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POLYGAMY AND RELIGIOUS POLEMICS IN THE LATE OTTOMAN EMPIRE: FATMA ÂLIYE AND MAHMUD ES'AD'S *TA'ADDÜD-İ ZEVCÂT'A ZEYL*

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Abstract

Although Ottomans accepted polygamy according to the tenets of Hanafi Islamic law, they argued over its social and legal aspects throughout the classical period. In the late 19th century these debates became explicitly connected to contemporary political events. Authors supported or opposed polygamy by referencing marriage and divorce rates in Europe, Protestant missionary activity in Africa, and their belief in the civilizational superiority of the Islamic world over the West. Polygamy was not only contested through modern politics. It was also discussed in light of the genre of Muslim religious polemics. In 1898 three modernist authors debated these issues in the journal *Malûmât*: Fatma Âliye, legal scholar Mahmud Es'ad and Russian Muslim educator and reformer Ismail Gasprinskii. Their correspondence, entitled *Ta'addüd-i Zevcât'a Zeyl,* deliberated polygamy with regarded to modernist political reform, European colonialism, capitulation agreements, and international trade. They also used arguments from anti-Christian religious polemics. By arguing these issues within the integrated field of religion, these authors used a Hamidian-era discourse describing an Islam compatible with Ottoman notions of modernity.

Keywords: polygamy, religious polemics, marriage law, Ottoman Empire, modernization

Osmanlı İmparatorluğu'nun Son Yıllarında Çokeşlilik ve Dinî Polemikler: Fatma Âliye ve Mahmud Es'ad'ın *Ta'addüd-i Zevcât'a Zeyli*

Özet

Osmanlılar Hanefi fıkhın ilkelerine göre çok eşliliği kabul etmelerine rağmen klasik dönem boyunca onun kurumsal ve yasal yönlerini tartışmışlardır. 19. Yüzyılın sonlarına doğru bu tartışmalar açıkça güncel siyasi olaylarla ilişkili hale gelmiştir. Yazarlar poligamiyi Avrupa'daki evlenme ve boşanma oranlarına, Afrika'daki Protestan misyonerlerin faaliyetlerine atıfta bulunarak ve İslam'ın Batı üzerindeki medeni üstünlüğüne olan inançlarıyla ya savundular ya da karşı çıktılar. Poligami sadece modern siyaset vasıtasıyla değil, bir bakıma Müslümanların dinî polemikleri etrafında da tartışıldı. 1898

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yılında üç yenilikçi yazar, Fatma Âliye, hukukçu Mahmud Es'ad ve Rusyalı Müslüman eğitmen ve yenilikçi İsmail Gasprinskii bu sorunları *Malûmât* adlı dergide tartıştı. Bu kişiler *Ta'addüd-i Zevcât'a Zeyl* olarak adlandırılan aralarındaki yazışmalarda poligamiyi yenilikçi politik reformla, Avrupa sömürgeciliğiyle, kapitülasyon anlaşmalarıyla ve uluslararası ticaretle ilişkilendirerek tartıştılar. Ayrıca Hristiyanlık karşıtı dinî polemiklerden argümanlar da kullandılar. Söz konusu yazarlar, din ile iç içe geçmiş bu sorunları tartışırken İslam'la uyumlu bir Osmanlı yenilik düşüncesi tanımlayan II. Abdülhamid dönemi söylemini kullandılar.

Anahtar Sözcükler: çokeşlilik, dinî polimik, evlilik hukuku, Osmanlı İmparatorluğu, modernleşme

If we believe that Islam has universally valid principles, we ought to declare that the monogamous marriage is the one enjoined by Islam and that the verse of the Qur'an enjoining men to remain with one wife is in accordance with civilization. It is only then that we can justify our position.

Fatma Âliye[1]

The Ottoman Empire allowed men to have up to four wives, as did other Islamic states. Sunni Hanafi scholars did not question the legality of the practice in the pre-modern age. But polygamy (*ta'addüd-i zevcât*) was not universally desirable, nor did it exist in most levels of society.[2] Due to the high costs of sealing a marriage contract with a groom's payment of a bridal gift *(mahr*), polygamy was an elite phenomenon. Only about 2.3 percent of married men and 5 percent of married women engaged in the practice in the late imperial period.[3] Incidence of polygamy was high only among the upper ranks of society, particularly wealthy men whose first wife was childless.[4] Some wealthy families opposed polygamy for their daughters due to property inheritance considerations or their own wishes. They stipulated in marriage contracts that there be no additional wives throughout

1 Fatma Âliye-Mahmud Es'ad, *Ta'addüd-i Zevcât'a Zeyl*, İstanbul: Tahir Bey Matbaası, 1316/1898. In this article I transcribe Ottoman Turkish and transliterate Turkish names using modified modern Turkish, which indicates the *'ayn*, the *hamza*, and long vowels of â, î, and û. I use Ismail Gasprinskii's Russian transliterated name over the Turkish (İsmail Gaspıralı), as the former is the standard form in English-language scholarship.

2 Sixteenth-century scholar Kınalızâde Âli Çelebi noted that even if a man were handsome, noble, and rich, he would be content with a healthy and virtuous wife; a man was like a soul in skin, as such one man is not suitable for two houses. Abdurrahman Kurt, "Polygamy in the Ottoman City of Bursa", *International Journal of Social Inquiry* 6, No. 2 (2013), 140-161.

3 Alan Duben and Cem Behar, *Istanbul households. Marriage, family, and fertility, 1880-1940*, Cambridge, Cambridge University Press, 1991.

4 Cem Behar, "Polygyny in Istanbul, 1885-1926", *Middle Eastern Studies* 27, No. 3, (July 1991), 477-486.

the marriage.[5] Ottoman courts provided recourse to women if their marital rights had been abused, whether through financial quarrels or their husbands using excessive force.[6]

Sociocultural changes in the modern era led to a re-examination of polygamy. Rapid urbanization and cultural transformations of the Ottoman Empire's cities in the latter half of the nineteenth century caused such traditional institutions to be questioned in new ways.[7] Increasing trade with Europe and the flood of Turkish and Muslim refugees from the Balkans following the Crimean War (1853-1856) and the Russian-Ottoman War (1877-1878) altered Istanbul's social milieu.[8] Population transformations, new forms of urban planning, and the growth of a Turkish-language press changed Ottoman cities and their inhabitants.

Books, newspapers, and telegraphs disseminated these new ideas. Ottoman Muslim intellectuals debated these ideas in an expanding Turkish-language press. Following the inauguration of the 1839 Tanzimat Reforms (1839-1876), the need for far-reaching book production came about in response to the growing number of primary and secondary schools in the Empire. Many private printing presses opened in Istanbul during Abdülaziz's reign (1861-1876). The Istanbul print culture continued to expand in the Hamidian era (1876-1908), in which a multi-lingual press flourished.[9] A women's press also emerged at this time. Social issues related to family life, marriage, divorce, childcare, family health, and polygamy were all explored in such journals as *Women's World* (*Kadınlar Dünyası*) and *Turkish Woman* (*Türk Kadını*).[10]

Marriage represented a social institution that was universally considered fundamental to the family and the community. From the 1870s onward, Muslim intellectuals with a reformist bent linked the wellbeing of the Empire to an

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5 Madeline C. Zilfi, "'We Don't Get Along': Women and Hul Divorce in the Eighteenth Century", *Women in the Ottoman Empire*, Madeline C. Zilfi (ed.), Leiden: Brill Academic Publisher, 1997, 264-296.

6 Madeline C. Zilfi, "The Ottoman Empire", in *Encyclopedia of Women & Islamic Cultures: Family, Body, Sexuality and Health*, Volume 3, ed. Suad Joseph, Leiden, Boston: Brill Academic Publisher, 2005, 259-260.

7 Şükrü Hanioğlu, *A Brief History of the Ottoman Empire*, Princeton, NJ: Princeton University Press, 2008, 204.

8 Duben and Behar, 202.

9 In Istanbul there existed Turkish, Arabic, Persian, Greek, French, English, Armeno-Turkish, and Karamanlı (Greco-Turkish) print houses. Johann Strauss, "*Müdafaa'ya Mukabele et Mukabele'ye Müdafaa:* Une controverse islamo-chretienne dans la press d'Istanbul (1883)", in *Querelles privees et contestations publiques. Le role de la presse dans la formation de l'opinion publique au Proche Orient*, eds. Christoph Herzog, Raoul Motika, and Michael Ursinus, Istanbul: Isis, 2003, 55-98.

10 Nihan Altınbaş, "Marriage and Divorce in the Late Ottoman Empire: Social Upheaval, Women's Rights, and the Need for New Family Law," *Journal of Family History*, Volume 39 Issue 2, (April 2014), 2.

apparent crisis in the Muslim family.[11] As such they questioned the validity of polygamy. Authors both male and female argued monogamy was preferable. Author Şemseddin Sâmî (d. 1904) explored the social aspects of marriage from a pragmatic viewpoint in his 1882 novel "Women." He wrote only a monogamous marriage could be based on love as mutual respect was impossible among one man and multiple wives. But he acknowledged polygamy was a social necessity. In the case of a wife being physically incapable of satisfying her husband, polygamy prevented the greater evil of adultery, prostitution, or illegitimate childbirth.[12] Most Muslim authors followed this line of discourse. Ahmed Midhat (d. 1912), the prolific man of letters, said Islam allowed polygamy only in correspondence with the harsh punishments that Islamic law (*şeri'at*) doled out for adultery.[13]

In 1898 Fatma Âliye and Mahmud Es'ad Şeydişehrî debated polygamy in the journal *Malûmât* on whether it was a modern or retrograde institution for women. The discussion, entitled *Ta'addüd-i Zevcât'a Zeyl,* touched on many topics of social reform of the Hamidian era. It largely fell along ideological lines – although nuanced to be sure – of conservative reform for Mahmud Es'ad and Ottomanism for Fatma Âliye. To Fatma Âliye polygamy, although superior to the widespread adultery of Europe, had no place in modern society, nor even a necessary place in an Islamic one. Mahmud Es'ad believed polygamy to be a flexible institution perfectly compatible with new ideologies such as the defense of individual liberty and Malthusian populationism, advocating population control programs.

Their debate on polygamy and marriage was not only centered on government policies or social and legal reform. It was also an outgrowth of another literary genre that grew rapidly in popularity in the late Ottoman Empire: Muslim polemics against Christianity. A rich body of Turkish-language Muslim polemics accrued from the 1860s to World War I and beyond. They appeared in the form of self-designated polemics (*reddiye*), treatises (*risâle*), and newspaper articles. Even discussions on social reform in the Turkish press not written explicitly as religious polemics increasingly contained polemical elements, forming a hybrid model of social and religious commentary.

In *Ta'addüd-i Zevcât'a Zeyl*, Fatma Âliye and Mahmud Es'ad combined their debate on marriage reform with a critique of Christianity and European civilization. Religion was heavily integrated into their discussions of political, social, educational, and public policy reform. Fatma Âliye and Mahmud Es'ad described

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11 Darina Martykánová, "Matching Sharia and 'Governmentality': Muslim Marriage Legislation in the Late Ottoman Empire," in *Institutional Change and Stability: Conflicts, Transitions and Social Values*, eds. Andreas Gremes, Florencia Peyrou, Ioannis Xydopoulos, Pisa: Polus-Pisa University Press, 2009, 153.

12 Özer Ozankaya, "Laiklik Öncesi Döneminde Şemseddin Sami'nin Aile Düzenine İlişkine Görüşleri", *Türkiye'de Ailenin Değişimi: Toplumbilimsel İncelemeler*, Ankara: Türk Sosyal Bilimler Derneği, 1984, 126-127.

13 Ahmet Midhat, *Paris'te Bir Türk*, Istanbul 1283/1866, 160.

the faults in Christianity at length in other articles, making the intersection between Ottoman reform and criticism of European civilization more explicit.

Studies on Ottoman family law in the late Ottoman period have analyzed the Fatma Âliye-Mahmud Es'ad debate on polygamy within the perspective of gender politics and marriage law.[14] With the transformation of the sociocultural and economic landscape, the Ottoman state was motivated by ideological reasons to push for new gender and family arrangements. These two authors made flexible use of different interpretations of *şeria't*, justifying them in reference to the need for social change and the appropriateness of polygamy for a modern empire in the late nineteenth century.

Such perspectives on the Fatma Âliye-Mahmud Es'ad debate are valid, but they ignore its embedded religious polemical language. These authors, whether supporting or opposing polygamy, criticized the licentiousness and amorality of Christian Europe. Their polemical arguments expressed Ottoman social and intellectual challenges as much as their arguments on gender relations or family law. Other polemical writings of Fatma Âliye and Mahmud Es'ad, which will be examined below, make this relationship even more pronounced.

I. Muslim Religious Polemics and Ottoman Reform

The late Ottoman debate on polygamy coincided with a marked increase in Turkish-language Muslim religious polemics in the Istanbul press. Polemics between Christianity and Islam existed since the seventh century, but in the nineteenth century they took an significant step forward. Muslim writers produced a larger number of them than any other time in history. The spread of communication and transportation technologies such as printing presses, telegraphs, postal systems, and steam ships allowed these works to reach a global audience after they were translated into local languages.

Muslim polemical writers used authoritative Islamic sources such as the Qur'an and works of Qur'anic exegesis (*tafsîr)*, while also addressing political questions of European colonialism. They also contended with the rhetoric of ideological projects of Ottomanism in the Tanzimat period, Pan-Islamism in the Hamidian era, and the secularist-turned-Islamocentric – and even Pan-Turkist – experiments of the Young Turk era.[15] Although these ideological projects were far

[14] Nihan Altınbaş, "Marriage and Divorce in the Late Ottoman Empire"; Abdurrahman Kurt, "Polygamy in the Ottoman City of Bursa"; Martykánová, "Matching Sharia and 'Governmentality'"; Rıza Savaş, "Modernleşme Sürecinde İki Osmanlı Aydını Fatma Aliyye-Mahmud Es'ad Tartışması", in *Kutlu Doğum 2004: Din Kültür ve Çağdaşlık*, Ankara: TDV Yayınları 2007, 247-256.

[15] Adeeb Khalid, "Pan-Islamism in practice: The rhetoric of Muslim unity and its uses", in *Late Ottoman Society: The Intellectual Legacy*, ed. Elisabeth Özdalga, London: Routledge Curzon, 2005, 201-224; Jacob M. Landau, *The Politics of Pan-Islam: Ideology and Organization*, Oxford: Oxford University Press, 1990. Pan-Islam was a form of anti-colonial rhetoric whose exact nature has

more of a discourse than a unified political program with concrete political goals, the language of these collective identities permeates late Ottoman political and polemical writings.[16]

Such rhetoric was also used by Fatma Âliye and Mahmud Es'ad. They were conscious of global politics, as they both had extensive contact with Westerners in the Empire and were well versed in international affairs. Both perceived Ottoman-European imperial relations as a Muslim-Christian clash and sought to create alternative discourses of modernity combined with Muslim unity to protect themselves against the threat of Western imperialism. This all took place against the backdrop of Hamidian political and social reform, in which the imperial center sought to shore up its political power against European political and economic encroachment into Ottoman domestic affairs.

Fatma Âliye was the daughter of Ahmet Cevdet Pasha (d. 1895), a historian, philologist, social theorist, and statesman of the Tanzimat period. He provided Fatma Âliye with tutors in the secular sciences, literature, French, and Arabic, a rare educational opportunity for young Muslim women. Her first publication was a translation of George Ohnet's *Volonté* into Turkish as *Merâm* (Aspiration). She soon caught the attention of Ahmet Midhat, who became her literary patron. She penned numerous articles in *Tercümân-ı Hakîkat, Hanımlara Mahsûs Gazete* (The Ladies' Own Gazette), *Ümmet* (The Muslim Community) and *İnkılâp* (Revolution). Fatma Âliye published her first novel *Hayâl ve Hakîkat* (Dream and Reality) together with Ahmet Midhat in serialized form in the newspaper *Tercümân-i Hakîkat* in 1891, followed by *Mühadarât* (Stories to Remember) and *Nisvân-ı İslâm* (The Women of Islam) in 1891/1892. She wrote other books on the themes of music, literature, married life, and women's education.[17]

In her writings Fatma Âliye defended Islam against Western criticisms on the topic of which she had received the most inquiries from European women: polygamy. She defended the historical practice of polygamy in Islam as superior to Europe's widespread adultery and fornication but acknowledged polygamy had no place in modern society. She wrote her 1891/2 book *Nisvân-ı İslâm* (The Women of

come under significant scholarly debate. Across the world, Muslim scholars and activists spread ideas of religious solidarity and a united Muslim counter-attack against European domination. It was primarily an urban intellectual project than never coalesced into any serious political project, but Muslim politicians believed its rhetoric could be harnessed to shore up political support within their domains.

16 Nile Green, "Spacetime and the Muslim Journey West: Industrial Communications in the Making of the "Muslim World", *American Historical Review*, 118, No. 2, (April 2013), 401-429. New modalities of transportation and communication forged new conceptions of space and time as Muslims learned to operate in a global arena, which they dubbed the "Muslim world" (*al-'âlam al-islâmî*). Steamships, railways, and industrial communication reshaped formulations of language, history, and geography.

17 Hülya Adak, "Gender-in(g) Biography: Ahmet Mithat (on Fatma Aliye) or the Canonization of an Ottoman Male Writer", in *Querelles* 10, (Jan. 2005), 192-195.

Islam) in order to alter European perceptions of Islam in general and Turkish women in particular.[18] Such false perceptions, she wrote, came from encounters among the Francophile, French-speaking residents of Pera, where most Europeans resided or visited.[19] She called on Muslim readers to understand French and Islamic law in order to converse with European guests and correct their misperceptions of Muslim women, veiling, polygamy, and other religious forms of gender differentiation and subordination.[20]

European surveys of the Ottoman Empire and its culture and customs contained, with few exceptions, harsh criticisms of polygamy as an example of Oriental despotism and Islam's status as a second-tier civilization. Fatma Âliye managed the difficult task of criticizing the practice while not implicating *şeria't*. But her critique became sharper. She largely disowned the practice in her 1898 correspondence with legal and religious scholar Mahmud Es'ad.[21]

Mahmud Es'ad Şeydişehrî (d. 1918) also came from a privileged background. He was born in the southwestern Anatolian city of Seydişehir in 1855 to a family of Islamic jurists *(kadı*s*)*. He came to Istanbul in the late 1860s to study at the Fatih Medrese, where he studied physics, chemistry, mechanics, French, geometry, and history. He was then appointed instructor at the same school, then the Gülhane Military Secondary School of Ottoman Law (*Gülhane Askerî Rüşdiyesi*).

18 Elizabeth Paulson Marvel, *Ottoman Feminism and Republican Reform: Fatma Aliye's Nisvân-ı İslâm*, Ohio State University: Unpublished MA Thesis, 2011, 37-40.

19 Serpil Çakır, "Fatma Aliye," in *Biographical Dictionary of Women's Movements and Feminists: Central, Eastern, and South Eastern Europe, 19th and 20th Centuries*, eds. Francisca De Hann, Krasimira Daskalova, Anna Loutfi, Budapest: Central European University Press, 2006, 22.

20 The book contains three novelistic-style conversations *(muhavere*) between European female visitors to the Ottoman Empire and a narrated version of herself in which they discuss and dispute issues of religion, Islam, and women's rights. The points of content come from a religious and civilizational discourse, but the two issues often blend together, as they do in many other writings of Fatma Âliye. In the second *muhavere*, the narrator discusses polygamy with a cosmopolitan Englishwoman, Madame R. She has come to observe the *iftar* meal. She is highly educated, and able to converse in French and is learning Turkish. The Englishwoman then scans the room, hoping to catch jealous glances between the women, and asks which women in the household are co-wives. The discussion then turns to women's rights in Islam and veiling. The work was widely distributed and read in Ottoman literary circles and quickly translated to Arabic and French. Fatma Âliye also published research under the title *Ünlü İslam Kadınları* (Famous Muslim Women) in 1895 to give profiles of "Eastern" female public intellectuals and make her readers aware of the socially active role that women played throughout Islamic history. Beyond her publishing work, Fatma Âliye also founded the first women's association in the Ottoman Empire, the *Cemiyet-i İmdadiye* (Charity Society) in 1897 to provide material assistance to war veterans or bereaved wives and children.

21 Mahmud Es'ad, *Ta'addüd-i Zevcât*, Istanbul: Tahir Bey Matbaası, 1316/1898; *Çok Eşlilik: Ta'addüd-i Zevcât*, ed. Firdevs Canbaz, Ankara: Hece Yayınları, 2007.

In 1885 he was appointed president of the Izmir Court of First Instance (*İzmir Bidayet Mahkemesi Başkanlığı*), a position he occupied for 11 years.[22]

As a legal scholar, he wrote extensively on property and financial law, and as a statesman in the twilight of the Empire he served as an administrator in the Finance Ministry and numerous other financial bodies. Mahmud Es'ad was a principal figure in the Ottoman Finance commission in 1917 Commission on the Decree of Family Law (*Hukûk-ı Aile Kararnamesi*), a far-reaching effort to codify family law. It called for significant reform on the institutions of marriage, divorce, and inheritance.[23] The law was based on the Hanafi school of jurisprudence, along with other schools, in addition to civil law from Germany, France, and Switzerland. It faced serious opposition from Muslim religious scholars and leaders of non-Muslim communities.[24]

Like many Ottoman intellectuals of the time, Mahmud Es'ad was a member of international academic societies, particularly the French *Société Académique d'histoire internationale*. He was an informed critic of Christianity, both theologically and in regards to global politics, but he read Western scholarship with great interest. Mahmud Es'ad credited his tenure in Izmir, a cosmopolitan coastal city, for exposure to European authors and scholarship, which he said expanded his intellectual horizons.[25] Here he interacted with French, British, and Persian merchants and diplomats. The experience profoundly influenced him and his anti-Christian outlook.[26]

Mahmud Es'ad blended traditional Islamic scholarship with European methods of critical inquiry. This hybrid approach appeared in his anti-Christian polemics. His writings take on the form of a classical Islamic philosophical treatise – the sourcing is largely Qur'anic verses that claim Christian corruption or falsification of pre-Qur'anic scripture, a traditional polemical argument that appears in medieval and early modern Islamic scholarship.[27] The influence of European liberalism is clearer in his other writings. Among his other monographs and article series include "The Law of Islam and Mr. Carlyle" (*Şeri'at-ı İslâmiye ve*

22 Selcuk Aksin Somel, *The Modernization of Public Education in the Ottoman Empire, 1839-1908: Islamization, Autocracy, and Discipline*, Leiden: Brill Academic Publisher, 2001.

23 İlber Ortaylı, "Ottoman Family Law and the State in the Nineteenth Century", *OTAM: Osmanlı Tarihi Araştırma ve Uygulama Merkezi Dergisi*, Issue 1, (1990), 327.

24 Touraj Atabaki, *The State and the Subaltern: Modernization, Society and the State in Turkey and Iran*, London: I.B. Tauris, 2007, 184-185.

25 Ali Çankaya, *Yeni Mülkiye Tarihi ve Mülkiyeliler*, Volume II, Ankara: Mars Matbaası, 1968-1969, 1026-1030.

26 Hasan Basri Erk, *Meşhur Türk Hukukçuları*, Istanbul 1954, 359.

27 Amit Bein has problematized this characterization of the religious body of the last Ottoman period by noting that this negative discourse has roots in the Young Turk revolution of 1908. It strengthened after the founding of the Turkish Republic to support a secular ethno-nationalist political agenda and marginalized the religious establishment. Amit Bein, *Ottoman Ulema, Turkish Republic: Agents of Change and Guardians of Tradition*, Stanford: Stanford University Press: 2011.

Mister Karlayl) and the translation of two works by William Henry Quilliam (d. 1932), a nineteenth-century English convert to Islam and founder of England's first mosque and Islamic center.[28]

II. Ta'addüd-i Zevcât'a Zeyl

Mahmud Es'ad was part of a shrinking faction within the late Ottoman religious class that unequivocally defended the practice of polygamy. In 1898, while a legal advisor in the Finance Ministry (*Maliye Nezareti*), he wrote an article series on women's rights. It was entitled *Ta'addüd-i Zevcât, Talak ve Hukuk-i Nisvân* (Polygamy, Divorce and Women's Law) and released on September 13. The purpose of the article was to respond to reformist intellectuals who described polygamy as an outdated institution. Mahmud Es'ad described such a position as irreverent and illogical: Polygamy was an institution established by God, revealed by the teachings of the Prophet Muhammed and, furthermore, a natural human tendency legitimized by religion. It corresponded with human nature. He asked, "Would the final and perfect religion of Islam perpetuate a practice that is contrary to justice and rightness?"[29]

Mahmud Es'ad, like Ahmet Midhat, used a functionalist approach to supporting polygamy rather than Islamic legal history or precedent. It was a preferable practice to monogamy in at least two situations. First, women who were barren could not procreate, an essential purpose of marriage. It enjoined God's command to fill the earth. Polygamy ensured that marriages were procreative and thus honorable even in the case of a first wife's infertility.[30] The second situation resulted from the ratio imbalance between the number of men and the number of women eligible for marriage due to earlier onset of puberty in females. A higher proportion of women were theoretically capable of sexual activity. Mandatory monogamy coupled with this gender imbalance would necessarily force part of the female population into extramarital affairs or even prostitution. Christian missionaries in Africa who imposed monogamy on the population unleashed such unintended consequences. Mahmud Es'ad wrote brothels were built alongside African churches as a result of the outlawing of polygamy.[31]

As a legal scholar, Mahmud Es'ad admitted the growing complexity of marriage law and the general legal rights of women in the Hamidian period.[32] He

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28 *Şerî'at-ı İslâmiye ve Mister Karlayl*, Istanbul: Cemal Efendi Matbaası, 1897-1898. *Dîn-i İslâmiye, İslâmiyetin Başlıca Kavâid-i Esâsiye-i İtikâdiyesi Hakkında Ma'lûmât-ı Mücmel*e (Abdullah Gwilliam'dan tercüme), Izmir: Hizmet Matbaası, 1893; *Dîn-i İslâm* (Abdullah Gwilliam'dan tercüme), Istanbul: Eski zabtiye caddesi 61 numaralı matbaa, 1896.

29 Mahmud Es'ad, *Ta'addüd-i Zevcât*, Istanbul: Malümat Library, 1316/1898, 9.

30 Ibid, 19.

31 *Ta'addüd-i Zevcât*, 24-29.

32 Prominent authors of the late nineteenth century, many of whom wrote religious polemics as well, engaged in the discussion of women's rights in the Ottoman Empire vis-a-vis the Young

defended the practice according to classical Islamic legal precepts and the accumulation of centuries of Ottoman marriage law. But he largely argued from a naturalist position, the latest version of the ulema point of view. Polygamy was not enjoined nor did it originate with Islam, but instead originated in natural law. As a natural law, God's law (*şeria't*) merely recognized and confirmed it.[33] Like other critics of European culture, he spoke of Western vice and sexual immorality to argue of the natural polygamous instinct in man and the social harms that resulted whenever it was outlawed.

Fatma Âliye released a serialized response to Mahmud Es'ad in the same journal. Mahmud Es'ad responded shortly after. Their correspondence became the *Ta'addüd-i Zevcat'a Zeyl*, later published as a single volume in 1898. Fatma Âliye's *Ta'addüd-i Zevcât'a Zeyl* is primarily a discussion of marriage, but within it is embedded numerous criticisms of Western civilization, church history, and Christianity. While these articles do not assume the form of an explicit Muslim religious polemic, as do her other articles such as *Isti'lâ-yı Islâm* (The Expansion of Islam), Fatma Âliye's discussions on politics, society, and religion adopted many Islamic apologetical and anti-Christian polemical elements.

In the *Ta'addüd-i Zevcat'a Zeyl,* Fatma Âliye stated polygamy had no exalted place in early Islamic history. It was permitted but not celebrated. Neither the Prophet Muhammed nor the second caliph Omar attached any particular importance to it. It was the exception rather than the rule. When Abu Ubaidah ibn al-Jarrah, a companion of the prophet, requested permission for his soldiers to take additional Byzantine wives, Omar replied only soldiers who had no spouse in the Hijaz could take a wife from among the Byzantines. Those already married should take a concubine instead.[34]

Fatma Âliye wrote that in the early Islamic period there was no differentiation of essential worth between men and women. They were judged according to their moral behavior. A woman was not considered to be more pious on account of mere childbearing. Caliph Omar stated that there were three types of women, which he described in descending order of virtue: upright women with good morals who cared for their husbands and children; women who merely gave birth and raised their children; and bad-tempered women whom men should avoid. Therefore a wife in a polygamous marriage could not give proper care to her

Ottoman attempts at political Westernization in the Tanzimat and Hamidian period. Ahmet Mithat, Namik Kemal, Şemsettin Sami, Şinasi, Celal Nuri, and other authors held positions influenced by Islamic legal discourse, the reform edicts, the post-Tanzimat Ottoman legal landscape, and the intersections of these positions. See *Çok Eşlilik*, 13-30 and Savaş, "Modernleşme Sürecinde İki Osmanlı Aydını Fatma Aliyye-Mahmud Es'ad Tartışması".

33 *Ta'addüd-i Zevcât.* Quoted in Niyazi Berkes, *The Development of Secularism in Turkey*, New York: Routledge 1998, 286.

34 Fatma Âliye, Mahmud Esad, *Ta'addüd-i Zevcat'a Zeyl*, Istanbul: Malümat Library 1317/1899, 10-13.

husband, whose attention was divided among many women.[35]

To Fatma Âliye, the practice of polygamy was no longer defensible in the modern age. Islam did not even order polygamy, and when it was permitted it must be considered in the social context in which this permission was offered. She concluded Islam could not violate universally valid principles.[36]

Mahmud Es'ad did not mount a point-by-point defense of polygamy but rather argued both he and Fatma Âliye struggled with the common question of integrating *şeria't* and traditions with the universalizing discourse of progress, enlightenment, human rights, and natural law. He admitted polygamy was not required in Islam through a long discourse on appropriating Western civilization without capitulating Muslim values to Europeans who thought polygamy to be a defect in Muslim society. Mahmud Es'ad did not denounce polygamy but he acknowledged various camps considered polygamy to exploit women and be out of step with contemporary social norms:

> *It is not unprecedented for those who are aware of European sciences and manners, including those among our youth that are unaware of these sectarian matters, to believe that polygamy is a deficient aspect of Islam. Among these is one group, who come across poetic verses in the works of European writers, who say 'A woman's business is a man's business. They fall and rise together. They progress and regress together. Whether a woman is a slave or free, a man is always found with her. He is always together with her.' Another group among Muslims who, due to their blind obedience to Europeans, as they see troublesome events in the abuse of women, become inclined to the idea that polygamy violates universal morals and corrupts social life.*[37]

Ta'addüd-i Zevcat'a Zeyl concluded with a reply from Ismail Gasprinskii. He was a Crimean Tatar intellectual who published newspapers and books in the Russian Empire. He worked for social and religious reform among Muslims of Russia. Gasprinskii was well acquainted with Istanbul's Turkish-language media and significantly involved in the intellectual life of the late Ottoman Empire. Turkish intellectuals were familiar with İsmail Gasprinski's newspaper *Tercümân,* published in the Crimea and widely read throughout the Eurasian Muslim world

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35 Ibid, 13-14.

36 Ibid, 19.

37 Ibid, 95-96. Quoted in Canbaz. *Avrupa 'ulûm ve ma'arifine, ahvâl-ı içtimâiye ve siyâsiyesine vâkıf olup da, mesâil-i mezhebiyelerinden gâfil bulunan gençlerimiz içinde dahî, ta'addüd-i zevcât İslâmiyet'in zayıf ciheti olduğuna kâni' olanlar görülmemiş değildir. Bunlar bir taraftan Avrupa muharrirlerinin âsârında "Kadın işi erkeklerin de işidir. Beraber düşer kalkarlar. Beraber terakkî ve tedennî ederler. Kadın esir de olsa âzâd da olsa, erkek dâima onunla beraber bulunur. Onunla hemhâl olur" meâlinde şâirâne fıkralara tesâdüf ettikçe, diğer taraftan beynel-İslâm kadınlar hakkında bâzı suistimâlât vukûa geldiğini gördükçe Avrupalılara taklîden ta'addüd-i zevcâtın ahlâk-ı umûmiyeyi ihlâl, hayât-ı içtimâiyeyi ifsât eylediğine zâhib olurlar.*

due to its simplified language intelligible to Turkic-language speakers.[38]

However, Ismail Gasprinskii's primary reason for involvement in the discussion of *Ta'addüd-i Zevcat'a Zeyl* derived from his activist efforts to unite the global Muslim intelligentsia.[39] He was among the initial founders of the Union of Muslims (*İttifaq-i Müslimin*), a liberal-democratic party of Muslims in the Russian Empire that brought together scholars, educators, and religious figures from among Muslim Turkic groups.[40]

İsmail Gasprinskii held to a traditional view of polygamy but actively engaged in modern discourse of women's rights. His relationship with his daughter and his support of her education resembles that of Ahmet Cevdet Pasha and Fatma Âliye. İsmail Gasprinskii established a journal for women *Âlem-i Nisvân* (The World of Women), which was edited by his daughter Şefiqa.[41]

Gasprinskii criticized Mahmud Es'ad's modest reservations with polygamy. He said the advance of progress in the Muslim and Turkish world was not proportional to the reduction of polygamy, nor did it require it. God enjoined Adam to fill the earth; polygamy was a reasonable means to fulfill this mandate. The practice had not lost its relevance in the modern age, as Fatma Âliye argued. They as Muslim intellectuals should not be so craven to Westerners and their opinions, as they had misunderstood Islam for centuries. The Islamic world should not look to Europe for moral and legal guidance. He noted some Western nations had only recently rescinded the death penalty for adultery.

Gasprinskii turned Mahmud Es'ad's claim that Ottoman polygamy would decline as it came to resemble Europe in terms of marriage on its head. As Europe's civilization advanced it would come to resemble Muslim law on matters of marriage and divorce and even instate polygamy once it understood its superiority to mandatory monogamy.

> *If Europe continues on this path of progress, however much until now as they have accepted the statutes of Muslim law and in essence the fundamentals of divorce, soon polygamy will not be an offense or crime, and they will give up, and they will be required to accept the fundamentals of its legality.*[42]

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38 Firouzeh Mostashari, *On the Religious Frontier: Tsarist Russia and Islam in the Caucasus*, London: I.B.Tauris, 2006; Robert Crews, "Empire and the Confessional State: Islam and Religious Politics in Nineteenth-Century Russia", *The American Historical Review,* Vol. 108, No. 1, (Feb., 2003), 50-83.

39 Robert Geraci, *Window on the East: National and Imperial Identities in Late Tsarist Russia*, Ithaca: Cornell University Press, 2001; Berkes, *the Development of Secularism in Turkey*, 286.

40 Holly Shissler, *Between Two Empires: Ahmet Agaoğlu and the New Turkey*, London: I.B. Tauris, 2003.

41 Wayne Dowler, "The Politics of Language in Non-Russian Elementary Schools in the Eastern Empire, 1865-1914", *Russian Review* 54, No. 4, (Oct. 1995), 516-538.

42 *Ta'addüd-i Zevcât'a Zeyl,* 99. Quoted in Canbaz *Avrupalılar şu tarîk-i terakkîde devam ederlerse şimdiye kadar nice ahkâm-ı şer'iyeyi ve ezcümle esâsen talâkı kabûl ettikleri gibi karîben ta'addüd-i zevcâtın bir cürüm, bir cinayet olmadığını da teslîm edecekler ve onun meşrû'iyeti usûlünü kabûle mecbur olacaklardır.*

Ismail Gasprinskii underlined this point at the end of the article series – that to *outlaw* polygamy was its own form of ignorance. Such a prohibition was worse than what European society accused Muslim society of doing by allowing polygamy in the first place. Permitting it conformed to logic and wisdom, and it benefited human society. It was a matter of stupidity and foolishness to consider it an offense or crime.[43]

The *Ta'addüd-i Zevcât'a Zeyl* included moral and reform elements that were common in the social commentary found in much of the Ottoman press. Despite their differences of opinion, the writers believed European culture had abandoned moral values in favor of political, economic, and material gain. These intellectuals rejected the idea that religion was inherently opposed to rational thought or social progress. Polygamy, when correctly practiced, protected women's rights. It strengthened the institution of marriage and shielded women from divorce, which could leave them destitute. According to them, a rational intellectual approach based on the observation of facts showed Islam to be true. They agreed if other Muslims could embrace the logical elements of their religion, the Islamic world could properly respond to the threat of Western cultural hegemony.

Following the *Ta'addüd-i Zevcât'a Zeyl*, Fatma Âliye continued writing on the intersection of religion and imperial colonial competition. Her anti-Christian polemic *Isti'lâ-yı Islâm* (The Expansion of Islam) appeared in serialized form from March to May 1900 in the journal *Musavver Fen ve Edeb* (Science and Education Illustrated).[44] She argued two points. First, Western scholars of the Middle East who fundamentally misunderstood Islam had shaped missionary views of Islamic civilization. Ignorant missionaries were unaware of the religion of those whom they tried to convert. As they could not give a compelling reason for Muslims to convert to Christianity, these foreign missionaries failed to spread their religion in the mission fields of Africa, the Middle East, and India. Meanwhile, millions of Africans who had previously practiced traditional African religions accepted Islam because of its superior moral culture.[45]

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43 Ibid, 102. *Ta'addüd-i zevcâta müsa'ade vermek akıl ve hikmete muvâfık ve cem'iyet-i beşeriyenin menfa'atine mutâbıktır; bunu bir cürüm, bir cinâyet 'addetmek ise sırf eser-i humk ve belâhettir. Ben şu iddi'âmı edille-i 'akliye ve tarihiye ile ispat ettim zannediyorum.*

44 Fatma Âliye, "İstilâ-yı İslâm", *Musavver Fen ve Edeb,* No. 30, (March 29, 1900), 118.

45 Isa Blumi, *Ottoman Refugees, 1878-1939: Migration in a Post-Imperial World*, London: Bloomsbury Academic, 2013, 122-126. Fatma Âliye's description of Islam's spread in Africa likely refers to the mobilization of Sufi merchant-missionaries. These sheyks were mostly of Indian Ocean, Hadrami origin. They were part of a project developed and partially funded by the Ottoman state that from the 1870s initiated a wave of conversion to Islam among Eastern African members of so-called "Swahili society." In terms of numerical success, these missionaries had far more impact than European Protestants who sought conversions in the same areas. The Qadiriyya missionaries flocked to regions beyond the coastal towns that traditionally serviced the Indian Ocean economy. Ironically, these Sufi-origin missionaries created a trade network that incorporated East African coastal towns such as Mogadishu into the global economy, offering

Second, European disputes between Christian modernists, atheists, and Catholic dogmatists led to cynicism among the Western public. Many abandoned religion altogether, but independent thinkers attempted to return to an uncorrupted Christianity, which Fatma Âliye believed to resemble Islam. In this article she made lengthy reference to the speeches of Fr. Hyacinthe Loyson (d. 1912), a controversial and charismatic French Catholic priest.[46] He was excommunicated in 1870 for his public disagreement with the First Vatican Council's declaration of the doctrine of infallible papal authority.[47] Through his speeches, Fatma Âliye presented him as an honest enquirer, who was attracted to Islam for its temperate character and inclusivity. He sought a religion compatible with the modern sciences, reason, and wisdom (*'ulûm-ı cedîde'ye ve 'akıl ve hikmet'e tevâfûk eden bir din*), which she said Islam provided.[48]

Mahmud Es'ad wrote his own religious polemics against Christianity. In 1915 he published a series of sermons against Protestant missionary activity in the Ottoman Empire. Five articles appeared in fourteen installments over a thirteen-week period in the conservative journal *Sebîlü'r-reşâd.*

In his first article, entitled *Kelimetu'llâh-ı Te'âlâ'ya Dâ'ir Hütbe* (A Sermon Concerning the Word of God), Mahmud Es'ad provides a summary of Protestant missionary activity, beginning with Anglican missionary efforts in India. The English attempted to convert them to Protestantism by distributing anti-Islamic tracts and books. Christian missionaries had recently entered the Ottoman Empire with similar goals. They lacked the courage to invite Muslims openly to Christianity and came with the excuse of educating Ottoman Christians. To avoid suspicion they preached in the Empire's smaller neighborhoods to poor Muslim children, attempting to deceive them by preaching in the clothing of Islamic instructors.[49]

In a follow-up articled entitled "The One Who Carries the Burden of Sin," Mahmud Es'ad argued that different understandings of repentance in Christianity and Islam led to piety in the former and amoralism in the latter. Islamic practice was regulated by principles based on holy texts interpreted by the religious establishment. But Christianity did not require any sort of meritorious act, freeing its adherents to behave in lawless and rebellious ways.

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their converts economic opportunities similar to those that German and British missionaries offered in the "Free Congo State."

46 C.B. Moss, *The Old Catholic Movement: Its Origins and History*, Berkeley, CA: Apocryphile Press, 2005.

47 Hyacinthe Loyson, Charles Jean Marie Loyson, John Bigelow, *Father Hyacinthe: Orations on Civil Society, With a Sketch of His Life and Portrait of Steel*, London: Morgan, Chase & Scott, 1871; *Biographical Sketches of Père Hyacinthe and his Wife*, San Francisco: Payot, Upham & Co, 1884; Charles Jean Marie Loyson, tr. Leonard Woosley Bacon, *Discourses on Various Occasions*, New York: G.P. Putnam & Son, 1869.

48 *Musavver Fen ve Edeb* 29, (March 9, 1900), 113.

49 Ibid, 169.

Mahmud Es'ad supported this contention by referring to his personal experiences as a magistrate in Izmir. He came in contact with many of cultures, nationalities, and religions. The European expatriate community behaved the poorest. The rate of Christian incarceration in Izmir was higher than any other group. He quoted global news accounts of different incarceration rates among religious groups to support his anecdotal experience.[50]

> *It will be seen that it is very effectual to observe in practice the rebellious actions against holy law in places where Christians dwell, and the actions of those who dwell in Muslim lands. Once I saw an English newspaper and observed a statistic that among Muslims, one out of every 1,500 people were criminals, amongst Christians it was one out of every 800, and among priests one out of every 40. This is because the protection of the holy law is a matter not known among these people, even up to the priests.*[51]

Mahmud Es'ad wrote these articles while the Empire's non-Muslims became increasingly socially marginalized. At the same time legal scholars struggled against opposition to the CUP's secular legal reforms. Local notables and power brokers condemned them and decried the curtailment of the sultan's rights.[52] Such juridico-political tensions between religion and secularism were expressed in Mahmud's anti-Christian polemics and the question of polygamy. Mahmud Es'ad's articles in the *Sebîlü'r-reşâd* echoed his earlier writings in the *Ta'addüd-i Zevcat* of the challenge of integrating Islamic scholarship with modernist discourse.

III. Conclusion

Numerous intellectual developments emerged in the Ottoman Muslim polemical writings of the Hamidian period. Questions of Ottoman reform were connected to global political tensions. Muslims in the late nineteenth and early twentieth century Ottoman Empire, the Transcaucasus, and Russia worked to resolve what Holly Shissler describes as the tension between the need for self-strengthening and the need to maintain an intact and authentic identity. There were various possibilities for forging a modern identity in a period in which these writers were exposed to an array of experiences and influences. Yet Muslims had to contend with the challenges of the period due their technological, military, and political disabilities against Europe.[53]

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50 *Sebîlü'r-reşâd*, No. 252, (Istanbul 1915), 287-289.

51 Ibid. *Nasârâdan sâdır olan ma'âsînın vasî-i şer'î defterine, ehl-i İslâm'dan sâdır olanların da kendi defter-i a'mâllerine kayd olunmasının fi'liyâtta çok tesiri görülmektedir. Vaktiyle bir İngiliz gazetesinde gördüğüm bir istatistiğe nazaran müslimînde binbeşyüzde bir cürüm sâdır olduğu halde avâm-ı nasârâda sekizyüzde bir, rehâbînde kırkta bir sâdır olmakta imiş. Çünkü bu vasî-i şer'î meselesi elbette 'avâmın rehâbîn kadar malumu değildir.*

52 Hasan Kayalı, *Arabs and Young Turks: Ottomanism, Arabism, and Islamism in the Ottoman Empire, 1908-1918*, Berkeley: University of California Press, 1997, 186.

53 Shissler, *Between Two Empires*, 2-3.

Against this threat, Muslim reformers from the 1870s onward such as Fatma Âliye, Mahmud Es'ad, and Ismail Gasprinskii addressed the political concerns of Muslims under European colonial threat and encouraged their politicians and intellectuals to seek alternatives to Westernization for ideological validity. The *Ta'addüd-i Zevcât'a Zeyl* was one of many such discussions. These polemicists depicted European governments and Protestant missionaries as infringing on the individualism, rights, and sovereignty of Muslims around the globe, whether Anglican missionaries destabilizing African society by forcing Christianity on its inhabitants or foreign Protestants spreading anti-Islamic propaganda across the Ottoman Empire. Such a perception of the world order led to these Muslim intellectuals crafting an alternative universalistic vision for their society with a more global form of modernity.[54]

Sociocultural changes during the Balkan Wars and First World War further influenced discourse on women's rights and marriage law. The Second Constitutional Period (1908-1919) saw the foundation of dozens of women's organizations. Universities opened to women, who were also increasingly incorporated into the labor force. These changes coincided with the CUP's political agenda of nation building, the creation of an Ottoman citizenry, and emphasis on a new family structure.[55] The CUP required a nuclear family with nationalist tendencies. The late Ottoman legal system reflected these inclinations.[56]

While polygamy continued to exist in Istanbul even until the end of the Empire, it became more openly opposed. Increasingly widespread discourses of modernization and Westernization led to stronger outcries against the practice during the Second Constitutional Period. Liberalization in divorce laws allowed educated women to marry whom they chose and even sue for divorce in the case of an unhappy marriage. A woman could even impose a condition in her marriage contract forbidding her husband from taking a second wife without her consent. Failure to comply triggered an automatic divorce.[57]

The debate on polygamy never dissipated, even up to the end of the Empire. Calls for the abolition of polygamy grew even among the ulema. Religious scholar and politician Mansurîzade Mehmet Sa'id (d. 1923) argued that Islam was fully reconcilable with modernization. At the same time, he argued polygamy could be banned in an Islamic nation. It was a position so radical among the ulema that it likely prevented his ascension to the position of *şeyhülislam*.[58]

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54 Cemal Aydın, *The Politics of Anti-Westernism in Asia: Visions of World Order in Pan-Islamic and Pan-Asian Thought*, New York: Columbia University Press, 2007, 69.

55 Deniz Kandiyoti, "End of Empire: Islam, Nationalism and Women in Turkey", *Women Islam & the State*, ed. Deniz Kandiyoti, London: Macmillian Press, 1991.

56 Altınbaş, 12.

57 Ibid, 8.

58 Charles Kurzman, *Modernist Islam, 1840-1940: A Sourcebook*, Oxford: Oxford University Press, 2002, 188.

Polygamy was abolished in 1926 with the Turkish Republic's adoption of the final version of the Civil Code. Islamic modernist scholars no longer discussed marriage reform with an eye to traditional Muslim practice. The secular republic, with its full embrace of European civil law, made such a discussion little more than an academic exercise. Furthermore, the impact of Muslim polemics against Christianity diminished greatly when questions of Turkish religious identity changed so dramatically. Modernist Muslim discourse – which once spoke positively of polygamy and negatively of social reform along European lines – was now an anachronism.

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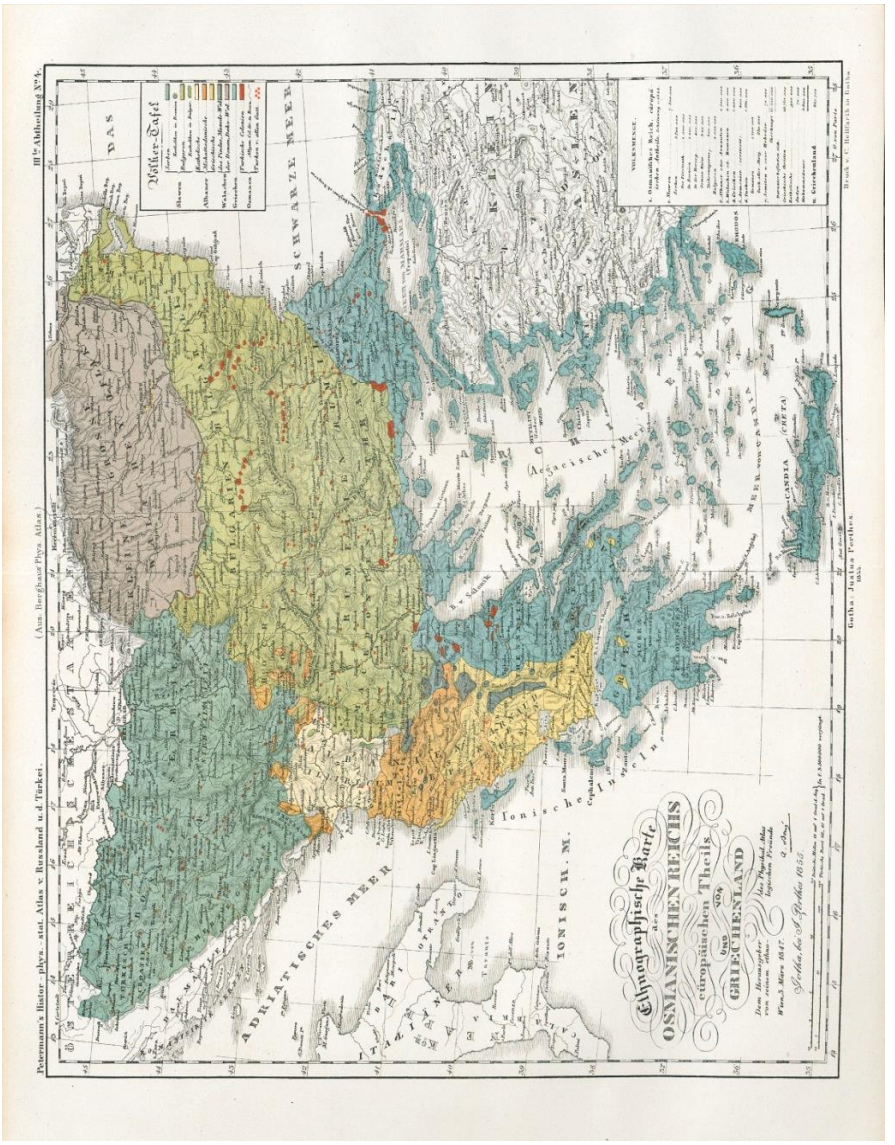
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