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Namik Kemal's Constitutional Liberalism: Sovereignty, Justice and the Critique of the *Tanzimat*

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The truth is in our [country] we [the people] are the sovereign, we all have the right to participate in government. But we delivered to the [Ottoman dynasty] the right to govern with a legitimate bi'at, ... we [only] demand legitimate governance. ... I believe that the Ottoman community [Islamic community] ... want freedom, but if they forget that this quintessence is a divine favour and seek favour elsewhere, they would derogate their glory and undermine their interests. Since I was born free, why would I agree to abstain [from my rights], why would I silently permit, by accepting their legitimacy, the recurrence of deeds that enslave me?¹

General freedom is safeguarded within society because society can provide a preponderant force to secure the individual from aggression on the part of another individual. ... Correspondingly, the service rendered by society to the world consists of the invention of such a preponderant force, which is absolutely indispensable for the protection of freedom that the maintenance of humanity is dependent upon. ... Just as all individuals have the natural right to exercise their own power, so too aggregate powers naturally belong to all individuals as a whole, and therefore in every community the right to sovereignty belongs to the public.²

[Can] the origins of laws [be found in a principle] which we seek in the universe? Or is it in the human will? The latter cannot be accepted in one form because the human will is either absolutely free or bound by certain limits. If it is absolutely free, no individual would want to acquiesce to the provisions set by other individuals. Nor can they be duly forced into these. If individuals are

*bound by certain limits, what are these limits? ... In our understanding, they consist of the good (husn) and the bad (kubh) created by the ruling [divine] power in nature. Therefore, law refers to the indispensable relations emanating from human nature in accordance with the absolute good.*³

The author of these passages, Namik Kemal (1840–88), was an ardent advocate of constitutional monarchy in the late Ottoman Empire. According to Berkes, he was the first Muslim ‘to understand the real essence of liberalism and the meaning of the sovereignty of the people.’⁴ In Kemal’s view, everyone ought to have the right to participate in government through a constitutional and parliamentary system, because sovereignty belonged to the people. The foundation of the state was constituted by the consent of the people, who possessed inalienable natural rights. Yet by means of a lawful *bi’at*, which can be defined as ‘a form of allegiance through which the position of the ruler is legitimised,’ the right to govern the execution of the government was delegated to the Ottoman dynasty.⁵ For this dynasty to remain legitimate, it had to ensure that the state was executing its main purpose, that is, the protection of the natural rights of the people through a constitution and a system of checks and balances. A leading member of the constitutionalist Young Ottoman movement, Kemal believed that the survival of the Ottoman Empire was dependent upon the introduction of a new liberal government.

A prolific writer of influential and highly popular political tracts, plays and poems, in his mid-twenties Namik Kemal became one of the most prominent literati of his time in Istanbul. The originality of his political thought lay in the fact that he sought to reformulate Enlightenment liberalism into an Islamic world view as a hybrid political ideology.⁶ Moreover, he was an entrepreneur of emotions, addressing his audience’s hearts as much as minds through his enthusiastic poems on liberty, along with his proto-nationalist plays and political tracts. In this emotional sense, Kemal was a romantic liberal. Longing for the introduction of basic natural rights to his motherland, he ardently strove to popularize such liberal ideas as freedom of opinion, freedom of the press and equality, by linking what might *prima facie* be seen as ‘alien’ Enlightenment doctrines to Islamic political thought and disclosing ‘familiar’ elements (or ‘analogous structures’) in them.

Kemal was a man with a cause. He led with great fervour an intellectual and patriotic campaign against what he held to be predatory Western political and economic encroachments on the late Ottoman world and the cold-blooded rationale of the *Tanzimat* (Reforms). He believed that these reforms were nothing

but Western impositions. His liberalism thus bore features emanating from the political milieu in which he lived and wrote: reactionary, proto-nationalist and protectionist, as well as romantic.

In this chapter, I will seek to address three questions about this romantic Ottoman liberal. Who was Namik Kemal? How did he come to formulate his political thought and become one of the most prominent writers of his time? And how did he seek to synthesize the teachings of the Enlightenment and Islam in his writings?

Namik Kemal's liberal ideas were born amid the political, economic and moral tensions of a steadily disintegrating empire. Since the late eighteenth century, the increasing Russian threat in the north, mounting secessionist movements by non-Muslims under the influence of the nationalist ideals of the French Revolution and Western powers' concomitant encroachments had been threatening the territorial integrity and sovereignty of the Ottoman Empire. For security and survival, the Sublime Porte allowed the incorporation of its markets into international trade with free trade treaties in the 1830s. These treaties significantly amplified the privileges of foreigners and stipulated the abolition of all types of monopolies and other mechanisms of economic control, heavily hitting local manufacturers and artisans. Moreover, with the aim of assuring European powers of Ottoman willingness for liberal transformation, an edict was declared in Gülhane Park in 1839. Authored by reform-minded Mustafa Reshid Pasha (1800–48), the edict was a statement of intent granting equality before the law to both Muslims and non-Muslims.

The Gülhane Edict marked the beginning of a continuous administrative and political modernization in the Ottoman Empire, a period known as the *Tanzimat* era. During the *Tanzimat*, a large number of institutions ranging from the first post offices and the consultative assembly of ministers to military schools and universities were established. Consequently, the Ottoman bureaucracy expanded rapidly and political power gradually shifted from the hands of the sultan into those of the bureaucrats. Shifts in power sparked an intra-elite struggle within the Ottoman bureaucracy, partially due to the seeming failure of the *Tanzimat*. Reforms could not prevent the growth of grave financial problems. Domestic rebellions and border disputes continued in the Balkans and Mediterranean islands, and a horrendous civil war erupted in Syria in 1860, which paved the way for further European intervention in Ottoman domestic affairs. These complications engendered a patriotic reaction among certain bureaucrats against the inefficiency of the *Tanzimat* as well as Western encroachments.

Interpersonal rivalries figured largely in this fight as well. When Mustafa Reshid fell from the Grand Vizierate, Reshid's rivals for the office of Grand Vizier, namely Ali and Fuad Pashas, created their own team of bureaucrats and excluded Reshid's protégés. While the latter formed the backbone of the opposition, Namik Kemal would emerge as one of their leaders.

In June 1865, at a picnic party in Istanbul, the excluded civil servants established a secret society called the *Meslek* (the Method). Inspired by the Carbonari movement in Italy, the members of the *Meslek* called themselves the Young Ottomans (Türkistanin Erbab-ı Şebabı) and came to be known in Europe widely as the *Jeunes Turcs*. A witness and the first historian of the society, Ebuzziyya Tevfik (1849–1913) tells us that its major goal was to introduce constitutional government in place of absolute monarchy, but no other source confirms this.⁷ As a matter of fact, it is difficult to determine what brought these men together other than their collective opposition to Ali and Fuad Pashas and their pandering to the demands of the Great Powers. They were a group of diverse character where their social backgrounds and dispositions, worldviews, writing styles and political aims were concerned. Namik Kemal shortly became a leading figure of the movement, in the limelight more often than most due largely to his charisma and his writings' popularity.

When the *Meslek* was founded, Namik Kemal was twenty-five years old. He was originally from an aristocratic family. His father was the chief augur of the palace who dealt with supernatural affairs that at times directly influenced the sultan's political and social decisions. Kemal received a formal secular and an informal religious education, mastering French as well as Arabic. In 1863, he entered the Translation Office as a civil servant, which opened the doors for him to a stream of new ideas.

The Translation Office was an institution of special importance for the establishment of lasting synergies between European and Ottoman political thought. Many leading bureaucrats, including Ali and Fuad Pashas, served at the office at the start of their careers. Almost all Young Ottomans also worked as clerks at this bureau and acquainted themselves there with Western political systems and ideas.⁸ European writings such as the plays of Molière and Voltaire or the works of Adam Smith and Ricardo were studied or translated into Ottoman Turkish at this office. Their encounter with Western political thought influenced many civil servants of the bureau.

In the internecine struggles of the Sublime Porte, all figures inspired by Western political ideas were modernists of some kind. What distinguished

the Young Ottomans from the ruling *Tanzimat* elites were their differences of opinion about the type of government needed and the methods necessary to maintain political and cultural integrity. Ali and Fuad Pashas, who alternately held the positions of Grand Vizier and Minister of Foreign Affairs between 1858 and 1871, saw the survival of the Ottoman Empire in a wholesale political and administrative transformation.⁹ They were both admirers of 'Western civilization' and mesmerized by nineteenth-century colonial languages that revolved around the concepts of 'civilisation' and 'humanity'.

In their understanding of the *Tanzimat*, 'civilisationism' (*medeniyetçilik*) was the mainstream ideology, where 'civilisation' referred to giving individuals absolute security and 'their blessing with order and wealth'.¹⁰ Ali and Fuad therefore placed great importance on the protection of individual rights and on the limitation of arbitrary rule through law. Yet the two *Tanzimat* reformists preferred an authoritarian state with an expanded *meşveret* (consultancy) to the sultan rather than a constitutional regime. They favoured the Austrian or Prussian model of enlightened absolutism, and sought to create a similar structure in the Ottoman Empire – a rule of law where the sultan's power would be limited by *meşveret* while the executive power would remain in the hands of a few competent men.

This was where the attacks of Namik Kemal and other Young Ottomans began. Kemal believed that the attitudes of Ali and Fuad Pashas built up 'dissonance and strife' between the high bureaucrats, 'as high as the walls of the Bosphorus, and the people at the lower end. The government perpetually tyrannized, the people permanently remained in desolation'.¹¹ He instead suggested the sharing of political power between the sultan, the bureaucrats and the people by opening a parliament that would be the voice of the latter.

In 1867, the liberal opposition to the Sublime Porte was reinforced by the support of the Egyptian prince, Mustafa Fazil Pasha, who, in an open letter in *La Liberté* on 24 March, pointed out to the sultan the failure of the *Tanzimat* and demanded a transformation of the empire through a comprehensive constitution. In response, the Porte curtailed liberties in Istanbul. The Press Law was amended to tighten controls, and Kemal was suspended from journalism indefinitely. Upon this, along with other leading Young Ottomans, Kemal fled to France. The group joined forces there with Mustafa Fazil Pasha, who provided generous financial support to the movement to publish their journals *Muhbir* (Informer) and *Hürriyet* (Liberty). Kemal stayed in Europe until 1870, after which he returned to Istanbul and continued his struggle in the

capital. Six years later, the model he designed for the Ottoman Empire, namely a constitutional monarchy with a parliament providing representation for all, would be officially promulgated.

Namik Kemal published some of his most significant tracts in *Hürriyet* during his voluntary exile in Europe. What distinguished him from other liberal writers of his time was not only his systematic formulation of a political philosophy but also the emphasis on religion within this philosophy.

The series of essays titled '*Usul-ü Meşveret Hakkında Mektuplar*' ('Letters on a Constitutional Regime') that appeared in *Hürriyet* in 1868 and 1869 were Namik Kemal's first attempts to crystallize his liberal formulation. In this work, Kemal delineated the basic teachings of liberalism, such as the inviolable natural rights of the individual, the separation of powers and a constitutional system of government. He maintained that the main reason for the failure of the *Tanzimat* was the fact that the execution of justice, legislation and administration were all gathered in the hands of the leading bureaucrats. This did limit the powers of the sultan, but it made things worse, worse than the old regime, because the new regime not only failed to protect the basic rights of the people but, by introducing pseudo-liberties, it allowed for further foreign interference and gave rise to existential threats and grave economic and political problems.¹²

Therefore, Kemal suggested, the *Tanzimat* regime had to be replaced by a new system, which would threaten the liberties of the individuals less. In his view, given the realities of the Ottoman Empire, this new system ought to be none other than constitutional monarchy. He argued that the parliamentary and constitutional regime that Napoleon III established in France after decades of political turmoil and instability was the system that the Ottomans could take as a model. Now that constitutional regimes had already proved to be the most efficient and widely accepted regimes in the 'civilized' Western world, they did not need to rediscover America.¹³ Kemal was candid enough in his 'Letters' to accept that there had to be an element of imitation in the Ottoman transition to a constitutional regime. Yet he suggested the articles of the French Constitution and the 1839 and 1856 Edicts be fused to respond to the demands of Ottoman society, their ethics and customs.

Just as Ali and Fuad Pashas, Namik Kemal also wrote about fostering harmonious relations between the various religious and ethnic groups (*millets*) of the empire. His method, however, did not rest on a wholesale transformation. Unlike the secular postulates of Mustafa Fazil Pasha, in Kemal's political philosophy one finds a clear attempt to marry Islamic practice and religious

law with Western political thought. While borrowing the ideas of 'national sovereignty' from Rousseau and 'separation of powers' from Montesquieu, Kemal strove to show that these ideas were already present in Islamic political thought, which was why he sought to use Islamic terms such as *meşveret* as counterparts of European political practices. The question was how transition to liberal governance and a harmonious empire could be possible under Shari'a, when about 40 per cent of the subjects of the sultan were non-Muslims.

The answer to this question that we can find in Namik Kemal's writings rests on the inclusive role of liberal institutions and a philosophy of justice. He believed that the representation of non-Muslims in the parliament (i.e. their participation in law-making mechanisms) would allow them to enjoy equal rights with Muslims and get their voices heard. They would be granted a new space to express their discontent, instead of resorting to violent conflict, which would also reduce the risk of further secessionist movements. Rights and liberties guaranteed by the rule of law and a parliament where non-Muslims would be represented would serve as the new social glue for a united Ottoman identity.¹⁴

According to Kemal, justice did not necessarily exist in what the majority chose or found most useful. Laws were required to limit the natural rights of individuals in order to protect the rights of other individuals. For Kemal, the main question was how the limits of individual rights were to be defined. The individuals themselves could not define or decide this, because, if it was left to the individuals, the limits might not be recognized and anarchy might prevail. He therefore underscored the importance of a source of law other than popular sovereignty. 'That source was the *husn* (good) created by God in nature. Right was determined according to the degree to which human beings conformed to the abstract good.'¹⁵ Individual rights and limits could then be limited through laws conforming to the *husn* (abstract good). And the *husn* would be decided upon not through the *fatwa* (a ruling) of the Sheikh-ul Islam (religious leader), but through *fiqh* (the theory or philosophy of Islamic law) and the Shari'a laws, which had been a product of centuries of experience and which would be adapted to contemporary needs. Kemal thus endeavoured to underscore the importance of a home-grown written code drawing inspiration from the teachings of Islam, which would replace the arbitrary rulings of the Sheikh-ul Islam. Yet he remained ambiguous on how and why non-Muslim elements would be subject to an Islamic constitution. It is uncertain if Kemal was ever aware of this contradiction, or the fact that the Divine Law of the Shari'a was incompatible with the separation of powers.¹⁶ For Kemal, the political principles

of Islam were 'entirely' compatible with civilization, progress and the modern understanding of justice that the two entailed.

Where the economy was concerned, given the grave financial situation of the empire and his antipathy to increasing Western encroachments legalized by free trade treaties, Kemal was an overtly anti-imperialist, defensive and protectionist liberal. He opposed the premature incorporation of the Ottoman peasantry into the capitalist world.¹⁷ His liberalism was determined more by a commitment to constitutionalism, separation of powers and an inclusive understanding of justice than a comprehensive defence of freedom in all spheres, including the economic and moral.

Namik Kemal's writings were widely read and used by generations of modernist thinkers in the Islamic world, such as the Persian Jamal ad-Din al-Afghani and the Russian Muslim Ismail Gasprinsky. That being said, perhaps the most direct fruit of his work was the 1876 Constitution and the establishment of the first Ottoman imperial parliament.

Forming an alliance with liberal-minded statesmen such as Midhat Pasha and with the backing of liberals in Europe, the Young Ottomans contributed to the dethronement of Sultan Abdulaziz and his replacement by Abdulhamid II in 1876 on the condition that the new sultan would promulgate a constitution. Having lost their lives in 1868 and 1872 respectively, Fuad and Ali Pashas were no longer in the picture. A constitutional monarchy was declared for the first time in the Ottoman Empire in December 1876. Namik Kemal sat on the committees that drafted the first imperial constitution.

The Ottoman experience with constitutionalism in the 1870s was a short-lived one, however, due to the Russian war of 1877–8 and the parliament's inability to take urgent decisions in times of crisis. After Sultan Abdulhamid II 'temporarily' suspended parliament and the constitution in 1877, Namik Kemal was once again sent into exile where he occupied himself with writing a political history of the Ottomans until his death in 1888.

A new political struggle for constitutional monarchy began thereafter at the hands of a new generation of writers and statesmen, namely the Young Turks. The Young Turks, who keenly read Kemal's work, embraced his proto-nationalism and constitutional liberalism. They staged a revolution and brought back constitutional monarchy in 1908 and intermittently held political power in the next decade. Their understanding of political liberalism differed from that of Kemal due to their secular and positivist propensities. Following the fall of the empire in the aftermath of the First World War, a new generation of Young Turks

founded the Republic of Turkey based on the principles of national sovereignty and secularism in 1923.

Kemal's liberalism was central to the history of liberalism in Turkey, though his appeal to Islam in formulating his ideas and his seeming failure to address the political demands of non-Muslims would mark the dichotomous and divisive element between conservative and secular liberals in Turkey for decades to come.