

PERCEPTIONS
JOURNAL OF INTERNATIONAL AFFAIRS
March - May 1998 Volume III - Number 1

TURKEY BETWEEN EUROPE AND THE MIDDLE EAST

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Within the Islamic community of peoples, Turks have had a special state tradition from the time they entered and controlled the Islamic world in the eleventh century. Originating in the steppe empires, this tradition can be defined as the recognition of the state's absolute independence of action and the upholding of the state's absolute right to legislate on public matters. Thus, in Turkish states in the Islamic world, *törü* (*türe*, *tüzük*), *yasa* or *kanun*, that is, a body of laws and regulations, existed independently from Islamic Law and led public life in the highest interests of the state and community, giving elasticity in formulating state policies and interpreting the stipulations of Islamic Law in the most liberal manner. The *kanun* regime was also instrumental in introducing reforms and innovations as required by the actual circumstances. The Ottoman *ulema* ingeniously interpreted the state's independent action and legislation within the canonical principle of *istihsan* or *maslahat*.¹ This principle said: what is necessary for the well-being of the Islamic community is to be preferred. It is to be added that more strict commentators of religious law contended that this liberal attitude leads to heresy and state laws approved by the liberal *ulema* were in fact innovations against Islamic Law. This contention gave rise to a prolonged struggle between the 'official' or bureaucratic *ulema*, supporting the state's legislative power, and the 'popular' *ulema*, acting as a mouthpiece of the populace against the privileged. The Friday sermons in the mosques offered a strong propaganda base for the latter.² In other words, liberal and strict interpretations of the divine law have given rise to a political, cultural and social contention in Ottoman-Turkish society since the middle of the sixteenth century and can be viewed in its earlier times as the initial phase of a fierce struggle between modernists and reactionaries in the nineteenth and twentieth century when the modernisation process gained momentum.³

In Turkish states the ruling *élite* constituted and had the consciousness of a separate, privileged governing body above the tax-paying productive classes or *reaya*. The ruling *élite*, however, did not make a caste with hereditary rights, except the Ottoman dynasty. The ruler chose and introduced into the ruling *élite* anyone whom he considered of use to serve and enhance the state's interests and the institution. Within the ruling *élite*, the central bureaucracy occupied an absolutely special position. Composed of state secretaries so to speak, it was the nerve centre of the whole state organisation and formulated all the decrees and laws as required by state interests. In one word, this group embodied the state and its independent policies. It shared the sultan's absolutism.

For the topic under discussion, this traditional bureaucratic despotism is of extreme importance. Motivated by the idea of state interests, the central bureaucracy was responsible for the introduction of modernising reforms and it became the origin and ardent defender of all the movements leading to reforms, secularism and westernisation in the Ottoman state. It naturally rallied military and religious bureaucrats around itself. It should be added that thus, the ruling *élite*, headed by the central bureaucracy, formed a powerful group with obvious class interests.⁴

During the nineteenth century, the ruling *élite* played a key role in promoting westernisation, and an alliance and identification with the West as the best policy for 'the state'. For the integrity of the empire or for the preservation of the imperial political and social system, the central bureaucracy decided that westernisation and western alliance was the only way out. The immediate danger posed by the military imperialism of the rival empires of the Habsburgs and Romanovs always served

as the incentive and excuse for the intensification of the westernisation process introduced by the reformer bureaucrats.⁵

On the other hand, it has rightly been observed that the civilian and military bureaucrats emerged at the moment of the collapse of the imperial system as the champions of the independence of the Turkish nation and culture. In the footsteps of the nineteenth century reformer bureaucrats, they espoused again, in a most radical fashion, the western ideals—this time ideals of nationalism and democracy, the preliminary forms of which were introduced already in the Tanzimat period. Westernism was a tradition rooted in the élite during the Young Turk revolution of 1908 and the Independence War.

If Turkey emerged as an independent state, developing its own identity and national culture in the modern world, that only became possible as a result of the ideological zeal and elevation of the great leaders who emerged from the ranks of the Ottoman bureaucrats. In other words, the independent national state of Turkey owes its existence and development primarily to this group who tried in the decades after the national victory to bring about a complete westernisation of the state and society. The point will be well illustrated when we recall the landmarks in the westernisation process of the Ottoman empire and its tradition of tending towards western alliances, which proved to be of determinant import in creating the modern Turkish nation-state and democracy.⁶

Westernisation of the Ottoman state passed through several stages with different orientations. From the earliest times of the Ottoman state, the bureaucrats were alert in borrowing weapons and tools of Christian Europe—including naval construction methods and seamanship, gunnery and tactics which made the Ottoman military power a match of its western enemies, and superior to its eastern rivals. From the religious point of view, the bureaucrat ulema thought there was no stipulation prohibiting such technical borrowings and subscribed to them mainly on the basis of the Prophet's saying that in fighting it is permissible to use the enemy's tricks.

Generous remuneration of such skills was so well known in Renaissance Italy that several famous masters were attracted to Turkey. A project by Leonardo da Vinci to construct a bridge on the Golden Horn was discovered in the Seraglio archives and published recently by Franz Babinger.⁷ Thousands of Jews expelled from Spain and Italy settled in several cities in the Ottoman Empire and were responsible for the promotion of various arts, in particular woollen cloth manufacture in Salonika and Safad. It can safely be said that among the countries of non-western cultures, Ottoman Turkey was the first to come into close cultural relations with rising western civilisation. Various means of contact through war, trade, captives and converts, refugees, and port cities with European communities such as Pera, Salonika and Beirut made these close relations and interactions possible.

At this stage, however, Ottoman westernisation was limited to borrowing cultural objects. The second stage was reached in the eighteenth century when the Ottomans opened military schools where western sciences in military and related fields were taught by European experts and the printing press was introduced to publish books on technical subjects. Thus, the Ottoman mind was for the first time stimulated by western science in a systematic way. Already in the seventeenth century, the intellectual curiosity of Ottoman bureaucrats had given rise to kinds of clubs in the konak's of Istanbul where Greeks educated in Padua and Ottoman bureaucrats came together to discuss, in the most liberal fashion, subjects in philosophy, politics and ethics.⁸

An atheist and mundane view of the world spread among these literati in this period which can be considered a prelude to the secularist trend in Ottoman-Turkish thinking. What was most significant in this was the new attitude of the Turks towards western civilisation—an attitude of admiration and desire to understand which is the first condition of a real acculturation. However, it should be noted that this first Ottoman enlightenment was linked to the growing sense of the Ottoman empire's political and economic dependence on the West and it recruited its adherents from among the reform-minded bureaucrats.⁹

The third stage in Ottoman westernisation came with the measures borrowing western

administrative and political institutions and re-organising the Ottoman state on this basis. Still, this was interpreted by the bureaucrats of liberal thought as technical means used for the good of the Islamic community. This radical move was explained and justified as being for the survival of the empire at a critical moment of collapse in 1839. During this period of liberal reforms known as the Tanzimat, administrative reforms were coupled with the translation from French and enactment of dozens of state regulations. Basically they aimed to create a centralist bureaucratic state on the model of European monarchies.

In fact, the Ottoman reforms partly imposed by the western capitalist nations, served those nations' expanding market needs by introducing a most liberal regime in trade, and administrative and judicial safeguards for their nationals with extensive guarantees for non-Muslim subjects of the empire in a partially secularised system of government.¹⁰

The liberal reforms of the Tanzimat culminated in the proclamation of the first Ottoman constitution in 1876. The short-lived Ottoman experience of parliamentary government was quite successful as judged by a recent student of the event, Professor Devereux. Let me, however, point out that the ballot system for the elections was so incomprehensible for the voters that the government resorted to quite an awkward regulation at the elections. At any rate, one of the first constitutions outside Europe, the Ottoman constitution, was an important step on the way to the Turkish Republic of 1923. More than half a century of experience under the Republic has proved that the democratic system of government, a direct product of the Ottoman liberal movement in the nineteenth century, is an irrevocable reality in Turkey's political life. No government can survive in Turkey today without the popular vote since Turkish citizens of every walk of life are accustomed to and want to exercise the power to elect their own government. Westernizing reforms led to a dualism in the Ottoman Turkish state and society.

To give a particularly illustrative example of the dualism and conflict in Turkish state and society, I thought I should summarise here the process of secularisation of the judicial system which I recently studied in detail. In the period prior to the nineteenth century, the *cadi's* court was much more than an ordinary judicial court.¹¹ It was at the same time a town meeting place where the city notables, representatives of the craft guilds, and imams of the districts got together for various occasions such as the allotment of certain taxes among the local population, formulation of complaints to the Sultan, or price fixing. During the Tanzimat period such community affairs were shifted to the provincial councils which assumed more extensive administrative responsibilities. At the same time, the *Shar'i mahkamas'* (courts of Islamic Law) areas of jurisdiction were increasingly restricted, and the section of the religious law concerning obligations, as well as administrative law, began to be dealt with by newly created non-religious courts. It is interesting that the need for the new courts emerged first in the sphere of commercial transactions which began to assume increasingly complex forms under the impact of the commercial revolution of the eighteenth century. By the end of the eighteenth century, the state recognised the establishment of a special court for merchants with the authority to solve business disputes arising among themselves, and in 1850 a commercial code based on French Law was proclaimed, and new commercial courts instituted in 1860 were composed of members appointed by the state and elected by the merchant community.

The commercial and criminal courts, called collectively *nizâmiyye* courts, were secular courts side by side with the *Sharî'ah* courts. The introduction of a dual system in law and court administration led to a serious confusion over jurisdiction. The newly-established courts were not permitted to pass any decision in conflict with the *Sharî'ah*, and for subjects clearly within the jurisdiction of Islamic Law, they had to obtain a *fatwâ* from the *müftî* who was appointed to these secular courts.

During the height of the Tanzimat period, between 1864 and 1876, the whole Ottoman judicial system was re-organised on the French model with the formation of the ministry of justice and the publication of various secular law codes for the use of the new courts. The adoption of the western judicial system during the Tanzimat period, especially projects for introducing the French civil code, aroused deep concern among the Ottoman *ulema*, as is reflected in comments in Cevdet Pasha's memoirs.

As a result of this reaction, the section of the Shari'ah dealing with muâmelât (commercial transactions) was codified under a new system of classification by a special committee and published between 1855 and 1869. For the first time, a single Islamic law code, Macalla, was declared to be the sole official text to be implemented in both the Sharî'ah and nizâmî secular courts. Now judicial decrees of the courts were to be sent to the office of the _eyhüIslâm (the high official responsible for cannon law). But the Macalla failed to meet all the needs of Ottoman society's increasingly complex commercial relations and to save the shaky position of the Sharî'ah courts.

However, as the Constitution of 1876 confirmed later on, the Ottoman state declared its adherence, as an Islamic state, to the principle of the supremacy of Islamic Law over all other legislation. The conservative Muslim masses had looked with suspicion on the introduction of western judicial institutions. Thus, the Ottoman ulema continued their efforts to maintain their position by introducing reforms in the Islamic system itself as well. Already in 1855 a regulation was passed on the training and selection of the nâ'ibs (deputy judges) in the courts. Other regulations on the issuing of Sharî'ah documents were also published. Finally, in 1915, a procedural law for Sharî'ah courts was introduced. During the Union and Progress administration, which advocated the unity of judicial power under state control, the secularisation movement gained in intensity, and in 1914, control of all religious courts was taken away from the _eyhüIslam and put under the ministry of justice like all other courts. But the decision was reversed upon the fall from power of the Union and Progress party in 1919, and the Sharî'ah courts were returned to the control of the _eyhüIslam.

Radical secularisation was effected only under the Republic in 1924 when the Sharî'ah courts were abolished and the Macalla was replaced by new secular codes of civil law, criminal law and commercial law, based respectively on the corresponding Swiss, Italian and German codes.

The story of the Ottoman judicial system is repeated in every facet of Turkish life, not only in such institutionally regulated areas as education, but also in social life, ethics, manners and art. The common characteristics of all these changes were a dualism and a conflict between secular western institutions imposed or supported from above by bureaucrats and, on the other hand, traditional Islamic institutions sustained by religious groups and supported largely by the masses clinging to the traditional value system of Turkish society. The conflict found its expression in the sharp discussions during the Tanzimat period led by the Young Ottomans, notably by Nam_k Kemal and Ziya Pasha in the 1860s and 1870s, and later in a more analytical way in the sociological writings of Ziya Gökalp.

Nam_k Kemal and Ziya Pasha vehemently criticised westernisation as inspired or imposed from outside with shattering effects on the traditional socio-economic set-up as well as on the traditional value system. They identified westernisation with bureaucratic despotism, and thus expressed popular reaction to the government—the masses seeing in westernisation the ruin of traditional crafts, unemployment and the concomitant erosion of the Islamic system of traditions and values.¹²

Nam_k Kemal and Ziya Pasha formulated clearly, the problems and views of the Turkish populace at large as follows:

1. The westernising reforms were imposed by a bureaucracy working diligently with Western Europe. They thought this meant the search for a solution to national problems was being relinquished to foreign powers who were only concerned with their own interests;
2. The bureaucrats used westernisation as a way to consolidate their own despotic power. Kemal and Ziya advocated a constitution and parliamentary government in order to modify this situation;
3. Ziya and Kemal were keenly conscious of the fact that the fundamental problem was an economic one. They bitterly observed that the dumping of Western machine-made textiles, imported under capitulatory privileges, killed the native crafts in the country, and, since there was no native industrial enterprise capable of being substituted for the traditional crafts, unemployment became widespread;

4. The economic exploitation by the West was a well-known fact at the time. In 1869 Namık Kemal wrote, "We finally were able to renew the commercial treaty with England. But how? The late Lord Palmerston, considering the disastrous state of our finances, had sympathy and agreed to some changes in our favour The question is whether the Sublime Porte can demonstrate to the European powers, by skilful diplomacy, the unjust conditions imposed under the capitulations and make them recognise our rightful position If the Ottomans open a new war (against Russia) and are defeated, the Great Powers are well aware of the grave consequences for the civilised world of such a disaster." Kemal held the Tanzimat's liberal policy responsible for the economic ruin of the country. He advocated internal development projects and exploitation of natural resources by the Ottomans;

5. Criticising dependency on the West and the imposed reforms, the Young Ottomans were also vigorously critical of the imitation of the West in culture, ethics and manners. They were against the adoption of European laws.

The Young Ottomans made a clear distinction between culture and civilisation and while they advocated the adoption of western methods in industrialisation, commerce and other material skills they rejected identification in culture and life style.¹³

They linked to the Islamic principles, their programme of a constitutional government and administration based on the absolute rule of law. They demanded that in preparing a constitution each provision should be examined by the müftî and his opinion adhered to. They vigorously denied the idea that Islam was the source of the ills in Islamic society. It was, they argued, on the contrary, the failure to implement Islamic law fully and the maintenance of a dualistic judicial system that caused disorder and decline. In sum, the Young Ottoman movement of the 1860s is described as the first clear expression in Turkey of popular protest against the unchecked exploitation of western capitalism and their bureaucratic ally in the country. It was directed against westernisation and the centralist autocratic form of government. What is most interesting, the whole movement found its emotional core and its value system in Islam.

Rejecting the dualistic view of modernisation, Atatürk led westernisation to its most radical forms. In the new nation-state of Turkey, the logical revolutionary step was a complete secularisation of the state.¹⁴ Though opposed by fundamentalists as contrary to the basic tenets of Islam, Atatürk's secularism became the essential issue throughout the contemporary Islamic world. Atatürk made a far reaching revolution in Islam though he never intended or wished to be a religious reformer. Secularism was to solve many complex problems in Turkish society. First of all, the modernisation process could advance in an unchecked and unconditional fashion to lead to the modernising moves to their logical ends in a nation-state.

This was particularly significant in an Islamic society in which Islam demanded to control all acts of Muslims, private and public, for the sake of their salvation in the next world. In a more practical way, secularism would accommodate all creeds and sects within the state on an equal footing, and, remove religious causes of conflict. By that I am referring in particular to the upsurge of dangerous events between the Alevîs and Sunnîs in recent years when the secular principle was often ignored by politicians. Atatürk confesses that his bureaucratic reforms from above were revolutionary methods intended to ultimately terminate the bureaucratic autocracy in the Turkish state. In its worst interpretation, the Bureaucracy was thought of as the despotic instrument of state power and this was basically what was inherited from the Ottoman state concept and practice.

Atatürk's most efficient method in his modernisation programme was to be the secular educational system in which no place was given to Islamic teaching. He believed that a new generation brought up under such a system would be the guarantee of his secular nation-state. But what has actually happened was a profound cultural cleavage between the educated and the uneducated Turkish society. The cultural division cutting across the social classes appears to prove the fact that the cultural problem is the overriding one in the Turkish society today.

Atatürk was also keenly concerned with making Turkey a full and equal member of a western community of nations and his nation-state programme was aimed at this goal. It must be admitted that it was not easy to overcome the age-old biases in the Christian West. Europe continued to identify modern Turkey with the Ottoman state, or a backward Islamic country, despite the emphatic assertion by Atatürk that Turkey is just one of those modern nation-states born out of the collapse of the medieval empire of the Ottomans. But, we have to recognise the fact that today, in terms of historical identity and cultural orientation, Ottomanism is somewhat revived in Turkey itself. As a substitute for the Islamic identity, Atatürk was keenly seeking to give the Turkish youth a sense of historical identity with the Hittites of Anatolia and pre-Islamic Turks of Central Asia. Again, as a most recent development, Islamic identity increased vigorously throughout the country, mainly as a result of deep disappointment with the social and economic development expected from a secular western policy.

I think the convulsions modern Turkey is experiencing today are symptomatic of the basic demographic, economic and social problems to which a dynamic, developing society gives rise, and these are rendered as a culture crisis. The prescriptions Atatürk and İsmet İnönü strove to enforce as solutions for a modernised Turkey are widely questioned or flatly ignored by large groups in Turkey today. Paradoxically enough, the Islamic reaction which started in the 1950s under the Democrat Party regime was at the same time a reaction against the age-old patronage of a bureaucracy which used to prescribe and impose reforms from above, but its failure in economic and social spheres gave momentum to the protest of the masses which used popular elections to assert itself.

Though differing among themselves in their attitude toward Islamic identity, the conservative popular front's outlook closely resembles that of the Young Ottomans of the nineteenth century. From the 1960s on, a more radical group of socialist intellectuals have been advocating a new programme to solve Turkey's problems, again mostly ignoring Atatürk's principles for a national state. The socialists in Turkey basically believe that the capitalist West is, by nature of its economic system, uncontrollably exploitative of underdeveloped societies, regardless of politicians' assertions of goodwill and aid. Furthermore, given restricted resources for development and social welfare, they think complete planning and control of the economy is a necessity. While a larger group of the socialists confess loyalty to democratic methods, a revolutionary minority group affirms that the western system of government is totally unsuited to real development.

To conclude, the struggle in the midst of which Turkey finds itself today is actually the outcome of a long historical process bringing newly emerging forces and movements into conflict with its traditional set up, and expressing them differently according to the value systems with which interested groups or classes find themselves associated. One can easily see that there is a steady development towards an increasingly differentiated society in which there is no longer a place for the bureaucratic patronage system of the medieval Ottoman past.

1 On the Ottoman kanun system see 'Kânûn' and 'Kânûnnâme' (İnalçık, Halil) in *Encyclopaedia of Islam*, second edition.

2 Zilfi, M., *The Politics of Piety*, Chapter Four.

3 İnalçık, Halil, 'The Nature of Traditional Society: Turkey' in Ward, R. E. and Rustow, Dankwart (eds.) (1968), *Political Modernisation in Japan and Turkey*, Princeton, pp. 42-63.

4 İnalçık, Halil (1992), 'Comments on Sultanism: Max Weber's Typification of the Ottoman Policy', *Princeton Papers*, I.

5 On The Tanzimat reforms see İnalçık, Halil (1942), *Tanzimat ve Bulgar Meselesi*, Ankara, reprinted İstanbul: Eren Yayınları 1992; Davison, Roderic (1973), *Reform in the Ottoman Empire (1856-1876)*, New York; Lewis, Bernard (1961), *The Emergence of Modern Turkey*, London;

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6 Findley, Carter (1980), *Bureaucratic Reform in the Ottoman Empire, The Sublime Porte, 1789-1792*, Princeton; Findley, Carter (1989), *Ottoman Civil Officialdom*, Princeton.

7 Babinger, Franz 'Vier Bauvorschläge Leonardo da Vinci's an Sultan Bayesid II (1502-1503)', *Nachr. der Akademie der Wiss. in Göttingen, Phil. His Kl.*, no. 1.

8 Berkes, Niyazi (1964), *The Development of Secularism in Turkey*, Montreal; Lewis, Bernard (1968), *The Emergence of Modern Turkey*, London.

9 Mardin, Şerif (1990), *Türkiye'de Toplum ve Siyaset, Makaleler, I-II*, İstanbul, and Mardin, Şerif (1962), *The Genesis of Young Ottoman Thought*, Princeton.

10 See note 5 above.

11 İnalcık, Halil and Findley, Carter, 'Mahkama', *Encyclopaedia of Islam*, second edition.

12 Sungu, I. (1940), 'Yeni Osmanlılar', in *Tanzimat İstanbul*, and Özön, M. (1939), *Namık Kemal ve İbret Gazetesi*, İstanbul.

13 Z. Gökalp, *Ziya Turkish Nationalism and Western Civilisation, Selected Essays*, trans. and ed. by Berkes, Niyazi, New York, 1959; 'Gökalp, Ziya', *International Encyclopaedia of Social Sciences*, VI.

14 On secularisation see (1995), *Türkiye Cumhuriyetinin Laikleşmesinde 3 Mart 1924 tarihli Kanunların Önemi*, Ankara: Atatürk Araştırma Merkezi; Tanyol, C. (1994), *Laiklik ve İrtica*, 2. eds, İstanbul.