AHMET CEYDET PAŞA AND ISLAMIC MODERNISM

A Master’s Thesis

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ABSTRACT

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The ideas to introduce an Islamic Modernization in the political and social realms of the Ottoman Empire started as a reaction to the westernization attempts of the Tanzimat bureaucrats. It was not a quick response to the 1839 reforms, but a gradual development of opposition that started as of the 1856 decree, then reached its peak after the promulgation of the first constitution. The main purpose of this study is to find out the seeds of the attempts to give the Tanzimat reforms an Islamic character in Ahmet Cevdet Paşa’s thoughts, who was one of the leading Islamic scholars, as well as the statesmen, of the time. Since his life and his works have the most useful clues, which give us the best information about his struggles, I tended to organize my discussions around his ideas on various issues of the time.
In the first part of my work, I will provide the biography of Cevdet Paşa in order to enable the reader to understand the following discussions. In the second part, Cevdet's understanding of Islam and 'Islamic Modernism' will be discussed. In this part, I will make comparisons between his ideas and the contemporary Islamic thinkers' works in order to determine his standing among the Islamic intellectuals. The topic of the next section will be "how he opposed the 1856 decree and to the 1876 constitution despite the fact that he had been a fervent advocate of the 1839 Tanzimat reforms?" In this section, I will also focus on his pro-Shari'a perspective, and discuss how he tolerated the establishment of the courts other than the Shari'a courts and the enforcement of the French codes in these courts. In this way I hope to show all the ambiguities inherent in the moderate Islamic position in a reforming Ottoman Empire.
ÖZET

AHMET CEVDET PAŞA VE İSLAM MODERNİZMİ

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Osmanlı İmparatorluğu'nda politik ve sosyal alanlarda İslami modernizasyon yapma fikri Tanzimat bürokrasisinin batıcı reformlarına bir tepki olarak doğmuştur. Bu, 1839 reformlarına ani bir tepki değil, aksine 1856 İslahat fermanı ile başlayan, ve sonra ilk anayasanın ilanı ile doruk noktasına ulaşan tedrici bir gelişmeydi. Bu çalışmanın amacı donemin ileri gelen İslam alimlerinden ve aynı zamanda devlet adamlarından olan Ahmet Cevdet Paşanın fikirleri arasında Tanzimat reformlarına İslami karakter aşılamaya yönelik çalışmaların izlerini bulmaktır. Hayatı ve eserleri O'nun çabaları hakkında en kullanılabilecek bilgileri sağladığından tartışmayı O'nun çeşitli konular hakkındaki fikirlerini etrafında organize ettim.

Çalışmanın ilk kısmında sonraki tartışmaları okuyucu açısından daha anlaşılır hale getirmek amacıyla Cevdet Paşanın biyografisine yer verdim. İkinci kısmında ise Cevdet Paşanın İslam anlayışı ile İslam modernizmini işlemek. Bu kısmında İslâmci düşünürlerin arasındaki yerini belirlemek amacıyla O'nun düşünceleri ile donemin
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CHAPTER I

Introduction

Islamic Modernism, the idea of reconciling Islam with the West as a smooth shift from traditional dogmas to the enlightenment, started in the Ottoman Empire as a reaction to the westernization attempts of the Tanzimat bureaucrats. It was not a quick response to the 1839 reforms, but a gradual development of opposition that started as of the 1856 decree, then reached its peak after the promulgation of the first constitution. The historians of 19th century Turkey searched the seeds of the attempts to give the reforms an Islamic character in the second period of reformation. Şerif Mardin argues in The Genesis of Young Ottoman Thought that the Young Ottomans were the first Ottoman thinkers who tried to work out a synthesis between western ideas and Islam. However, as a consultant to Reşit Paşa in Shari’a matters early in his career, and later as the reform minister of the Ministries of Justice and Education, and as the author of the first Ottoman Civil Code -the Mecelle, Cevdet Paşa was the first Ottoman intellectual to reconcile Islam with Western ideas.

Contemporary studies, similar to the narratives and biographies of the early 20th century, classified the Ottoman elites as reformists or conservatives. The character of this separation was determined by the authors’ point of view:
for Kemalists, Cevdet was a traditionalist who was on the one hand in favor of westernization but on the other hand an anti-secularist; but according to the pro-Islam traditionalist perspective he was a great Islamic reformer. This dichotomy in Turkish historiography did not stem only from the authors’ ideological perspectives, but also Cevdet’s complex life; he started his career as a consultant to a fervent advocate of westernization, Mustafa Resit Pasa; but ended it as an advisor to an absolutist and pan-Islamic Sultan, Abdulhamid II. At this point, one may ask the following questions: If he was in favor of Westernization reforms, why did he claim that the Shari’a Law should continue to remain as the foundation stone of the Ottoman Empire? If not, and if he was an Islamist, how did he reconcile Islam and Shari’a Law with newly established western style commercial courts, penal courts and a translation of French commercial and penal laws to be enforced in these courts? Why did he give up supporting new reforms, and shifted to the side of sultan Abdulhamid II? Did he become a reactionary?

The purpose of this study will be to explore possible answers of these questions. My primary sources are the works of Cevdet Paşa: Ma’ruzat, Tezâkir, Tarih-i Cevdet, and the Mecelle. The secondary sources on the whole are written in the form of an appreciation of Cevdet’s services in various official positions. His contribution to the Ottoman reforms as well as various fields of social sciences such as history, law and language were the main topics studied. The only source that provides a different perspective is Berkes’s The Development of Secularism in Turkey, in which he described Cevdet as an obstacle to the secularization process of the Ottoman Empire. Cevdet was the
one who struggled for making the reforms fit the Shari’a Law. However, in spite of this perspective Berkes thought that Cevdet was far from being a fundamentalist. The reason for this is that Cevdet was very moderate if compared to the fundamentalist attitudes of the Ottoman ulema.
CHAPTER II

Ahmed Cevdet Paşa (1822-1895) and his Works

A-His Life

Ahmet Cevdet Paşa was one of the most eminent Ottoman bureaucrats of the Tanzimat era. Born on 22 March 1822 at Loľça in Bulgaria of a local notable family, he displayed intelligence and high ability in learning at an early age. He first followed a traditional curriculum until the end of his medrese education; but he was not satisfied with it, and attended mathematics, language and poetry courses.¹

He first took Arabic lessons from Hâfiz Ömer Efendi, the müfti of Loľça, and completed his study in a short period of time. The next step of his education was another Islamic course, Ulum-u Şer’iyye, meaning Islamic Law. As he indicated in his autobiography, in the 40th part of Tezâkir, he then studied logic and other introductory lectures for his further studies. Then, his grandfather, Hacı Ali Efendi, who looked after him, decided to send him to Istanbul to study Islamic Sciences.²

He was just seventeen in 1839 when he moved to Istanbul for Medrese. His grandfather was rich enough to offer him a wealthy life relative to his

¹ Shaw, Stanford J. & Ezel Kural, History of The Ottoman Empire and Modern Turkey II, 259
² Tezakir IV, p. 4.
companions; therefore, he could devote all his time to supplement his knowledge without wasting any time to earn his living. There, he studied not only the traditional curriculum, but also different sciences including modern mathematics from teachers at the Army Engineering School, and Persian from poet Süleyman Fehim Efendi. It is ironic that he had to keep the fact that he had been learning French as a secret because “....at that time, learning Western* languages was seen incompatible with being an a’lim”3 He was too eager to supplement his knowledge that until 1844 he participated the ‘society of discussion’ (encümen-i musahabet) held in various medreses, but soon he left the society because the basic character of the society, which was scientific discussions, had no longer remained.

The environment in which Ahmet Cevdet Paşa was raised had most probably been the determinant of his worldview as a ‘reformist but Islamist’. He was an ordinary Ottoman of 1830’s, born at a quite distance to the Capital, who would face with a world of a rapid change in contradiction with the previous century. This does not mean the previous periods of the Ottoman history were immune from change but the nineteenth century of the Ottoman Empire was a time of rapid structural changes in every field. For instance, the Janissaries probably seemed to him as a historical fact having a connotation of ‘rebellious group’ that was used for criticizing the old order when he moved to İstanbul.

* in his original words he calls it ‘elsine-i efrenciyye’ , that is to say in Ottoman language efrenciyye (French) was used as the synonym of ‘western’.
3 Tezakir IV, p. 21.
He also witnessed the proclamation of Imperial Rescript of Gülhane that guaranteed security of life and property of all subjects, equality among Muslims and non-Muslims, and an orderly conscription for all Ottoman subjects including non-Muslims. He describes his opinion about the Rescript saying 'we entered a new era in which all the people felt secure about their chastity, life and property.' He also noticed the inevitable effects of European values such as nationalism and the industrial revolution in the Ottoman lands. Greece was no longer a part of the Empire and constant upheavals were ravaging other Ottoman lands in the Balkans. The empire still felt the shock of failure against Greeks, who were only 'the simple Ottoman reaya'. The increasing trade with the West brought more and more people from Europe to the Ottoman lands, and resulted in close contact with the ideas and culture of the West. Additionally, the recently established French and English post offices had also accelerated the transfer of ideas since books and newspapers could be obtained through this channel.

Cevdet entered his first career as kadi of Premedi in 1260/1844-5. In July 2nd 1845 he was appointed as Professor at İstanbul medreses. One year later, when Mustafa Reşit Paşa applied to the office of Şeyhülislam in 1846 for an open-minded alim to provide him with the knowledge of Shari’a necessary for drafting the new kanuns and nizamnames properly, Cevdet was the one who was chosen. According to Shaw, this was a turning point for Cevdet:

…at this point [the time after Cevdet receives his icazet (diploma)] he [Cevdet] made a contact that was to alter fundamentally the rest of his career. Mustafa Reşit was about to enter his first term as Grand Vezir and was anxious to find a member of the ulema to teach him

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4 Maruzat 238
5 Encyclopedia of Islam, Ahmad Djewdet Paşa, 284
enough about the Islamic law so that he could avoid open conflict with it when introducing reforms.\(^6\)

This was the first time Cevdet engaged in politics. From this time to Reşit Paşa’s death, he lived in Reşit’s house, tutored him and his children as well as some of his protégés such as Ali Paşa. Cevdet told that he received his second but most important education in the techniques of state administration and politics when he was closely attached to his master, Mustafa Reşit, by becoming his personal scribe and adviser.\(^7\) Another point to emphasize here is that during this period he became acquainted with Ali and Fuad Paşas with whom he later would take political and administrative duties.

Later on Mustafa Resit Pasa started to appoint Cevdet Efendi to various educational positions in which the latter acted as his agent in the same way that Ali and Fuad Pasas did. In one of these positions, as a director of the teacher training school –Dâr al-Mu‘allimîn-, Cevdet developed an interest in modern methods of education and started training the teachers for the new modern school system. He made reforms in admission, maintenance and examination processes of the system of education. He also served as the chief scribe of the Education Council –meclis-i ma‘ārif- that was established to prepare new regulations for the new modern schools.

His career as a historian began when he was appointed to pile up a history of Ottoman Empire –Tarih-i Vakâyi-i Devlet-i Aliyye- from 1774 to 1826. This was a great work of him; he did not only used the state records

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\(^6\) Shaw II P.64  
\(^7\) Tezakir 4-21?
placed at his disposal but used more than fifty-five sources composed of Turkish sources as well as the European and Arabic sources. He served as the official chronicler from 1855 to 1861 while he had also continued to hold his Ilmiye position by becoming the kadi of Galata. Then, during the Crimean war, he was made a member of a commission established to work on Islamic law regarding commercial transactions. The commission published only the book named *Kitab al-Buyût* before it was dissolved.

As Cevdet indicated in his autobiography, Mustafa Resit Paşa felt that Ali and Fuad Paşas became less loyal when they acquired new positions, therefore he appointed Cevdet as a member of the Council of the Tanzimat because he felt Cevdet was now more loyal to him than the others. This was Cevdet's first high-ranking position where he played an active and important role by preparing laws and regulations concerning the landownership and cadastral surveys. He was among the people who made the regulation that created the new Supreme Council of Judicial Ordinances in place of the Council of the Tanzimat.

Although he had been avoiding, Cevdet left his Ilmiye position transferring to the Scribal Institution in early 1860s. It was the persuasive influence of Fuad Paşa to whom Cevdet had long been feeling sympathy. It could be argued that Fuad was the second master of Cevdet Paşa in state affairs. Their relationship was not a relationship between a master and his obedient, but like the one between two close friends.

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8 A.C.Pasa Semineri 1985. P 115
Cevdet Paşa’s transfer from İlmiyye to the Scribal Institution was not an instant decision, but some important administrative missions that he fulfilled led this step. Before his transfer to the scribal institution, he was given his first Administrative mission in 1861 as a special agent sent to İşkodra (Albania) with wide powers to suppress revolts and develop a new administrative system. As the second and maybe the greatest administrative mission before his transfer, Cevdet was appointed as an inspector general in Bosnia and Herzegovina (1863-1864) in order to apply Tanzimat reforms. The region was on the border of the Empire, and both Habsburgs and the Slavic national groups desired to annex the area. In fact, there were powerful Ottoman troops located in several points on the borderline, but the anxious Bosnian bandits all over the countryside was making it difficult for the army to fulfill its tasks. When he returned to Istanbul he now was identified as a leading provincial troubleshooter. His next mission was settling nomadic tribes and establishing the order in Kozan, a region located in southeastern Anatolia (1865). These successful missions that Cevdet fulfilled encouraged Fuad Paşa to offer Cevdet a transfer from the Ilmiyye position to the Scribal Institution. Ahmet Cevdet accepted the transfer. Then he became the governor of the new province of Aleppo, which was established to introduce Tanzimat provincial reforms efficiently.

It is interesting that Cevdet Paşa’s greatest contributions to the fields of justice came after his transfer from İlmiyye class. After the declaration of

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9 Tezakir 4-83
10 Shaw II P.65
11 Shaw II p.65
12 Maruzat 173
Tanzimat decree, the one-judged Ottoman Court system was partially left, and new multi-judged court system was issued. First of all Commercial and Nizamiye Courts were established, and a few years later the Supreme Court (Divan-i Ahkâm-i Adliye) was formed. After the Supreme Council was divided into legislative and judicial bodies, Cevdet became the chairman of the latter before he was appointed to the Ministry of Justice. He opposed Ali Paşa's idea of translating French civil law; then he wrote the major pieces of the legislation that established the beginnings of a modern legal system in the Empire. He convinced the sultan that the new civil law should be derived from Islamic Law that was, according to him, eligible to meet the current problems if introduced after a modernization process. Then a commission was established to write the new code, and Cevdet was appointed as the chairman of that commission. The new law code was named Mecelle – the Law Collection. He was dismissed and reappointed several times to this position but he never gave up codifying new volumes of the Law Collection that occupied him until 1976.

During the last two decades of his life, Cevdet served in several ministerial positions such as education and justice. In this period, he also completed his major works, the Ottoman History and Mecelle. In 1873, he became the Minister of Pious Foundations, and then the Minister of Education (1873-1874). His main service to the educational system took place at this time. He made major changes in the system of education, made reforms in elementary and middle schools, expended teacher training schools, and established new

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13 Shaw II P. 66
preparatory schools for the students who would go on to the secondary and technical schools.

His traditionalism made him remain hostile to the constitutionalists, who were trying to limit the sovereignty of the sultan, and replace the Islamic Law. Therefore, he became very close to Sultan Abdulhamid (1876-1908) "serving as minister of Justice (1876-1877), of the Interior (1877), and then of Pious Foundations (1878-1879), Commerce (1879), and again Justice (1879-1882)". ⁴

Ahmed Cevdet Paşa retired from official works for several years after the trial of Midhat Paşa (1882-1886). Then, he devoted most of his time to the education of his daughters, completing his Ottoman History, and arranging the records that he had gathered while he was court historian. In this period, he wrote one of his major works, Tezâkîf -memoirs-, covering the years from 1839-1890, and sent to his successor as official historian, Ahmed Lutfi Efendi. Then he wrote Ma’ruzât -‘the expositions’, covering the years between 1839-1876 for the personal reference of Abdulhamid. His last official position was minister of Justice (1886-1890) until his resignation due to his quarrels with Prime Minister Yusuf Kamil Paşa, and then acted as an advisor of sultan Abdulhamid until his death on may 25, 1895.

B-His Works

Apart from his long and fruitful service in the state, Cevdet Paşa was also productive as a scholar and intellectual. In addition to his Tarih he wrote various

⁴ Shaw II P. 66
works on subject of history, language, and folklore. His Kavaid-i Osmaniyye was a grammar book of which he also wrote an introduction called Medhal-i Kavaid. Later he prepared a simplified version of Kavaid-i Osmaniyye for primary schoolboys. Belagat-i Osmaniyye, which was also prepared for the students at the Law School, was a manual on eloquence. Apart from these works Cevdet Paşa wrote two manuals for his son Ali Sedad; Miyar-ı Sedad and Adab-ı Sedad. On the subject of education he also prepared a textbook, Malumat-ı Nafia, for Rüşdiyes. However among his works the most important ones are on the subject of history. Kisas-ı Enbiya ve Tarih-i Hulefa, Ma’rüzet, Tezâkir, and Kaftkas ve Kırım Tarihçesi are his other important historical works apart from his Tarih.

Ahmet Cevdet Paşa as a Historian

The Ottoman historiography was so much influenced by two types of history writing styles the first of which was named the Classical one, and the second the Literary. The Classical school was mostly under the control of the ulema – learned men- who gave a certain importance to the reliability of the sources and the narrators. They preferred using a basic language instead of a literary one in order to make their works more understandable. The other one, the Literary school, which was established soon after the new influence Persian legends promoted to use bombastic language without worrying about the reliability and trustworthiness of the sources that they used. It could be argued that this type of history writing was literature rather than a historical work.

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16 Kütükoğlu, Bekir. in Ahmet Cevdet Paşa Semineri, İstanbul 1986, p.111.
Although the Literary school had strongly influenced the history writing in the Ottoman Empire, a number of great historians such as Kâtip Çelebi and Müneccimbaşı were raised within the Classical school. As it is obvious that a ‘history of heroes’ would attract the sultans’ attention more than a realistic history, most of the historians who earned their life through the donations of the Sultan tended to escape from writing the realities of the history in order to secure their positions. Even a brave historian could not directly criticize the sultan, but does it by putting the burden on the shoulders of the government.

One of the most talented historians of the time was Ahmet Cevdet Paşa. In his works, Cevdet preferred an understandable language. He argued that historians should not write their works as if historical works are a genre of literature since there is an evident difference between literature and history. They should use a simpler language so that everyone is able to understand their works. At this point he condemned the official chroniclers of using such a bombastic language (tumturak-ı elfâz) and stated that to pick the truth out of these type of works required extensive corrections and arrangements. In his words “most (of the Ottoman) chroniclers had changed the subject of history writing and made it a journal of poetry and dreams.” According to him the aim of writing history could not be composed of only analyzing the real causes of the events and gathering information about the past, but also organizing these data in conceivable and simple way for the use of people. Cevdet Paşa personally tried to apply such style after the completion of the sixth volume of his Tarih.

18 Ibid. p.279.
Since the Ottoman history writing had completely been influenced by the great Muslim philosopher, Ibn Khaldun, in the areas of philosophy and methodology of history writing, Cevdet owed much to Ibn Khaldun in his methodological formation.\(^{19}\) According to one claim Cevdet Paşa once told his student Selim Sabit that in the formation of his ideology Michelet, Taine, Ibn Teymiyye, Ibn Khaldun, and Zehebi had great impacts.\(^{20}\) Earlier in his career Cevdet completed the translation of Muqaddima, which was left incomplete by Pîrîzâde. This should have played a great role in his interest in history. Ahmed Hamdi Tanpinar argues in his book The History of Nineteenth Century Turkish Literature that Cevdet was the last student of Ibn Khaldun at his time.\(^{21}\)

Especially, Khaldun’s important concepts like Asabiyya and Cyclical View are effective on Cevdet’s writings. Cevdet mainly uses Khaldun’s terms when he explains the origins of society and civilization. The division of society into categories as nomads, different levels of sedentary formation are derived from Ibn Khaldun. He also tries to explain the initial success of Arabs and Turks after Islam with the power of their Asabiyya, which was strengthened by religion. Indeed his introduction of Tarih-i Cevdet is mainly a good summary of Ibn Khaldun’s theories on society and civilization. His historical logic was nearly the same as Ibn Khaldun’s\(^{22}\); for instance in his history, Cevdet describes the state as the ultimate step of civilization; only by the protection of state people reach security and high level of civilization.\(^{23}\)

\(^{19}\) Meriç, Ümid. Cevdet Paşa’nın Cemiyet ve devlet görüşü, İstanbul 1975, p. 103.

\(^{20}\) Kütükoğlu, p.111.

\(^{21}\) Tanpinar, Ahmet Hamdi, XIX. Asr Türk Edebiyatı Tarihi, V. II: İstanbul 1956, p.141.

\(^{22}\) Kütükoğlu, p.111.

Cevdet Paşa acquires almost all his logic of thinking on history from Ibn Khaldun’s Mukaddime. He describes the problems of his time with the principles of the latter, and gives logical solutions. Moreover, one can argue that his style of writing is similar to Ibn Khaldun’s. In fact there is such a similarity between Cevdet’s Tezâkîr and Ma’ruzât and Ibn Khaldun’s et-Ta’rîf in content. Et-Ta’rîf is in Khaldun’s memoirs consisted of what he had seen and experienced during his travels, the letters he received, some documents, poems, as well as the cultures and social organizations of the tribes or cities he visited.\(^{24}\) This content is nearly the same as Cevdet’s Tezâkîr and Ma’ruzât, in which Cevdet described the events of his time, his experiences, the social and ethical structure of Tanzimat period, his travels to Albania, Bosnia and Kozan, the social lives and cultures of these regions as well as his poems and lâyiha’s – projects or memorandums- on specific issues.

Even though Cevdet accepted Khaldun’s cyclical view of history, he tried to avoid a deterministic approach. He, with pragmatism of a statesman, argued that it was possible to cure and prevent states’ decline with proper measures. According to him, it is not inevitable that the Ottoman Empire will come to an end one day. A revival could be possible with wise measures and skillful statesmen.\(^{25}\) He explained that the Ottoman State faced with such situations during the time of Bayezid I, and Mehmed IV but it was able to recover from these difficult situations. The main reason for the decline of the Empire, according to him, was that its borders had exceeded the acceptable limits, and with the help of capable bureaucrats the decline could be stopped.

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\(^{24}\) Kütükoğlu, p.111.

\(^{25}\) Kuran, Ercüment. in Ahmet Cevdet Paşa Semineri, İstanbul 1986, p.9.
and even the Empire could be revived. Thus Tanzimat emerges as a crucial step for such a revival in the eyes of Cevdet Paşa.

Cevdet Paşa separated Western (Christian) and Eastern (Islamic) histories from each other. He divided Western history into three periods:

- The period until the collapse of the Roman Empire, tarih-i atık (old history, or old age)
- The period until the conquest of Istanbul, or the discovery of America, ortazaman (the middle age)
- The period until his time, yenizaman (the new age)

Then he argued that applying the same periodic system to the Islamic history would be misleading. He divides the Islamic History into two periods:

- Before Islam
- After Islam

As most of the other Muslim historians, Cevdet regarded Islam as the turning point for them Eastern civilization because, in his worldview, the civilization strongly depends on Islam in the Eastern World.

Cevdet strongly emphasized on the usefulness of history for statesmen. “Through reading history,” he argued, “the statesmen are able to take lessons from the failures and mistakes of the previous generations.” For him history was important device used for finding proper measures to prevent and cure the decline of the empire and its institutions. The state and its institutions constituted the center of his works. He gave special emphasis on the institutions in the Ottoman Empire. He argued that the main reason for the decline was the decay and disorganization of the state institutions. Therefore, he gave special

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26 Kuran, p.9.
importance to the members of the popular institutions of the time. This would be the ulema and the janissaries in his Tarih and the bureaucrats in Tezâkir and Ma’ruzat, in which he gave much significance to the officialdom, which was responsible for the organization and order in the state and society. He argued that the bureaucratic posts and administration should not be left to irresponsible and inexperienced persons such as the sultan’s nedims or musahibs.\textsuperscript{29} In many instances Cevdet criticizes the Grand Viziers coming from military origins. They were often portrayed as illiterate and having no acquaintance with the state administration.\textsuperscript{30}

While writing his târih, Cevdet Paşa widely used the chronicles of the period as well as the memoirs and contemporary secondary sources he could achieve. As we understand from the bibliography under the title of ‘Tarih-i Cevdet’in me’ hazlan’ – the sources of Cevdet’s history- stated in the first volume, he used almost 55 sources as reference.\textsuperscript{31} Moreover, he sometimes used the narratives he heard from the eyewitnesses, and sometimes compared and contrasted all these sources in order to get the truth. He did not only describe the events, but tried to find out the cause and effect relationships between them by criticizing if he found out illogical explanations and exaggerations. For instance, although he widely used Edib’s history, he sometimes found it unfair, drudge and flatterer. He disapproved Enverî of writing all the things that was told, and having contradictory statements. He condemned Vâsif of being unctuous to

\textsuperscript{29}Tarih-i Cevdet. V. 1, p. 95.
\textsuperscript{30}Tarih-i Cevdet. V. 4, p. 9, 94., Tezâkir and Ma’ruzat is nearly filled up with this content.
\textsuperscript{31}Yüksel, Mücteba. in Ahmet Cevdet Paşa Semineri, İstanbul 1986. p. 115.
Halil Hamid Paşa and described the latter’s assessment against Cezayirli Gâzi Hasan Paşa as ‘rotten words’.\(^{32}\)

His contributions to the development of historical methodology in Turkey could not be denied. It is recently found that he critically used most of the archival documents and added some of them the end or quoted their the parts he used in the text to make comparisons with other documents. For instance, in his tarih, he describes the conversion of ayan’s –notables- to city kethüda’s –a position like colonel- in 1786 by using the state documents of the time.\(^{33}\) He made references to these documents however, he did not state the classification numbers of the documents.\(^{34}\)

Cevdet’s important contribution to the Ottoman history writing was his studies on European history; however, today, we only know very few of the European history sources that he used. His studies on the European history signifies that with his contributions the Ottoman history writing took one more step towards the modern methodology of history writing. He firstly examined and then explained the European historians in tarih in order to find out a cure for the decline in the Ottoman Empire. As Ortaylı argues, Cevdet contributed to the Ottoman history writing by the following innovations:

1. Cevdet Paşa had a very strong synchronization in his works: On the one hand he followed the chronology, on the other tried to formulate the relationship between different events took place at different times.

\(^{32}\) Kütükoğlu, p.112.
\(^{33}\) Özkaya, Yücel. in Ahmet Cevdet Paşa Semineri, İstanbul 1986. p. 145.
\(^{34}\) Yücel Özkaya states that he found same documents at Prime Ministry Ottoman Archives M.Cevdet collection, and Mühimme Defteri Nr: CLXXXIII 675/735
2. He comprehended the significance of French revolution in European social and political life and foresaw that it would create a new system of international relations.

3. He gave significance to the progression of Russia out of spite for the decline of the Ottoman Empire by making comparisons between the modernization processes of the two Empires.\(^{35}\)

\(^{35}\) Ortaylı, p. 163.
CHAPTER III

Cevdet, Islamic Modernism and Pan-Islam

Cevdet had a very traditional way of understanding of Islam. In his letters to three new converts from various cities of Europe, he describes Islam with the main pillars of Islamic faith. He introduces Islam with the phrase (shahadah) which comprise the fundamental principles of the Muslim faith: believing that there is one God, and Muhammad is his messenger. The first part of the phrase distinguishes Muslims from polytheists, and the second separates them from the “people of the book”.

Cevdet then explains the main duties of a Muslim. In his words, after the sahadah, Islam requires praying five times a day (namaz), giving a proportion of one’s assets to the poor annually (zekat), fasting during Ramadan, and fulfilling the duty of pilgrimage at least once in your lifetime.

Following the main pillars of Islam, Cevdet stresses the social regulations of Islam. In his letter to the newly converted Dr. Varmarhayden, a journalist for an Augsburg newspaper published in Bavaria, Cevdet emphasizes the Islamic social morality. He writes: “the most important matter for the Muslims in Islam was good behavior. A Muslim should avoid any bad behavior,
or ahlak-i zemime, and adorn himself with the beauty of the good behavior. According to his perspective, ‘good behavior’ was another way to worship Allah. Cevdet explains that men worship in two ways: one is by obeying the orders of God, and the other is by respecting all other living creatures.

Allah, the Prophet(s), and the Kur’an comprise the core elements of Islam for Cevdet Pasa. Since man alone was unable to understand how to worship to his creator, Allah sent prophets with holy books, the last of which is the Koran, to form the divine system of religion, that would enable people to find happiness in both worlds. This divine system is based on the revelation of God. Since God Almighty created and ordered the universe, He was the first cause. His rules of order, or âdetullah, are not subject to change and include two types: universal, and Shari’a, “for the men.” While the former can be understood by science, the latter was revealed by Allah to his messenger and will remain in force until the resurrection.

These concepts were commonly found even in the most radical Islamic reformists of the 19th century, such as al-Afghani, and Muhammad Abduh. Al-Afghani appears in the Refutation of the Materialists to be a kind of Islamic deist, a believer in a creator who set the world in motion and operated it according to natural law. Thus al-Afghani describes Allah as the First Cause or the Unmoved Mover. His disciple, Muhammad Abduh, was a true follower and representative of Afghani in this matter. In his early life, Abduh held a Sufi

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38 Ibid, p.166.
40 An Islamic response to imperialism, p.96
perspective of Allah that conceived God as 'the Existent One.' In Abduh's later Risalah, however, al-Afghani influences him to leave this earlier pantheistic teaching, and argues that Allah is the First Cause, and that the human mind would find Him through following a chain of causes.

Although al-Afghani's concept of Koran is similar to the traditional teaching, his notion that the Koran has an infinite meaning that encompasses all advances in human knowledge marks his break from the tradition. He states that the Koran is not only the book of Islamic faith, but also the book of science as well as history. He further argues that philosophy and science are continually growing and developing subjects, and bases this infinite growth on the mystical idea of the infinity of meanings in the Koran. He then accuses the Muslim philosophers of incorporating into their books the knowledge that comes from polytheistic cosmogony of the ancient Greek philosophers.

Although Cevdet did not agree with the notion that the Koran encompasses all natural sciences, he did believe that it would be a good reference book for social sciences. In a letter to the author of a history booklet that Cevdet was to review, he refers to the story of Adam in the Koran. He claims that the theory of mankind being only six or seven thousand years old is only a Jewish story. The Koran does not mention any exact date for the creation of Adam; therefore, setting a time for creation would be misleading and rootless since God gives no indication of a date in Koran.

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41 Islam and Modernism in Egypt, p.144.
42 Ibid, p.145.
43 Ibid, p.64.
44 Tezakir IV, p.149.
For Cevdet, the Koran is the book of law in which the limits of man’s life is described. He claims that the only law that can remain effective in the history of human being is the law of the God. The laws of men had been transitory since men are mortal livings; however, the divine law is revealed by Allah, therefore it is eternal. After this point onwards, he argues that the Law of Allah should remain to be the source of the law in Islamic countries.

Cevdet firmly believes in the accuracy of Islamic law schools, which interprets the Koranic law in different ways. For him, the first and most accurate interpretation of the Holy book is the Sunnah and Hadith of the Prophet. In his words, ‘following the God’s orders, there comes the sunnah of the Prophet to be observed. The ones who confirm with the sunnah, and obey it will gain the intercession of the prophet in the day of judgment.’ Since the Sunnah and Hadith of the prophet still need some sort of interpretation, It is the responsibility of the scholars of the Great Schools of Islamic Law to interpret the Koranic verses according to the Prophet’s sayings. For Cevdet, as it is in the classical understanding of Sunni Islam, the scholars whose interpretation could be accepted as accurate are the famous ulema of the Sunni sects. Therefore, he dauntlessly insists on the reconciliation of new Western type laws with the Islamic Shari’a.

Cevdet himself was a Hanafi Muslim. Most of his codifications including the Mecelle are inspired from the great scholars of Hanafi Law, such

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46 Tezakir 4, p.167.
as Ebu Hanife, Ebu Yusuf, Muhammad, and Zufer. According to him, the separation in the Muslim world because of the different interpretations of the ulema is the wisdom of God.\textsuperscript{47} Having various Schools of Law facilitated for the Muslims finding effective solutions for their particular questions.

In contrast with Cevdet’s ideas, al-Afghani attacks on the sects and schisms existing in the Islam. In his opinion, this sectarianism grows at the cost of the strong ties between the Muslim people. He is mostly concerned about promoting the unity of the Islamic community and discouraging schisms.\textsuperscript{48} His disciple Muhammad Abduh takes his vision regarding the Islamic sects to a further degree. Abduh’s main purpose is the correction of the articles of belief written in the previous centuries by removing the mistakes, which has stemmed from the misunderstanding of the basic texts of the religion.\textsuperscript{49} He argues that Koran is, for every age, the source of religious and social well-being, however, the greater portion of its previous interpretation has obscured its real character and the real meaning of the verses.\textsuperscript{50} The only interpretation he accepts, other than that of the prophet, is the statements made by the early fathers (salaf). Thus, he does not accept the accuracy of the opinions of the later generations (khalaf) and the different interpretations of the Islamic sects.\textsuperscript{51}

Abduh’s perception of Islam is ‘… a religion, purified of alter growths and freed from sects and divisions …’\textsuperscript{52} To achieve this goal, the Muslims

\textsuperscript{47} Ibid, p.165
\textsuperscript{48} An Islamic response to Imperialism, p.52
\textsuperscript{49} Islam and Modernism, p.110.\textsuperscript{50} Ibid, p.111.
\textsuperscript{51} Ibid, p.112.
\textsuperscript{52} Ibid, p.127.
should return to the essentials of Islam by excluding the things that are now
regarded as belonging to Islam but, in fact, is foreign to it. Islam should be
purified of all the accretions, which have originated from the old customs of the
people and their previous religions.53

It is obvious that claiming a return to the essentials of Islam and re-
interpreting the scripture according to their real meanings will entail the
classical question whether the doors of re-interpretation, or in Islamic terms
ijtihad, are open or closed. According to the classical Islam, the gates of ijtihad
are closed after the early generations of Muslims. Thus, the later generations are
no more capable of interpreting the matters of Islam; instead, they should follow
the interpretations of the early generations including the khalaf. Muhammad
Abduh, on the contrary, claims that the later generations also has the right of
ijtihad. Since ‘Islam turned aside the hearts of the men from exclusive
attachment to customs and practices of the fathers, which had been handed
down from father to son,’54 the customs that have penetrated into Islam should
be cleaned. Moreover, the argument that the gates of ijtihad are closed to the
new generations is not valid because, ‘the later generations have a knowledge of
past circumstances, and a capacity to reflect upon them, and to profit by the
effects of them in the world, which have survived until their times, that the
fathers and forefathers who preceded them did not have.’55

Charles C. Adams states in Islam and Modernism that Muhammad
Abduh attempts to free the religion of Islam from the constrains of the too rigid

54 Ibid, p.132.
55 From Risalah, quoted by Adams in Islam and Modernism, p.132.
orthodoxy, and reform Islam in an appropriate way to make it adaptable to the complex demands of the modern life. This means a religious reform, or in other words a re-interpretation of the fundamental texts of Islam. This type of reformation differs from that of Cevdet. According to Cevdet, the main problem is not the misinterpretation of Islam, but the lack of scholars and rulers who are capable of understanding the premises of true religion. For the last three quarters of the 19th century Ottoman Empire, the matter that he most grieved was the deaths of eminent ulema without leaving any Islamic intellectual in the same quality. In Ma’ruzat, he states that most of the members of Ottoman ulema, except Arif Hikmet Bey, Rüşdi Molla, and Arif Efendi, were ignorant people. When these three passed away, their places remained vacant, and the quality in ilmiye diminished.\(^56\)

In Cevdet’s worldview, modernism means neither the imitation of the fashions of the West nor the reform of the fundamentals of the religion. First of all, the backwardness of the Muslim countries is not related to the religion of Islam. Thus, to cure this problem, he does not see it necessary to change the main premises of Islam: “In order to compensate the backwardness of the Empire, there was no need for radical changes; instead, the institutions should be reformed gradually in a predetermined period of time.”\(^57\)

Secondly, Cevdet argues that the Western method is not the only way for progression. According to him, the western civilization is not the only civilization in the world. There have been so many great civilizations in the

\(^{56}\) Ma’ruzat, p.3.
\(^{57}\) Ahmet Cevdet Paşa Sempozyumu, p.76.
history of the world; the fact that they are backward today does not entail the
notion that they have to adapt themselves to the dominant Western
civilization.\footnote{Ibid, p.70.} Instead, they should find their own ways of improving their
civilizations.

For Cevdet, Islam is a great religion that never needs reformation.\footnote{Turk Siyasal Hayatinin Gelisimi, p.71.} He
states in Tezākir that all rules of Islam (kavanin-i İslamiye) have always been
based on wisdom and utility (maslahat). Therefore, there is no reason to be
reluctant to any interpretation of Islam by using the modern methods of logic.\footnote{Tezakir 4, p.164.}
In his letter to a new convert named Schumann, Cevdet states the logical
explanations of the main pillars of Islam, and gives logical reasons for the most
controversial points of Islam criticized by the people indifferent to the
religion.\footnote{Ibid, p.261.}

One of the arguments that Cevdet poses while arguing that Islam does
not need reforming is that Islam is not contrary to the modern achievements of
the humanity in different fields of science. Instead, by using a saying of the
Prophet, he claims that Islam encourages science so much that the Muslims
should acquire the science (‘ilm) even if it is found only in China.\footnote{The country of China was used only to mention distance.} Cevdet
uses the classical argument that the knowledge, or science, progressed under
Islam long before the Western world; therefore, the West owes much to the
Muslim scientists because the knowledge on Indian and Greek civilizations was

\footnote{Ibid, p.70.}
\footnote{Turk Siyasal Hayatinin Gelisimi, p.71.}
\footnote{Tezakir 4, p.164.}
\footnote{Ibid, p.261.}
\footnote{The country of China was used only to mention distance.}
\footnote{Ibid, p.162.}
passed to the West through the Islamic civilization. As a proof, he states that Islamic scholars invented lots of tools to be used in mathematics.\textsuperscript{63} Then, the Western scholars started from the points that the Islamic scholars stopped.\textsuperscript{64}

The claims that Islam had never been against science, and that the Islamic civilization was the pre-requisite for the modern West were common arguments among the 19\textsuperscript{th} century Islamic modernists. Muhammad Abduh argued that Islam was pre-eminently a religion of reason.\textsuperscript{65} Therefore, as he continued, there could be no conflict between reason and the meaning of the revelation,\textsuperscript{66} between religion and science,\textsuperscript{67} and Islam was very tolerant to the scientific investigations.\textsuperscript{68} In his works, he spent much effort to reconcile the fundamental ideas of Islam with the scientific ideas of the West.\textsuperscript{69} The importance that Abduh ascribed to the science was based on a very significant reason: He believed that

"the unbelievers must be fought with the same means which they employ for fighting against Islam... One must rival them in our time in the manufacture of cannon and rifles, of warships and airships, and other kinds of implements of war. This all makes perfection in the technical and natural sciences to be an inescapable duty of Muslims..."\textsuperscript{70}

Al-Afghani also had similar thoughts about Islam and science. If we trace his life back to Egypt, we find him teaching his pupils modern works on sciences, which had been translated into Arabic. His methodology was very different from that of the typical professors in al-Azhar. He was the first to teach

\begin{itemize}
\item \textsuperscript{63} Ibid, p.253.
\item \textsuperscript{64} Ibid, p.254.
\item \textsuperscript{65} Islam and Modernism, p.128.
\item \textsuperscript{66} Ibid, p.129.
\item \textsuperscript{67} Ibid, p.134.
\item \textsuperscript{68} Ibid, p.142.
\item \textsuperscript{69} Ibid, p.2.
\item \textsuperscript{70} from al-Manar, vii. 292, quoted by Adams in Islam and Modernism, p.136.
\end{itemize}
the early Islamic scripts on various problems of Islam, then discuss the problems with his pupils, and finally find the points lacking in those scripts. After the reading and discussing sections the next stage of his teaching was introducing his students to a number of modern sciences.\textsuperscript{71}

Al-Afghani praises Islam for its tolerance of the scientific spirit. In his response to Renan published in Le Journal des Debats he argued that Islam was able to reform and adapt itself to the modern civilization. However, for Al-Afghani, achieving Islamic unity was more important than any type of reform or scientific progress. Since his major ideal was the mobilization of Muslims against European invaders, and their corrupt rule, he pursued a way to foster the Islamic unity, and became an ideologue of Pan-Islam by politicizing Islam. He claims that only a united Muslim force could face the military force of the Great Powers.

Although the weight attributed to it differed from one intellectual to another, the unity of the Islamic population was a common sentiment among the Islamic reformists of the Hamidian era. This sentiment, called Pan-Islamism by the contemporary historians, was “calling for a return to the fundamental values and traditions of the civilization of which the Ottoman Empire (italics are mine) was the most modern manifestation.”\textsuperscript{72} The term was translated into the Ottoman language as İttihat-ı İslam, which literally means the unity of the Islamic population.

\textsuperscript{71} Ibid, p.34.
\textsuperscript{72} History of The Ottoman Empire and Modern Turkey, v ii, pp. 259.
The decline of the Ottoman Empire, together with the invasions of colonial powers into the Muslim lands increased the belief that Islamic unity was necessary to stand against the calamity imposed on Islam. The oral stories of the Muslim people suffering under the foreign occupation began to spread throughout the Muslim world and gave rise to the increasing negative Muslim sentiment towards the Great Powers. Therefore, one can conclude that pan-Islam, in Baber Johansen’s words, was a reaction, which had an anti-imperialist character.\textsuperscript{73}

Although reforming the vital institutions for the advancement of the Ottoman Empire was a primary solution for Cevdet Pasa to eliminate backwardness, as Karpat states in The Politicization of Islam, Cevdet saw the politics of pan-Islam and the leadership of the Sultan-Caliph as another way to save Muslim civilization. He, therefore, became Abdulhamid’s chief advisor on doctrinal, political, historical, personal and international matters and, presumably had a deep influence on Abdulhamid’s decisions.\textsuperscript{74}

Cevdet Paşa advised the Sultan to play one European state against another.\textsuperscript{75} In addition, he criticized the Ottoman bureaucracy of being clumsy, and argued that to preserve the unity, the Ottoman Empire could not use ‘nationality,’ but, ‘religion,’ as a mediating factor. He defined the European term ‘fatherland’ (in Turkish vatan) as something that unified the Western people and emphasized the fact that the Ottoman governors should use religious

\textsuperscript{74} Politicization of Islam, 189
\textsuperscript{75} Ibid, pp. 190.
sentiments in the same manner to hold the state together and create a vehicle comparable to the European ‘fatherland’ to unite the Muslim population. His argument was accurate in some sense because the Ottoman millet was composed of multinational, or in other words multi-ethnic, groups that could never form a national identity. Therefore, using Islam as a mediator could be considered to be the most intelligent solution.

According to Cevdet, all Muslims constituted the ‘Muslim nation’ but certain problems had prevented its realization. He criticized the old millet system of leaving the non-Muslim groups separate, preserving their nationality for centuries. With the help of the nationalist movements, such groups had begun to pursue their independence, which, in turn, weakened the Empire. Karpat argues that “Cevdet preferred a unitary form of state and a well amalgamated Muslim nation forged by properly using the unique Muslim institution, the caliphate”\(^\text{76}\) to hold these Muslims together because, according to Karpat, the Caliphate was the only effective means of establishing Muslim unity.

Cevdet firmly believed that the Ottoman Empire in the 19th century was the only state that was able to protect Islam. Therefore, like other Ottoman ulema, he emphasized the legend that the last Abbasid Caliph had left the Caliphate to Selim I (Yavuz) to legitimize the Ottoman leadership. In Tezâkir, he argues that the Caliphate of the Ottoman dynasty is legitimate, and there is no doubt that those in opposition will be rebellious and sinful.\(^\text{77}\)

\(\text{\textsuperscript{76}}\) Ibid, p.190.
\(\text{\textsuperscript{77}}\) Tezâkir I, p. 149.
According to Cevdet, the unity of the entire Muslim population was historically essential. For example, the second resurgence of Islam at the time of Selim I stemmed from this spirit of unity. In several of his works, Cevdet defines the entire Muslim population as the fundamental power of Islam, and tries to emphasize that to be as successful as (or as powerful as) Selim I, the entire Muslim population should unite.\textsuperscript{78} He believed that this unification should be under the leadership of the Sultan-Caliph. Of course, the Sultan-Caliph should be selected, from the members of the Ottoman dynasty. In Tezâkîr, he expresses the fact that since the Ottoman Empire is the only protector of Islam, it is the only state that would be able to unify Muslims. In a láyihâ (project) that he submitted to the Sultan in 1889, he regarded the Ottoman family as the natural leaders, and argues that the salvation of Muslim population lies in the continuity of the Ottoman dynasty.\textsuperscript{79}

Based on both the Ma’rûzât (presentations) and other Lâyihâ (projects) submitted to the Sultan by Cevdet Paşa, it is understood that Cevdet was one of the most frequently consulted person among the advisors of Abdulhamid II. Most of his consultancies were in the fields of the structure of the state, caliphate, and sultanate, and the policies to be pursued in relations with the non-Turkish Muslim population.\textsuperscript{80} Sultan Abdulhamid had frequently ordered him to write letters to the leaders of Muslim tribes and Shiite mujtehids. In a letter sent to the Shah of Iran, Nasuriddin Shah, Cevdet used the hadith ‘all Muslims are brothers’ to persuade the Shah to support the Ottoman Caliphate. When it

\textsuperscript{78} Ahmet Cevdet Paşa Sempozyumu (1995), pp. 126.
\textsuperscript{79} Ibid, p.126.
\textsuperscript{80} Ibid, p.137.
proved not to work, he submitted another layiha composed of suggestions regarding the policies the Empire had to pursue against the Shiite population. In this layiha, that was entitled “Sünûîlerle Şiiler Arasındaki İhtilafın Halli Hakkında bir Layiha”, Cevdet offered some measures to be taken to restore the relationship between the Sunnis and the Shiites. He suggested that:

1- Muslims should unify against the Christian colonizers.
2- The representatives of the Caliph and Shiite mujtehids should gather and make decisions together.
3- Shiite monuments in the Ottoman territories should be repaired.

To institute the pan-Islamic plans, Cevdet, with Yusuf Rıza Pasa, was ordered to meet an Iranian sheikh, Mirzâ Hasan Şeyhü’l Reis, who was one of the opposition mujtehids to the Iranian Shah. Their primary aim would be to attract the Iranian sheikhs to the Ottoman side. They discussed the problem of sectarianism between Shiite and Sunnite Muslims with the sheikh and found him to be very eager to take part in the unification process. The Sheikh promised them to write letters to persuade the Iranian mujtehids to support the Ottoman Caliphate.

Cevdet’s ideas concerning the Caliphate were simply an extension of traditional Ottoman understanding. For example, he believed that the condition that the Caliph should be a Qurashî was valid only at the time of Hulefâ-i Râşidîn (rightly guided Caliphs), and, by the end of that period this condition

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83 Ibid, pp. 124.
had become invalid because the Caliphate had changed into Sultanate,⁸⁴ which is not similar to the Caliphate of the Hulefā-i Rāṣidīn, but rather a leadership, the duty of which is to remove intrigue among Muslims, to preserve the security in the country, to regulate the jihād (holy war) affairs, and to establish peace among its subjects.⁸⁵

To support the legitimization of the Ottoman caliphate, Cevdet Paşa asked Mahmud Hanzavi, the mufti of Halep, to write a pamphlet on Islamic law about the process of electing the Caliph.⁸⁶ The pamphlet offered an explanation for the hesitation of the second Caliph Omar about the election of the next Caliph. According to Hanzavi, although Omar’s final decision was that the election should be made by a Council, his ambivalence shows that there was no fixed election system which could be applied harmoniously throughout Islamic history. Therefore, as he concluded, the argument that a Council should select the Caliph from the members of the Qurashi tribe was meaningless.

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⁸⁴ Ibid. p. 137.
⁸⁵ Ibid. p. 125.
CHAPTER IV

Cevdet: Reformist or Reactionary?

The 19th century was a period of rapid change for the Ottoman Empire. With the enthronement of Sultan Selim III, the Ottoman Empire entered into a new era of modernization—'Westernization.' It was common among the reformists, as well as the conservatives, to use this term instead of the 'reformation process.' According to the Orientalist discourse, Ottoman reformists understood 'Westernization' to be development, progress and prosperity; but for the conservatives it had the connotation of the destruction of Islam, Islamic civilization, and the Ottoman tradition. However, it is impossible to draw a clear-cut line between the reformists and the conservatives in mid-nineteenth century Ottoman society because there were many cases in which one religious intellectual might have reformist ideas, even though he was advocating the traditionalist Islamic discourse.

In his works, Cevdet seems to be a fervent advocate of both the Tanzimat reforms and the Shari'a Law. This could be considered to be a contradiction; however, favoring the Shari'a Law does not entail opposing the Tanzimat reforms. Indeed, most of the reformist bureaucrats as well as the conservative ulema had never considered the Decree of 1839 as a breakthrough in the Islamic Law. For instance, Mustafa Resit Pasa, the promulgator of the
Decree, had asked the meşihat (the highest religious authority in the Ottoman Empire) to send him an open-minded ‘alim to check the new reforms to determine whether or not they were consistent with the Shari’a. Moreover, to assure public opinion that the 1839 reforms were based on the Islamic Law, he added the Sultan’s oath to the Decree, in which the latter pledged to execute the Shari’a Law embodied in the charter as its foundation. This could also be interpreted to be a political maneuver of Resit Pasa in order to gain public opinion and support for his reforms; however, the fact that Cevdet never accused Resit Pasa of violating Islamic Law suggests that the ulema had accepted the conformity of the 1839 reforms with the Shari’a. In Tezâkir, Cevdet praised Resit Pasa for introducing the reforms, which were necessary for the progress of the Empire: “Resit Pasa did great kindness to our people by enacting the auspicious reformation, which guaranteed the security of their lives, properties, and honors.”

For Cevdet, the terms ‘progress’ and ‘necessity’ drew the borderline of the Ottoman reforms. He admitted that the Muslim world had fallen behind the achievements of the West; however, this backwardness was not because Islam was a dogmatic religion. He suggested that the seeds of backwardness should be investigated in the corruption of the Islamic as well as the secular institutions. As Anay stated in the article Cevdet Pasa’nın Modernizme Bakisi, Cevdet advocated the main principles of the Ottoman reforms and struggled for the establishment of various Western-style institutions in the Ottoman Empire. In a layiha (project/proposal) that Cevdet submitted to the Sublime Porte regarding

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87 Berkes, p.145
88 Tezakir I, p. 8.
the necessary reforms for the Ottoman Empire, he argued that in order to remain powerful, the Ottoman governments had to reform the institutions, which would a) distribute the burden of tax justly; b) collect enough money for the expenses the courts, the military forces and other necessary institutions; c) increase national resources; d) maintain the continuity of trade; e) hire qualified personnel; and f) maintain good relations with foreign countries. He thought that the decline of the Ottoman Empire was the result of the corruption in the matters aforementioned, and that this corruption resulted in difficulties in maintaining order.

Cevdet was obsessed with the destiny of the Ottoman Empire. He investigated the reasons for the Ottoman decline and made suggestions to prevent the Empire from a destiny of collapse. The main topic he discussed in his Tarih was how the Ottoman Empire could be rescued. According to Cevdet, the Ottoman Empire was on the edge of disaster; his main aim was to define the illness and cure it by making reforms. His diagnosis of the illness was somewhat accurate. He suggested that the superiority of the West should be admitted and then that the institutions should be reformed in a European style. His reference to European style reforms should not be understood as encouraging imitation; instead, he decries blind imitation, which would destroy the essence of the reformation. The best example that may help us to understand what Cevdet understood by “blind imitation” was his attitude toward Western fashions. While he favored a Western curriculum (which was introduced in

90 Tezakir IV, p.98.
92 Meriç, p.9.
93 Tarih III, p.51.
rüştıye schools) praising its effectiveness, he did not accept a tenured position in a military school just because he did not want to wear trousers and a fez, which were among the teaching requirements of that school. He must have thought that implementing a Western curriculum was useful and, therefore, necessary; but wearing Western style dress was only “imitation” because there was no correlation between such an “innovation” and progress.

In Tezâkir Cevdet compares Russian, Egyptian and Ottoman reforms in order to explain the mistakes made during the Ottoman reform. According to Cevdet, the reason behind the success of the Russian reforms was that the Emperor did not blindly copy the West but first traveled to various Western countries in order to discover which type of reform was suitable for Russia; thereafter, he introduced the most appropriate reforms to his country. The governor of Egypt, Muhammad Ali had followed a similar path. He selected suitable reforms for Egypt and avoided the extravagance of the West. However, he bemoans the fact that, the Ottomans unfortunately did the reverse: “We only imitated, and exaggerated that imitation. We neglected the foundations of the building, but imitated the ornament.”

Cevdet suggests that the improvement in the Ottoman civilization was bound to the progress in science (funun) and knowledge (ma'rifet). He contends that Resit Pasa was a kind of administrator who learned and made his men learn the essence of the progress by traveling around the European countries:

“Resit Pasa’s translator Agob stayed in Europe for several years, and accumulated knowledge about the science of wisdom and salvation

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94 Tezakir IV, p.16.
95 Ibid, p.220.
from backwardness (italics are mine), and learnt that the Europeans focused their efforts on the science of agriculture and became wealthy.  

In the official report declares at the end of the general council held in 1882, Cevdet suggests again that the essence of progress lies in starting scientific studies in the Empire:

Imar u medeniyetin suret-I istikmali hasren ve kasren nesr-u tenmiye-I funun-I mutenevvi'a mukaddime-I musellimesiyle istihsal u istintac olunabildiği vareste-I kulfet-I ihtiyac ve bunun husulu ise ancak devletin himem-I aliye-I mütavaliyesine muhtacıdır.  

The passage indicates that Cevdet sees the state as the only entity to promote and sponsor the developments in scientific studies.

Cevdet asserts that promoting the development of the educational system was a crucial step in modernizing the Empire. As Minister of Education, he founded councils of education to open new schools and discuss the efficiency of the curricula implemented in public schools. Furthermore, new books on natural sciences were written and published under his ministry. In the traditional education system of the Empire, a secular primary education as well as secondary education upon which to construct modern higher education facilities did not exist. As a part of his educational reform Cevdet founded the first schools to train primary and secondary school teachers in modern ways.  

Moreover, he established a commission of education to write a new curriculum for the recently established modern schools, and asked various scholars to write specific books consistent with the new curriculum.  

99 Tezakir IV, p.126.  

97 Ibid, p.47.  

98 Berkes 175  

modern understanding of education system in Cevdet’s works. In a proposal he mentioned in Tezâkir, he suggested that an educational institution, comparable to today’s vocational schools, should be established to train new officials for the state affairs.\textsuperscript{100} His rationale for suggesting that the officials should be trained before they were appointed any position rests on the notion that ‘in order to maintain the order, every office together with their branches should work in harmony.’\textsuperscript{101}

Except for some minor debates, Cevdet remained the supporter of the reforms introduced until the 1856 Islahat charter. As Berkes argues, even though the Shari’a was intolerant against any revision in its entire outlook, it (its representatives, the ulema) did not raise its voice during the first part of the Tanzimat because there was not yet any infringement upon its own sphere.\textsuperscript{102} Moreover, Resit Pasa and his protégés were very careful to escape from the opposition of the ulema, thus; they mostly focused on the secular areas that were in need of urgent reform. As a member of the ulema of that time, Cevdet contends that the reforms that Resit Pasa introduced were necessary and consistent with the Shari’a Law. Indeed, they remained within the areas, which were not regulated by the Islamic Law.

Cevdet’s reactionary behavior began with the enactment of the 1856 charter, which gave the non-Muslim population the political equality. Since the Christian and Jewish minorities in the Ottoman Empire were subjected to the Dhimmi Law, they were not able to wear specific clothes or ride horses; their

\textsuperscript{100} Ibid, p.100.
\textsuperscript{101} Ibid, p.100.
\textsuperscript{102} Berkes, 171.
testimony was not accepted before the courts, and they were ineligible for positions in government offices except at the bureau of translation. Even though the testimony of non-Muslim subjects was not accepted, and they were not given any political rights until the 1856 edict, other restrictions, which Cevdet called "old-fashioned traditions," had almost vanished in previous centuries. This does not mean that nobody wanted to impose those regulations once again. For instance, in 1841, Izzet Mehmet Paşa, the new Grand Vizier, imposed a regulation requiring non-Muslims to wear a ribbon on their fez. However, he was accused of doing nothing but resurrecting those old-fashioned regulations, and fired within a short time.¹⁰³

The 1856 Decree changed the conservatives' position with respect to the reforms. Cevdet's case was that, although he had been an ardent activist for the first period of Tanzimat, he radically opposed the 4th clause of 1856 Decree, which granted political rights to the non-Muslim population. Cevdet Paşa felt that the 1856 charter had gone beyond the intended limits of necessary reformation. After narrating the brief story of the edict in Tezâkir, he demonstrates his disagreement with the principle of full equality for non-Muslims with Muslim people. He argues that the issue of equality had created great contention among the Muslim subjects. In previous reforms and agreements, non-Muslims were only given specific privileges, while this new reform edict granted them even the right to govern Muslim subjects. Thus, as Cevdet points out, the Muslims muttered that they lost their sacred rights that day, which their ancestors had gained in exchange for their blood. While

¹⁰³ Ibid, p. 9
according to the Shari’a the Muslims had been the only rulers, now they were deprived of that right. That was a day of tears and mourning for the Muslims.  

The fact that the 4th clause would be a matter of international negotiations was Cevdet’s other concern: this article created the legal basis for the Great Powers to interfere in the internal affairs of the Ottoman Empire. The Great Powers started to include the matter of ‘political equality’ in the international agreements to allow interference in the matters of non-Muslim subjects. For instance, even though the Paris agreement of 1856 was the only beneficial treaty after the Pruth agreement, the inclusion of the 4th article to the treaty made it even worse. The Great powers on the one side and the Russian Empire on the other obtained the legal right to protect the non-Muslim subjects of the Empire.  

According to Cevdet the 4th article, which granted non-Muslims political rights, was the worst clause of the 1839 Decree. His rationale for this argument was that the non-Muslim population gained equality at no expense; for instance, even though they were not obliged to serve in the army, they assumed the right to be the equals. Indeed, Cevdet was also against recruiting non-Muslims to the Army. In his words, if they were recruited, the army would need Orthodox, Catholic, Armenian priests as well as Jewish hahams for every battalion. Additionally, if the soldiers needed to be motivated, with which word would the name of Allah be replaced? These two paradoxical ideas indicate that

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104 Ibid, p. 68
105 Tezakir I, pp.87-88
107 Ma’ruzet, p.115
Cevdet’s main concern was neither non-Muslim’s conscription into the Army, or the problem of motivating the soldiers: the problem was the political rights that non-Muslims were granted.

Although it became the topic of another debate, the fact that Cevdet did not oppose the establishment of non-Shari’a courts, accepting non-Muslim testimony before these courts, and admitting non-Muslim members to the courts, indicates that Cevdet’s concern at that time was not the violation of Shari’a matters, or the rule that ‘equal rights entail equal obligations;’ but an instantaneous reaction against the bitter feeling that the Muslims had lost their dominant status in the Empire.

From an undated proposal entitled mevadd-i şetta submitted to Sultan Abdulhamid II, we understand that Cevdet left this reactionary behavior later. He asserts that to avoid using any Christian in crucial affairs of the state was backward thinking; even in the Abbasid caliphate some Christians were used in economic and commercial affairs. Cevdet continues:

"Under the reign of Abdulmecid, The Ottomans granted the minorities equality before the courts... This was among the necessities of the time. Moreover, during the reign of Aldulaziz, the non-Muslim Ottoman subjects were granted further rights, which were also necessary under the conditions of that time. And today, there shall be no obstacle in front of making a Christian the Minister of Economy; the arguments that are against such a decision shall not any correlation with religious sensitivity."

In the same proposal, Cevdet states that utilizing the Christian subjects in state offices was among the “essentials” of the state affairs at that time. For instance, since the Christians were also tried in Penal courts, it was necessary for the

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court to have at least two Christian members to help them in their language
difficulties. This would also serve the Empire reduce the Great powers’
interference in the internal politics of the Ottoman Empire

The ideas that Cevdet asserted at different times may be contradictory,
even paradoxical. Why did he change his mind? Why did he fall into that
paradox? One argument could be the time, and the conditions under which he
wrote these proposals: He had written his early proposals just after the
declaration of the 1856 Decree, when the Empire was under financial
disabilities, and there was no stable and powerful government. The conditions
of the time might have instigated panic at the possibility that the influence of
Christian minorities in state affairs, would increase with the help of the Great
Powers, while neither the Sultan was powerful, nor was the government stable.
On the other hand, the proposal that was submitted to Sultan Abdulhamid, was
written when the Sultan had accumulated the political power in his hands and
created a solid state with regard to the possibility of Christian influence in state
politics. Besides, at that time, even the Sublime Porte was able to assume a little
political power.

The second and most convenient explanation for the contradictions
between his early and later works would be the fact that Cevdet instantaneously
reacted against the 1856 Decree in his early works; however, as time passed, he
realized that his fears had been proven to be false. On the contrary, the non-
Muslim elements perfectly served the Empire and convinced the conservatives
that they were useful. To prove this argument, the fact that a great number of
individuals who became the Minister of Economy were selected among the non-Muslims.

Cevdet’s real departure from his reformist ideas started with the issue of codifying an Ottoman Civil Code in the early 1860’s. This was an attempt to resolve the shortcomings of the previously established partially secular court system by the codification of an Ottoman Civil Code, a subject about which the conservatives were sensitive. According to most of them, especially Cevdet, the civil code of a Muslim state should be codified according to the Shari’a. On the other hand, as Cevdet states in Tezâkir, some elites took up the idea of translating the French civil Code to use it as the basis for the Ottoman legal system. He asserts that that idea was not acceptable because changing the basic laws of a nation would entail its destruction. He argues that since the civil code is the basis of laws and by-laws in every state is, and since the Ottoman legal system was based upon the Shari’a, it should, therefore, remain the Ottoman Civil Code.

Cevdet’s reaction to the proposal that the French Civil Code should be translated into Turkish and adopted as the Ottoman Civil Code was another paradox. Although he did not oppose the establishment of the Commercial and Trade courts, and application of French commercial and penal codes in these courts long before the codification of the Civil Code, he resisted the idea of adopting a translation of French Civil Code, fearing that it would replace the Shari’a.

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109 Tezakir I, p.62.
110 Berkes, 168.
Besides, it is more interesting that Cevdet served on the commission, which codified (or translated) the Penal code of 1858 from 1810 French Penal Code and was given an active role in codifying the military penal code of 1865. Berkes argues that the Penal Code of 1858 was incomparably modern in form and substance and that its provisions were secular. He asserts that it was not free from Shari’a provisions in the original. Article I stated that the Code did not nullify the provisions of the Shari’a Law because it was codified within the limits of the right of the ta’zir of the executive ruler. Moreover, as stated in its clauses, the Code would not trespass on the rights, such as qisas and diya, given by the Shari’a.

The Penal Code was not the first Code to be translated, adapted and applied in non-Shari’a Courts. In 1852, soon after the Commercial courts were established, the French Commercial Code was translated from French and adapted to the Ottoman legal system. Cevdet Pasa, who would later oppose the translation of French Civil code, arguing that it was not consistent with the Shari’a Law and that the real aim of the reformists was to replace the Shari’a Law, supported the 1852 Commercial code and the new court system. Cevdet was himself a member of, and assumed an active role in the Council of the Tanzimat, which decided to establish these new courts and translated the French Commercial Code. To justify his thoughts about the non-Shari’a courts and Laws, Cevdet argued that additional commercial courts were necessary in

112 Ma’ruzat, p.110.
113 Berkes, p.164.
114 Shaw&Shaw, p. 65.
Istanbul because of the increasing rate of Muslim-non-Muslim commercial relations:

With the increase in the number of Europeans coming to Turkey, and with the increase of contacts with them because of the Crimean War, the scope of trade widened. The commercial courts became unable to deal with the commercial lawsuits arising everyday. The foreigners did not like to go to the Shari'a courts. The unacceptability of the testimony of non-Muslims and the Musta'man (non-Muslim foreigners) against dhimmis in Shari'a courts became very annoying to the Europeans and they objected to the trial of the Christians in the Shari'a courts.\(^\text{115}\)

How did Cevdet reconcile founding courts outside the Shari'a courts and applying the translations of French codes in these courts? Were his 'justifications' sufficient enough for us to understand how he rationalized these innovations with his pro-Shari'a standing?

As deduced from his works, the first argument Cevdet had was that the necessities of the time forced the reformists to introduce new forms of legal systems. He further argued that the changes in the time might sometimes alter some Shari'a rules.\(^\text{116}\) For instance, to support the new clause that non-Muslims' testimony should be accepted, he put forward the rule that, in extraordinary cases the courts might accept the claim of the people (if they were numerous and agreed on the same testimony) whose testimony would not be accepted according to the Shari'a Law.\(^\text{117}\) This was, in Ortaylı's words, Cevdet's concession for the sake of the 'wisdom of the governing' (hikmet-i hükümet).\(^\text{118}\)

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\(^{115}\) Tezakir I, p. 62.


\(^{117}\) Ebul Ula Mardin, p.62.

\(^{118}\) Kalaycioglu & Saribay, p.71.
Another point that helped Cevdet justify these legal reforms was the fact that the French Codes were not only translated, but also adapted according to the Islamic Law. The clauses that conflicted with the Shari'a were either excluded from the translated version, or replaced by codifying new clauses based on the Islamic Law.\textsuperscript{119} Moreover, as Berkes argues, the statutory laws covered cases, which still fell under the jurisdiction of the Shari'a. In such cases the provisions of the Shari'a were applied since the Shari'a Law should be preferred instead of the statutory laws, and the Shari'a courts were always superior to the statutory courts.\textsuperscript{120}

Cevdet found legal bases in Jalal al-Din Dawwani's tract for the argument that establishing secular courts and applying secular Law did not contradict the Shari'a Law. Muhammad ben Sa'du'd-din Es'ad as-Siddiki Dawwani was an Islamic jurist as well as a philosopher in 15\textsuperscript{th} century Iran. He argued that under specific conditions the ruler could establish extraordinary courts that have the authority to modify the Shari'a courts if necessary. Omer Nasuhi Bilmen states in Hukuk-u Islamiye ve Istilahat-I fikhiye Kamusu that the ruler of the Islamic state has the power to establish courts in the form of martial law courts, through which he uses his right of ta'zir.\textsuperscript{121} Although the Islamic Law did not allow arresting a suspect before he was found to be guilty, using any type of torture to make the suspect confess, putting the guilty person into jail even if he served the sentence (had) given by the Shari'a Law, Dawwani claims that if stability could not be maintained, the ruler had the right to arrest the suspects to make sure that they could not escape, use torture to force them

\textsuperscript{119} Ebul Ula Mardin, p.203.
\textsuperscript{120} Berkes, p.170.
\textsuperscript{121} Ebulula Mardin, p. 62.
confess, and send them to the jail if he found that they were not disciplined. Moreover, if the conditions worsened, the ruler was allowed to decide on any issue even if there were no complainant or witness.\textsuperscript{122}

In order to persuade the ulema that founding commercial and penal courts and applying secular codes in those courts were within the limits of Shari’a, Cevdet translated Dawwani’s article. In the summary of the article he recorded in Tezâkir, Cevdet stresses the fact that the ruler should have such rights in order to frighten the people, so that justice would come to the light.\textsuperscript{123} He gives examples from the lives of the Prophet, and his companions, great jurists as well as famous Caliphs. He concludes in the end that the statutory courts, other than the Shari’a courts, were not only within the limits of Islamic law, but also necessary to it. Since trade and secular issues (muamelat) had increased, Cevdet argues that secular courts were not only compatible with Islam but were also necessary to it.\textsuperscript{124} Furthermore, he insists on the fact that the testimony of every man, irrespective of his religion, was permissible.\textsuperscript{125}

After a long battle between the reformists and Cevdet, the government decided upon Cevdet’s proposal of codifying a Civil Code from Islamic jurisprudence.\textsuperscript{126} The new Civil Code, called the Mece lle, would codify the mu’amalat (treatments) section of the Islamic Law. The Mece lle represents an attempt to codify that part of Hanafi Law, which treats of the transactions between people. In a preliminary report (mazbata) dated 1869, the codification

\textsuperscript{122} Ibid, p. 62.
\textsuperscript{123} Tezakir I, p. 85.
\textsuperscript{124} Ibid, p. 87-90.
\textsuperscript{125} Berkes, p.168.
\textsuperscript{126} Tezakir I, pp.62-3.
commission explained the reason a codification of this matter had become necessary. Though the different parts of The Hanafi fiqh was codified, and some transactions were fixed to a specific rule, S.A. Rahman, a jurist in Supreme court of Pakistan, argues that the Mecelle cannot be said to have had an exclusive authority over the Ottoman jurists. The Judges were left free to form their own opinions as a result of the study of the Hanafi Law. The Mecelle was a compilation of Islamic Law as a useful reference book.127

The mukaddime (introduction) of the Mecelle contains 100 articles elaborated by Ibn Nujeym and his school. It is composed of 20 books beginning with the book of sales and ending with the procedural matters. The first part of each book gives definitions of the technical law terms used, and the articles were followed by examples taken from the collections of fatwas. Interestingly, maybe because the Mecelle commission was dissolved before they complete the book, the marriage laws are not dealt within this book. As in modern legal methodology, the laws related to marriage matters should be included in the Civil Code. However, the commission excluded the laws related to marriage intentionally because, they believed that the marriage laws should not be included in the Civil Code. In the preliminary report, attached as a foreword to the Mecelle, it was stated that the practical rules of the Shari‘a were divided into three parts: “... marriage, transactions, and punishments, so also the fundamental Laws of the civilized nations are divided into these three parts, and the part relating to transactions in called Civil Code.”128

127 Mecelle, foreword
128 Mecelle, Introduction, p. I
The argument that the French Code should not be adopted as the Ottoman Civil Law because it was not indigenous to the Islamic society, was the breaking point between the conservatives and the reformists. While narrating the struggles between Cevdet and the reformists, he accuses them of being French-imitators, and mutefernicun. As Cevdet asserts, their aim was to keep the new Civil Code outside the Shari’a and serve the French policy. They were so successful in their task that “they were able to seduce even Seyhulislam Kezubi Hasan Efendi, who claimed that the commission should cease working on the Civil code because (italics are mine) the duty of codification was not department of justice’s matter, but department of religion’s (daire-i ilmiye).”

Cevdet understood that the French ambassador suggested the French Code instead of Shari’a Law; however, “it is not understandable that, even though they were Muslims, our ministers nurtured enmity against me because I defended the Islamic Law against the French Law.”

Cevdet was not alone in struggling for the MeceUe. He was supported by the Young Ottomans, even by his future enemy, Ahmet Midhat Pasa, who helped Cevdet find a suitable office to study peacefully for his MeceUe. It was not only the fact that the MeceUe was indigenous to the Ottoman Empire, but also their Islamic sentiments that made the Young Ottomans support Cevdet Pasa. They complained about the duality in the Ottoman legal system created by the Tanzimat governments. They argued that all the Laws codified after the Tanzimat decree should stem from Islamic law in order to avoid such a duality.

129 Ma’ruzat 199.
130 Ma’uzat 201.
131 Tezakir IV, 95.
132 Ebulula Mardin, p. 103.
Namik Kemal and Ziya Pasa wrote articles against the attempts to adopt the French Laws to the Ottoman legal system, and harshly criticized the Tanzimat elites. According to Ziya Pasa, the Ottoman Empire was based on only one legal system - the Islamic Law. He admitted that there was a great necessity for codifying modern laws in accordance with the modern world; however, in his opinion the source for these laws should be the traditional law, Shari’a.

Namik Kemal also had similar thoughts. He argued that there was no need to codify Western type Codes because the Islamic Law was perfect enough to solve the legal problems. However, it was a necessity to codify new codes for the needs of the modern world, and these new codes should stem from the Shari’a. According to Namik Kemal there was another reason for supporting the Shari’a Law: It was a kind of law that had accumulated and evolved through a millennium, and had adapted to the traditions of the Muslim people. On the other hand the Western codifications were alien to the Muslim traditions, and it would take too long a time to adapt those laws to existing traditions. Therefore, a Civil Code based on the Shari’a Law would be useful even to the Christian minorities.

This collaboration between Cevdet and the Young Ottomans ended by the time the 1876 constitution was proclaimed. This moment marks Cevdet’s break from the reformists’ path. He found the promulgation of the constitution inconvenient that the Constitution of an Islamic State was the Shari’a. It is

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133 Ibid, p. 197.
necessary to mention here that Cevdet Pasa was not against a constitution; what he opposed was a constitution that was not based on the Islamic Law.\textsuperscript{137}

Even though Cevdet enjoyed Midhat’s protection while codifying the Mecelle, he turned against Midhat for the latter’s constitutionalism. Cevdet thought that the Divine Law could not be replaced with any temporal Law, such as the proposed constitution. He asserted in Tezâkir that Midhat pasa and his supporters had a false belief that every problem would be solved and that the Ottomans would overcome the Russians merely by promulgating the constitution.\textsuperscript{138} Indeed, for Cevdet, Midhat Pasa and his companions were eşhas-ı muzirra (mischievous people),\textsuperscript{139} and he was glad that these types of people were became fewer in number in the following years after Abdulhamid II abolished the first constitutional regime. Cevdet warns the government that the youngsters should be protected from such ideologies through education.

Midhat’s son Ali Haydar Midhat related in his memoirs the story of the quarrel between Cevdet and Midhat Pasa. He argues that Cevdet Pasa firmly believed in the absolutist Sultanate as a basic feature of the Ottoman government. He claimed that Cevdet supported Damat Mahmud Pasa (the imperial son-in-law) during the debates on the promulgation of a constitution, arguing that there was no need for a constitution because there was no longer a lunatic Sultan in power; the Sultan was wise enough to run the State.\textsuperscript{140}

\textsuperscript{138} Tezakir IV, p. 168.
\textsuperscript{140} Ebulula Mardin, p.143.
CONCLUSIONS

Cevdet retained his Islamist standing until his death in 1895. Throughout his life, he struggled for a reformation congenial with Islamic values and the Shari’a. His primary argument was that the Ottoman Empire should be reformed to maintain the internal order, and modernize itself to overcome the pressures of the Great Powers; however, this reformation and modernization should not be a break through from the Empire’s traditional appearance of an “Islamic state,” but a development process that would lead to a powerful Ottoman state as it was in the previous centuries.

Cevdet seemed to be an ardent advocate of, as well as a contributor to, the first period of the Tanzimat reformation between 1839 and 1856. He was an active member of education councils, legal commissions, and a dynamic government officer, and later Vizier, to apply Tanzimat reforms in various Ottoman principalities. In this period, he was a collaborator rather than opponent, reformist rather than reactionary, and modernist rather than traditionalist. But, he had certain limits for the reforms introduced during the Tanzimat period. In his perspective, ‘progress’ and ‘necessity’ defined the borderline of the reforms; the Shari’a as well as the Ottoman traditions could only be flexible if the reform was necessary for the progress.

As of the 1856 Islahat Decree Cevdet started to change his position from reformism to conservatism. He argued that the modernists had exceeded beyond the
limits of intended reformation. For example, the political equality granted to the non-Muslims was against the traditional order of the Ottoman state. He believed that the social and economic statuses of the non-Muslims should be improved; however, giving them political rights could never reconcile with neither the tradition nor the Empire’s interests. The debates on codifying an Ottoman Civil Code, and translating and then adapting the French Civil Code to the Ottoman legal system marked Cevdet’s departure from his reformist ideology to a reactionary standing. He feared that the modernists would replace the Shari’a with the French Law. When the constitutionalists claimed to declare a constitution, his fierce became intense, and waged a strong battle against them.

The main reason why Cevdet became a reactionary was obvious. Even though he supported the reform movement in the first period of Tanzimat, he had never been a modernist advocating radical changes in the traditional as well as Islamic characteristic of the Empire. The reforms introduced in the first period were not against that characteristic; thus, they were not only acceptable, but also necessary. Based on this argument, Cevdet justified the establishment of non-Shari’a courts and the implementation of the translation of French Commercial and Penal codes in those courts. He argued that it was necessary to found Western type courts and implement French codes. Moreover, these reforms were not against the Shari’a Law; instead, they remained within the limits of Shari’a. He used Jalal al-Din Dawwani’s argument that according to Islamic Law the ruler had the right to establish different courts other than Shari’a courts, and implement Laws different than the Islamic Law. This did not mean that the ruler had the right to replace the Shari’a. Since translating the entire French Civil code to adapt as the basis of
Ottoman Laws, and to declare a Constitution as the 'main Law' – Kanun-u Esasi- would be an attempt to replace the Shari’a, Cevdet opposed these reforms, and became a defender of the Hamidian regime. He then became Abdulhamid’s personal advisor on doctrinal, historical, social, and international matters.
SELECT BIBLIOGRAPHY

A- Primary Sources


B- Secondary Sources


CEVDET PAŞA’NIN MUHTELİF MESELELER HAKKINDA
BİR LAYİHASI


141 The original name of this document is “Cevdet Paşa’nın mevadd-ı şettaya dair bir layihası.” This transcription is copied from Ahmet Cevdet Paşa (1823-1895); Sempozyum: 9-11 Haziran 1995, Türkiye Diyanet Vakfı Yayınları, Ankara, 1997, pp. 132-141.
olunur. Bu ise kat’a caiz olamaz ve müdahale-i ecnebiyye davet edeceğinden istihah olunmaz.


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