

THE SEMI-SOVEREIGN DEPENDENCIES OF THE OTTOMAN EMPIRE

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I — INTRODUCTION :

In Public Law, the majority of publicists accept sovereignty as an attribute of a state. In International Law, sovereignty is one of the essential qualifications for full membership in the society of nations. The study of Public Law shows that the theory of the equality of states was never tenable. The study of International Law also reveals the existence of semi-sovereign or partially dependent states. All states have never possessed all of the attributes of sovereignty. Any classification or division of states must be imperfect. There are some states which have all the attributes of sovereignty, they have complete internal and external independence. Others have certain attributes of sovereignty but some servitudes are imposed upon them by usage, force or treaty. Some of them have complete external independence, but are more or less permanently subject to other states as to their internal affairs.

The proper term to express the status of these states would be part sovereign and not semi-sovereign even though "no one will suppose that 'semi' implies an exact half, or that any quantitative division of sovereignty is possible."¹ The term *Halb Souveran* was invented in 1778 by Jean Jacques Moser who used it in

1) John Westlake, *International Law, Part I. Peace*. Cambridge : The University Press, 1904, p. 22.

his *Versuch des neuesten europäischen Völkerrechts in Friedens und Kriegszeiten*². The word was used to explain some situations terms created by German Public Law. It was only in the nineteenth century that text writers used it in international law. It was never used in diplomatic documents. Heffter, among others, has drawn attention to the problem involved in the use of the term semi-sovereign, since sovereignty excludes all dependence. The vassal and protectorats were offered instead.³ Since the Convention on Ionian Islands concluded on March 21, 1800, at Istanbul between Turkey and Russia, the term suzerainty has been used in diplomatic language. Suzerainty and protectorate both imply relations between a stronger and a weaker state. One common characteristic of these two categories of political units is that they do not enjoy complete freedom in their international relations. It is quite impossible to draw a clear line of distinction between vassal states and international protectorates. However, the following differences can be recognized. Vassal states were born of a historical situation in which a state fell into decay and disintegration and the fact was not generally registered in a formal treaty. Again as a general rule it is accepted that suzerainty is derived from and a reduction of the sovereignty of the superior state ; international protectorates are established when an empire-building state comes in contact with weaker states and desires to have the result of a conquest without the responsibilities of annexation, and it is not in the interest of the expanding state to break up ancient forms. Protectorates surrender to some other state, by their own sovereign will, control of their foreign affairs and sometimes limited control even over their domestic affairs in return for guaranty of protection.

It can be said that a protectorate is a state with limited sovereignty. It has been a fully sovereign state before and under the

2) Ernest Nys, *Le Droit International*. Bruxelles : Alfred Castaigne, 1904 p. 358.

3) August Wilhelm Heffter, *Le Droit International de l'Europe*. Traduit par Jules Bergson, 4 e éd. française, augmentée et annotée par F. Heinrich Geffcken. (Berlin : H. W. Muller ; Paris : A. Cotillon et Cie, 1883), p. 50.

new status, has all sovereign rights which are not delegated to the protecting power. Usually foreign relations are controlled by the protecting power. In history the protectorate was a step toward annexation but this is no longer the case.

A vassal state is a political community with only such sovereign powers as delegated to it by the suzerain. It has never been completely sovereign. It is usually a step toward full independence.

Both forms of state are considered as an ally or their superior. The protectorate is bound to defend the protecting state if this is stipulated in the treaty of protection, the vassal is bound to defend its suzerain. The superior state has a duty to defend its inferior. A final major difference between vassal states and protectorates is that the protectorate retains its nationality and internal institutions but vassal states acquire a new nationality.

II - GENERAL PATTERNS OF THE TURKISH DEPENDENCIES

The Turks during their history always ruled many non Turkish tribes or nations. During their first Empire (200 B.C.) they ruled in Central Asia the ancestors of the Manchus and Mongols.⁵ During their empire in the sixth century A. D. they ruled the *Kitay*, *Tatabi* and Tartar tribes in Asia.⁶ The Turks called these non-Turkish States *Tat*. These nations payed a fixed tax and supplied troops but were able to keep their internal organization, language and customs. They participated in decisions as to policies to be adopted with reference to themselves.

The semi-independent dependencies of Turkey were Georgia, Mingrelia, Yemen, Hejaz in Asia, the Barbary States and Egypt in

4) General references on Turkish dependencies are **Reşat Ekrem Koç**, *Osmanlı Muahedeleri, Kapitülasyonlar 1300-1920*, (İstanbul : Muallim Ahmet Halit Kitaphanesi), 1934, **William Langer**, *The Diplomacy of Imperialism 1890-1902* (New York : Alfred A. Knopf, 1951 ; **Albert H. Lybyer**, *The Government of the Ottoman Empire in the Time of Suleiman the Magnificent* (Cambridge Harvard University Press, 1913), **William Miller**, *The Balkans* (London : T. Fisher Unwin, 1896), **Stanley Lane-Poole**, *The Barbary Corsairs* (London T. Fisher Unwin, 1890)

5) **Sadri Maksudi Arsal**, *Türk Tarihi ve Hukuk* (İstanbul : İstanbul Üniversitesi yayınlarından, No : 336, 1947), I, p. 283.

Africa, Wallachia, Moldavia, Transylvania, Serbia, Montenegro, Bulgaria and Crimea in Europe. The relations of the Sultan with these regencies was of a complex character ; the complexity of relations between semi-independent states and their superiors seems to be quite common in international relations. Each relationship demands separate attention. However, Turkish policies towards dependencies of the empire followed several general patterns.

1 — *Non - Assimilation*

The Turks did not try to assimilate all territories under their influence. A country is assimilated by imposing the culture and civilization of the stronger power. Regarding the Christian dependencies of the Turkish Empire, culture and civilization being identified with religion, assimilation was not attempted. The only possible exception to this rule was the drafting of Christian children into Janisary army. This draft was abolished in the seventeenth century. Moslem dependencies were not assimilated because their relationship to the Sultan was primarily a spiritual alliance the Sultan being the religious leader, the Calif. The national patterns of these Moslem dependencies were already fixed, they had the same background, but their culture and civilizations were modified by geographical, sociological and ethnological factors. Most of these Moslem states spoke Arabic and were racially different from the Turks. Complete amalgamation of all territories under Turkish rule or in the Turkish sphere of influence was never considered. This policy of non assimilation was praised by a famous political philosopher in the following words :

“ Nature has said it, that the Turk cannot govern Egypt, Arabia and Curdistan as he governs Thrace. Nor has he the same dominion in Crimea which he has at Brusa and Symirna..... The Sultan gets such obedience as he can. He governs with a loose rein that he may govern at all : and the whole force and vigour of his authority in his centre is derived from a prudent relaxation in all his borders. ”⁷

6) *Ibid.*

7) Edmund Burke, " Speech on Conciliation with America " Works of E. Burke, III, 56, 57 quoted by Robert Phillimore Commentaries on

The non assimilation policy was based upon a desire not to assume the responsibilities of annexation, and upon recognition that the established governments were efficient. History shows that the great empire builders, the Romans, followed a similar policy with success during the earlier period of the Roman Empire. Expediency was the deciding factor in determining Turkish policy toward new conquests. Some localities, such as Macedonia and Bulgaria, were annexed and were governed through provincial administration, but others such as Serbia, Wallachia, Moldavia, Transylvania, Tunisia, Algeria, Libya and Crimea were allowed to govern themselves internally. In most cases there was a formal treaty between Turkey and the inferior, or protected state. This was also the practice of the Roman Empire. In both the Turkish and Roman Empires protected states, were generally bound to furnish auxiliary troops or ships and other materials in case of war, and to supply provisions and quarters to their superior. The Roman Empire paid compensation for these services and no taxes were paid to Rome. In the Turkish Empire the services and provisions were received as a demonstration of homage of the weaker states to the superior, in return for protection by the latter. The weaker states paid tribute to the Turkish Empire. Tribute which is a form of fiscal revenue taken from political communities not fully incorporated in a conquering state is as old as organized political life. Pharaonic Egypt, Babylonia as well as the Hittite and Assyrian Empires levied tributes. The *stipendium* of the Romans was a contribution to cover military expenses of a conquest or war, levied upon the conquered Italic peoples. It was "collected regularly in all the new provinces, except from autonomous or privileged confederates and dependent principalities and nationalities, and acquired all the characteristic of a tribute."⁸ In special cases of need *tributum*, a head tax, was levied on Roman citizens, but with the growth of the state and of the Roman Empire it was no longer needed, so unofficially the term was used instead of *stipendium*. In the Turkish Empire tribute was paid as a result

International Law. Vol. I. (Philadelphia : T. and J. W. Johnson Law Booksellers, 1854), p. 114.

8) Fritz Heichelheim, "Tribute", Encyclopedia of Social Sciences (1935), XV, p. 102.

of a bilateral agreement. The weaker state promised to pay tribute, to contribute to the expenses of the stronger state in return for protection. Tribute on the Turkish Empire was a result of a fiscal policy and not a manifestation of the brute force of the stronger. In return for the protection of their commerce and other interests, many other political communities, besides the permanent regencies, payed tribute to the Turks:⁹ the Republic of Ragusa,¹⁰ the republic of Venice,¹¹ the Eastern Roman Empire,¹² the Genoese colonies in Crimea and in the Aegean Sea,¹³ the Duchy of

9) " Crimean Tartary, Georgia, Mingrelia, and parts of Arabia were vassal territories, more or less lightly attached and paying no regular tribute. Venice's Island of Cyprus, the Emperor Ferdinand's possessions in Hungary, the territories of Ragusa, Transylvania, Moldavia and Wallachia all payed regular tribute with occasional presents for the privileges of maintaining their own administrations. Egypt was under a special government adapted with slight changes from that of Mamelukes, headed by a pasha sent out from Constantinople for a term of three years, and delivering a large part of its annual revenue to the Imperial treasury. The Holy cities of Mecca and Medina, far from paying tribute received a large annual subsidy at the cost of Egypt. North Africa conquered by the corsairs, was brought into the Empire by Khaireddin Barbarosa principally for the sake of prestige and support; but though in its organization it imitated the parent government it was seldom in close obedience. The inhabitants of the tributary states were left in possession of most of their institutions, but whether to their advantage in the long run is a question open to debate. " *Lybyer, op. cit.* p. 30.

10) The treaties of tribute were signed in 1365, 1408, 1414, 1445, 1451, 1453, 1471, 1481 with the Republic of Ragusa. *Koçu, op. cit.* pp 8, 12, 13, 20, 22, 25, 29, 31. *Gabriel Noradounghian; Recueil d'actes internationaux de l'Empire Ottoman, Vol. III. (Paris : P. Pichon, 1897-1903)* pp. 5, 7, 8, 13, 14, 17.

11) The treaties with the Republic of Venice were concluded in 1408 and 1413. *Noradounghian, op. cit.* pp. 7, 8 *Koçu, op. cit.* pp: 12, 13: " She (Venice) even paid the Sultan tribute for the Island of Cyprus When Suleyman the Magnificent succeeded Selim and took Belgrade (1521) Venice hastily increased her payment and did homage for Zantaras well " *Lane-Poole, op. cit.* p. 72.

12) The treaties with Eastern Roman Empire were concluded in 1389, 1391, 1397, 1424. *Noradounghian, op. cit.* pp. 4, 6, 10. *Koçu: op. cit.* pp. 10, 11, 16.

13) The treaties stipulating a tribute to the Turkish Empire

Athens,¹⁴ the principality of Peloponnesus,¹⁵ and the principality of Transylvania.¹⁶ Transylvania had its greatest degree of independence under Turkish protection.

The dependencies of the Turkish Empire were not considered by the Turks as colonies of settlement. In annexed provinces Turks did settle, but in the semi sovereign dependencies, Turks were settled only in strategical areas. In other words the Turkish army occupied strategic points and the families of the soldiers accompanied them. The dependency operated its own laws, the Turkish army was under Turkish jurisdiction. Such a situation is well known in international law.

2 — *Religious Tolerance*

Religious tolerance was a consistent policy of the Turks in their relations with the peoples of their dependencies. "Christians were with certain exceptions, given complete liberty of private worship. There was a fairly complete religious tolerance."¹⁷

"In the matter of toleration the Ottoman Empire afforded a complete contrast to all Christendom. The hatred of the Latins and the Greeks for one another was intense, and a lasting cause of division. It was the main reason which induced Orthodox Christians, whether Serb, Byzantine, or Greek, to acquiesce in the Ottoman rule. Their attitude of mind is well illustrated by the

were concluded in 1416, 1453, 1455, 1456 with the Genoese colonies in Crimea and the Aegean sea. *Noradounghian*, op. cit. pp. 9, 16, 17 *Koçu*, op. cit. pp. 14, 24, 25, 26.

14) Only one treaty was concluded in 1443 between the Turkish Empire and the Duke of Athens. *Noradounghian*, op. cit. pp. 17. *Koçu*, op. cit. p. 19.

15) The treaties between the Turkish Empire and the principality of Peloponnesus were concluded in 1445, 1451, 1453 and 1455 and stipulated a tribute to be paid to the Turks. *Noradounghian*, op. cit. pp. 15, 16, 17. *Koçu*, op. cit. pp. 20, 22, 24, 25.

16) The treaties between the Turkish Empire and the principality of Transylvania were concluded in 1541, 1605, 1614, 1624, 1627, 1646. *Koçu*, op. cit. pp. 43, 54, 59, 63, 66.

17) *Harold W. F. Temperley*, *History of Serbia*, (London : G. Pell and Sons Ltd. 1919), p. 110.

song which tells that George Brankovitch, the despot of North Serbia once asked John Hunyadi what religion he would enforce on Serbs if he saved them from the Turk. "The latin said the great Hungarian with decision. Greatly perturbed, Despot put the same question to the Turkish Sultan ; " I will build a church near every mosque, " said the Sultan ; " I will leave the people to bow in the mosques or to cross themselves in the churches as they will. " This story is unquestionably true in spirit if not in fact. The mass of Greek Christians preferred limited toleration under the Turk to unlimited persecution under the Latin. "18

During the Turkish conquests in many instances the natives preferred the Turks as masters instead of a Christian power whose denomination differed from theirs. A historian makes the following remark on the conquest of Crete by the Turks :

" For several centuries the island was ruled by the Venetians with a harshness not exceeded by the later Turk masters. It is said, in fact, that the Cretans themselves called in the Turk in 1645, when the memorable siege that ended in Ottoman conquest in 1669 was begun. "19

Another example of Turkish preference was manifested in 1458 when the Serbian King died.

" Lazar's widow, Helena, tried to preserve the political independence of her country by offering it as a fief to the Papacy. But the Serbs declared that they would rather be Turkish than Roman Catholic. "20

The King of Bosnia, a Catholic, proposed to unite his country with Serbia and put the two kingdoms under the protection of the Pope, thus forming a Catholic monarchy. But the people of Bosnia resisted such a proposition.

" There, too, the people, mindful of the terrible persecutions which they had suffered at the hands of

18) *Ibid*, p. 3.

19) William L. Langer, *The Diplomacy of Imperialism 1890-1902* (New York ; Alfred A. Knopf, 1951), p. 315.

20) Miller, *op. cit.*, p. 296.

the Popes, welcomed the Turks as deliverers... The Serb nobles invited a Turkish magnate, brother of the Grand Vizir, to be their lord, and when Helena put him in prison, threw themselves into the Sultan's arms. Semendrai opened its gates to him ; city after city followed its example. ²¹

Equal treatment of all nationals without distinction as to race, language or religion is a principle which is sanctioned in many minority treaties. " In the old Ottoman Empire the government recognized no difference of race or nationality. The only accepted distinction between populations was made on the basis of religion²²" Turkish religious tolerance being proved by many authorities on the subject it is possible to claim that until the nineteenth century, when the rise of nationalism started in the dominions of the Turkish Empire, the principle of equal treatment of nationals with some minor exceptions was a part of Turkish public law and a consistent policy toward semi-sovereign dependencies.²³

" On the whole, the Turkish rule during those centuries does not appear to have been as oppressive as that of a Latin conqueror might have been. The Serbians were not forced to forsake their religion nor much interfered with in their local government.... But the continual Serbian revolts which we encounter in the fifteenth and sixteenth centuries were produced less by oppression than by general restlessness and by disturbance from outside. ²⁴

3 — *Religious Ties with Moslem Principalities :*

In contrast with the policy towards Christian dependencies,

21) *Ibid.*

22) Langer, *op. cit.* pp. 304-305

23) This principle of Turkish public law has its background in Moslem law. " The Mohammedan law in fact actually forbids the forcible conversion of any unbelievers above the age of puberty, and thus forbids interference with religious opinion... (If God so willed it, every man who liveth on the earth would have believed. Wouldest thou be so mad, O mortal, as to seek to compel thy fellow-creatures to believe ? No, the soul believeth not unless by the will of God.) Quoted by Finlay, Greece (1897), v. 38n. " Temperley, *op. cit.*, p.p. 130-131,

24) *Ibid.* p. 120.

the Turkish Empire had strong religious ties with Moslem regencies. In fact many of these regencies recognized the Sultan as their suzerain because he was in the same time the Calif. The Turkish Sultan became Calif by the conquest of Egypt in the sixteenth century. The North African Moslem princes accepted the suzerainty of the Sultan in the same century because the powerful Sultan was at the same time the spiritual leader of Islam. Crimea accepted suzerainty in the fifteenth century before the Sultan became the Calif, but their common religion was a determining factor in this relationship. This assertion is confirmed by the fact that although the Treaty of Kuchuk-Kainardji detached Crimea from the Turkish Empire it recognized the Sultan in his capacity as Calif to be the Spiritual leader of Crimea.²⁵

4 — *Recognition of Each Race with Rights of Its Own :*

Although some general patterns were fixed for all of them, each race was recognized with rights of its own and its problems and potentialities and relations with the Empire were considered individually. All dependencies enjoyed self-government and in most instances, surprisingly, this self-government had a representative basis. According to the *Acte Séparé* of October 7, 1826 to the Treaty of Acherman (of the same date), the hospodars of Wallachia and Moldavia were to be chosen by a council of nobles (boyards) who had been themselves chosen by their respective peoples. The absolute right of the hospodar to make decisions to life and death, war or peace was taken from him and given to a Divan.²⁶ This fact is very surprising because by this stipulation two of the most absolute powers in Eastern Europe (Turkey and Russia), the last two powers to accept the parliamentary system, sponsored a parliamentary system restricting the powers of an absolute monarch. It is true that the representation in the Divan did not represent the whole people but only the nobles and clergy, but it is also true that " In England (until 1867), in Italy (until 1882), and in Belgium (until 1893), property and literacy tests restricted the

25) Koçu, op. cit. 103.

26) Ibid. pp. 141-142.

suffrage to less than five per cent of population.²⁷ The privilege of selecting a representative body was given to Wallachia and Moldavia in 1826. The *Règlement Organique* of 1834 provided for Moldavia a legislature composed of one archbishop, two bishops, sixteen boyards and thirteen district representatives. The General Assembly of Wallachia was composed of four Greek Orthodox bishops from each province, one hundred twenty-three boyards, thirty six representatives of the petty nobility and twenty seven delegates from urban districts.²⁸

5 — *Treaty Relationships Between the Dependencies and the Empire :*

The rights and duties of both powers were clearly defined in these treaties. A treaty of 1460 was the basis of Turkish protection over Wallachia. The following were the principal stipulations:

“... que le Sultan protégerait le pays contre tous ses ennemis : qu’il ne se mêlerait en rien de l’administration intérieure, que la nation continuerait de jouir de sa religion, de ses lois, de ses libertés; que le duc ou voivode serait élu par les boyards et les évêques ; qu’il aurait le droit de paix et de guerre, de vie et de mort ; que les Turcs ne pourraient s’établir dans le pays ; que la Vallachie payerait au Sultan un tribut de 10.000 ducats.”²⁹

In the same treaty the supremacy of the Sultan and of his successors over Wallachia was recognized and the ratification of the voivode’s election by the Turkish government was stipulated.

27) Carlton J. H. Hayes, *A Generation of Materialism, 1871-1900* (New York : Harper and Brothers, 1941), p. 54.

28) *British and Foreign State Papers*, XXXI, p. 1245, Koçu, *op. cit.* p. 162

29) Conrad Malte-Brun, *Geographie Universelle* (Paris : Furne et Cie, 1862-65), IV, p. 637. Translation : “ That the Sultan would protect the Country against all its enemies ; that the Sultan would never intervene in internal affairs, that the nation would continue to enjoy its religion, its laws, its liberties, that the Duke or voivode to decide as to peace and war and life and death, that the Turks were prohibited from settling in the country ; that Wallachia would pay to the Sultan a tribute of 10.000 ducats. ”

In this early treaty it is possible to see some of the Turkish policies toward dependencies. The policies of non-asimilation and the concept of the dependencies as autonomous parts of the Empire rather than as colonies of settlement is shown by the fact that Turks were prohibited to settle in the principality. The policy of allowing self-government is shown by the statement that the Sultan would not intervene in internal affairs. Wallachia would continue to enjoy its laws and its liberties. Representative government, at least on a relative basis, is shown by the election of the prince by the nobles and bishops. Religious tolerance is clear in the statement on the Wallachians' enjoyment of their own religion.

It was possible for the dependencies to bring complaints on the breach or non-observance of the treaties by minor officials and soldiers to the Imperial Divan. The following is a good example of this principle. " En 1593, le Voyvode Michel, s'alliant avec Sigismond, prince de Transylvanie et le voyvode de Moldavie transmittent à la Porte une longue liste de leur griefs. "30 During the early and enlightened days of the Turkish Empire these complaints were taken into account and the wrongs were corrected, but in later centuries the principles applied to the dependencies were abandoned as were other policies and principles which brought might and justice to the Empire. In early centuries " the Turkish Empire was won by the simple means of faith and valour ; it was retained by refined arts of policy and diplomacy long after the glow of religious passion died away. "31 In later centuries the Empire was in weak hands. Beside this there was the rise of nationalism in dependencies ; their desires for more autonomy caused the abandonment of refined arts of policy and diplomacy. The Empire suffered internal crisis, the government could no longer control the army which deposed Sultans who were not prompt to satisfy army desires. During these critical periods the autonomy of the dependencies was reduced enormously in violation of treaty stipulations. In Moldavia and Wallachia the princes were no longer elected but were

30) " Valachie " Grand Dictionnaire Universel du XIXe siècle, Vol. 15, 1876

31) Temperley, op. cit. p. 113

appointed by the Porte. These appointed princes were of Greek origin and religion. Even when autonomy was greatly restricted, the internal government was left in control of local matters and had the right to declare war and to conclude peace.³² The principalities were not annexed and care was taken in the appointment of princes that where Christian and belonged to the same denomination as the dependency.

6 — *Marriage Ties Between the Empire and Dependencies :*

The Turkish Sultans strengthened their relations with the dependencies by marrying the daughters and sisters of their vassal princes. This practice was followed in early centuries. In 1389, by a new treaty between Turkey and Serbia, the treaty of 1375 was renewed with the additional agreement that Sultan Beyazit and Princess Mileva, sister of the Serbian King would be married. Later basing their claims on the kinship thus established, Turkish Sultans even advanced a claim to the Serbian throne. In 1427, Serbian King Stephen Lazarevitch died without leaving a heir, but he had named George Brankovitch to be his successor.³³ Murat II claimed a prior right to the Serbian throne, being the grandson of the Serbian Princess Mileva, wife of Beyazit. Upon Serbian refusal to give him the throne, Murat II started to invade Serbia but European preparation for a new crusade made him change his plans and a treaty was signed in 1428. The Sultan married the sister of George Brankovitch, a tribute of 50.000 ducats fixed and the Serbian King promised to send his troops to the Turkish army in case of necessity and to cease all relations with Hungary.³⁴

32) " La Porte se croit assurée de l'impunité et fait peser sa tyrannie. Cependant une ombre d'indépendance subsiste. Le traité d'Angrinople — (celui de 1829) — sans le dire expressement ne fait que remettre en vigueur les dispositions contenues dans le traité de Mahomet II, qui n'étaient plus observées sauf la faculté laissée à la Valachie de faire la paix et la guerre. " Grand Dictionnaire Universel du XIX e Siècle, Vol. 15, p. 730

33) Miller, op. cit. p. 292. Noradounghian, op. cit, p: II quoting Hammer

34) Miller op. cit. 293

Bulgaria also accepted Turkish sovereignty and the Bulgarian King accepted the marriage of his daughter to the Sultan Murat I.³⁵ In later centuries this policy was dropped.

7 — *Attempts to Create a Federal or Commonwealth Structure*

The Turkish dependencies were not colonies to be exploited, nor were they used as settlements for Turkish immigrants. They were unequal allies, as were dependencies in the Roman Empire, and were considered important to the Turkish Empire for strategic purposes. Nineteenth century industrialization did not materialize in the Turkish Empire. The basic problems of colonial powers, stemming from the relationship of the capital of the colonizing power to native labor, did not exist in the Turkish Empire. The political communities of the Turkish empire evolved toward independence with the rise of nationalism, with outside support in their behalf, and with inadequate supervision and corrupt government of the Turkish Empire. But when they claimed independence the dependencies always based their demands on the autonomy they already were enjoying within the Turkish Empire.

“ En effet les territoires de plus de trente royaumes, républiques, principautés avaient été englobés dans le vaste empire turc et c'est en invoquant la mi-souveraineté que plusieurs de ces communautés politiques affirmèrent d'abord leurs droits. ”³⁶

In the Turkish system there was no Governor General. A comparative study of the British colonial system aids in obtaining a clearer picture of the Turkish system. The Colonial Office in London has ultimate responsibility in colonial government and “ exercises general administrative supervision. ”³⁷ The Colonial Secretary appoints a Governor who works with the officials of the British Colonial Service in the administration of his position. In the Tur-

35) Koçu, op. cit. p. 9

36) Edouard Engelhardt, “ Considérations historiques et juridiques sur les protectorats ”, *Revue de droit International et de Législation Comparée*, XXIV, p. 349.

37) John C. Ranney and Gwendolen M. Carter, *The Major Foreign Powers* New York : Harcourt, Brace and Company, 1949, p. 267.

kish system there was no cabinet post such as the Colonial Office. The only real control exercised by the Turkish government was the power (of the Sublime Porte) to veto the election of a Prince. Civil administration was completely in the hands of natives. The local governments of the Moslem dependencies were patterned after the government of the Turkish Empire. There was an executive body called the Divan headed by a Prime Minister and responsible to the Sultan. In Christian dependencies the princes were elected by an assembly which was elected in turn from certain social classes such as the nobility and clergy.

A comparison with the Indian protectorate of the British Empire and Wallachia and Moldavia after the *Règlement Organique* of 1834 may be helpful in pointing up some of the significant features of the Turkish system. The Governor General legislated for British officials as well as for Europeans and natives subjects.³⁸ In the Danubian principalities there was no Governor General; there were two legislative chambers composed of natives. These two chambers legislated only for natives; Europeans had their own jurisdiction under the Capitulations and Turks stationed with the army were under Turkish jurisdiction. Acts of Parliament affected the Indian protectorates indirectly because they affected the Governor General. The Turkish firmans did not affect the Danubian principalities except the firman of investiture of the elected prince. The Indian native princes adopted many British laws, as in the case of the Indian penal code. The Danubian principalities did not adopt any Turkish law because Turkish law was based on Moslem law and jurisprudence and Wallachia and Moldavia were Christian countries applying their traditional customary law based upon Christian principles.

From this comparison it is possible to note the favorable position of dependencies within the Turkish system. They were able at a relatively early date to obtain independence, even though this may be ascribed to the declining strength of the Ottoman Empire. Moldavia and Wallachia won virtual independence by the Treaty of Paris in 1856 and full independence with the Treaty of Berlin in

38) John Macdonell, "Protectorate," *The Encyclopedia Britannica*, (Cambridge: University Press, 1911), XXII, p. 469.

1878. India became independent in 1947 after many sacrifices made in aiding the British Empire during the first and second World Wars. The above mentioned principles of the Turkish Empire were established when the Empire was growing, was strong and well-administred. They were forgotten or purposely put aside during the decline of the Empire. These principles and policies were farsighted political actions. Rights and duties of suzerain and vassal states were clearly defined in the case of the Turkish Empire, contrary to the general notion that the rights and obligations of protectorates were vague because often a protectorate is the result of a political compromise.

Turkish suzerainty in some of the regencies had been more nominal than real. Such was the suzerainty over the Barbary States. However, European powers addressed the Turkish government for redress of the acts of the Barbary States and in the following circumstances the Suzerainty of the Turkish Empire over the Barbary States was recognized : (1) European powers sent only consuls and did not accredit Public Ministers to the courts of these regencies. (2) They obeyed the rule of negotiating with the Turkish Empire directly or obtaining the subsequent confirmation of the Turkish government for arrangements entered into with the Barbary States. (3) When the Beys or Days of these States visited European Courts they were not received as rulers or representatives of an independent state but instead the Turkish Ambassador presented them to the visited Court.

Russia desired a limited status as protector of the Danubian principalities and was granted this position by the Porte. Russia did not conclude a treaty directly with these Turkish vassal states, so Russia's intervention was based only on treaties concluded with the Porte. From the beginning the Danubian principalities had the characteristics of protectorates ; they had given up part of their sovereignty by treaty. In the eighteenth century, following continuous disorders and revolts, the Ottoman Porte changed some of the stipulations such as the election of the Prince by the native assembly. Nevertheless relations between the protector and the protectorate were based on treaties. The protectorate had all powers that it did not give up. The limited Russian protectorate agreed to by the

Porte was invalid because Turkey did not have the authority to share its own protection over these principalities with Russia under the provisions of the treaty with them. The Russian protectorate over these principalities had no valid legal basis.

For a time Serbian-Turkish relations were in the form of a protectorate under a treaty. Later Serbia was annexed to the Empire and ruled by a Turkish governor. During the direct administration of the country, Serbia was governed by a governor pasha with his headquarters at Belgrad. He in turn was under the *Rumeli Beylerbeyi* (Governor-General of European Turkey).³⁹ The pasha fixed the taxes and he was chief justice of the province as well as its governor. Beside the Turkish administrators there were Serbians called Bashi-Knezes who had jurisdiction over Serbians. The Turks could not live in Serbian districts.⁴⁰ On the national level the government of Serbia was in the hands of the Turks, but local self-government was Serbian.⁴¹

The Separate Act signed as an annex by Turkey and Russia to the Treaty of Ackerman in October 7, 1826, gave more autonomy to Serbia. With a Turkish decree of September 30, 1829, Serbia became a vassal state. The changed situation need not be generally registered in a formal treaty. This was true in cases of Serbia and Bulgaria.⁴² Being vassal states they had only such powers as were delegated by Turkey. But Turkey did not want to share its suzerainty with Russia, so the relations of Russia with Serbia from 1812 to 1856, and later Russian-Bulgarian relations were without any legal basis.⁴³

39) "European Turkey is styled by the Turks Roumelia which signifies the country of Roum, a name given during the middle ages to the Greek of the Lower Empire." **Jean Henri Abdolonyme Ubicini**, *Letters on Turkey*, trans. Lady Elizabeth Easthope, (London: John Murray Albemarle Street, 1856), Part I, p. 14

40) **Temperley**, *op. cit.* p. 119

41) *Ibid.* p. 120

42) Bulgaria became a semi-independent principality by the Treaty of Berlin in 1878

43) **Ernst Freund**, "The Control of Dependencies Through Protectorates" *The Political Science Quarterly* (1889) XIV, p. 30

The annexation of Algeria by France in 1830, shows that France did not take into consideration the rights of the Turkish Empire over this dependency but England called french attention to this fact. On March 23, 1830 Lord Aberdeen sent a message to Lord Stuart de Rothsay.

“ Je ne cacherai pas à votre Excellence que le silence complet observé à l'égard des droits et des intérêts de la Porte dans l'exposition détaillée des intentions du gouvernement français telle qu'elle ressort de la dépêche de M. de Polignac, a été remarqué avec quelque surprise. Il est difficile d'imaginer que ces titres soient écartés par Sa Majesté Très-Chrétienne quelque soit le changement qui ait lieu. Il est vrai que plusieurs des États de l'Europe y compris la France et l'Angleterre se sont longtemps habitués à traiter les Regences comme Etats indépendants et ont rendu leurs gouvernements responsables de leur conduite, mais nous n'avons pas oublié ni leur position envers la Turquie ni l'espèce de souveraineté que le Sultan exerce encore sur eux. Ce n'est que très récemment que Sa Majesté Très-Chrétienne a renoncé à l'idée de profiter de la médiation et de l'autorité du gouvernement turc pour amener une reconciliation avec Alger. Ces états barbaresques sont encore vassaux et tributaires de la Porte, et lorsque le pouvoir du vassal cesse d'exister, il est raisonnable de supposer que les droits du suzerain seront pris en considération. On ne peut supposer autrement si l'on pense à la sollicitude que Sa Majesté Très Chrétienne a toujours témoigné pour la préservation et la prospérité de l'empire turc. ”⁴⁴

The content of this message was transmitted to Prince de Polignac who assured the British that the expedition was made not to conquer but to punish. In any event, Algeria was conquered and annexed to the French Empire.

III — CONCLUSION

The research shows that in modern writers on international relations there is often a praise of British Commonwealth of Na-

44) William Beach Lawrence, Commentaire sur les éléments du droit international et sur l'histoire des progrès du droit des gens de

tions as a remarkable and unique grouping. The British claim same thing too. The Sub-Committee on Inter-Imperial relations, appointed by the Imperial Conference of 1926 reported that "the Empire, considered as a whole, defied classification and bears no real resemblance to any other political organization which now exists or has yet been tried."⁴⁵

In spite of this claim the Turkish experience within the Ottoman Empire proves to be a precedent to the British Commonwealth. The principles were the same : autonomous communities with complete local self-government, the freedom to choose their own administrators, legislators and judges and to conduct their own local affairs as they wish within the general interests of the Commonwealth. Meanwhile the factors of the Turkish experience were specific to it, so were the factors of the British Commonwealth. In the British experience there is a continuous and organic development starting from a complete absence of self-government to independence. Colonies became independent nations of equal status. In the Turkish experience the dependencies kept a partial self-government since the beginning later became independent and detached from Empire. The Turkish dependencies were accepted as autonomous political entities within the Empire. All of them even when the influence of the Porte in their affairs was extreme kept a partial sovereignty. The dependencies looked at Turkey for security and Turkey assumed protective responsibility. Nevertheless Turkish system did not recognize equality of Dominions. Equality of Dominions is last step of a long evolution in the British system too. In fact equality of dominions and of Great Britain, in status, was promulgated by the Conference of 1926. But difficulties followed ;"

" But there were also contradictions in it (the definition of the British Commonwealth promulgated by the Conference of 1926) with the existing British order which even British felt to clear up. For example, the

Henry Wheaton (Leipzig : F. A. Brochhaus, 1868), I; p. 261 quoting Martens Nouveau Recueil tome XI; p. 56.

45) J. A. Spender, Great Britain, Empire and Commonwealth, 1886-1935 (Casse) p. 739.

King's representative in the Dominions had the right of reserving the assent of the Crown to a Dominion Act until he had received instructions from the British Government. That Government could even move the Crown to veto a Dominion Act or to disallow such parts of it as might conflict with a United Kingdom Act touching the Dominions, and its consent was required at least technically before effect could be given to certain other legislation. How could a British Government exercise powers of this kind, if, as the 1926 formula said, all the Governments were "equal in status"?⁴⁶

Only by the Statute of Westminster, all legal limitations were abolished in 1931. By that time Turkish Empire had ended. Until 1922 the British Government did not have to consult the Dominions for every policy and "in the autumn of 1922 the British Government received a sharp reminder that the consent of the Dominions could not be taken for granted to any policy on which they had not been consulted."⁴⁷ The parallelism of the British and Turkish Imperial systems are thus shown.

The comparison of the Turkish system to the other modern systems shows that the status of the Turkish dependencies was much better than that of many of today's protectorates. The policies of the parent government were successful. The fact that this huge empire was kept intact for centuries is a witness to this efficiency.

The Turkish system was more advantageous than the French political organization which vainly tried to make her colonial possessions with widely differing peoples and interests an integral part of the government of continental France. The instability and the inconsistency of French political life is partly due to this cause.

The Soviet Union has a federal political structure. The first federal divisions are Union Republics which represent national groups, smaller national groups are organized into autonomous republics, autonomous regions and national areas. The Soviet Union does not have off-shore possessions. These Union Republics have the right to secede according Soviet Union's Constitution and although local self government is carried on by the locally elected

46) Ibid. p. 740.

47) Ibid. 738-739.

soviets, the expression " self-government " is not used in Soviet law.⁴⁸ and the decisions of each soviet can be overruled by a higher soviet. The study shows the pseudo character of Soviet federalism, Union Republics being denied least degree of autonomy and self-government, the comparison of the Turkish experience with the Soviet system will be useless and vain.

Turkish political organization was an excellent one if we consider that it was built just after the close of the Middle Ages, and developed to be an early precedent of the British Commonwealth. Later the corruption of the parent government in its domestic relation brought inconsistent policies and oppression upon the dependencies. The rise of nationalism, industrialism, the race of European powers to control the strategic and rich areas of the world, and European intervention under humanitarian claims (forgetting millions of people oppressed by their governments in their own homeland or dependencies), accompanied by the financial collapse of the Porte and the vicious government of Sultan Hamit II, resulted within a period of thirty years in the detachment of the dependencies one by one.

By the treaty of Lausanne of 1923, a new Turkey is born, cleansed from imperialism, a Turkey within which the overwhelming majority of population is Turkish.

48) Ronney and Carter, *op. cit.* 649.