.³⁰³

What the Ottoman educated class thought about this period is an important matter to consider, because they had a legitimizing power in society as they symbolized religious authority. There was not a consensus about the Constitution, since the ulema was not a homogeneous group, and there were frictions and disagreements among religious scholars. A historian of the Late Ottoman Period, Amit Bein argues, during the early months of the Second Constitutional Period, the ulema in Istanbul built a good relationship with the victorious CUP in order to preserve their position in the newly established system of government. On 13 August 1908 a new ulema organization ‘The Unionist Association of the Ulema’ (*Cemiyet-i İttihadiye-i İlmiye*) was founded. One week later, a new association was founded after a gathering of the ulema and madrasa students. Their mouthpiece was the

³⁰⁰ Ercüment Kuran, “Osmanlı Devleti’nin Son Yüzyılında Şeriat”, *İslamiyat: Üç Aylık Araştırma Dergisi*, vol. 1, nu. 4 October-December 1998, p. 146.

³⁰¹ Mustafa Kara, *Türk Tasavvuf Tarihi Araştırmaları: Tarikatlar, Tekkeler, Şeyhler*, İstanbul: Dergâh Yay., 2010, p. 229, 230.

³⁰² İsmail Kara, *İslâmcıların Siyasi Görüşleri*, p. 78.

³⁰³ Kuran, p. 146.

journal, *Beyan'ül-Hak*. This group evaluated the Constitution as convenient to Islamic law and defended the revolution. It is stated in the first issue of the journal that the association is directly linked to the CUP. This association took the general name 'The Islamic Learned Society' (*Cemiyet-i İlmiye-i İslamiye*) and was separated into two branches. The legal branch was interested in the affairs and members of the legal system. The educational branch was concerned with the madrasa scholars (*müderris*) and the students. The members of both branches, prepared and discussed draft legislations. Since early 1909 this ulema organization chose to distance itself from the CUP and accentuated its free disposition. Many of the ulema took part in the oppositional movement against the Committee of Union and Progress. In this regard, the foundation of the Muhammadan Union (*İttihad-ı Muhammedi Cemiyeti*) in March 1909 was substantial. This organization was important during the demonstrations that were anti-CUP which resulted with the '31 March Incident' (13 April 1909). Political conflicts and disagreements between the Ulema organization and the CUP arose during the early months of 1909.³⁰⁴

Amit Bein categorizes the ulema into two main groups, the first is 'proactive and reformist' and the second 'conservative and defensive'. During the Second Constitutional Period some ulema chose to be part of the CUP, and he calls this group as the "reform-minded ulema". On the contrary, other ulema opposed the CUP and its policies. They objected to the Unionists' attempt to deprive the ulema of their salient role in the new political system. There were as well some ulema that chose to meet at middle grounds between a complete obedience and a total objection of the Unionists.³⁰⁵ On closer inspection however, it would be better to suggest that rather than assuming that the ulema were in distinct camps in regards to their relationship with the CUP, instead opinions and positions fluidly changed over time as the CUP grew in stature and authority. Many ulema may have initially aligned themselves with the CUP during the inception of the Revolution of 1908, but later some may have attempted to distance themselves from the Committee once the CUP's political

³⁰⁴ Bein, "The Ulema, Their Institutions, and Politics in the Late Ottoman Empire (1876-1924)", vol. I, p. 112-123.

³⁰⁵ *Ibid.*, p. 99, 111.

positions became more apparent. Whereas some members would have chosen to be in direct conflict with the CUP, others would have held more pragmatic positions, these positions would have been held for a host of reasons that can not be explained here. Hence, it would better to suggest that nor the ulema and neither the CUP were a homogeneous block, and nor was allegiance and neither was opposition universal, but in fact they changed and evolved as the politics and realities changed.

Bein evaluates the stances of the ulema after the Constitutional Revolution of 1908 based on three leading ulema figures; Musa Kâzım Efendi, Mustafa Sabri Efendi and Mustafa Âsım Efendi. These three ulema followed different political paths. The ‘Ulema’ Association (*Cemiyet-i İlmiye-i İslâmiye*), a voluntary organization, was founded only a few weeks after the revolution, and it was a proponent of the CUP. Mustafa Sabri became a member of its administrative committee. However, the relationship between the CUP and Mustafa Sabri and his fellows was broken after the 31 March Incident. In 1909 a new ‘Ulema’ Association called the ‘Ulema’ Committee (*Hey’et-i İlmiye*) was formed by the Unionist ulema. Musa Kâzım Efendi was an outstanding member of the CUP. There were frictions between these two leading ulema factions in Istanbul. Musa Kâzım Efendi and his fellows argued the radical changes should be applied to the madrasa educational system and Islamic institutions. Whereas, Mustafa Sabri and his associates claimed although various reforms are needed to be implemented they might undermine religious training. This is an example for the opposing views among the ulema. Mustafa Âsım Efendi remained on the middle ground between the opponents and proponent ulema towards the CUP.³⁰⁶ The categorization made by Amit Bein seems reductionist, because there are more than two categories and Dağıştânî is a good example for this. He was an opponent of the CUP because he wanted to consolidate the rule of Caliph/Sultan Abdülhamid II whereas the CUP aimed to limit the powers of the Sultan. Dağıştânî was claimed to be part of the Muhammadan Union and Volkan community which directed serious and brave criticisms towards the CUP.

³⁰⁶ Amit Bein, “The Ulama and Political Activism in the Late Ottoman Empire: The Career of Şeyhülislam Mustafa Sabri Efendi (1869-1954),” in Meir Hatina, ed., *Guardians of Faith in Modern Times: Ulama in the Middle East*, 2008, p. 73-77.

Therefore, Dağıstânî could be regarded as a part of the anti-CUP ulema or opponent of the CUP. In addition, he was a pro-constitutionalist *âlim* who explained the convenience of the Ottoman Constitution with reference to the Sharia.

Parliamentary elections were held in November and December 1908. Dağıstânî sent a private letter to Sultan Abdülhamid II asking to be selected as a member (*ayân*) of the assembly.³⁰⁷ However, he was rejected. He published his work *Mir'ât-ı Kânûn-i Esâsî* on 31 December 1908 when Sultan Abdülhamid II was still on the throne and before the constitutional amendments were made.

Aforementioned, in order to legitimize the Constitution and the constitutional system religious terms such as consultation (*meşveret*), council (*şûra*), commanding the good (*emr-i bi'l ma'ruf*) were used. The Constitution was translated into Ottoman Turkish as *Kânûn-i Esâsî* which literally means “fundamental law”. In the Islamic scholarship fundamental law is the Qur'an, therefore, some ulema forged a link between the constitution and the Qur'an. For example, Manastırlı İsmail Hakkı said during the Friday sermons in Hagia Sophia that “There is no article in the Constitution, which is against the Sharia and justice.”, “*Kânûn-i Esâsî* means the divine law.” and “*Kânûn-i Esâsî* is the summary of Sharia.”³⁰⁸ Musa Kâzım Efendi claimed in this regard, “Our constitution is nothing more than the statement of some commands of the Qur'an.”³⁰⁹ The reasons for this link formed between the Constitution and Sharia are to give the Constitution sanctity and intangibility as well as to emphasize the constitution that would only continue to exist if it sticks to the Qur'an and if it conduces to fulfill Qur'an's judgments. In addition, one very important reason for underlining the link between the constitution and Sharia is to

³⁰⁷ Y.EE. 71/88, 1327-R-06. [In the document the date is indicated as 16 December 1908 (3 Kanun-i Evvel 1324)]

³⁰⁸ İsmail Kara, *İslamcıların Siyasi Görüşleri*, p. 182.

³⁰⁹ İsmail Kara, “Turban and Fez: Ulema as Opposition,” in *Late Ottoman Society: the Intellectual Legacy*, ed. Elisabeth Özdalga, London: Routledge Curzon 2005, p. 187.

avoid criticisms of the opponents who argued “Sharia was replaced with the laws of Napoleon”, and “constitution will lead to irreligion”.³¹⁰

Mir’ât-ı Kânûn-i Esâsî was not a unique work in respect to explaining the convenience of the Constitution to the Sharia. There were also other writings and pamphlets, in this respect. İsmail Kara mentions three other pamphlets about the subject matter. These pamphlets are as follows, Kolcalı Abdülaziz’s *Kur’an-ı Kerim and Kânûn-i Esâsî* (Istanbul 1326/1908, 13 pages.), Dergüzinîzâde Hasan Rıza b. Muhammed Derviş’s *Şer’-i Siyasî Şerh-i Kânûn-i Esâsî* (Istanbul Matbaa-yı Âmire 1326/1910, 40 pages), Hafız Ahmed Berzencizâde’s *el-Hablü’l-Metîn fi Tatbiki’l-Kânûn-i Esâsî maa’s-Şer’i’l-Metin* (Edirne Vilayet Matbaası ts., 35 pages).³¹¹ The pamphlet of Dağistânî is thicker and more extensive than these three pamphlets.

Lastly, the Constitution was a legal document and the ulema were the legal experts and jurists. Therefore, for people to understand this legal text, the ulema explained the content and the purpose of the Constitution in their works. Dağistânî was one of the ulema who attempted to explain the constitution by referring to Qur’anic verses, hadiths, Islamic history and Islamic law in his work.

3.3.2 Content and Features of the Work

In the title page of the pamphlet *Mir’ât-ı Kânûn-i Esâsî* it was written that it explains the convenience of the Constitution to the judgments of Sharia, article-by-article and clause-by-clause.³¹² This expression reveals the main aspect of this pamphlet. Therefore, it is written under the title of the work on the front page. The 119 articles of the *Kânûn-i Esâsî* were dealt with and supported by the verses of the

³¹⁰ İsmail Kara, *İslamcıların Siyasi Görüşleri*, p. 182-187.

³¹¹ Ibid., p. 189.

³¹² “Kânûn-i Esâsî’nin madde be- madde, fıkra-be-fıkra münderecât-ı ahkâm-ı şer’iyyeye temas ve tevafuk eylediği gibi bunu ira’e eder. Nukûl-u mu’teberândan ahz ve terkîm kılınmıştır.” (Ömer Ziyâeddîn Dağistânî, *Mir’ât-ı Kânûn-ı Esâsî*, İstanbul: Sâika Matbaası, 1324.)

Qur'an, hadiths of the Prophet, and the civil code of the Ottoman State (*Mecelle*) one by one. In this part, my aim is to analyze the content and features of the work in consideration to a number of articles of the Constitution.

To begin, for the late Ottoman Empire unity and solidarity were significant concepts because there were uprisings, and nationalist separatist movements. This is why the first article of the Constitution is about this matter. With regards to this article Dağıstânî presents several hadiths explaining the importance of Muslim unity and the dangers of separation.³¹³

In the second article of the Constitution on the capital of the Ottoman Empire - Istanbul, he refers to the hadith about the conquest of the city and argues “in this hadith, it is indicated that the seat of the supreme sovereignty and the center of the greatest Caliphate will be the city of Istanbul.”³¹⁴ As evidence in the second part of this article he states “This city possesses no privilege or immunity peculiar to itself over the other towns of the empire.”³¹⁵ Dağıstânî shows the 1152th article of the *Mecelle* as evidence. Since the promulgation of the *Gülhane*, the idea of Istanbul as the Caliphal center was important, because turning the city into Caliphate Center was one of Reşid Pasha's key ideologies in 1838. As a result, from the Tanzimat period onward the consolidation of Istanbul as the Caliphate center was further stressed.

The third article, which is “Ottoman sovereignty, which includes in the person of the Sovereign the Supreme Caliphate of Islam, belongs to the eldest son of the House of Osman, in accordance with the rules established in old times.”³¹⁶ Dağıstânî firstly refers to the noble lineage and ancestors of the *sultanu'l gazi* (warrior for the faith) Abdülhamid Han who achieved the conquest of the city of Constantinople and attained the appraisal of the Prophet. Then, he states the Islamic Caliphate rightly belongs to the dynasty of Osman (Allah make it continue until the

³¹³ Dağıstânî, *Mir'ât-ı Kânûn-ı Esâsî*, p. 2, 3.

³¹⁴ “Makarr-ı saltanat-ı ‘uzmâ ve merkez-i hilâfet-i kübrâ İstanbul şehri olacağına işaret buyurulmuştur.” (Dağıstânî, *Mir'ât-ı Kânûn-ı Esâsî*, p. 4.)

³¹⁵ *Ibid.*, p. 4.

³¹⁶ *Ibid.*, p. 4, 5.

Day of Judgment). He explains by examining the words of the hadith one by one that the supreme state of the House of Osman will last until the end of the world. As the word “devlet-i ebed müddet” (the eternal state) indicates, it is a general belief that people thought the Ottoman Empire would survive until the Day of Judgment just as Dağıstânî. Then, he mentions two siblings who came to the Prophet Muhammad for a matter for the courts. When the youngest of them started speaking, the Prophet said “let your brother start speaking first, then you speak.”³¹⁷ By giving this hadith as evidence Dağıstânî legitimizes the succession to the throne as belonging to the eldest son of the House of Osman. He gives an example from Islamic history where in the first place Abu Bakr became the Caliph as the eldest, and then respectively Omar, Uthman and Ali became Caliph. In other words, he demonstrates the necessity of the accession system from the eldest son to the youngest. As a result, it is important to note that his work on the *Kânûn-ı Esâsî* presents similar themes to his *Hadis-i Erbaîn*, especially in regards to Istanbul as the imperial city, its conquest, importance of the Caliphate and the elevated status of the house of Osman. What is added here is the role of accession.

In the eighth article of the Constitution it is said “All subjects of the empire are called Ottomans, without distinction of whatever faith they profess; the status of an Ottoman is acquired and lost according to the conditions specified by law.” he reinforces the article by giving a hadith the Prophet said to the Hicr Zoroastrians as evidence, “Treat them as you treat the People of the Book (*ehl-i kitab*)”. Subsequently, he explains all the Ottoman subjects, without any exception, regardless of their religion and sect, are subject to this provision. Apart from their religious beliefs, life, property, the honor of the all Ottoman subjects is guaranteed; rigor, gossip, slur, and evil tongue are forbidden by the religion (*haram*).³¹⁸ This also reinforces the idea of the Gülhane Rescript (1839), especially the Reform Edict of 1856 (*Islâhat Fermanı*) that assures equality to all subjects in the eyes of the law.

³¹⁷ Dağıstânî, *Mir'ât-ı Kânûn-ı Esâsî*, p. 5-7.

³¹⁸ *Ibid.*, p. 24, 25.

The fifteenth article of the Constitution is that “Education is free. Every Ottoman can attend public or private instructions on condition of conforming to the law.” In respect to this article Dağıştânî presents a number of hadiths and a verse from the Qur’an with regards to the benefits and merits of seeking and acquiring knowledge. To exemplify; “Seek knowledge even if it be in China” and “Wisdom and knowledge are things that the believer lacks. He should take them wherever he finds them.”³¹⁹ These are two of the hadiths Dağıştânî provides as evidence for the related article of the Constitution.

In relation to the fifty seventh article which involves “the debates of the Chambers are conducted in the Turkish language. The Bills are printed and circulated before the day fixed upon for discussion.” he gives this Qur’anic verse “And We did not send any messenger except [speaking] in the language of his people to state clearly for them...”³²⁰ as an evidence.³²¹

The sixty first article is “To be nominated as senator it is necessary to have shown by one’s acts that one is worthy of public confidence, or to have rendered signal services to the State, and to be, at least, forty years of age.” For this he gives a Qur’an verse to support it as “Allah commands you to deliver trusts to those worthy of them; and when you judge between people, to judge with justice. Excellent is the admonition Allah gives you. Allah is All-Hearing, All-Seeing.”³²² Moreover, he shows the age of Prophethood and the age of maturity as forty to strengthen the age limit indicated in this article of the constitution.³²³

In this part, my intention is not to explain all the articles of the Constitution and present all interpretation and supporting evidences used by Dağıştânî, but rather, to understand the general content and characteristics of the work. The author explains

³¹⁹ Dağıştânî, *Mir’ât-ı Kânûn-ı Esâsî*, p. 33.

³²⁰ Surah Ibrahim, 14/ 4.

³²¹ Dağıştânî, *Mir’ât-ı Kânûn-ı Esâsî*, p. 66.

³²² Surah An-Nisa, 4/58.

³²³ Dağıştânî, *Mir’ât-ı Kânûn-ı Esâsî*, p. 68.

the articles of the Constitution and tries to prove the convenience of the Constitution with reference to Islamic jurisprudence based on the Qur'an verses, hadiths and Mecelle articles. The reason why he benefited from the Mecelle in addition to the Qur'an and hadiths is that the Mecelle was the civil code of the Ottoman Empire in the early half of the nineteenth and early twentieth centuries. It was a compendium of sixteen books prepared by depending on Islamic jurisprudence. It was prepared by a commission led by Ahmet Cevdet Pasha.³²⁴ It meshed Western civil law and Islamic law. Dağıştânî referred to the articles of Mecelle in his pamphlet, because *Kânûn-i Esâsî*, basically means the fundamental law, and Mecelle, which is the civil law came into the discourse at around the same time. By 1908 the Mecelle had become accepted by most of the ulema and the ulema tried to extend it into other parts of the law system. Therefore, Dağıştânî makes reference to the Mecelle while writing a commentary on the constitution.

If the plan and the writing method of Dağıştânî are scrutinized, he first wrote down every article of the Constitution respectively as in the order of the Constitution (*Kânûn-i Esâsî*). Afterwards, he presented explanatory and supportive evidence from the Qur'an, hadith, Mecelle, or books of fatwa (legal opinion) and Islamic jurisprudence (*fikh*). Sometimes, he quoted from various sources on Islamic history and Islamic law. He attempted to demonstrate the convenience of the constitution vis-à-vis Sharia. In other words, he tried to explain the legal basis of the articles of the constitution.

3.3.3 Evaluation and Analysis of the Work

This work is significant in many respects. Firstly, it constitutes a good example in terms of using religious provisions as a means of political legitimization. The articles of the *Kânûn-i Esâsî* are evaluated here as they were compiled as a result

³²⁴ M. Âkif Aydın, "Mecelle-i Ahkâm-ı Adliyye", *DİA*, 2003, vol. 28, p. 231-235.

of consensus of the Muslim jurists' council (*ijma*) by benefiting from the Qur'an verses, hadiths, and the experience seen throughout Islamic history as well as the cultural heritage in a very suitable setting. It might be argued his work implicitly emphasized that in an Islamic government such as the Ottoman state everything should have a religious rhetorical basis.³²⁵ To put this into its historical context, the legitimization of reforms on the basis of Islamic interpretation and Islamic sources was an issue frequently encountered in the nineteenth and early twentieth century Ottoman Empire. One of the first principles of the Tanzimat edict, *Hatt-i-Sharif of the Gulhane* is that the states that are not governed by the religious provisions cannot survive.³²⁶ The commitment to the Sharia provisions seems to be in the forefront in the Tanzimat edict. Similarly, the Tanzimat reforms, bureaucratic centralism, and constitutionalism was basically Islamic. Thus, within this context *Mir'ât-ı Kânûn-i Esâsî* played an important role in the legitimization of the Ottoman Constitution in the eyes of the Ottoman general public.

Secondly, this work is worth analyzing because it reveals how a Muslim Ottoman scholar thought about the Constitution. It also shows how one would position himself in the socio-political situations of the time. As a person who was a hadith scholar, and a follower of the Naqshbandi order, who had worked for fourteen years in the army as a mufti of the regiments and a deputy judge in a number of places, his response to the idea of constitutionalism (*meşrutiyet*) and the *Kânûn-i Esâsî* in particular, the modernization movements in general is notable and significant.

Thirdly, this pamphlet seems to be in a position of supporting Sultan Abdülhamid II, evaluating, interpreting, and legitimizing the reactivation of the Constitution (*Kânûn-i Esâsî*) in the direction of the Sultan's Islamic unity project. In addition, it seems to be written to form public opinion on the Ottoman domains. From this perspective, it can be put forward that for similar purposes Dağüstânî wrote

³²⁵ İsmail Kara, *İslamcıların Siyasi Görüşleri*, p. 190.

³²⁶ Selim Deringil, *İktidarın Sembolleri ve İdeoloji: II. Abdülhamid Dönemi (1876-1909)*, trans. Gül Çağalı Güven, İstanbul: Yapı Kredi Yay., 2007, p. 25.

his two works in the same year of 1908. As aforementioned, in his other work called *Hadis-i Erbaîn fi Hukuki's-Selâtin*, he dealt with the rights of the sultans and emphasized the importance of obedience to the Caliph and the Sultan as well as the unity of Muslims by compiling the selected forty hadiths.³²⁷

Theologist Kadir Güler states that Dağıştânî, in this work tried to pull the articles of the Constitution to the legitimate grounds. With regards to the use of hadiths, he argues Dağıştânî explained thirty-six articles of the Constitution by quoting hadiths in the 119-article Constitution. He consulted around seventy five reports (*rivâyet*), only forty eight of them exist in Kutub al-tis'ah.³²⁸ The other reports are from either hadith books of late periods or books apart from the field of hadith and about fifteen of these hadiths are weak or fabricated.³²⁹ İsmail Kara makes reference to this work of Dağıştânî and uses the expression:

In this respect, it is impossible not to remember the work of Ömer Ziyâeddin Dâğıştani who was from the ulema and a Naqshbandi sheikh, *Mir'ât-ı Kânûn-i Esâsî* when he wrote down and published during the first years of the Second Constitution. The author handles any and every article of the *Kânûn-i Esâsî* of 1876 that was re-enacted in 1908 and makes mention of the Qur'an verse and hadiths on which the articles depend without signs of distress.³³⁰

With reference to the work of Dağıştânî, Susan Gunasti asserts that

The methodology of the author is to take each article and show how the Qur'an and hadith supports its main provisions. In this case, sharia is a series of rules from the Quran and hadith. What Ziyaeddin does not do is show how the constitution, in its conformance to sharia, is derived from other aspects that constitute sharia, such as fiqh works or other legal processes. Thus, what

³²⁷ Altundere, p. 124.

³²⁸ The nine top most authentic books of ahadith, namely; Sahih Bukhari, Sahih Muslim, Sunan Abu Dawud, Sunan Tirmidhi, Sunan Nasai, Sunan Ibn Majah, Sunan Daromi, Muatta Malik, Musnad Ahmad.

³²⁹ Kadir Güler, "Gümüşhânevi Dergâhından Osmanlı-Türk Modernleşmesi Sürecine Bir Destek: Ömer Ziyâuddin Dağıştânî", *1. Uluslararası Ahmet Ziyâuddin Gümüşhanevi Sempozyumu Bildirileri*, 03-05 October 2013, Gümüşhane: T.C. Gümüşhane Valiliği Yay., 2014, p. 571.

³³⁰ İsmail Kara, "27 Mayıs Anayasası (Yahut Yeni Anayasa) Hakkında 'Dinî Görüş'", p. 101.

Ziyaeddin is doing is showing how the *kânûn-i esâsî*'s articles conform to sharia norms rather than seeking to show that the prevalence of sharia is based on its institutions and practices.³³¹

The above quotations are remarkable in order to understand the evaluation and reflection of today's academicians about the work of Dağıstânî.

If one researches on the reflections of *Mir'ât-ı Kânûn-i Esâsî* at the time when it was published, s/he cannot encounter much references to this work. However, in the *Volkan* newspaper there are some references and interpretations with regards to this work. To illustrate, "With respect to a rumor, the *Kânûn-i Esâsî* was taken from Belgium. However, from the members of Mohammedan Unity (*İttihad-ı Muhammedi Cemiyeti*) and the great scholars, and virtuous Dağıstânî, in his pamphlet compiled by the name of *Mir'ât-ı Kânûn-i Esâsî* every article and every clause was applied to the Sharia with evidences from Qur'anic verses, hadiths and books of Islamic jurisprudence. This meant that the Europeans knew some features of the Sharia without noticing it."³³² Therefore, it can be understood from this quotation, there was a saying at the time that the Constitution was taken from European law codes. However, this claim was denied in this newspaper with reference to Dağıstânî who demonstrated the convenience of the *Kânûn-i Esâsî* in terms of the Sharia in his work.

It is important to investigate what the Community of Union and Progress thought about these two works of Dağıstânî, what the ulema of the time thought of them, and how the general public received these works. It is difficult to make assumptions about these questions because apart from the *Volkan* newspaper, which was the mouthpiece of the Mohammedan Union (*İttihad-ı Muhammedi Cemiyeti*), one may not encounter any other references to these work at the time. Probably, the CUP and the ulema of the time were aware of these works. It is most likely that the

³³¹ Susan Gunasti, "Approaches to Islam in the Thought of Elmalılı Muhammed Hamdi Yazır", Ph.D. Dissertation, Princeton University, May 2011, p. 113.

³³² "Bir rivâyete nazaran kânûn-i mezkûr Belçika *Kânûn-i Esâsî* 'sinden alınmıştır. Halbuki İttihad-ı Muhammedi Cemiyeti azasından fuzela-yı mevalî-i kiramdan faziletli Ömer Ziyâeddin Efendi'nin *Mir'ât-ı Kânûn-i Esâsî* namıyla telif ettiği risalede her madde, her fıkra birer birer ayat ve ehadis ile kütüb-i fikhiyeden birçok deliller iradıyla şer'î şerife tatbik edilmiştir.", "Kânûn-i Esasi", *Volkan*, nu. 51, 29 Muharram 1327/7 February 1324/ 20 February 1909, p. 243, 244.

CUP did not embrace and approve the work of Dağıştânî, *Mir'ât-ı Kânûn-i Esâsî* and *Hadis-i Erbaîn fî Hukukî's-Selâtîn* written in the same year of 1908. After the insurrection of 13 April, better known as the “31 March Incident” he was sent to exile due to the claim he was a member of the Mohammedan Union (*İttihad-ı Muhammedi Cemiyeti*) which triggered the 31 March Incident. As might be expected, *Hadis-i Erbaîn fî Hukukî's-Selâtîn* in which Dağıştânî defended the rights of the sultan and caliphate and *Mir'ât-ı Kânûn-i Esâsî* in which he explained the convenience of the articles of the Constitution of 1876 to the Sharia, and this might have been found dangerous and the Community of Union and Progress would not confirm. This assumption might be attributed to the fact that in 1909 there were constitutional changes. These changes were made by another scholar, (*âlim*) Elmalılı Hamdi Yazır,³³³ who knew the Islamic jurisprudence well. It is important to take into consideration the CUP allowed another *âlim* to be involved in the constitutional process. This can still be seen as indirect success of the work of Dağıştânî. This is related as well to the fact that there was a trend, a culture to force the ulema to be part of the process. As is known, in 1876, ten members of the ulema were in the drafting committee. During the Second Constitutional Period, the CUP attempted to take the support of the ulema in order to legitimize their activities. In this context, Dağıştânî supported the Constitution before the constitutional amendments had been made. With the law dated 8 August 1909, twenty-one articles of the Constitution of 1876 were changed, one article was removed, and three new articles were added. The main aspect of these amendments was that the Sultan was subjugated by the law.³³⁴ Although the Sultan's position as a Caliph of all Muslims and his ground of legitimacy enhanced and consolidated during the First Constitution of the Ottoman Empire in 1876, the *Kânûn-i Esâsî*, the powers of the Sultan were limited by the law in the constitutional amendments in 1909. In the fourth article of the Constitution of 1876, the Sultan was called as ‘the protector of the religion Islam, Caliph and the

³³³ He became a member of the senate of the Ottoman Parliament for Antalya in the Second Constitutional Period.

³³⁴ Elmalılı M. Hamdi Yazır, *Osmanlı Anayasasına Dair Kanun-ı Esâsî'nin 1909 Tadiline Dair Rapor & Mehakim-i Şer'îyye ve Hükkam-ı Şer' Kanunu Esbab-ı Mucibe Mazbatası*, ed. Asım Cüneyd Köksal, İstanbul: Ufuk Yay., 2014, p. 16.

ruler of all the Ottoman subjects.³³⁵ However, in 1909 real power was transferred to the Parliament by the constitutional amendments. “In this sense the amended 1909 Constitution brought about a constitutional government. The 1876 Constitution did not have the necessary mechanisms in place to restrict the powers of the government (i.e. the Caliphate), nor did the document have the authority that would ensure that the institutional arrangements it created could work properly.”³³⁶ After the 31 March Incident in 1909, Sultan Abdülhamid II was deposed and Sultan Mehmed V was enthroned. The army, mainly Mahmut Şevket Pasha had an increased voice in the Ottoman political affairs as a shift took place from the positions Dağıstânî tried to endorse.

To conclude, in this chapter two political works of Dağıstânî; *Hadis-i Erbaîn fi Hukuki's-Selâtin* and *Mir'ât-ı Kânûn-i Esâsî* were evaluated within the context of the late Ottoman Empire, specifically the Second Constitutional Period. The Caliphate and the Constitution were two of the significant subject matters, provided in order to have a voice in the political setting at the time. These two works are interrelated and about the political theory of Islam. Content and features, evaluation, and analysis of these works were presented in this chapter. From the examination of these works one can understand the political ideas of Dağıstânî on these matters. In both works he made use of the central religious texts of Islam, the Qur'an and hadiths so as to justify his political opinions.

³³⁵ “Zat-ı hazret-i padişahi hasbe'l-hilâfe din-i İslâmın hâmesi ve bi'l-cümle teba'a-i Osmaniye'nin hükümdar ve padişahıdır.” (Yazır, p. 216.)

³³⁶ Gunasti, p. 155.

CHAPTER IV

CONCLUSION

The ulema, which are defined as the educated class of the Ottoman Empire, had many important roles in the Ottoman Empire. If the class of Ottoman ulema is analyzed, one can notice general characterization of the ulema as obstructionists in Ottoman historiography. The ulema were described as a homogeneous group symbolizing traditionalism, backwardness, stagnation, and reaction. These negative connotations prevent the accurate analysis and interpretation of the ulema. From 1980 onwards historians have started to evaluate the Ottoman ulema in a new light. They have approached the ulema as a more heterogeneous group where there are various segments. If the literature regarding ulema biographies is examined one may observe the shortage of sources on the subject. As a thesis on the subject of biography of an *âlim* (scholar), Ömer Ziyâeddin Dağıştânî, this thesis had the intention of introducing new data on the late Ottoman ulema. There was no complete biography of Dağıştânî which employs both archival documents and secondary sources at the same time. There was no work done so far in English on the subject of his life and political ideas. Therefore, this thesis has filled an important gap in the Ottoman ulema studies.

Ömer Ziyâeddin Dağıştânî who lived in the late Ottoman period in various parts of the empire witnessed many socio-political, economic, and cultural transformations. In this sense, he did not stay away from the changes; instead he chose to reflect upon the changes and socio-political circumstances of the period in which he lived. This thesis intended to research the life and analyze two political works of Dağıştânî. As a part of the late Ottoman ulema class Dağıştânî's place is significant. It is difficult and not convenient way to situate a scholar among distinct categories, however, in order to analyze his life and works a form of categorization is required. Dağıştânî was an anti-CUP (Community of Union and Progress) and pro-

constitutionalist *âlim* (scholar). His aim, as reflected in his works, was to protect the unity and territorial integrity of the empire.

As a scholar (*âlim*) Dağıştânî occupied many positions in different regions of the empire and became respectively mufti of the regiment (*alay müftüsü*), deputy judge (*nâib*), professor (*müderriis*), and Naqshbandi sheikh. As seen, he did not live only in one place or hold one position throughout his life. His early life in Daghestan affected his future. His activism revealed during the resistance against the Russians might have affected his appointment as mufti of the regiment. In the army he boosted the morale of soldiers and motivated them to fight in wars mainly for the sake of Allah and to defend the lands of the empire from enemies. In addition, his service as deputy judge in various places might have prepared him for his future work on the constitution, because he was a member of the ulema who were experts of the law. Madrasa and *tekke* education he received, Islamic sciences he learned, Qur'an and hadiths he memorized might have prepared him to write important works on the subject of various Islamic sciences. As an Ottoman Sufi scholar, his biography, which is the subject matter of the second chapter of this thesis, contributes to better understanding the late Ottoman ulema. Contextualization of his life, in other words, situating him into the proper historical context, provides important insights for people studying the late Ottoman ulema.

The political stance of Dağıştânî especially in the Second Constitutional Period is significant. His political position and his political works shed light on his viewpoints and mindset as a Sufi scholar. There were rapid changes in the nineteenth century Ottoman Empire. He did not hesitate to react to these changes; on the contrary he wanted to become politically active during the period. His request to become a representative in the assembly shows his activism. His work on the subject of the Caliphate *Hadis-i Erbaîn fi Hukuki's-Selâtîn*, in which he defended the rights of the Caliph, is also remarkable in that it demonstrates the relationship between a Sufi scholar and the Caliphate institution, as well as his attempt to save the empire from dissolution. Another work by him, *Mir'ât-ı Kânûn-i Esâsî*, where he explained the convenience of the Constitution with reference mainly to Qur'an articles and

hadiths, reveals also his intention of using Islamic sources to support his political thoughts. This work indicates the relationship of a Sufi scholar with constitutionalism. He suffered much especially after the 31 March Incident but, he did not give up expressing his thoughts by means of his works. His opposition to English efforts to recruit Egyptian Muslims in order to fight for the English army was worthwhile. Both his work about the Caliphate and his efforts at the beginning of World War I, in Egypt manifest his attempts to save the territorial integrity of the empire and to provide and keep internal security.

This thesis made use of the biography writing as a theoretical framework. The method of analysis consists of qualitative research and written history found in archival documents. I drew on a wide range of archival documents situated in the Prime Ministry Ottoman Archives (Başbakanlık Osmanlı Arşivleri, BOA), the office of the Sheik ul-Islam (the Meşihât Archives), as well as the National Archives, formerly The Public Record Office (PRO), in the United Kingdom.

This thesis consists of four chapters; the introduction, the chapter providing his biography, the chapter analyzing two significant political works of Dağıştânî, and finally the conclusion. After a general introduction and a brief literature review, in the second chapter, I examined the life of Dağıştânî by situating him in his historical context. I presented a complete account of his life and professional career by employing available primary and secondary sources. The third chapter of the thesis analyzes two political works of Dağıştânî, *Hadîs-i Erbaîn fî Hukûki's-selâtîn* and *Mir'ât-ı Kânûn-i Esâsî*. By writing two political works in the beginning of the Second Constitutional Period Dağıştânî as an *âlim* expressed his thoughts within the concept of political Islamic thought. The first work was on the subject of the Caliphate, and the latter was about constitutionalism. These works were both published in 1908 and they are linked to one another. The final chapter is the conclusion.

My contribution to the field is the biography itself and the analysis of his political ideas. There was an absence of works on Dağıştânî. And the works that do exist were limited in number and quality. There was no work written in English

about him. By making use of archival documents and secondary sources I wrote the biography of this Ottoman scholar (*âlim*). This study is important in that it is a biography. And biography studies are important since they can provide details based on experiences of the people themselves, which can be otherwise missed or ignored in general studies.

There are inconsistencies in the dates among different sources. For example, when he was born, and when he died change according to sources. I compared and contrasted the data I found in primary and secondary sources and I presented the data, which is closest to being the most accurate, according to my calculation and interpretation. I problematized the discrepancies in dates among various sources.

For further research, a transliteration of his works into Modern Turkish can be completed as a project. Due to the limits of my research subject I was not able to analyze his religious ideas, especially the ones on *tasawwuf*. In future studies, his religious ideas should be thoroughly examined. Dağistânî's life gives some clues as to the political stance of the Gümüşhânevî branch of Naqshbandi order during the 31 March Incident. How the Gümüşhânevî *tekke* was influenced by the changing socio-political circumstances of the late Ottoman period and how it reacted to these changing circumstances are important matters to consider. I did not go into detail regarding this issue. This subject could need be further studied.

To conclude, ulema and Sufis played important roles in the history of the Ottoman Empire. The analysis of biographies illuminate many points about the socio-political, economic, and cultural context of Ottoman history. This thesis consists of detailed analysis of one of the ulema and Sufis i.e. Ömer Ziyâeddin Dağistânî based on primary and secondary sources, and the evaluation of his political works provided in this study give important insight in order to better understand the final decades of the Ottoman Empire.

APPENDIX

Photographs



*The photograph of Ömer Ziyâeddin Dağistânî
(Taken for the sole purpose of issuing a passport)³³⁷*

³³⁷ Binath, p. 406.



The tomb of Ömer Ziyâeddin Dağıştânî in the cemetery of the Süleymaniye Mosque³³⁸

³³⁸ http://www.sonuyari.org/silsile/109_omerZiyaeddinKabir.html

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