TÜRK SİVİL TOPLUMUNUN KÖKENLERİ: OSMANLI DÖNEMİ

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ÖZET

Bu makale sivil toplumun kökenine ve demokratik olmayan bir sistem içinde de bulunabilen sivil toplum unsurlarına dikkat çekerek, sivil toplum tartışmalarına yeni bir boyut getirmeyi amaçlamaktadır. Makalenin odak noktası, Osmanlı dönemi ve bu dönemdeki sivil toplum oluşumlarıdır. Osmanlı İmparatorluğu, padişahın merkezi ve mutlak otoritesine bağlı bir siyasi sistemle yönetilmekteydi. Çağdaş sivil toplum anlayışına göre böyle bir siyasi sistemde sivil toplum kuruluşlarının varolması yüksek bir ihtimal değildir. Bununla beraber, Osmanlı tarihine baktığımızda bazı sivil toplum unsurlarının demokratik olmayan bir sistem içerisinde de yer alabildiklerini görüyoruz. Bu nedenle, makale sivil toplum kuruluşlarının sadece içinde bulunduğumuz çağa ait olmadığını ve kökenlerinin tarihte bulunduğunu tartışmayı amaçlamaktadır. Osmanlı dönemi de bunun kanıtı olarak sunulacaktır. Makale hem Osmanlı dönemindeki sivil toplum unsurlarına hem de bunların zaman içerisindeki değişimine yer vermektedir.

Anahtar Kelimeler: Sivil toplum, sivil haklar, Osmanlı İmparatorluğu.

THE ROOTS OF TURKISH CIVIL SOCIETY: THE OTTOMAN PERIOD

ABSTRACT

This article aims to introduce a new dimension to civil society debate by drawing attention to the roots of civil society organisations and the existence of civil society elements in non-democratic environments. Main focus of the article is the Ottoman period and the roots of

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Turkish civil society. The Ottoman Empire had a regime that depends on the central and absolute authority of the sultan. Possibility of having civil society organisations in such a system is not very high according to contemporary understanding. However, it is possible to find civil society elements even in such a political system. Although their structure, aims and influence are quite different than the contemporary civil society organisations, they were active players of the system. This article argues that civil society organisations are not the creation of this century and their roots can be found in the history. Civil society elements in the Ottoman period will be examined as evidences of this argument.

Key Words: Civil society, civil rights, the Ottoman Empire.

Introduction

Over the last 10 years there has been a significant increase in the number of Turkish civil society organisations, their areas of activity, influence on the state and role in society. Many different reasons lie behind this development, among which the EU process plays an important role. Although civil society is a widely used term only in the contemporary Turkey, we see roots of these civil society elements back in the history. These elements are not easy to be evaluated and compared with definitions and conceptual framework of the contemporary world. It is not possible to talk about democracy, broad individual rights and freedoms and organised civil life. However, it is possible to find common grounds, which I may refer as elements of civil society and civil rights.

The last two decades were the glorious era for civil society. Since contemporary definitions of civil society are structured around the concepts such as, democratisation, human rights, individual rights and freedoms, and participation, there is a mis-perception that civil society organisations function only under western-type democracies. It is an undeniable fact that certain values in democratic systems support the development of civil society. Moreover, in reciprocal way, as Diamond states, civil society's strong existence is an essential element for "consolidating and maintaining" an healthy democracy (Diamond, 1994). However, it is not possible to deny existence of civil society in the history. Civil society organisations or organised civil groups can be in different forms and nature before the emergence of democracies.

Although they cannot be defined with similar concepts and their effectiveness and autonomy can be questioned, denying their existence or describing them as "primitive" can mislead us about the roots of civil society. Definitions of Hobbes, Locke, Rousseau, Hegel, Marx, Gramsci and Tocqueville shape the contemporary civil society debate and definitions and civil society organisations emerged in and after 1980s are taken into consideration in civil society debates. Nevertheless, I would like to point out that the development of the contemporary civil society organisations and their functions can be better described by understanding the roots of civil society. Civil society organisations and theories of civil society have not suddenly emerged. With different structures, aims, influence and scope, organised civil life can be found even under authoritarian state structures. To this end, I will examine the civil society elements in the Ottoman Empire. Since it is an empire with a strong central authority of a sultan, existence of civil society in such a state will prove that civil society organisations are not creation of the contemporary world. This will also give me the opportunity of comparing differences and similarities between these organisations and civil society organisations of our age.

Different than Tocqueville's definitions (Tocqueville, 1945), civil society elements in an empire were not necessarily against central authority as a balance. They were part of the system and the most of the time their existence was supported by the system itself. In principle, they were not challenging the authority of the state as civil society organisation acts in pluralist democracies. However, they were gathering civil elements in the society together around an ethnic, religious, economic or a social aim.

In this article, I will examine the civil society in the Ottoman Empire. Firstly, I will give a background on the Ottoman State Structure. This will facilitate to understand the political system of the Empire and the central role of the sultan. Secondly, I will explain citizenship system of the Empire. Since it was a multi-ethnic and multi-religious empire, citizenship system, included rights, roles and obligations of all citizens and communities, is very essential to conceive civil society structure in the Empire. Thirdly, I will focus on details of different civil society components in the Empire. This section will have 4 different components: *millet* (community) system, *lonca* (guilds), *vakıflar* (religious foundations), *tarikatlar* (religious orders). Following these components, I will examine the reforms in the last era of the Ottoman Empire and the new civil society organisations emerged as a result of these reforms.

An Overview of Ottoman State Structure

The Ottoman Empire, as one of the largest and most influential states in the history of the world thus far, had a regime where the central authority was very powerful with sole political control of the *sultan,* who in turn would exercise supreme authority over the state (Pamuk, 2005). According to Inalcik (2000, pp. 17-18), a strong central authority was one of the key factors in the successful and easy expansion of the Ottoman territories towards Balkans, where many kings and feudal lords were in continuous struggle between themselves. The centralised structure was strengthened and institutionalised by Mehmed II, the Conqueror, (1432-1481) as a way to maintain the continuance of the Empire until the 20th century (Pamuk, 2005, p.27). Under such a structure, it is not easy to talk about intermediary instruments between the central authority and the civil sphere, excluding the mention of some religious and administrative mechanisms. The *Devlet*, or state, had a superior position under the Ottoman system. The *Sultan* was head of state and, therefore, the supreme ruler and owner of the whole Empire on behalf of *Allah*. Although religion was an integral part of the system, to justify the supreme authority of *the Sultan* in all areas, it was not a theocratic structure and the *devlet* was always above religion and the religious class system. In this sense, under the Ottoman system, it is not possible to talk about a balance similar to the relation "church and state" in Western Europe. The Ottoman sultan was the religious head of state and of the whole Islamic world, yet his religious function was always secondary as a tool. Sultans had a right to make laws and to lay down regulations out of the *Sheri'a* (Islamic Law) (Inalcik, 2000, pp. 76-81) as a way to express their sovereignty over all the empire without the direct involvement of the religious class. "Secular laws passed under the Ottoman rulers always carried greater weight than religious law" (Alpay, 2006, p.14). It is important to grasp the strong and centralised state structure of the Ottomans and of the use and the nature of the sultan's sovereignty.

The Citizenship System in the Ottoman Empire

The citizenship system was another indicator of the absolute authority of *sultan*. People living in the territories of the Empire were regarded as subjects of the *sultan,* who was the one and only ruler of the entire Empire. These subjects were divided into two main categories according to their religions: Muslim and non-Muslim. All non-Muslim communities (namely Greek Orthodox, Jews, Armenian Orthodox etc.) were classified under the second group with different communal rights in the areas of religion, culture and education as well

as a certain amount of administrative power in collaboration with the central authority (Ortayli, 2003, p.11). This division was a way of administrating a multi-ethnic society, rather than a way of discriminating amongst members of the different religions. "Pax Ottomana", as last model of "Pax Romana" in the history, is the main principle of the system, which maintains harmony of different nations under one empire. According to Ortayli, the Ottoman Empire is the real Third Roman Empire, as proclaimed by all Ottoman Sultans, and the main aim of the Ottomans was to create a universal Empire, which is not merely based on a Turkish identity but an "Ottoman" identity as a melting pot of different nations and civilisations (Ortayli, 2003, p.13). Kechriotis criticises this approach by claiming that non-muslim subjects were treated as second-class citizens, but he accepts that through privileges given to Orthodox Patriarchate, the Greek community enjoyed a considerable amount of socio-economic freedom and political power (Kechriotis, 2000).

Table-1 Multinational Capital of the Ottoman Empire, Population, Istanbul-1477 (Inalcik, 2000, p.147)

Community	Number of Residences
Muslim	9.486
Greek Orthodox	3.743
Jewish	1.647
Armenian	434
Greeks of Karaman	384
Europeans	332
Kefeli Non-Muslims	267
Gypsies	31
TOTAL	**16.324**

Strong central authority in the Ottoman Empire did not necessarily mean the citizen's oppression. A high level of tolerance of the different nations and religions was essentially the central element of the long-lasting system. Tolerance was the catalyst of the multi-cultural/multi-ethnic society under the Ottoman rule. The story of the Ottoman Jews is probably the best example of this. In 1492, the Sephardim (Spanish Jews), 'who reviled by the inquisition, were stripped of their wealth and possessions and banished from their homeland [by King Ferdinand and Queen Isabella of Spain]. About 100,000 of these refugees set sail for [Istanbul], heart of the Ottoman

Empire. Sultan Bayazit II had ordered that the Sephardim be allowed unimpeded entry' (Menagh, 1992). The Ottoman Jews, who were originally expelled from Western Europe, started in this way and they went on to become well-respected citizens of the Ottoman Empire with equal rights. Even contemporary Jewish intellectuals frequently refer to Ottoman tolerance and history of the Ottoman-Jewish community. Wolfowitz (Wolfowitz, 2002) compares the Ottoman Empire and other parts of Europe and claims that 'for several hundred years, the Sephardic Jewish communities of the Ottoman Empire enjoyed a far greater level of freedom and esteem than did Jewish communities in other parts of Europe'. Rozen (Rozen, 2002) gives an in-depth analysis of political, social and economic life of the Jewish community in Istanbul as an example of successful co-existence of different religions under the Ottoman Empire.

Greek community's situation was not different than Jewish community. Greek community had extensive amount of cultural and religious rights and there were not many limitations to restrict their life styles. As Chatzimarkakis (Chatzimarkakis, 2008) claimed, tolerance to different religions and ethnic groups is a value introduced by the Ottoman Empire and this value is one of the key features of modern democracies. Greek community who lived under the Ottoman rule almost five centuries did not loose its ethnic, cultural and religious identity. It was one of the reasons behind the success of Greek independence movement in the final stage of the Ottoman period.

This was similar for other non-Muslim communities of the Empire as well. The system, known as *millet*, or community/nation system, was established on the communal autonomy of these communities. 'Members of each of these *millets* were governed by their own religious leaders and laws/traditions as regards to all matters touching their personal and family status…' (Koutroubas, 2003, p.5). They were granted freedom to practise their own cultures and religions as long as they were loyal to *the sultan* because the sovereignty of the sultan was not questionable. With special privileges, they were very active citizens of the Empire, especially in a socio-economic sense. Commercial life in the Empire was widely controlled by non-Muslim communities in terms of the production of high value products and trade. Understanding the *Millet* system is essential to be able to conceive Ottoman civil life. Institutions and the rights of the different communities under this system should be examined as important elements of civil society in the Ottoman Empire. Interaction between different communities was also a central element, which facilitated the creation of an Ottoman culture that was

not merely dominated by Turkish or Islamic figures. In this respect, different aspects of the millet system will be examined in detail below.

Civil Society in the Ottoman Empire

Civil society was not a strong element in the Ottoman Empire. The State's authority was very powerful and citizens were subjects of the *sultan*. Moreover, since the *raison d'être* of the Empire was an expansion of territories, the military had an important role and much power. A state structure with the supreme authority of *sultan* and a powerful military did not leave much space for the development of civil society.

Civil movements, which would demand changes and reforms, are hardly seen throughout Ottoman history. Although, a series of political and social reforms, such as in the areas of education, fiscal policy, civil and political rights and freedoms, had been passed, particularly during the 19th century, these were mostly top-down reforms with a lack of real involvement of citizens. Privileged social groups, similar to Western European countries, with a strong economic and social power were not permitted and there was no tolerance of the emergence of new power centres, which were seen as causes of possible conflicts with the central authority in the long term. The absolute power of the state led to the creation of a clear gap between the state and the citizens and this gap increased with time. Whilst the industrial revolution produced an industrial bourgeoisie in Western Europe, the Ottoman Empire, were not experiencing this industrial revolution, were unable to create elites outside of the central bureaucracy. This put the lid on the development of any necessary background for the civil society. In this way, during the ottoman period, there were no suitable conditions for the development of civil society in the modern sense. However, although they were 'not rooted totally in the society' and their function was mostly determined by the central authority, there were some important elements in the Ottoman system, which could be referred to as civil society components (Caha, 2000, p.4). Diamond (Diamond, 1995, p.5) describes 6 main features of civil society: open, voluntary, self-generating, self-supporting, autonomous, and bound by a legal order. In the Ottoman system, some of these features are found in line with the conditions of an undemocratic imperial state. There are mainly four organised groups, which consist of some, if not all, the features of Diamond's description:

I. Millet (Community) System

The Millet system is the base of Ottoman state structure and is one of the main reasons for the success of the system, while governing a multi-ethnic society for centuries. The Millet system was institutionalised by Mehmed II after the conquest of Istanbul (1453) (Bozkurt, 1989, p.10). The last patriarch of the Eastern Roman Empire, Ghennadios Scholarios, was appointed as Greek Orthodox Patriarch (head of Greek Millet) and Bursa Armenian Metropolite was appointed as Armenian Patriarch (head of Armenian Millet) by Mehmed II (Ortayli, 2003, pp.14-15). The autonomy of the Jewish community was also recognised during the same period but their numbers and influence increased after the migration of Sepharad Jews at the end of the 15th century.

There were two types of subjects under the Ottoman regime: Muslims and non-Muslims. Through the *millet* system, different religious communities, classified under the non-Muslim group, were governed through giving a certain amount of autonomy in terms of religious, social and cultural affairs (Mardin, 1993). There are four main components under this system: Orthodox, Armenian, Jewish and Catholic. Although, *millet* literally means "nation", this was more a religious division rather than a division between different nations. Communities under the system were free to practise their religions and to speak in their mother-languages. The rights given through this system were also being used in the formation of civil institutions, mainly foundations with religious and cultural motives. Besides that, religious leaders of these non-Muslim communities, *the milletbaşı*, had the possibility of directly contacting the central authority and though they were all under the obedience of the sultan, their requests and advices were taken seriously in order to maintain the harmony of the system.

Koutroubas argues that there are 3 direct consequences of this system (Koutroubas, 2003, p.6):

• The establishment of inflexible frontiers between religion-based communities;

• The embodiment of religious authorities with a concrete judicial power over their folk; and;

• The perpetuation of sectarian loyalties within the society and the functioning of religion itself as the hard core of exclusive identities.

These consequences are, indeed, pre-designed or pre-determined elements which would contribute to the functioning of a multi-ethic state.   However, they have also contributed to the emergence of a civil life with considerable amount of rights and freedoms. Although the development of civil society was not one of the concerns of the system, some elements of civil society were being formed under the *millet* system.

This civil society model has 2 main deficiencies compared to more modern models of civil society. Firstly, since the system is based on religious differences, roles and influences of religion, religious authorities are rather high level. All institutions and rights are controlled by religious elites. Secondly, as Kaldor (Kaldor, 2003, p.10) points out, 'it lacks the individualism of Western models of civil society since the individual is bound by his/her community'. However, despite these deficiencies, elements of civil society emerged under the system which can be considered to be primitive versions of civil society.   Among these elements, community foundations have a leading position. Some of these foundations are still working under the secular system of the Republic of Turkey. According to General Directorate of Foundations, there are 162 active community foundations in Turkey.

II. Lonca (Guilds)

The guilds were an important component of the Ottoman economic system and through a well-established autonomous structure their civil element was considered very active. Although the roots of the *lonca* system are not clear in the Islamic world, according to estimations, it dates back to the 10th century, before the Ottoman rule, and it was a well-established system in Anatolia (Inalcik, 2005, pp. 157-158). The system was administrated by economic actors themselves through very strict regulations. This even included a number of master craftsmen, although limited, who were chosen by a council called *Altılar* (the Six) (Inalcik, 1970).

People working for the same sector were coming together to make decisions on market rules in order to solve their common problems, to maintain stability of the market and to refrain from unfair competition (Pamuk, 1990). Different guilds were organised even in small towns and, through their elected representatives/chairmen; they were represented at the higher levels. In this sense, it was a quite democratic system with the participation of different economic actors. Not only big market players but also small players were represented under different guild councils. These councils were organised at different levels: local, regional and countrywide and they were

influential on the authorities at all these levels. They had decision making power as well but their decisions had to be registered by the *kadı,* who was representing the judiciary of *the sultan* at local level (Inalcik, 2005, p.161).

The efficiency of the market was the main motive behind the system. Guilds maintained four main functions for the good functioning of the market: determining and defining rules of production; regulating obtainment and distribution of raw materials; disciplining inappropriate acts; dealing with artisans working without necessary permission (Ozbilgen, 2003, p. 353). Penalties and punishments were decided by guilds in coordination with state authorities.

Education and the training of artisans were also among the functions of guilds. Certificates of different degrees were only given by guild councils. Vocational training was given to young people and, besides their economic aims; they were fulfilling an important function in the education system of the state.

Therefore, guilds during the Ottoman period could be recognised as one of the important civil elements with a concrete power. Although, I can not talk about their direct involvement in political decision-making system, it is possible to claim that their lobby was quite strong about the decisions in economic field. However, since the state was in the very centre of the economic system, this lobbying cannot be compared with the power of economic players in a liberal economy.

III. Vakıflar (Religious Foundations)

During the Ottoman period *Vakıf*s had many features in common with the modern foundations of Europe. They were essentially non-profit organisations usually with a charity function for the society (Barnes, 1986). Their religious role was quite strong due to this charity function, which was at the core of the system with a strong reference to the religion (Asikoglu, 2000). However, other social functions of the foundations were more crucial for the well-functioning of the Ottoman public system**.**

Foundations were autonomous organisations in terms of finance and administration. According to the Ottoman understanding, all foundation assets were non-transferable belongings of god and this was a way to maintain the continuity of the public services even in the case of a power change (Inalcik, 2005, p. 148). Foundations were widespread around the Empire to efficiently deliver public services.

According to Kazici, the number of Ottoman foundations that passed to the Republic of Turkey in 1923 was near 30.000 (Aydin, 2002).

Foundations had a special role in giving basic public services from education to constructing water supplies. Their education function was very widespread through the creation of high-quality schools (*medrese*). Although they did have strong religious motives, the education system created by *vakıf*s covered different branches of sciences; many important statesmen, scientists and artists were educated in these schools. The Sultan had always given special importance to *medreses,* where political, economic, social and cultural elites of the state were educated at very high standards.

*Vakıf*s were not state-owned organisations but financially they were indirectly dependent on the state since the Sultan, Sultan's family, high-level state officers were always among the main donors. There is almost no Ottoman Sultans or high level statesmen, who did not establish or finance a *vakıf*. They were set up by high-level state officers for the purpose of increasing their social status by serving the public. Many public works, including roads, water pipes, schools, mosques, were financed through the *vakıf* system. In this sense, *vakıfs* had a vital function in the re-allocation of state resources. Most of the investments made directly through the state budget in modern state systems were made by vakıfs in Ottoman Empire and they were sharing a considerable amount of economic burden.

Vakıfs, as non-governmental organisations, played an important role in economic, social and cultural development of the Empire. Many masterpieces of Ottoman heritage were financed and constructed by Ottoman *vakıfs*. *Vakıfs* were not only established in big cities but also in small cities far from the capital. In this way, public services were extended throughout the Empire and the standard of living was increased in cities. Supporting the emergence of new and powerful *vakıfs* was one of the successful state policies, which lent to maintaining the success and stability of the regime over the centuries.

IV. Tarikatlar (Religious Orders)

There exists a two-tiered religious system under the Ottoman Empire. On the one hand, there was the central and official authority of *şeyhülislam* (chief religious official) and on the other hand, there was *tarikat* system (religious order or sufi lodges) formed completely in the civil sphere, especially at the local level (Abay, 2004, p.279). This was called as *Sufism* or *Sufi Brotherhood* as well.

*Tarikat*s were different religious doctrines and there were minor, and sometimes major, differences in their interpretation of

Islam. However, their function was much beyond the pure religious dimension. Especially in small towns, their role in the education of their members was undeniable. They were basis of intellectual life at the local level. Many important philosophers and intellectuals were educated in *tarikats* and thus went on to contribute to the intellectual development of the state.

Tarikats also regulated the daily life of their members, mostly through religious interpretations. In this way, they were also important in shaping civil life at the local level.. Since they were the sole mechanisms to interpret the *şeriat* (Muslim canonical laws), which cover religious, civil and the economic dimensions of daily life, they had a certain influence on the public. Furthermore, the heads of the tarikats were usually amongst the most respected members of the society with a level of authority in civil life. Leaders of *tarikats* were playing important administrative roles by putting to use their religious and intellectual capabilities. Therefore, it would not be wrong to claim that '[t]he tarikats played a very important role in the Ottoman Empire as channels between the urban and rural population and the state, and also, they satisfied the religious and spiritual needs of people who were members of sub-culture (culture of provinces) of Ottoman Empire' (Demir, 2005). Despite the fact that in the latterly period of the Empire there was an obvious degeneration among some *tarikats* they remained prominent actors, contributing to religious, social, cultural and intellectual development of the state. Tarikats and religious schools were banned on 3 March 1924 in line with creation of a secular republic.

The Process of Reform in the Ottoman Empire and Civil Society (Tanzimat Reforms of 1839-1876)

The Empire began to fade at the end of the seventeenth century. Some pro-western bureaucrats, such as Sadık Rıfat Pasha, were seeing Europeanisation and reforms as the only remedy to this situation (Seyitdanlioglu, 1998, p. 156). As a result, a series of reforms, which radically changed the military, administrative and fiscal structure of the Empire, were put into place during the 19th century - mainly between 1839 and 1876. These reforms, known as *Tanzimat* Reforms (meaning reorganisation), were part of a comprehensive reform process which would reorganise the Empire in accordance with the needs of the modern world. Hence, these reforms are acknowledged as the beginning of the process of Westernisation in Turkish history.

The Imperial Decree of Gulhane, promulgated in 1839, marks the beginning of the Tanzimat Period. This decree brought 3

main changes in the creation of a modern state based on basic western values, such as human rights and the rule of law (Quataert, 2002, pp. 110-111):

- Guarantee of ensuring the security of all citizens' lives, honour and property

- New fiscal system to regulate the standards of tax-collection

- New military system to regulate the conditions and duration of military service and recruitment of new soldiers

The Imperial Decree of Gulhane had similar characteristics to the Magna Carta Libertatum of England. With Gulhane, for the first time in the history of the Ottoman Empire, the sultan's sovereignty was limited and the sultan declared that he would respect the Gulhane and the new laws, which would be passed in accordance with this decree. Although the sultan secured his superior position, the sovereignty of the sultan was partially transferred to newly-established ministries. Ministers, bureaucrats and pashas (generals) started to be more influential in state administration (Lewis, 1993, p.99).

Tanzimat reforms continued after Gulhane as well. In 1840, a penal code, based on the French model, was adopted and secular courts were founded. In 1856 Imperial Edict, *Islahat Fermanı* (Rescript of Reform), approved the principles of Gulhane and emphasised the equality of all citizens before the law regardless of their religion. All these reforms resulted in the declaration of the first Ottoman constitution in 1876, *Kanun-ı Esasi*, which declared a constitutional monarchy.

Table-2 Western Values in 1876 Constitution

Articles	Subject	Content
Art. 8	Personal Liberties	All subjects of the empire are called Ottomans, without distinction whatever faith they profess; the status of an Ottoman is acquired and lost according to conditions specified by law.

Art. 9		Every Ottoman enjoys personal liberty on condition of non interfering with the liberty of others.
Art. 10		Personal liberty is wholly inviolable. No one can suffer punishment, under any pretext whatsoever, except in cases determined by law, and according to the forms prescribed by it.
Art. 11	Religion	Islam is the state religion. But, while maintaining this principle, the state will protect the free exercise of faiths professed in the Empire, and uphold the religious privileges granted to various bodies, on condition of public order and morality not being interfered with.
Art. 12	The Press	The press is free, within limits imposed by law.
Art. 14	The Right of Petition	One or more persons of ottoman nationality have the right of presenting petitions in the proper quarter relating to the breaking of law and regulation, done either to their own or public detriment, and may likewise present in protest signed petitions to the General Ottoman Assembly, complaining of the conduct of state servants and functionaries.

Art. 15	Education	Education is free. Every Ottoman can attend public or private instructions on condition of conforming to the law.
Art. 17	Equality before the Law, Public Offices	All Ottomans are equal in the eyes of the law. They have the same rights, and owe the same duties towards their country, without prejudice to religion.
Art. 19		All Ottomans are admitted to public offices, according to their fitness, merit, and ability.
Art. 21	Property	Property, real and personal, of lawful title, is guaranteed. There can be no dispossession, except on good public cause shown, and subject to the previous payment, according to law of the value of the property in question.
Art. 22	Inviolability of Domicile	The domicile is inviolable. The authorities cannot break into any dwelling except in cases prescribed by law.
Art. 23	Tribunals	No one is bound to appear before any other than a competent tribunal, according to statutory form of procedure.
Art. 24	Property. Forced Labour. Contributions in Time of War	Confiscation of property, forced labour ("corvée"), and taking temporary possession of property are

		prohibited. Nevertheless, contributions lawfully levied in time of war, and measures rendered necessary by the exigencies of war, are exempt from this prevision.
Art. 26	Torture and Inquisition	Torture and inquisition, under any form, are wholly and absolutely forbidden.
Art. 115	General	No provision of the constitution can, under any pretext whatsoever, be suspended or neglected.
Art. 118		All the provisions of the laws, regulations, usages, and customs now in force shall continue to be applied, so long as they shall not have been modified or abrogated by other laws and regulations.

Source: The Ottoman Constitution (1876)

1876 constitution, which was imitated from the Belgian Constitution of 1831 (Acun, 1999, p.159), was an important attempt to establish the rule of law. However, this attempt was not successful. The first Ottoman Parliament, founded by 1876 constitution, could only sit for 2 elections, March 1877 and December 1877, and it was dissolved by *the sultan*, who was not happy to share his sovereignty, in less than one year. The second constitutional monarchy was declared in 1908 and the parliament was re-opened. However, this could not bring the desired change in the country to prevent the dissolution of the Ottoman Empire (Acun, 1999, p.159).

Tanzimat was an important period in the Europeanisation of Turkey but changes in life style, including clothes, houses, social life, went far beyond structural and administrative changes. Lewis claims that the main change as a result of Tanzimat was only the outside appearance and mentality remained the same (Lewis, 1993, p.97). The image of the Ottoman administration and bureaucracy became more

modern and European but the implementation of reforms were insufficient.

Beyond its failure, this western style reform process has a fundamental difference from the process of reform in Western Europe, mainly due to a lack of civil involvement since it was a top-down process initiated by the bureaucratic elites. There was no civil movement pushing for reforms and change. It was indeed the reformist elites and bureaucrats, who determined the elements which for them were not conducive to meeting the needs of the modern world, who took the decision to modernise the country with western values.

Not only the reform process itself but also subsequent results of reforms were unable to reach civil society in the Empire. Although such reforms served to promote the creation of western style institutions and western values in political and economic sense, Western style citizens' rights were neglected and not incorporated into these otherwise comprehensive reforms (Mardin, 1995, p.292). Civil society was not an important component of westernisation according to the elitist approach of top-level bureaucrats. Westernisation was perceived as a process, which could only be brought about by well-educated elites with a broad European vision. In this approach, the role of the public was pre-determined to be followers of the process rather than being active players in it. The Motto of the process could be summarised as "*reform is the business of elites*".

The Ottoman reformists did not set out to plan any vision for the development of civil society. However, since the process had extensive socio-economic consequences, the reforms had effects upon civil society as well. Caha points out two major effects: one was positive, while the other was negative (Caha, 2000, p.7). The positive result was 'the emergence of a new intellectual class'. Since western values were transferred into the Ottoman system, different western ideologies started to diffuse among Ottoman intellectuals as well. New social and political groups and movements came out of this as a result of these ideologies and values. The negative impact was, as mentioned above, the emergence of a high level of elitism among Ottoman bureaucracy. Such an "elitist attitude" tended to ignore those social groups accentuating moral and traditional values. This approach eliminated the power of some traditional civil groups in the Empire and put a distance between the elite and the general public.

The Emergence of New Civil Actors After The Tanzimat Reforms

The Reform process in the 19th century fostered the emergence of new actors in the civil setting. More often than not they came about through the economic and political elites, who had been educated in Western European countries, which led to them being rather familiar with the norms and values of the West. In this respect, they were organised in line with western principles, although they were not grassroots organisations (as opposed to those from the classical period of the Empire). In any case, their role was indisputable in the formation of the modern day civil society organisation. Thus, understanding the effects of these reforms will give a better picture of the development of civil society throughout Turkey's history.

The process of reform has four main consequences on civil society: creation of a new class structure, the rise of women's movements; the rise of civil movement and political parties; and the rise of labour unions:

New Class Structure

Reforms, active players of these reforms and ideals behind the reform process had consequences for class structure in the Empire. Central authority of sultan and small number of elites, mainly bureaucratic elites, were always at the centre of reforms and changes in the Empire. However, the reform process in the 19th century brought the concept of equality into the system and as Mardin stated, three main elements contributed in "bridging the cultural gap" between the elites and the masses (Mardin, 1969, pp. 276-277):

-    'The establishment of local administrative bodies in provinces' and the 'Ottoman Parliament in 1877'

-    Clash in bureaucracy between the old elite and 'new recruits': in contrary to the elitist past of the Ottoman bureaucracy, new bureaucrats and 'many of the Young Turk leaders' were from province. They could initiate the ideas of equality throughout the Empire.

-    'The breakdown of the traditional system of education': the masses started to have more chances for better education and provinces had a possibility of raising future administrators of the Empire.

Women's Movements

Women were not given equal rights in the Ottoman Empire and their participation in socio-economic life was restricted by law, until 18th century (Berktay, 2004, pp. 10-11). Although there were a number of influential women, who affected political, social, economic and cultural life of the Empire, they were not capable of altering the general situation of women. However, *the tanzimat* reforms and the westernisation movement created a new elite class, who were well aware of the importance of the active involvement of women in socio-economic life. Main objective of this class was to transform the Empire in line with western principles and this transformation would not be able to be accomplished without changing the system based on gender inequality and the oppression of women (Yesilyurt, 2004). Among these elites, there were many prominent women, who came together under various women's organisations (Cakir, 1994) (Budak, 2004).

Reforms in the education system were probably the most important progress in changing the role of the women. In the 19th century, vocational schools for girls were founded. These schools played an important role for the active participation of women in socio-economic life. The first sectors that ottoman women started to participate in were health and education. Only a limited number of women became civil servants after the *tanzimat* period and majority of them were teachers (Quataert, 2002, p.111).

With the new schools, the number of educated women in the Otttoman Empire began to increase rapidly. Improved levels of literacy also led to an expansion in the number of women's publications. Firstly, the women's newspaper, *Terakki-i Muhadderat*, was printed in 1875 and many others were to follow. *Hanımlara Mahsus Gazete* (The Lady's Own Gazette) was probably the most important of all women's publication. 609 issues of *Hanımlara Mahsus Gazete* were published between 1895 and 1908. In terms of the range of participation, the most significant civil initiative of the era was a campaign organised by this gazette.

Hanımlara Mahsus Gazete initiated a fund-raising campaign for contributions to the trousseau expenses of poor orphan girls. Donors' names and donation amounts were published in subsequent issues of the journal. These lists reveal that the campaign was not simply an upper-class phenomenon; women from non-elite sectors of society and low-ranking civil servants and their wives constituted a majority of the participants (Ozbek, 2005, p.67).

Women's publications in this period were a vital step in the development of feminist movements in Turkish history. Many articles were published on women's issue in these publications. Although the main subjects were family, children and fashion, many ideas about women's rights and importance of women's participation in socio-economic life were dispersed through these publications. Moreover, women intellectuals came into sight in literature, which was mainly male dominated previous to the 19ᵗʰ.Century. Interestingly, they were, at the same time, opinion leaders, promoting western values and challenging society's taboos. Similarly. they played an important role in creating the basis of in the rights and way to be of the modern Turkish woman .

Political Movements and Parties (Ortayli, 2000)

The first Ottoman Constitution was declared in 1876. Through this constitution, certain mechanisms and rights to control authority of the *Sultan* were laid out. Article 42 of the constitution refers to the establishment of "the General Assembly", which is composed of two chambers: the Chamber of Notables or Senate, and the Chamber of Deputies. Women had no voting rights and the number of deputies was fixed at one deputy for every 50.000 males belonging to the Ottoman nationality according to Article 65 of the constitution. A constitution and a legislative assembly, partially elected by the people, were important steps towards the creation of an empire that respects the rule of law. However, freedom of assembly was not among the rights given by the 1876 Constitution. In this sense, all major political movements were indeed working illegally. The most important political group of the time *was İttihat ve Terakki Cemiyeti* (Committee of Union and Progress). The Movement of *Jön Türkler* (Young Turks), who carried out the 1908 Revolution, emerged out of this committee (Aksin, 2001).

Following the 1908 Revolution that served to re-establish the constitutional monarchy, some articles of the 1876 Constitution were revised to enable the formation of the first political parties. Article 120 of the revised constitution was important in terms of freedom of assembly. Article 120 stated that

Ottomans enjoy the right of assembly, on the condition that they obey the law on the subject. The societies are forbidden which aim at injuring the territorial integrity of the Ottoman Empire, changing the form of the Constitution or of the government, acting contrary to the provisions of the Constitution, or bringing about a separation between the various Ottoman elements, or which are

contrary to public morals. The formation of secret societies in general is also forbidden.

Two political parties participated in the elections, which was held after the 1908 Revolution: *İttihat ve Terakki Cemiyeti* (Committee of Union and Progress), founded on 3 June 1889 and *Ahrar Fırkası* (the Liberal Party), founded on 14 September 1908. *İttihat ve Terakki* gained the majority in the parliament. 200 Muslims (150 Turk/Albanian/Others and 50 Arabic) and 40 non-Muslims (18 Greek, 12 Armenian, 4 Bulgarian, 2 Serbian, 3 Jewish, 1 Ulah) were elected to parliament (Karal, 1999, pp. 62-63). *Ahrar* is recognised as the first liberal party of the Turkish history. However, Ahrar was banned by the authorities and *Hürriyet ve İtilaf Fırkası* (the Freedom and Unity Party) was founded. There was an important political struggle between the two parties and the policies of *İttihat* were severely criticised by *Hürriyet ve İtilaf Fırkası.* This could be considered as the first tests of parliamentary democracy in Turkey. However, after the 1912 elections, İttihat established a *de facto* dictatorship and all other parties were banned (Karal, 1999, p. 179).

The Right to freedom of association was also being granted through the 1909 association law (Law Number:310), which was passed on 3 August 1909. The right to freedom of assembly and freedom of association, as complementary of this law, was guaranteed by constitutional change of 8 August 1909 (Article Number: 120). Many associations, as roots of modern Turkish associations and syndicates, were founded as a result of this law. The 1909 association law gave Ottoman citizens the right to freely establish associations. Although there was no real registration process the new associations were required to notify the authorities. Many associations, chambers, sports clubs and unions were founded under the 1909 association law. Under this right, associations based on ethnic differences and associations against the public peace, public morality and integrity of the Ottoman Empire were not permitted. However, during the 19th and the beginning of the 20th century, many separatist associations and movements, mainly Greek and Armenian organisations, became very active, either illegally or without stating their real intentions, in the Ottoman Empire. These ethnic movements played a very important role in the dissolution of the Empire.

New Economic Players

Reforms and the modernisation process led to a new economic structure in the Empire. Production under the guilds was replaced by industrial production. It was a period of transition from agriculture to industry. In particular, after 1875, new factories were

founded mainly in Istanbul, Ottoman Europe and Western Anatolia but they were composed of a small portion of the whole production (Quataert, 2002, pp. 200-201). Textile, food and carpet were the three main production materials but hand-craftsmanship still had a very important place in the production of those materials. Only 25% of cotton yarns, for instance, were produced by factories functioning with machine power (Quataert, 2002, p. 201). It was just the beginning of the industrialisation process in Turkish history and heavy-industry would be part of it only after the new Republic in 1923.

New economic players emerged as a result of this transition and industrialisation. Labour unions and syndicates, along with women's organisations and political movements, also came into being at that time as elements of the new civil society. The first syndicate of the Ottoman Empire was the Ottoman Workers Association (Osmanlı Amele Cemiyeti, 1894). It was illegally founded before the association law. After 1909, many other syndicates and unions were founded. Such elements proved important in westernisation and democratisation of the country.

The significance of the role of foreigners also increased as a result of the rapid transition process in the Empire. Through industrial products and big investments, they started to control the Ottoman economy. '[F]oreign merchants functioned as links between Ottoman society and Western markets' (Caha, 2001, p. 39). While learning liberal economic values, The Ottomans had to face the bitter face of capitalism as well. Local economic players could not compete with western economic actors. Consequently, a high level of dependency brought the Empire to an end. Such an economic dominance of western powers also led to the creation of reactionist movements. In fact, Communist organisations came into being particularly during the last decade of the Empire. Movements in Russia played an important role in the strengthening of these movements around some elite groups. However, they were not strong enough to affect the mainstream policies of the Empire.

Conclusion

In conclusion, in different periods of the Ottoman Empire several civil society elements were involved in the functioning of the system. Moreover, their existence was not limited to few areas. They were active in social, economic and cultural issues and religious affairs. They were acting not only in main cities but also at the local level. They were not only dominated by the Muslim majority but other communities had well-organised civil society elements in their

respective communities. Throughout the years, constitutional changes and different reforms gave more space for the development of civil society organisations. Especially western-type civil rights were important factors for civil society development in the last phase of the Empire. 1876 Constitution and Tanzimat Reforms should be stated as turning-points in this sense. They were realised under the influence of the developments and values in the western world as a part of the Empire's westernisation project.

The existence of civil society organisations in the Ottoman Empire is an undeniable fact. However, their level of their influence, their autonomy from the central authority and their structure are quite different when I compare them with contemporary civil society organisations.

i.   Level of influence: Since the central authority is very powerful in the Ottoman system, these organisations did not have power to influence the decision making mechanisms. Only through the end of the Ottoman Empire, there were some civil movements with political motivation of changing and reforming the country with western norms and values. *Jön Türkler* (Young Turks), which was the main actor of 1908 revolution, was the most well-known of these movements.

ii.   Autonomy from the central authority: All civil elements were under the control of central authority and their activities were closely examined by the Sultan. There was a clear connection between state elite and main civil movements. It was also the case for the Young Turks. Majority of their members were civil or military bureaucrats.

iii.   Structure of the organisations: Structure of civil society organisations were not well-regulated. Since legal structure did not give a lot of space for freedom of expression, opposing opinions against the policies of the central authority were not tolerated. Their economic freedom was not maintained neither. Financially they were mostly supported by the state, state elites or local administrators and this was one of the obstacles against their autonomy.

Therefore, the existence of civil society organisations should not be limited to contemporary world. The Ottoman period is a good sample to prove historical roots of civil society organisations. However, these organisations should not be evaluated with the same criteria, values and expectations as contemporary civil society organisations are evaluated. They are different in nature because they

functioned under a different political system, socio-economic understanding and world order.

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