

AHMET CEVDET PASHA AND CHANGE: A THREE-TIERED APPROACH

by  
İSMAİL NOYAN

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AHMET CEVDET PASHA AND CHANGE:  
A THREE-TIERED APPROACH

Approved by:

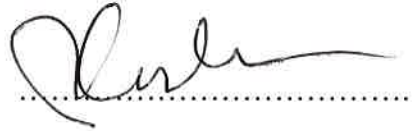
Dr. Öğr. Üyesi Yusuf Hakan Erdem  
(Thesis advisor)



Doç. Dr. Selçuk Akşin Somel



Dr. Öğr. Üyesi Muhammed Talha Çiçek



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## ABSTRACT

### AHMET CEVDET PASHA AND CHANGE: A THREE-TIERED APPROACH

İSMAİL NOYAN

M.A. Thesis, July 2018

Thesis Supervisor: Asst. Prof. Yusuf Hakan Erdem

**Keywords:** Ahmet Cevdet Pasha, change, conservative

In this thesis, I attempted to address three interconnected issues. First, I questioned the validity of using imagined dichotomies as analytical tools to understand the Late Ottoman Empire, with specific emphasis on one of the leading figures of the period, Ahmet Cevdet Pasha. Second, I examined Cevdet Pasha's attitude toward change. Third, I engaged with controversies on the definition of conservatism and conservatives. Accordingly, I have done the empirical study on Cevdet Pasha within the context of the Ottoman Empire and the theoretical discussion on conservative attitude toward change simultaneously. That is, I suggested a more nuanced understanding of the Late Ottoman Empire and its figures rather than simplifying the complexities of the period by examining them with dichotomous frameworks of 'reactionary/conservative,' progressive; secular, religious; and Western-oriented, Eastern-oriented. Also, I proposed a three-tiered framework (nature of change, nature of challenge and nature of current constraints) to have a better understanding of the attitude of conservatives toward change, and to elucidate some seemingly contradictory attitudes of conservatives in the person of Ahmet Cevdet Pasha. I argued that 'conservative' Ahmet Cevdet's attitude toward change can be better understood within a three-tiered framework according to which, Ahmet Cevdet does not repudiate change, but attempts to differentiate acceptable and unacceptable change; adjusts his stance and gives concessions by considering the intellectual and ideational environment; and further to that even accepts radical change and revolutions due to requirements of time and his concerns about the current natures of institutions, and how they come into existence.

## ÖZET

### AHMET CEVDET PAŞA VE DEĞİŞİM: ÜÇ KATMANLI BİR YAKLAŞIM

İSMAİL NOYAN

Yüksek Lisans Tezi, Temmuz 2018

Tez Danışmanı: Dr. Öğr. Üyesi Yusuf Hakan Erdem

**Anahtar Kelimeler:** Ahmet Cevdet Paşa, değişim, muhafazakar

Bu tezde birbiriyle bağlantılı üç konuyu ele almaya çalıştım. Evvela, Geç Osmanlı Dönemi'ni ve özellikle bu dönemin baş aktörlerinden olan Ahmet Cevdet Paşa'yı anlamak için ortaya atılan hayali dikotomilerin/ikiliklerin analitik araçlar olarak kullanılmasını eleştirdim. İkinci olarak, Cevdet Paşa'nın değişime bakışını inceledim. Üçüncü olarak ise muhafazakarlığın ve muhafazakarların tanımı üzerinden yapılan tartışmalara dahil oldum. Bu doğrultuda, Osmanlı İmparatorluğu bağlamında Cevdet Paşa'yı konu alan bu ampirik çalışmayı ve muhafazakarlığın değişime bakışını konu edinen teorik tartışmayı eşzamanlı olarak yürüttüm. Bir başka ifadeyle, Geç Osmanlı İmparatorluğu'nun ve o dönemin şahsiyetlerinin 'tutucu/muhafazakar,' ilerlemeci; laik, dindar; Batı taraftarı, Doğu taraftarı gibi ikilikler üzerinden incelenerek basite indirgenmesinden, dönemi daha incelikli bir yaklaşımla incelemeyi öneriyorum. Ayrıca, muhafazakarların değişime bakışını daha iyi anlayabilmek ve Ahmet Cevdet Paşa'nın şahsında muhafazakarların dışarıdan bakıldığında çelişkili görünen tutumlarını izah edebilmek için üç katmanlı bir yaklaşım (değişimin yapısı, dönemin entelektüel ve düşünsel yapısı, ve o anki kısıtlamaların yapısı) oluşturdum. 'Muhafazakar' Ahmet Cevdet Paşa'nın bu üç katmanlı yaklaşımla daha iyi anlaşılabilceğini iddia ediyorum; ki bu yaklaşıma göre, Ahmet Cevdet Paşa değişimi tamamen reddetmiyor, fakat kabul edilebilir ve kabul edilemez değişimleri birbirinden ayırmaya çalışıyor; entelektüel ve düşünsel atmosferi dikkate alarak tutumunu değiştiriyor, tutumundan ödün veriyor; ve daha da ötesi zamanın koşulları ve kurumların o anki yapıları ve o güne nasıl geldikleriyle ilgili endişelerinden dolayı, radikal değişiklikleri ve devrimleri dahi kabul ediyor.

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My career trajectory might have been completely different; if I had not met with accomplished academics throughout my education at Bilkent, LSE and Sabancı. I cannot thank Berrak Burçak enough, who is a great example of how to be an awe-inspiring academic with her altruism and modesty in her relationships with the students on the one hand, and her meticulousness and perfectionism in academic studies on the other hand. I owe gratitude to Alev Çınar who made remarkable contributions to my academic skills and her suggestions about my academic career are always helpful. I would like to express my sincere thanks to my advisor at LSE, John Chalcraft for being such a great source of inspiration. He never fails to surprise me with his insights, his smart questions and witty responses both during the Middle East course and our dissertation progress meetings. Last but not least, I am grateful to Halil Berktaş who enabled me to better understand how interconnected History, Sociology, Political

Science, Economy, Art History, Literature and so on are and who fascinated me with his holistic approach and extensive knowledge of World History. If I had not encountered these exceptional academics and others that I fail to mention here, my experience of academia would have been greatly diminished.

I cannot thank enough several other individuals who contributed to the project in various ways. My Ottoman Turkish Professor Sevim Yılmaz enabled me to read Ottoman Turkish, and my close friend İsa Uğurlu was so kind in helping me out when I failed to understand certain parts. Eylem, Jonathan and Melissa spared time to proofread parts of my thesis. Sabancı librarians enabled me to access resources that were not available in the university library through the inter-library loan system. Also, administrative officer Sumru has always been a solution-oriented person who was indispensable to my study and thesis process.

Mentioning a few friends is another convention of writing an acknowledgement, but I sincerely want to refer my cohort in Sabancı, each member of which is unique, important and successful in their own ways. Hüsamettin's ability to remember even the trivial details of several issues of world history; Talha's intellectual curiosity, Gülseher's modesty and academic excellence, Noyan's politeness and extensive knowledge of world history, and Yeşim's sense of humor made them special for me. In addition to them, with his self-awareness and eagerness for self-improvement, not to mention the amount of time he spared to read, discuss and praise me to the skies; my friend Tunahan deserves special thanks. Without these people and several others, living in a campus away from downtown would not have been bearable.

Finally I extend greatest gratitude to my family. Although they are unable to explain what I have been doing since I left home 8 years ago to our extended family, their friends and neighbors, they have been very successful at finding their own ways to be proud of me. I hope the printed and binded version of this thesis will enable them to hold their heads up for a while.

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## INTRODUCTION

*Çünkü umûr-ı devlet sâ'at çarhları gibi yekdîğere muttasıl ve merbût ve bu dolabın hüsn-i intizâm üzre dönmesi cümlesinin taht-ı nizâm ve râbitada bulunmasına menût olduğundan Devlet-i Aliyye her dâiresince islâhât-ı esâsiyyeye muhtâç idi.<sup>1</sup>*

### Background

“The Empire declined because it betrayed its roots, or else because it failed to betray them.”<sup>2</sup> This is a laconic summary of the conventions that I revisit throughout this thesis, with an attempt to rescue Ahmet Cevdet Pasha from being analyzed within a context, which is full of imagined dichotomies. Cevdet Pasha is a prominent statesman, scholar, historian and intellectual of the 19<sup>th</sup> century Ottoman Empire and considering his involvement in several activities and enterprises, intellectual works, and official positions, he deserves to be studied exhaustively. There are some studies on his twelve-volume History book *Tarih-i Cevdet*,<sup>3</sup> his contribution to the codification of civil law *Mecelle*,<sup>4</sup> and his thoughts on a wide range of issues including but not limited to the French Revolution,<sup>5</sup> logic,<sup>6</sup> history,<sup>7</sup> state and society<sup>8</sup>.

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<sup>1</sup> Ahmet Cevdet Paşa, *Tarih-i Cevdet* Vol. VI (Der-i Saadet, 1309), 6.

Throughout the thesis, the new edition (tertib-i cedid) of Cevdet's 12 volume History book is used and cited as 'Tarih.'

<sup>2</sup> F. A. K. Yasemee, *Ottoman Diplomacy: Abdülhamid II and the Great Powers 1876-1888*, (İstanbul: The Isis Press, 1996), 2.

It is worth mentioning that the author does not substantiate this argument but summarizes the declinist claims that focus on internal backwardness and deteriorations.

<sup>3</sup> See: Christoph K. Neumann, *Araç Tarih Amaç Tanzimat*, (İstanbul: Tarih Vakfı Yurt Yayınları, 2000); İlber Ortaylı, “Cevdet Paşa ve Avrupa Tarihi,” in *Ahmed Cevdet Paşa Semineri (27-28 Mayıs 1985)* (İstanbul: Edebiyat Fakültesi Basımevi, 1986), 163-172.

<sup>4</sup> See: Ebül'Ula Mardin, *Medeni Hukuk Cephesinden Ahmet Cevdet Paşa* (İstanbul: Cumhuriyet Matbaası, 1946); Şerif Mardin, “Some Explanatory Notes on the Origins of the Mecelle,” *The Muslim World* Vol.21 no.3 (1961); Ahmet Şimşirgil and Ekrem Buğra Ekinci, *Ahmet Cevdet Paşa ve Mecelle* (İstanbul: IQ Kültür Sanat Yayıncılık, 2016), 92, 93; Osman Kaşıkçı, *İslam ve Osmanlı Hukukunda Mecelle* (İstanbul: Osmanlı Araştırmaları Vakfı (OSAV), 1997); Beşir Gözübenli, “Türk hukuk Tarihinde Kanunlaştırma Faaliyetleri ve Mecelle,” in *Ahmet Cevdet Paşa: Vefatının 100. Yılına Armağan* (Ankara: Türkiye Diyanet Vakfı Yayınları: 1997); Hulusi Yavuz, “Ahmet Cevdet Paşa ve Mecelle'nin Tedvini,” in *Ahmet Cevdet Paşa: Vefatının 100. Yılına Armağan*, (Ankara: Türkiye Diyanet Vakfı Yayınları, 1997), 279-284.

<sup>5</sup> See: Zeki Arıkan, “Fransız İhtilali ve Osmanlı Tarihçiliği,” in *De La Revolution Française A la Turquie D'Atatürk* eds. Jean-Louis Bacque-Grammont and Edhelm Eldem (İstanbul and Paris: ISIS, 1990).

Several works contain either some biographical information about Cevdet Pasha or are completely dedicated to his life story.<sup>9</sup> However, most of these works are unable to go beyond rephrasing Ahmet Cevdet's autobiographical work, *Tezkire* no.40, without genuine contextualization. In addition to the dearth of adequate study, Ahmet Cevdet suffers from being examined within the framework of simplified, caricaturized and imagined dichotomies of reactionary, conservative, religious versus progressive, open-minded, and secular. Although it has changed for the better, problems of reviewing the late Ottoman period and its figures in such a reductionist way and using these binary oppositions as analytical tools to understand complicated issues are yet to be solved. Furthermore, outwardly similar concepts --such as conservative, reactionary, Islamist, fundamentalist and so on-- are used interchangeably and either their definitions are taken for granted, or they are defined vaguely and sometimes incorrectly.

In this thesis, I address the three interwoven issues mentioned above by referring three interrelated objectives respectively. First, I do not use --but question-- imagined dichotomies to examine the 19<sup>th</sup> century Ottoman Empire and Ahmet Cevdet Pasha in specific. Second, although this thesis is not an attempt to write down Ahmet Cevdet's intellectual biography, investigating Ahmet Cevdet's attitude toward change can be seen as a modest further step toward this end. Third, I work on differences of seemingly similar concepts --especially conservative and reactionary, which are used interchangeably-- and their distinctive features; and also dwell on conservative attitude toward change mainly through the example of Cevdet Pasha.

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<sup>6</sup> See: Necati Öner, "Cevdet Paşa'nın Mantık Anlayışı," in *Ahmet Cevdet Paşa: Vefatının 100. Yılına Armağan* (Ankara: Türkiye Diyanet Vakfı Yayınları: 1997), 111-115.

<sup>7</sup> See: Bedri Gencer, "Ahmet Cevdet Paşa'nın Toplum ve Tarih Görüşü," in *Tanzimat'tan Günümüze Türk Düşüncesi* Vol.1 ed. Süleyman Hayri Bolay (Ankara: Nobel, 2015) 58-102; Mustafa Oğuz, *Ahmed Cevdet Paşa ve Tarihçiliği* (Konya: Kömen Yayınları, 2014); Bekir Kütükoğlu, "Tarihçi Cevdet Paşa," in *Ahmed Cevdet Paşa Semineri (27-28 Mayıs 1985)*, (İstanbul: Edebiyat Fakültesi Basımevi, 1986), 107-114; Zeki Arıkan, "Cevdet Paşa'nın Tarihinde Kullandığı Yabancı Kaynaklar ve Terimler," in *Ahmed Cevdet Paşa Semineri (27-28 Mayıs 1985)*, (İstanbul: Edebiyat Fakültesi Basımevi, 1986), 173-197; Ayhan Bıçak, "Cevdet Paşa'nın Tarih Bilinci," in *Ahmet Cevdet Paşa: Vefatının 100. Yılına Armağan* (Ankara: Türkiye Diyanet Vakfı Yayınları: 1997), 17-57.

<sup>8</sup> See: Ümid Meriç, *Cevdet Paşa'nın Cemiyet ve Devlet Görüşü* (İstanbul: Ötüken Yayınevi, 1979); İsmail Doğan, "Sosyolojik Bir Malzeme Olarak Tezakir," in *Ahmet Cevdet Paşa: Vefatının 100. Yılına Armağan* (Ankara: Türkiye Diyanet Vakfı Yayınları: 1997), 229-245.

<sup>9</sup> See: Richard L. Chambers, "The Education of a Nineteenth-Century Ottoman Alim, Ahmed Cevdet Paşa," *International Journal of Middle East Studies*, Vol. 4, No. 4 (1973); Fatma Aliye, *Ahmet Cevdet Paşa ve Zamanı* (İstanbul: Pınar Yayınları, 1994); Mehmet Şakir Ülkütaşır, *Cevdet Paşa: Hayatı-Şahsiyeti-Eserleri* (Ankara: Doğu Matbaası, 1945); Ali Ölmezoğlu, *Ahmed Cevdet Paşa: Hayatı ve eserleri* (Manisa: Celal Bayar Üniversitesi Matbaası, 2002); Ahmet Zeki İzgöer, *Müslüman, Osmanlı ve Modern: Ahmet Cevdet Paşa* (İstanbul: İz Yayıncılık, 2016); Bedri Gencer, *Hikmet Kavşağında Edmund Burke ile Ahmed Cevdet* (İstanbul: Kapı Yayınlar, 2011).

## **The Significance of the Study**

What is the significance of studying ‘conservative’ Ahmet Cevdet Pasha’s attitude toward change? By taking the objectives of the thesis on board, I want to divide the question into three sub-questions before answering it: why Ahmet Cevdet, why change and why conservative? Ahmet Cevdet is one of the leading figures who is well-known for suggesting, initiating, directing and also making comments on reforms. Therefore, considering his voluminous intellectual works and administrative and political posts, to have a better grasp of a person like Ahmet Cevdet sheds light not only on his life per se, but also on the period in general. When it comes to the importance of focusing on change, the empire went through several reforms in the 19<sup>th</sup> century as it transformed into an ever-modernizing state. That makes the change in almost each and every area of the empire, a crucial notion. As a way of transition from the second part of the question to the third part, it must be underlined that change is a key term for not only understanding the late Ottoman Empire but also to make sense of conservatives. It must be acknowledged that the relationship between change and conservatives is not a straightforward one given that conservatives accept some changes and reject some others; however, using the term ‘conservative’ to refer to someone who repudiates any kind of change is a fallacy. Moreover, this fallacy combines with the inclination to investigate the Ottoman reforms with the dichotomous framework of conservative vs. progressive. Thus, this study is valuable in terms of its attempt to challenge the reductionist approach and suggest a more precise and clearer understanding of conservatives. To get back to the question at the beginning of the paragraph, the significance of studying one of the key figures of the period with reference to his attitude toward change is twofold. On the one hand, it is a step further to have a more nuanced view on 19<sup>th</sup> century Ottoman Empire and its figures which are not based on imagined dichotomies, and on the other hand, to have a clearer understanding of conservatives’ attitude toward change that is far more complicated than just rejecting change categorically.

## **Methodology, Scope, and Limitations**

In this thesis, a theoretical discussion on conservative attitude toward change and an empirical study on 19<sup>th</sup> Ottoman modernization/reforms in the person of Ahmet Cevdet Pasha are done concurrently. Cevdet Pasha is studied by considering both his

intellectual works and conditions within which these texts emerge.<sup>10</sup> I come up with a three-tiered approach and I am of the opinion that these tiers (nature of change, nature of challenge and nature of current constraints) are crucial to have a better understanding of conservative attitude toward change, though I do not insist on their names, nor do I claim that they are hundred percent inclusive; so they can be re-named and new tiers can be added. Although this distinction is not completely strict, by including nature of change tier, I mainly focus on non-contextual and ‘core’ features of the conservative attitude; and by including nature of challenge and current constraints tiers, I dwell on conditions and intellectual atmosphere so as to make sense of the relationship between conservatism and change by nature of challenge and current constraints tiers. Thus, context and text are used to complement each other not against each other.

Considering the limitations and scope of the study, this thesis does not aim to be a fully-fledged intellectual biography of Cevdet Pasha, but only focuses on his attitude toward change mostly through his writings and secondary sources written about him. I use some archival documents, which are attached to appendices of the sources, or cited in texts; so I don’t use any archival documents that have not been used before. I mostly relied on transcribed versions of his major works *Maruzat* and *Tezakhir*, and I skimmed through the abridged and simplified version of his *Tarih*<sup>11</sup> and then read the selected parts from the original Ottoman Turkish text and then transcribed and translated these parts. Before Mehmet İpşirli transcribed the first volume of *Tarih-i Cevdet*, I had already done working with the first volume, but I inserted his transcription.<sup>12</sup> Academic validity and reliability of my study would have been increased if I had read the books

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<sup>10</sup> According to Skinner, there are two schools of thought to understand political ideas and texts one focuses on “the context of ‘religious, political and economic factors’ which determines the meaning of any given text” and the second one focuses on the text itself by underlying the “autonomy of the text itself.” In my opinion both history (or context or historical but not historical determinism or historicism) and philosophy (or text, or philosophical study) should be taken into account. See: Quentin Skinner, “Meaning and Understanding in the History of Ideas,” *History and Theory* 8, no. 1 (1969), 3.

For further discussion of this issue see: Rafael Major, “The Cambridge School and Leo Strauss: Texts and Context of American Political Science,” *Political Research Quarterly* 58, no.3 (September, 2005): 477-485.

<sup>11</sup> Ahmed Cevdet Paşa, *Tarih-i Cevdet* simplified and abridged by Dündar Günday (İstanbul, Üçdal Neşriyat, 1994).

<sup>12</sup> The first three of the twelve volumes of *Tarih-i Cevdet* have transcribed by Mehmet İpşirli, Şevki Nezihi Aykut, and Abdülkadir Özcan respectively. I did not cite the second and third volumes; but for the first volume, I double checked my transcription with İpşirli’s transcription and should there be a discrepancy, I stick by İpşirli’s version except for handful of cases. See: Ahmed Cevdet Paşa, *Tarih-i Cevdet* Vol. I. prepared by Mehmet İpşirli, (Ankara: Türk Tarih Kurumu, 2018).

Henceforth; İpşirli’s transcription will be cited as ‘İpşirli I.’

that Ahmet Cevdet studied during his education, all the books he wrote, and also his twelve-volume *Tarih* from cover to cover in Ottoman Turkish. Although I did my best to translate and summarize these texts by considering their meanings and literary values as well, I do not feel fully successful especially in terms of my ability to reflect ‘the spirit’ of the texts. Hence, users of Turkish can read the footnotes for texts in Ottoman Turkish.

Given that the study aims to cover an extended period of time, his ideas might have changed in time due to various reasons including the changing intellectual atmosphere, requirements of time as well as Cevdet’s own personal motives. I have done my best to detect and elucidate these alterations and zigzags and actually, these three tiers are expected to serve for that purpose; but I do not dare to argue that I am entirely successful in that regard.

### **The Thesis**

I argue that Ahmet Cevdet’s attitude toward change can be better understood with a three-tiered approach according to which, Ahmet Cevdet does not repudiate change, but attempts to differentiate acceptable and unacceptable change; adjusts his stance and gives concessions by considering the intellectual and ideational environment; and further to that even accepts radical change and revolutions due to requirements of time and his concerns about the current natures of institutions, and how they come into existence.

### **Outline of the Study**

The main objective of the first chapter is to introduce my puzzle through discussing the literature on Ahmet Cevdet Pasha, and conservatism in general. Brief information about his education and career will be provided to contextualize Ahmet Cevdet Pasha. Then I shall lay out the lack of adequate studies on Cevdet Pasha in terms of not only quantity but also and more significantly quality. He is mostly examined within the framework of imagined dichotomies of reactionary, conservative, Islamist versus open-minded, progressive, secular and so on, which are far from being compelling analytical tools to understand the late Ottoman Empire and Ahmet Cevdet Pasha. In addition to this

historiographical problem, the conceptual problem of using ‘conservatism’ and ‘conservative’ ambiguously and interchangeably with seemingly near-synonymous concepts like reactionary, status-quo supporter, fundamentalist, religious, and Islamist will be discussed. In this first chapter, these two main concerns will be addressed and then I will introduce a three-tiered approach in order to (a) rescue Ahmet Cevdet Pasha from imagined and simplistic dichotomies and conceptual vagueness of how conservatism is used; (b) and to have a better understanding of his attitude toward change.

In the second chapter, nature of change tier will be introduced with the objective of understanding what kind of change is acceptable for conservatives in general and Ahmet Cevdet Pasha in specific. Firstly, some shortcuts which are commonly used in the literature to understand Ahmet Cevdet Pasha’s stance on what kind of change is acceptable, will be critically analyzed. That is, whether Ahmet Cevdet Pasha is in favor of change or is he a reactionary, to what extent reverence to *kadim* is determinant, and whether being an Ibn Khaldun follower (if he is so) can provide us some hints in Cevdet Pasha’s understanding of acceptable change will be discussed. Also his history book, *Tarih-i Cevdet* will be examined in terms of its content about change as well as its importance for history writing craft. Then I am going to outline his understanding of acceptable change as necessary, beneficial and inclusive through his reactions to Ottoman reforms; his attitude toward learning French, and changing his dress; and his visit to Bucharest.

In the third chapter, nature of challenge tier will be inserted with the intent of taking historical context into account so as to better understand the conservative attitude toward change. I claim that conservatives alter their stances by considering ideational and intellectual rivalries/environment. First of all, I will examine 19<sup>th</sup> century Ottoman Empire in terms of the empire’s relations with the rest of the world during and before the 19<sup>th</sup> century, driving forces of the reforms, and peculiarities of Ottoman reforms. On top of these, I will attempt to outline the Ottoman reforms of the 19<sup>th</sup> century within the framework of transition to a modern state; and assert this transition as the main challenge that has to be responded. In that regard, Ahmet Cevdet Pasha’s stance on how to respond the challenge of transition to modern state would be the main issue of the

paper. That will be dealt with reference to one of the distinguishing features of a modern state: codification and Ottoman experience of codifying civil code, *Mecelle*. Not only the long and convoluted road to *Mecelle* but also its reasons and nature shall be addressed to examine the extent to which nature of challenge (i.e. transition to modern state) is determinant in Ahmet Cevdet's attitude toward change.

In the fourth chapter, nature of current constraints as the third and the last tier is going to be incorporated into the discussion for the purpose of elucidating some seeming contradictions of conservatives and Ahmet Cevdet Pasha in particular. Although it is mostly taken for granted that conservatives do not accept revolution and revolutionary change; and they value all institutions since they have stood the test of time, I argue that the conservative may accept radical and revolutionary change; and they do not value institutions if they do not believe that the institution in question is worthy of conserving by considering the current constraints which are respectively requirements of time and significance of how institutions come into existence and their natures. To illustrate my argument I will discuss Burke's and Bruck's ideas on revolution and Ahmet Cevdet Pasha's comments on radical and thorough change. Finally, I shall be examining *medreses* and *ulema* by referencing both of the constraints mentioned above.



## CHAPTER 1

### CONTEXTUALIZING AHMET CEVDET PASHA

Ahmet was born into a wealthy provincial family in Lovech (*Lofça* in Turkish) in today's Bulgaria. He started his education by taking classes from local religious scholars.<sup>13</sup> Having made most of what this small city could offer, despite his parents' unwillingness Ahmet left his hometown at the age of 17 with the support and determination of his grandfather.<sup>14</sup> It was a lucky coincidence that one of the leading figures and accomplished men of the Tanzimat period came to İstanbul in 1839 when the Edict was promulgated.<sup>15</sup> His long, voluminous and intricate journey as an able man of duty ended in 1895 in İstanbul.

Ahmet Cevdet's *Tezahir*, especially the last one, *Tezkire* no.40, is one of the main sources of information regarding his life.<sup>16</sup> Probably the second most important and highly cited source is his daughter's incomplete<sup>17</sup> book about her father written in 1914.<sup>18</sup> Muallim Cevdet in 1915 wrote another early piece, which is relatively unknown.<sup>19</sup> Babinger also mentions Ahmet Cevdet in his book on Ottoman historians

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<sup>13</sup> Cevdet Paşa, *Tezahir* IV ed. Cavid Dursun (Ankara: Türk Tarih Kurumu Basımevi, 1986), 3-7. Henceforth these four volumed work will be cited as *Tezahir*.

<sup>14</sup> Chambers, "The Education of a Nineteenth-Century Ottoman Alim," 443.

<sup>15</sup> Christoph K. Neumann, "Whom did Ahmed Cevdet represent?" in *Late Ottoman Society: The Intellectual Legacy*, ed. Elisabeth Özdalga (Oxfordshire: Routledge, 2005), 118; Ahmet Hamdi Tanpınar, *XIX. Asır Türk Edebiyatı Tarihi* ed. 4th (İstanbul: Yapı Kredi Yayınları, 2008), 153; Christoph K. Neumann "Tanzimat Bağlamında Ahmet Cevdet Paşa'nın Siyasi Düşünceleri," in *Cumhuriyet'e Devreden Düşünce Mirası: Tanzimat ve Meşrutiyet'in Birikimi* Vol.1 eds. Tanıl Bora and Murat Gültekingil (İstanbul: İletişim, 2001), 84,85; Niyazi Berkes *Türkiye'de Çağdaşlaşma* prepared by Ahmet Kuyaş (İstanbul: Yapı Kredi Yayınları, 2002), 224.

<sup>16</sup> According to Baysun, Cevdet Pasha considers *Tezkire* as the Otoman Turkish equivalent of French *memoires* or modern Turkish *hatırat*. Cevdet Paşa, *Tezahir* I, X; On the other hand, according to Doğan, *Tezahir* is more like an *eclectique monographie* rather than *memoires*. See: Doğan, "Sosyolojik Bir Malzeme Olarak *Tezahir*," 230.

<sup>17</sup> The book does not cover the whole life of Ahmet Cevdet and the last sentences do not seem to be concluding remarks.

<sup>18</sup> Once Ahmet Cevdet said to Aliye during one of their classes "learn by heart, one day you may publish the ones that I could not do so." Thus Fatma Aliye wrote this book to execute his father's will. See: Aliye, *Ahmet Cevdet Paşa ve Zamanı*, 22.

<sup>19</sup> I came to know that this article is available thanks to Neumann's footnote 8 (page 4) in which he said that he came across with the references to this article in the secondary literature but could not be able to find it. See: Neumann, *Araç Tarih Amaç Tanzimat*, 4. Then I found the article in National Library of Ankara. Muallim Cevdet, "Darülmualimin 71. Sene-i Devriyesi Vesilesiyle Müessesenin İlk Müdürü Cevdet Paşa'nın Hayat-ı İlmiyesi Üzerine Konferans," in *Tedrisat Mecmuası* Vol. VII, No.39 (1915).

written in 1927<sup>20</sup> but until Yinanç's statement of "there is no doubt that Cevdet is our great historian,"<sup>21</sup> there was no substantial study of him.<sup>22</sup> In the remembrance of Cevdet's 50<sup>th</sup> death anniversary, Ülkütaşır published a book and prioritized his scholarly successes.<sup>23</sup> One year after Ülkütaşır's book, Ebül'ula Mardin published his book, which was really the first down-to-earth study of him, more specifically his works for *Mecelle*.<sup>24</sup>

The main concern of this thesis is not to discuss Ahmet Cevdet's life, and the detailed chronology of his appointments. I will engage with some of his intellectual work throughout the thesis, as long as they are related with Ahmet Cevdet's attitude toward change. Also, a chronological and complete biography of Ahmet Cevdet will not be provided; instead, a very brief history of his education, and professional career will be mentioned and some references to his biography will be given throughout the paper, as long as it has something to do with the main theme of the paper.

## 1.1 Ahmet Cevdet's Education

Based on his accomplishments, it is not surprising that he was always a hardworking and successful student,<sup>25</sup> scholar, and statesman.<sup>26</sup> As for his education, he was not

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<sup>20</sup>Franz Babinger, *Osmanlı Tarih Yazarları ve Eserleri*, trans. Coşkun Üçok (Ankara: T.C Kültür Bakanlığı, 2000), 408-15.

<sup>21</sup> Mükrimin Halil Yinanç, "Tanzimat'tan Meşrutiyet'e Kadar Bizde Tarihçilik," in *Tanzimat I* (İstanbul: Maarif Matbaası, 1940), 576; Tanpınar also argues that Ahmet Cevdet is the most successful historian (müverrih) even considering Peçeви, Ali, Katip Çelebi, and Naima. Tanpınar, *XIX. Asır Türk Edebiyatı*, 162.

<sup>22</sup> There is one bachelor's thesis in 1938 written by Ali Ölmezoğlu under the supervision of Fuat Köprülü. Ali Ölmezoğlu, *Ahmed Cevdet Paşa: Hayatı ve eserleri* (Manisa: Celal Bayar Üniversitesi Matbaası, 2002). In 1980s, Ölmezoğlu also wrote the Cevdet Paşa entry in *İslam Ansiklopedisi* Vol. III, 114-123.

<sup>23</sup> Ülkütaşır, *Cevdet Paşa*.

<sup>24</sup> Mardin, *Medeni Hukuk Cephesinden*.

<sup>25</sup> Cevdet mentions his success on exams despite his unfamiliarity with the system. See: Tezakir IV, 6: "Biz dahi henüz İstanbul'un imtihân usûlüne alışmamış olduğumuz hâlde imtihâna dâhil ve ba'dehû hâric itibâriyle bir odanın tahsîsâtına nâil olduk ki ma'âş ve ta'yînâtı kanâ'at şartıyla bir suhteyi idâre edebilir." Also see: Tezakir IV, 7: "Sâir vakitler hep İstanbul'da kalıp gece gündüz tahsîl-i ulûm ile meşgul olarak eyyâm-ı ta'tilde eyyâm-ı tahsilden ziyâde kesb-i ma'lûmât eylerdim. Bu cihetle sâir talebenin on senede tahsîl edemediği ulûm u fûnûnu beş-altı sene zarfında ikmâl eyledim." In line with these two quotations, it is pointed out that Ahmet Cevdet was studying night and day and fell into sleep while studying. See: Tezakir IV, 12; Aliye, *Ahmet Cevdet Paşa ve Zamanı*, 38.

<sup>26</sup> In order to indicate how busy he was, Cevdet wrote to his wife that he could only have a haircut for a whole month; similarly he gave himself over to his job and said that some affairs cannot be quitted and especially for him quitting

preoccupied with financial concerns<sup>27</sup> and he benefited from the facilities of capital by taking private courses<sup>28</sup> in addition to his *medrese* education<sup>29</sup> as well as attending intellectual circles.<sup>30</sup> By choosing his tutors carefully and dedicating himself, Ahmet Cevdet obtained a well-rounded education.<sup>31</sup> Considering the convention of seeing the late Ottoman period *medrese* education as completely deteriorated, there is a tendency to argue that his *medrese* education did more harm than good. Though not only the convention that *medrese* education was completely deteriorated but also the argument that *medrese* education was not helpful to Ahmet Cevdet are quite controversial.<sup>32</sup> Secondly, his knowledge, or more precisely his level of French is also a contested issue among scholars. As we shall discuss in the main part of the dissertation, the type of education he obtained and whether he knew French or not was debated mostly with the aim of deducing his worldview as Islamist and reactionary or open-minded and progressive. However, neither of those parameters can be used to determine how 'reactionary' or 'progressive' Ahmet Cevdet Pasha was, leave aside the problematically imagined dichotomy of reactionary versus progressive.

Ölmezoglu seems to embrace that dichotomy and argues, "if Cevdet Pasha had not met with Tanzimat dignitaries and especially, Reşit Pasha, --despite his sharp wit and abilities-- he might have been one of those who would rot in the damp rooms of

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his duties cannot be acceptable. See: Ahmet Cihan, *Ahmet Cevdet Paşa'nın Aile Mektupları* (İstanbul: Gökkubbe, 2007), 66, 72.

<sup>27</sup> He was provided with a generous stipend and another student was in charge of helping him out in daily works such as cleaning, preparing food etc. Also, Normally, during the holidays (holy months or üç aylar in Turkish) students were expected to earn some money by visiting villages and providing them with some religious services (cerre çıkmak in Ottoman Turkish). See: Aliye, *Ahmet Cevdet Paşa ve Zamanı*, 39.

Later on, Ahmet Cevdet Pasha abolished this service *cerre çıkmak* by arguing that it interrupts education and damages prestige of candidates of the ulema. See: Selçuk Akşin Somel, *Modernization of Public Education in the Ottoman Empire 1839-1908: Islamization, Autocracy and Discipline*, (Leiden; Boston; Cologne: Brill, 2001), 60,61.

<sup>28</sup> Tezakir IV, 7: "Hendese-hâne-i berriyye hocası Miralay Nûri Bey'e *Muhtasar Me'ânî ve Kaadi Mîr* gibi bitâblar [sic: kitaplar] okuttum. Bi'l-mukaabele ben dahi andan hisâb ve cebir ve hendese ve logaritmâ ve usûl-i hendese ve *Mecmu'atü'l-mühendisin* ve *Oktant risalesi* ve İshâk Efendi'nin *Ulûm-ı riyâziyye*'si gibi usûl-i cedîde üzere ulûm-ı riyâziyye te'allüm ettim ve riyâziyyâtta zuhur eden ba'z-ı müşkilâtımı Müneccim-başı Osman Sâib Efendi'den hâll ederdim."

<sup>29</sup> For further information about his *medrese* education see: Tezakir IV, 7-13; and also Cevat İzgi, *Osmanlı Medreselerinde İlim* Vol I (İstanbul: İz Yayıncılık, 1997), 105-107.

<sup>30</sup> According to Aliye, Cevdet Pasha was not a follower of any religious order (tekke), but mingled with the prominent intellectuals of his time. See: Aliye, *Ahmet Cevdet Paşa ve Zamanı*, 39, 41, 42, 44, 47; Also, Tezakir IV, 12-13: "Fakat hem teneffüs etmek ve hem de fârsî öğrenmek üzere eyyâm-ı ta'tilde Çarşamba-pazarı civarında vâki' Murad Molla Tekyesi'ne devâma başladım."

<sup>31</sup> Chambers, "The Education of a Nineteenth-Century Ottoman Alim," 446.

<sup>32</sup>This issue will be discussed in detail in chapter 4.

*medrese* and be one of the opponents to new ideas.”<sup>33</sup> Although I do not subscribe to the argument, it should be noted that Ahmet Cevdet’s encounter with Reşit Pasha and his entourage was a milestone in terms of his life’s trajectory.<sup>34</sup> As Chambers argues, Ahmet Cevdet “studied in two schools: *medrese* and the circle of Reşid Pasha.”<sup>35</sup> The encounter with Reşit Pasha, at least according to his own narrative, was the main trigger why Cevdet Pasha as a man who was eager to pursue a scholarly life<sup>36</sup> but happened to involve --willy-nilly-- in state affairs.<sup>37</sup> According to Muallim Cevdet, the influence of Reşit Pasha over Ahmet Cevdet Pasha was so huge that even Ahmet Cevdet’s writing style, which used to be sententious, had changed.<sup>38</sup>

## 1.2 Ahmet Cevdet’s Career

“Erişür menzil-i maksûduna âheste giden  
Tîz refât olanın pâyına dâmen dolaşır.”<sup>39</sup>

As Ülken perfectly puts it “Cevdet’s job was to close the gaps of the Tanzimat.”<sup>40</sup> He was members of different institutions,<sup>41</sup> an official chronicler of the empire, an

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<sup>33</sup> Ölmezoğlu, *Ahmed Cevdet Paşa*, 3.

<sup>34</sup> Ölmezoğlu later on toned down his emphasis on the importance of Reşit Pasha for Ahmet Cevdet by saying: “15 years that he [Ahmet Cevdet] spent with Reşit Pasha was the second, but more important, upbringing phase for him.” Ali Ölmezoğlu, “Cevdet Paşa” *İslam Ansiklopedisi: İslam Alemi Tarih, Coğrafya, Etnografya ve Biyografya Lugati* Vol.3 (Eskişehir: Milli Eğitim Bakanlığı, 1997), 114.

<sup>35</sup> Richard L. Chambers, “Ahmed Cevdet Paşa: The Formative Years of an Ottoman Transitional,” (PhD diss., Princeton University, 1968), 177.

<sup>36</sup> However, he states that although it was tough for him to change his *tarik* (profession) as a *kadıasker*, he was happy with this change given that his previous *tarik ilmiyye* was not glorious anymore. See: *Maruzat*, 176: “Bâr-ı girân-ı vezâret altına girmekden müctenib idim. Bulduğum tarik-i ilmiyyenin müntehâsı olan kadıaskerlik râddesine çıkdıktan sonra tebdîl-i tarik epeyce güç geldi. Lâkin sonra Hasan Efendi’nin meşihatinde rüteb-i ilmiyye ibzâl olunarak rüteb-i kalemiyye gibi sırf bir emr-i i’tibârîden kalınca tarik-ı ilmiyye şân u şerefini zâyî’ etmekle, tebdîl-i tarik etmiş olduğumdan dolayı memnûn kalmışımdır.”

<sup>37</sup> *Tezâkir* IV, 40: “Fakîr ise ma’âş u ma’îşetime birer mîkdâr şey zammettirerek medrese âlemine çekilip de ders-i âm hocalığı yolunda bulunmak emelinde olduğumdan asla me’ûriyet istemezdim.”; and 41: “İşte ol gün şebîke-i âmâle tutuldum. Çabaladıkça dolaşdım. Ağdan bağdan kurtulayım dedikçe envâ-ı kuyûd içine düşdüm.” Also see: Tanpınar, *XIX Asır Türk Edebiyatı*, 154.

<sup>38</sup> Muallim Cevdet, “Darülmuaallimin,” 435.

<sup>39</sup> In his *Maruzat*, Cevdet inserts these verses of Ziya Pasha and argues that he has not been ambitious and hurried in his career; and came to recognize that ends of people who take it easy are more auspicial. See: *Maruzat*, 237. The translation of the verses is very close to what Cevdet says: the one who moves gently reaches his/her goal; whereas, the one who acts quickly stumbles.

inspector to Bosnia and Adana, and a governor of Maraş and Halep. He prepared regulations and codification and became ministers of Law and Education. Just like the necessities of the Tanzimat period, Cevdet's scholarly work is also wide-ranging<sup>42</sup> such as his twelve-volume history book *Tarih-i Cevdet*, his notes as the chronicle of the empire (1855-1865) *Tezahir-i Cevdet*, a partial translation of *Mukaddimah-i Ibn Khaldun*, his class notes on eloquence *Belagat-ı Osmaniye*, the first modern Ottoman grammar book *Kavaid-i Osmaniye* and a logic book written for his son, *Mi'yâr-ı Sedad*.<sup>43</sup> He really had a finger in every pie and most of the time it is really difficult to keep track of his duties since he was dealing with several businesses simultaneously and some of them were suspended and reactivated; he was appointed some positions for a short period time and reappointed and/or removed from some positions more than once.<sup>44</sup>

He can be classified as an all-rounded person with his contribution to several fields like sociology,<sup>45</sup> and history writing.<sup>46</sup> Lewis also appreciates Cevdet's accomplishment by introducing him as "a scholar, historian and jurist of genius who was a leading figure in the intellectual life of his time."<sup>47</sup> It should be also noted that despite *âlim* Ahmet

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<sup>40</sup> Hilmi Ziya Ülken, *Türkiye'de Çağdaş Düşünce Tarihi*, (İstanbul: Ülken Yayınları, 1992), 73.

<sup>41</sup> Including but not limited to *Encümen-i Daniş* (Council of Science), *Meclis-i Maarif-i Umumiye* (General Education Assembly), *Meclis-i Âli-i Tanzimat* (The High Tanzimat Council)

<sup>42</sup> Ölmezoğlu, "Cevdet Paşa," 119.

<sup>43</sup> İzgöer, *Müslüman, Osmanlı ve Modern*, 39-41.

According to Öner, *Mi'yâr-ı Sedad* is the first logic book written in Turkish and he also claims that this book itself is a testament to Ahmet Cevdet Pasha's openness to improvements and change. See: Necati Öner, "Cevdet Paşa'nın Mantık Anlayışı," 111-115.

Muallim Cevdet appreciates and congratulates Cevdet Pasha's ability to write a logic book in plain Turkish since in those days certain *medreses* insisted that logic books had to be only in Arabic. See: Muallim Cevdet, "Darülmualimin," 439.

<sup>44</sup> For a good summary of his career and scholarly works see: Yusuf Halaçoğlu and M. Akif Aydın, "Cevdet Paşa," *Türkiye Diyanet Vakfı İslam Ansiklopedisi* Vol.7 (İstanbul: Türkiye Diyanet Vakfı Vakıf Yayınları İşletmesi, 1993), 443-450.

<sup>45</sup> Meriç, *Cevdet Paşa'nın Cemiyet ve Devlet Görüşü*.

<sup>46</sup> For Tanpınar, Ahmet Cevdet is the best historian of the Ottoman Empire, even better than Peçevi, Katip Çelebi, and Naima. See: Tanpınar, *XIX. Asır*, 162.

<sup>47</sup> Bernard Lewis, *The Emergence of Modern Turkey* 3rd ed. (New York and Oxford: Oxford University Press, 2002), 122.

Cevdet's willingness to be *Sheikh-ul Islam*, and *Pasha*<sup>48</sup> Ahmet Cevdet's desire to be *sadrizam*, neither of them came true<sup>49</sup>, despite his merits.<sup>50</sup>

The list of sources I have mentioned is not complete and there are other books, articles, and dissertations written about Cevdet Pasha's life, occupations and less so about his intellectual work and its exegesis. However, considering the importance of Ahmet Cevdet, I argue that he has not been studied adequately.<sup>51</sup> Despite a handful of written pieces that narrate Ahmet Cevdet Pasha's life, the majority of these studies do nothing but rephrase what has been said in *Tezkire* no.40. Some others refer to Fatma Aliye's book without a genuine contextualization and analysis.

### 1.3 Ahmet Cevdet as a victim of imagined dichotomies

In addition to the dearth of study on Ahmet Cevdet, the second problem is the manipulating and/or cherry picking sources in such a way to reach predetermined conclusions. That is to say, although it is quite normal to have more than one interpretation of a person, given Cevdet's huge volume of intellectual works and appointments to several political and bureaucratic offices, unfortunately, he is extremely vulnerable to the danger of being portrayed in such a way that the portrayed one and Ahmet Cevdet are as different as night and day.<sup>52</sup>

In the case of Ahmet Cevdet, this general methodological problem merged with another problem of simplifying and/or underestimating the complexities of 19<sup>th</sup> century Ottoman modernization and, instead, examining this period and its figures within the

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<sup>48</sup> "Many men of religious education served in new civil institutions in this period, but no other [rather than Ahmet Cevdet] changed career at so high." Carter V. Findley, *Turkey, Islam, Nationalism, and Modernity: A History, 1789-2007* (New Haven: Yale University Press, 2010), 89.

<sup>49</sup> Mardin, *Medeni Hukuk Cephesinden*, 128.

<sup>50</sup> Cemil Meriç, *Kültürden İrfana* (İstanbul: İnsan Yayınları, 1986), 94.

<sup>51</sup> According to Shaw and Kural, "Ahmet Cevdet is one of the most underrated men of the Tanzimat period." See: Stanford J. Shaw and Ezel K. Shaw, *History of the Ottoman Empire and Modern Turkey vol.2* (Cambridge: Cambridge University Press, 1977), 64.

<sup>52</sup> For example, Neumann rightly argues that, if one wants to interpret *Tarih-i Cevdet* as a chronicle, then she can search for the findings that would substantiate her argument. Neumann, *Araç Tarih Amaç Tanzimat 5*.

framework of imagined dichotomies of reactionary/conservative/religious versus progressive/open-minded/ secular.<sup>53</sup> As Hanioglu points out “retrospective approach to late Ottoman history” is one of the major problems of the historiography since there is a threat that complicated, intricate and nuanced issues of the time might be examined by “depicting two imaginary camps upholding the contending banners of scientific progress and religious obscurantism.”<sup>54</sup> It is unfortunate, but not surprising that studies on Ahmet Cevdet, who was in a way representing the Tanzimat Era not only as a statesman but also as an intellectual and a scholar, are not immune from the problem of using binary opposition to explain his stance.

Progressive-reactionary/conservative and religious-secular dichotomies gained wide currency as a result of positivists and simplistic modernization theory that attempts to explain the history of late Ottoman Empire as a conflict between the ones who are willing to change and reform the empire and the others who stubbornly reject any kind of change.<sup>55</sup> For example, in an attempt to compare political modernization in Japan and Turkey, it is argued that Japan seems to be more open to change whereas for the Ottoman Empire, it was more difficult to borrow from the West since “by the sixteenth century they [the Ottomans] had conquered the Arabs, and had come to consider themselves the chief exponents and defenders of Islam. They were accustomed to look down on other societies as their cultural and religious inferiors.”<sup>56</sup> Further to that, Chambers also discusses the same issue and comes up with an essentialistic conclusion, “a deep seated feeling of cultural superiority, an ignorance of Western Europe, and prevailing fatalism implicit in the oft-used expression *inşallah* (if God wills) reinforced their conservative tendencies and dulled their visions.”<sup>57</sup> In parallel with this argument, Sugar points out that “it is a sign of the conservatism of the Ottoman state that the first

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<sup>53</sup> For a grounded criticism of such classifications See: İsmail Kara, *Din ile Modernleşme Arasında Çağdaş Türk Düşüncelerinin Meseleleri* (Ankara: Dergah Yayınları, 2005), 41-46.

<sup>54</sup> M. Şükrü Hanioglu, *A Brief History of the Late Ottoman Empire* (New Jersey and Oxfordshire: Princeton University Press, 2008), 1, 2.

<sup>55</sup> According to Zürcher, ‘The Emergence of Modern Turkey’ written by Bernard Lewis and ‘The making of Modern Turkey’ by Feroz Ahmad are two of the examples of this paradigm. Erik Jan Zürcher, *The Young Turk Legacy and Nation Building: From the Ottoman Empire to Atatürk’s Turkey* (London: I. B. Tauris, 2014), 41-53.

<sup>56</sup> Robert E. Ward and Dankwart A. Rustow “Conclusion” In *Political Modernization in Japan and Turkey* eds. Robert E. Ward and Dankwart A. Rustow (New Jersey: Princeton University Press, 1970), 442.

<sup>57</sup> Richard Chambers, “The Civil Bureaucracy,” in *Political Modernization in Japan and Turkey* eds. Robert E. Ward and Dankwart A. Rustow (New Jersey: Princeton University Press, 1970), 310.

reformer, Selim III, emerged a full ninety years after the conclusion of the peace of Karlowitz (1699), in which, for the first time since the battle of Ankara (1402), the Ottomans had had to acknowledge military defeat.”<sup>58</sup> The assertion of ‘Ottoman arrogance’ merged with the claim that the Ottomans were not capable of adopting reforms due to their Muslim and Turkish identities<sup>59</sup> and this stereotypical depiction became widespread as early as the 18<sup>th</sup> century.<sup>60</sup>

It should be noted that the essentialist narrative of the Ottomans who did not accept any kind of change had altered to a certain extent in 19<sup>th</sup> century Ottoman studies. According to the new narrative, there were two main groups one of which attempted to adopt changes for progress whilst the other tried hard to resist those changes mostly because of religious concerns. Celal Nuri sees the latter group as being “ignorant, vulgar/rude, arrogant and fundamentalist” and argues that this group of people opposed even the most necessary changes by ascribing those changes as *bid’at*.<sup>61</sup>

In remembrance of the 50<sup>th</sup> anniversary of Ahmet Cevdet’s death, with Yinanç’s and Mardin’s studies on Ahmet Cevdet, he was reconsidered in the 1940s; but Neumann argues that it was more of a curse than a blessing for Cevdet since he was discussed under the framework of progressive and reactionary dichotomy.<sup>62</sup> Although the paradigm has been changing, Neumann is right to point out that as a result of this polarization Cevdet has been examined either in terms of his relationship with Islam or

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<sup>58</sup> Peter Sugar, “Economic and Political Modernization: B. Turkey” in *Political Modernization in Japan and Turkey* eds. Robert E. Ward and Dankwart A. Rustow (New Jersey: Princeton University Press, 1970), 149.

In line with Sugar’s argument Shaw also argues that “Much of the success of the conservative opposition came from traditional limitations on the scope and depth of the Ottoman mind itself. Even the most liberal members of the ruling class believed that Ottoman institutions and ways, as they reached their peak in the fifteenth and sixteenth centuries, were far superior to anything which could possibly be produced in the infidel West. They therefore saw no purpose in learning about the West. The more a man was educated in the “Ottoman Way,” the more he was convinced of Ottoman superiority.” Stanford Jay Shaw, “Some Aspects of the Aids and Achievements of the Nineteenth-Century Ottoman Reformers” in *Beginnings of modernization in the Middle East* eds. William R. Polk and Richard L. Chambers (Chicago and London: The University of Chicago Press, 1968), 30.

<sup>59</sup> Niyazi Berkes, *The Development of Secularism in Turkey* (London: Hurst&Company, 1998), 51-69.

<sup>60</sup> Berkes gives the example of *Memoires* of Baron de Tott. Ibid., 68-69.

<sup>61</sup> Celal Nuri wrote his reflections on Turkish Revolution as early as 1926. Celal Nuri İleri, *Türk İnkılabı* (İstanbul: Kaktüs, 2000), 106.

<sup>62</sup> Christoph K. Neumann, “Paradigmalar Arasında: Ahmed Cevdet ve Aidiyet,” *Düşünen Siyaset* no. 7-8 (1999), 223; Neumann, *Araç Tarih Amaç Tanzimat*, 10.



modernization.<sup>63</sup> For example, Yalçın Küçük argues that Cevdet Pasha in his *Tarih* sided against Turkish reform movement and he was the spokesperson of the reactionaries.<sup>64</sup> Similarly, Demir asserts that Cevdet Pasha believes in the superiority of an Islamic state and did not accept any kind of innovation from the West since he believes that a possible treatment to the empire's illness can only come within the empire.<sup>65</sup> A fairer statement comes from Berkes who depicts Ahmet Cevdet as one who is more progressive than 'followers of sharia' and more traditionalist than 'unlimited Westernizers.'<sup>66</sup>

My main concern here is to indicate that these dichotomies are not compelling analytical tools to examine late Ottoman Empire and in specific, Ahmet Cevdet Pasha because of the turbulent character of progressive-reactionary dichotomy.<sup>67</sup> As Hanioglu rightly points out, "just as no historian could convincingly portray the last decades of Russian imperial history as a struggle between Bolsheviks and Tsarists, so too it is impossible to describe late Ottoman history as a simple battle between secularists and their religious opponents."<sup>68</sup>

One of the main problems of using these dichotomies is the tendency to overlook several structural factors and clash of interests and try to make sense of political processes only based on these imagined camps. In addition to the problem of anachronism, camps of these dichotomies are expected to have all the features of the imagined ideal-type, and all the members of these camps are expected to be uniform and should there be any deviation from this ideal, it is perceived as unnatural, weird and unexpected.

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<sup>63</sup> Neumann, "Paradigmalar Arasında," 225.

Majority of works until the Neumann's article has published in 1999, did follow this dichotomy but it is worth mentioning that there were also exceptions to this generalization. Neumann mentioned in the same article that Chamber in his dissertation did not stick with this dichotomy but instead define Ahmet Cevdet as "the man of the transitional period." See: Chambers, "Ahmed Cevdet Paşa: The Formative Years of an Ottoman Transitional."

<sup>64</sup> Yalçın Küçük, *Aydın Üzerine Tezler-2* (Ankara: Tekin Yayınevi, 1984), 256, 262.

<sup>65</sup> Kamıran Birand, *Aydınlaşma Devri Devlet Felsefesinin Tanzimatta Tesirleri* (Ankara: Ankara Üniversitesi İlahiyat Fakültesi Yayınları, 1955).

<sup>66</sup> Berkes, *Türkiye'de Çağdaşlaşma*, 224.

<sup>67</sup> Cemil Meriç, *Bu Ülke*, (İstanbul: İletişim Yayınları, 2000), 81.

<sup>68</sup> Hanioglu, *A Brief History*, 210.

A conspicuous example to question the idea of uniformity can be given from *ulema* class of the empire. Conventionally, it is taken for granted that *ulema* are against reforms and modernization because of their religious obscurantism. Nonetheless, casting *ulema* a role of being reactionary and having Western-minded intellectuals who are always pro-reform is a fallacy. As Şentürk points out, “in reality, however, there were *ulema* who were more radical reformists than some of the new intellectuals and vice versa; there were intellectuals who were more traditionalist than some *ulema*.”<sup>69</sup> Therefore, it should be noted that *ulema* “did not form a homogeneous but a fragmented body, members of which defending somewhat contradictory theses.”<sup>70</sup>

In addition to the problem of depicting *ulema* as a homogeneous and reactionary class, portraying scholars, statesmen, and intellectuals of the time as if they were representing certain ideologies and their attitude or stance only shaped and driven by that ideology is another issue to tackle with. If you adopt such a view, then you expect Nedim Pasha and Ahmet Cevdet Pasha to get along well with since they were both ‘conservatives’ but in reality, Cevdet Pasha constantly criticizes Nedim Pasha as being incapable, untrustable and selfish;<sup>71</sup> and accuses Vehbi Molla of being against the reforms.<sup>72</sup>

To illustrate how inconsistent and reductionist it is to use such dichotomies, I will narrate the *Mecelle* process and confrontation of Ahmet Cevdet and Mithat Pasha by applying those dichotomies. ‘Conservative and Islamist’ Ahmet Cevdet was one of the ‘pioneers’ of codification in the Tanzimat Era, and he confronted with ‘Westernists’ and ‘opposed’ the idea of adopting French Civil Code, and led the *Mecelle* Committee. Since codification was somehow new in Islamic tradition, ‘reactionary and conservative’ *ulema* was not happy with the process so they also opposed the idea of

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<sup>69</sup> Recep Şentürk, “Late Ottoman Intellectuals between fiqh and Social Science,” *Die Welt des Islams*, New Series, Vol. 47, Issue 3/4, Islam and Societal Norms: Approaches to Modern Muslim Intellectual History (2007), 288.

<sup>70</sup> İsmail Kara, “Turban and fez: Ulema as opposition,” in *Late Ottoman Society: The Intellectual Legacy*, ed. Elisabeth Özdalga (Oxfordshire: Routledge, 2005), 165.

Erbay discusses some of madrasa teachers and concludes, “their stories suggests that a more nuanced and reform-minded ulama lobbied for reforms vociferously as many others in the Ottoman society.” See: Halil İbrahim Erbay, “Teaching and Learning in the Madrasas of Istanbul During the Late Ottoman Period,” (PhD diss., School of Oriental and African Studies, University of London, 2009), 92-96.

<sup>71</sup> Neumann, *Araç Tarih Amaç Tanzimat*, 43.

<sup>72</sup> *Ibid.*, 91.

having a codified civil code. Then, ‘Islamist’ Sultan Abdulhamid II dissolved *Mecelle* Committee.<sup>73</sup> Confrontation of Ahmet Cevdet Pasha and Mithat Pasha during the Kanun-ı Esasi meetings can be given as the second example. According to this narrative, Ahmet Cevdet represents ‘Islamist, reactionary and conservative’ camp whereas Mithat Pasha represents ‘secular, progressive/modernizer and reformist’ camp. Therefore, given that these two groups ideologies and worldviews were diametrically opposed, this confrontation was natural and expected.

As we have discussed in this part, such narratives are far from representing the complex reality, and instead, rely on imagined dichotomies that do not fit the realities. For example, Neumann criticizes the aforementioned narrative by arguing that trying to understand Ahmet Cevdet within the Westernist-Islamist dichotomy does not work at all since such a dichotomy did not exist in Cevdet’s time.<sup>74</sup> Similarly, Hanioglu asserts, “the picture of a perennial struggle between modernizers and reactionaries in the late Ottoman period is misleading.”<sup>75</sup> As Cemil Meriç underlines, even the most ‘conservative’ members of the Ottoman intellectuals were in favor of progress.<sup>76</sup> As for the confrontation of Cevdet and Mithat Pashas, Ortaylı argues that the dispute<sup>77</sup> during the preparation of Kanun-u Esasi cannot be explained based on the dichotomies of Islamic Law- European Law; or French- Arabic languages, but instead it was the result of competition, which is “the traditional sickness of the Ottoman bureaucracy.”<sup>78</sup> In order not to find ourselves jumping out of the frying pan into the fire, it is better not to leap to the conclusion that we can analyze the late Ottoman history and Ahmet Cevdet

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<sup>73</sup> *Mecelle* process will be discussed in details in the main part.

<sup>74</sup> Neumann, “Paradigmalar Arasında,” 231.

<sup>75</sup> Hanioglu, *A Brief History*, 205.

<sup>76</sup> Meriç, *Bu Ülke*, 121.

<sup>77</sup> It is reported that Mithat Pasha accused Cevdet Pasha not knowing French and not being familiar with European Laws when Cevdet objected some concepts during the preparation of Kanun-u Esasi. Cevdet in return, blamed Mithat knowing nothing but some French. Berkes, *Türkiye’de Çağdaşlaşma* 332; İlber Ortaylı, “Bâbiâli’den Aydın Portreleri,” in *İstanbul’dan Sayfalar*, (İstanbul: İletişim, 2000), 77.

<sup>78</sup> Ortaylı, “Bâbiâli’den Aydın Portreleri,” 77.

Cevdet Pasha mentions the teasing and accusation among Âli and Fuâd Pashas and Sadeddin Efendi and argues that because of such unnecessary discussions, state affairs cannot be given due consideration. See: Maruzat, 48: “Bâb-ı âli ile Şeyhü’l-islâm arasında öyle beyhûde münâkaşalar cereyân ediyordu. Umûr-ı mülkiyemize hiç bakılmıyor ve islâhat-ı lâzimeye i’tinâ olunamıyor idi.”

Pasha based on personal affiliations and intra elite conflicts but the instance and Ortaylı's emphasis on rivalry between the Pashas is one thing to consider.

My intention is not to argue that, everyone had shared the same set of ideas, and ideology in the late Ottoman Empire, of course, there were people who were more willing to accept change, reform and innovation whereas some may not be that eager for those novelties and even some may categorically oppose any kind of change. However, the problem starts when one attempts to use the imagined dichotomies as analytical tools to make sense of the period since the late Ottoman Empire and its history is far more complicated than the one that those dichotomies attempt to depict. In order to gain a clear understanding, factors like interpersonal relations and rivalries, political and intellectual atmosphere, challenges and so on have to be taken into account.

#### **1.4 The Conceptual Problem**

In addition to the problems of lack of adequate study and using imagined dichotomies to understand the 19<sup>th</sup> century Ottoman Empire and Ahmet Cevdet Pasha, another problem is that the definitions of ambiguous and contested concepts are generally taken for granted without providing sufficient conceptual definitions. One of the most conspicuous of such concepts is conservatism. Although there are substantial differences between them, conservative, reactionary, fundamentalist, status quo supporter, and even Muslim and pious are used interchangeably.

Niyazi Berkes, for example, narrates 'the Tulip Era' and argues that there was an ongoing conflict between the supporters of change and those who oppose those changes. In his narration, he uses 'religious resistance,' 'early Ottoman conservatives' and 'Muslim adversaries' almost interchangeably.<sup>79</sup> Based on this passage, one may mistakenly conclude that all Muslims because of religious reasons oppose the changes

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<sup>79</sup> "Religious resistance to change by these early Ottoman conservatives gave rise in the West to the view- which in time became an established conviction- that East and West were fundamentally dissimilar, that civilization was a purely occidental creation, and that non-European races were incapable of progress because of their superstitious religions. We thus find a strange confluence between the attitude of Europeans and that of their Muslim adversaries, both of which were in opposition to the spirit of the Tulip Era." See: Berkes, *The Development of Secularism*, 53.

of the so-called Tulip Era and conservatives do not accept any kind of change in general. Similarly, although Ülken uses the term ‘fanaticism’ to describe people who categorically reject any kind of change in the early pages of his book,<sup>80</sup> he analyses the Tanzimat Era as a struggle between the old and the new.<sup>81</sup> Therefore, he presupposes a kind of connection among conservatism, Islamism and Easternism and also uses conservatism as the diametrically opposed concept of progressive.<sup>82</sup>

Another example is Yüksel Çelik who uses conservative and religious as if they are organically connected to each other<sup>83</sup> and also uses terms such as extreme conservatives (*aşırı muhafazakar*) and strict conservatives (*katı muhafazakarlar*)<sup>84</sup> as if conservatism is some kind of measurement to determine the extent to which people accept and reject change. Sugar seems to ascribe the meanings of status quo supporter to conservatism by saying that, “It is a sign of the conservatism of the Ottoman state that the first reformer, Selim III, emerged a full ninety years after the conclusion of the peace of Karlowitz (1699), in which, for the first time since the battle of Ankara (1402), the Ottomans had had to acknowledge military defeat.”<sup>85</sup>

Neumann’s book on *Tarih-i Cevdet* enables us to reveal how arbitrarily the term conservatism is used. More precisely, since the author wrote his PhD dissertation in German and it was later translated into Turkish, one can compare both versions’ use of the terms conservatism and reactionary. That is, Neumann discusses the *nasihatname* (mirror for princes) tradition and argues that it was a ‘conservative criticism tradition’ and the same expression was used both in the original German version and in the Turkish translation.<sup>86</sup> However, Neumann uses again *konservativ* to cite Cevdet’s idea

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<sup>80</sup> Ülken *Türkiye’de Çağdaş Düşünce Tarihi*, 20, 35.

<sup>81</sup> Ibid., 76.

<sup>82</sup> Ibid.

<sup>83</sup> Yüksel Çelik, “Nizam-ı Cedid’in Niteliği ve III. Selim ile II. Mahmud Devri Askeri Reformlarına Dair Tespitler (1789-1839),” in *Nizam-ı Kadim’den Nizam-ı Cedid’e III. Selim ve Dönemi*, ed. Seyfi Kenan (İstanbul: İsam Yayınları, 2010), 585.

<sup>84</sup> Ibid., 580, 588.

<sup>85</sup> Sugar, “Economic and Political Modernization,” 149.

<sup>86</sup> Muhafazakar eleştirisi geleneği in Turkish see: Neumann *Araç Tarih Amaç Tanzimat*, 77. Tradition Konservative Kritik in German see: Christoph K. Neumann, *Das Indirekte Argument*, (Hamburg: Lit, 1994), 96.

of how ordinary people are reactionary against every kind of change at the outset.<sup>87</sup> The same concept is translated into Turkish as *tutucu* (reactionary).<sup>88</sup> This time, Turkish translation makes more sense given that the part talks about people who opposed changes categorically in the first instance, thus it would have been better to use *reaktionär* instead of *konservativ* in German version. Another example for the conceptual problem, Neumann discusses an agreement text signed between Mustafa IV and rebels who enthroned him<sup>89</sup> and he describes the reason why the text was penned as conservative in the original and as reactionary in Turkish translation: *konservativen Argumentationsweise*<sup>90</sup> and *tutucu bir gerekçelendirme*<sup>91</sup> respectively. Last but not least, in the very last page of his book, Neumann defines *Tarih-i Cevdet* as again conservative work in German and reactionary work in Turkish: *konservatives Werk*<sup>92</sup> and *tutucu bir eser*.<sup>93</sup> It goes without saying that when a work is translated into another language, the original might lose its meaning to a certain extent.<sup>94</sup> However, in the case of conservatism and reactionary concepts, the problem is not directly related with the translation, but there seems to be an arbitrary attitude. Because of the random and imprecise usage and translation of these concepts, it is tough to understand whether the author intends to say ‘conservative’ or ‘reactionary’.

As we discussed previously, the imagined dichotomies fail to explain the complicated nature of the late Ottoman Empire and Ahmet Cevdet Pasha. The picture gets more complicated because of my concern that conservatism, as a concept is not used adequately. In this section, I intend to indicate that the awareness about the differences among conservative, reactionary, status quo supporter and so on is far from being sufficient. Therefore, these concepts either fail to convey the intended meaning or

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<sup>87</sup> Neumann, *Das Indirekte Argument*, 258.

<sup>88</sup> Neumann, *Araç Tarih Amaç Tanzimat*, 203.

<sup>89</sup> The author talks about Hücet-i Şer’iye and for an interesting piece about the document see: Hakan Erdem, “Bir Esas Belge Olarak Hücet-i Şer’iye,” *Karar*, April 9, 2017, <http://www.karar.com/yazarlar/hakan-erdem/bir-esas-belge-olarak-hucet-i-seriye-3734#> (accessed in March 1, 2018).

<sup>90</sup> Neumann, *Das Indirekte Argument*, 273.

<sup>91</sup> Neumann, *Araç Tarih Amaç Tanzimat*, 213.

<sup>92</sup> Neumann, *Das Indirekte Argument*, 282.

<sup>93</sup> Neumann, *Araç Tarih Amaç Tanzimat*, 221.

<sup>94</sup> The author also points out this danger but also underlines the fact that he controlled and approved the translation. See: Neumann, *Araç Tarih Amaç Tanzimat*, vii-ix.

convey different meanings. In this thesis, I will attempt to define conservatism especially in terms of its relationship with change. I will examine and portray Ahmet Cevdet Pasha as a conservative statesman with the aim of rescuing him from being examined by binary oppositions. It goes without saying that this study does not intend to be a full-fledged intellectual biography of Ahmet Cevdet; but rather a modest step further to map out his stance by examining his attitude toward change through a three-tiered approach.

### **1.5 A Three Tiered Approach: Nature of change, challenge, and current constraints**

Arguably the key to understand conservatism is an understanding of the conservative attitude toward change. According to Huntington, conservatism advocates the established order and “the essence of conservatism is the passionate affirmation of the value of existing institutions.”<sup>95</sup> He posits that conservatism is “the articulate, systematic, theoretical resistance to change.”<sup>96</sup> The idea that conservatism does not accept any kind of change is not cogent, as conservatives have welcomed change all around the world.<sup>97</sup> However, I also admit that the relationship between change and conservatism is not a simple one. That is, conservatism does not reject change categorically yet it does not welcome change. The idea that conservatism appears to vacillate between accepting and rejecting change is generally acknowledged. Hayek’s claim of “conservatives have been guided by the belief that the truth must lie somewhere between the extremes,”<sup>98</sup> Alexander’s idea of “it [conservatism] is against change, and yet it accepts change,”<sup>99</sup> and Oakeshott’s argument that conservatism is not just rejecting change but also “accommodating ourselves to changes”<sup>100</sup> are some

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<sup>95</sup> Samuel Huntington, “Conservatism As An Ideology,” *American Political Science Review* 521, no. 2 (1957): 455.

<sup>96</sup> *Ibid.*, 461.

<sup>97</sup> For further discussions of this point, see: Michael Freeden, *Ideologies and Political Theory* (Oxford: Clarendon Press, 1996), 329-33; and Doğançan Özsel, “The Theme of Change in the Conservative Ideology,” *Near East University Journal of Social Sciences* 2, no.2 (2014): 4.

<sup>98</sup> F. A. Hayek, *The Constitution of Liberty* (Kent: Routledge, 1993), 399.

<sup>99</sup> James Alexander, “The Contradictions of Conservatism,” *Government and Opposition* 48, no.4 (2013), 596.

<sup>100</sup> Michael Oakeshott *Rationalism in Politics and Other Essays* (London and New York: Liberty Fund, 1991), 410.

examples of such ways of thinking. In summary, conservatism resists some kind of change but accepts some other change. This statement is most probably correct but at the same time nugatory and pointless, and thus cries for further specification to scrutinize the relationship between change and conservatism. Therefore, I propose a three-tiered approach these being nature of change, challenge, and current constraints with the aim of having a better grasp of conservative attitude toward change.

It goes without saying that certain qualifiers have to be added into the conservatism-change relationship so as to have a better understanding of what makes a change acceptable or unacceptable for conservatives. Müller uses ‘methodological conservatism’ concept to point out that the conservative is of the opinion that “reforms are necessary from time to time, but they ought to work with (and carefully save or even cautiously improve) what is already there.”<sup>101</sup> As Burke writes, “state without means of change is without means of its conservation”<sup>102</sup> but to determine what to conserve and what to change is the heart of the matter. For Oakeshott, “to be conservative, then is to prefer the familiar to the unknown, to prefer the tried to the untried, fact to mystery, the actual to the possible, the limited to the unbounded, the near to the distant, the sufficient to the superabundant, the convenient to the perfect, present laughter to utopian bliss”<sup>103</sup> and thus “he [conservative] will find small and slow changes more tolerable than large and sudden; and he will value highly every appearance of continuity.”<sup>104</sup> Similarly, Scruton also underlines the importance of familiarity and argues that conservatism has the sense of belonging to a continuing and pre-existing social order and “the desire to conserve is compatible with all manner of change, provided only that change is also continuity.”<sup>105</sup> Similar to what Scruton argues in relation to pre-existing social order, Kekes points out that conservatives have different opinions on what kinds of arrangements make a society good but they agree upon the idea that some of the arrangements are “conducive” whereas others are “detrimental” to society and

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<sup>101</sup> Jan-Werner Müller, “Comprehending Conservatism: A new framework for analysis,” *Journal of Political Ideologies* 11, no. 3 (2006), 362.

<sup>102</sup> Edmund Burke, *Reflections On The Revolution In France* (New York: Dover Publication, 2006), 19.

<sup>103</sup> Oakeshott, *Rationalism*, 408.

<sup>104</sup> *Ibid.*, 410.

<sup>105</sup> Roger Scruton, *The Meaning of Conservatism* (Middlesex: Penguin Books, 1980), 21-22.



conservatives opt for conserving the former and changing the latter.<sup>106</sup> Like Scruton, Beckstein also underlines the importance of “desirability of continuity” for conservatism.<sup>107</sup> In line with Scruton Beckstein, Rossiter suggests that conservatives only accept change when it is “sure-footed and respectful of the past.”<sup>108</sup>

Freedden proposes a more organized way of differentiating acceptable and non-acceptable change for conservatism based on four criteria. Firstly, he puts forward the idea of organic change, which would be acceptable for conservatism since such changes are suitable for the conditions of the present but also not disconnected from the past.<sup>109</sup> The second core concept is “a belief in the extra-human origins of the social order.”<sup>110</sup> That is to say, conservatives think there are limits to human ability and capacity, thus “demote the status of the individual as the exerciser of a free will.”<sup>111</sup> Thirdly, the author talks about the reflectiveness of conservatism and proposes the mirror-image as the third core character of conservatism according to which, “conservatives develop substantive *antitheses* to progressive core concepts such as reason, equality, or individuality, but then (often unconsciously) assign them only adjacent status within conservative morphology.”<sup>112</sup> Last but not least, he notes, as the fourth factor, “flexibility in the deployment of decontested concepts.”<sup>113</sup>

Then he claims that the substantive core of conservatism consists of “preventing non-organic, disruptive change by invoking an extra-human order,”<sup>114</sup> basically the first two

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<sup>106</sup> John Kekes, *A Case For Conservatism* (Ithaca and London: Cornell University Press, 1998), 1.

<sup>107</sup> Martin Beckstein, “What Does It Take To Be A True Conservative?,” *Global Discourse* 5, no. 1 (2015): 22.

<sup>108</sup> Clinton Rossiter, *Conservatism in America* (New York: Alfred A. Knopf, 1955), 12.

<sup>109</sup> Freedden, *Ideologies*, 333.

<sup>110</sup> *Ibid.*, 334.

<sup>111</sup> *Ibid.*

Similar to what Freedden conceptualize as organic change and extra human origins of social order, Vincent argues, “the state is a communal enterprise with spiritual and organic qualities. The constitution of the community is not a human artefact but the cumulative, unpredictable result of years of practice. Change is something which, if it does happen, is not the result of intentional reasoned thought. It flaws naturally out of the traditions of the community.” See: Andrew Vincent, *Modern Political Ideologies* 2nd ed. (Oxford: Blackwell Publishers, 1996), 63.

<sup>112</sup> Freedden, *Ideologies*, 336.

<sup>113</sup> *Ibid.*, 345.

<sup>114</sup> *Ibid.*, 340.

points of his four criteria, namely organic change and extra-human origins. His core and adjacent differentiation is vital since the latter enables us to explain different types of conservatisms and reasons for their existence. One might attempt to define a kind of conservatism based only on these core values, but as Alexander rightly points out, such definitions will not say a lot about the characteristics of conservatisms in question, and also disregard the peculiarities of the historical context, which is crucial for conservatism.<sup>115</sup> Therefore, since historical contexts and requirements of time alter the conservative attitude toward change, I consider their impacts thanks to second and third tiers. By doing so my intention is to find a common way between “desperate resort to nominalism (‘conservative is who calls themselves conservative’), or historicism (‘conservatism is changing all the time’).”<sup>116</sup>

The list of ideas and concomitant criteria that I have mentioned is far from being complete and representative of all the debates on conservatism, but sufficient enough to argue that assuming conservatism as an outlook that opposes change is not compelling, as exemplified by the arguments offered by many thinkers who work on conservatism. Nevertheless, they differ when it comes to what types of change are acceptable to conservatism.

What makes change acceptable for the conservative (nature of change), and ideational and intellectual atmosphere that might make the conservative adjust, soften his/her stance and even give some concessions (nature of challenge) have been inserted into controversies about conservatism. However, there is hardly any mention of what I would call nature of *current constraints*. Current constraints refers to conditions under which change is welcomed or rejected and, challenges are responded by conservatism. It will be discussed in detail but basically with this tier; I aim to take into account (a) requirements of the time, (b) decisiveness of how and by whom institutions and ideas come into being and their current natures, in order to grasp conservative rationale behind accepting some revolutions and revolutionary/radical change and not valuing established institutions. I argue that adding nature of current constraints as the third tier

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<sup>115</sup> James Alexander, “A Dialectical Definition of Conservatism,” *Philosophy* 91, no. 2 (2016), 220.

<sup>116</sup> Müller, 359.

to the discussion will enable us to gain a more vivid and realistic understanding of conservative attitude toward change and also help us to elucidate some seemingly contradictory attitudes of conservatives

Before moving into further elaboration of the three tiers, it is worth giving a hypothetical example to see how this three-tiered approach will work. Let's assume that change X is proposed and try to simulate conservative reactions to that change. Needless to say, if conservatism is defined as supporting the status quo, then the reaction of the so-called conservative would be to object change X regardless of its content. When the first tier (nature of change) is considered, the conservative will scrutinize the content/nature of change X, and based on his assessment s/he would either consider it to be acceptable or unacceptable. When the second tier (nature of challenge) is considered, then a conservative would take challenges into consideration and be more flexible toward the otherwise undesirable change X. That is, conservatism would embrace the core elements of the challenging ideology as adjacent/secondary elements, so inevitably this would push conservative to accept certain changes that would not have been acceptable otherwise. If we examine the relationship of pace of change and conservatism through a two-tiered model (nature of change and the challenge), it can be construed that time-honored institutions, traditions, and ideas are valuable for conservatives. That is to say, since human beings lacked an adequate level of information, and "tradition incorporates more wisdom than the individual"<sup>117</sup> conservatism is averse to rapid and radical change under the guidance of abstract theories,<sup>118</sup> but instead opts for gradual and piecemeal change.

What I am proposing here is addition of the third tier, nature of current constraints. Conservatism is normally interpreted as an outlook that opposes change and, hence, taken as a stand that repudiates changes in all cases. That, I argue, is a false assumption, as exemplified by the arguments offered by many thinkers placed firmly in the conservative camp. In general, conservatism is not sympathetic to revolutionary change, but it is difficult to argue that it would altogether repudiate any degree or kind of

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<sup>117</sup> Vincent, 70.

<sup>118</sup> Ibid., 75.

change, particularly change that would be in keeping with the changes in cultural, political, and economic environment. Nature of the current constraints is identified with respect to the changes in the environment to which conservative thought seeks to adopt itself. Furthermore, if the current conditions are not the product of conservative mindset e.g. a country has been ruled by non-conservative ideologies for a long time, or the state is experiencing extraordinary conditions then change X may be accepted even if it is a revolutionary one. The very reason why conservatism does not welcome revolutionary change is due to their belief in institutions, traditions, and ideas standing the test of time and benefiting from extra-human character of social order, but if these are not the products of such processes, then there is no reason to value them.

In this thesis, I will use a three-tiered approach to have a better understanding of Ahmet Cevdet Pasha's attitude toward change. Each of these three tiers will be elaborated and substantiated by referencing Ahmet Cevdet Pasha's works (mainly *Tarih-i Cevdet*, *Tezakir*, and *Maruzat*). When these three tiers are taken into account simultaneously, it becomes clearer that Ahmet Cevdet Pasha as a conservative statesman is not against change categorically, but attempts to differentiate acceptable and unacceptable change; adjusts his stance and gives concessions by considering the intellectual and ideational environment; and further to that even accepts radical change and revolutions due to requirements of time and his concerns about the current natures of institutions, and how they come into existence.

## CHAPTER 2

### INFLUENCE OF NATURE OF CHANGE ON AHMET CEVDET PASHA'S ATTITUDE TOWARD CHANGE

Nature of change tier suggests that the conservative neither accepts nor rejects change definitely. As Alexander points out, “the conservative is reluctant to accept change but not opposed to it.”<sup>119</sup> Therefore, there is a remarkable difference between the conservative and the reactionary; although neither of them welcomes change readily, their attitude toward the past is different. The conservative does not see “the world as a museum; he prefers it as a workshop, where he can create things which will serve as new foundations,” on the other hand, the reactionary wants the old conditions back.<sup>120</sup> The conservative --as opposed to the reactionary-- does not categorically reject change but values existing institutions, and ideas that stand the test of time. As Kirk points out, the conservative thinks that progression and permanence are the two forces that would affect societies and these are vital for a given society.<sup>121</sup> As it was mentioned in the first part of the paper, the conservative welcomes change only if it is ‘acceptable.’ These parameters give some clues about what kind of change is accepted by the conservative - -though they don’t tell the whole story-- so in this part to be able to have a more vivid understanding I will be discussing Ahmet Cevdet’s attitude toward change in relation to the first tier, nature of change.

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<sup>119</sup> James Alexander, “Contradictions of Conservatism,” *Government and Opposition*, 48.4 (2013), 597-598.

<sup>120</sup> Arthur Moeller van den Bruck, *Germany’s Third Empire* ed. E. O. Lorimer (Newyork: Howard Fertig, 2012), 223.

<sup>121</sup> Russell Kirk, “Ten Conservative Principles,” *The Russell Kirk Center* <http://www.kirkcenter.org/detail/ten-conservative-principles/> (accessed in May 10, 2017).

## 2.1 What Makes Change Acceptable for Cevdet Pasha?

In this subsection, I am going to discuss the extent to which some features attributed to Ahmet Cevdet Pasha can be used in order to understand his attitude toward change. To this end, I will reject the idea of portraying Ahmet Cevdet as a reactionary, and question interpreting him as a man of transition since he is more of a Tanzimat Man than middle-pathist. Also, I will investigate *kadims* and assert that these are more likely to be legitimization mechanisms than analytical tools for understanding acceptable change. Then I will attempt to make a distinction between the extent to which Cevdet Pasha uses Khaldunian vocabulary and substantiates Khaldun's ideas; and I will briefly state my doubts on the latter. Lastly, in this chapter, Cevdet's own History book *Tarih* will be examined in terms of its content on change and its attempt to embrace modern History writing methods. In other words, *Tarih* is a good source to look for some clues about what kind of change is acceptable for him; and as an example of how Ahmet Cevdet embraces and applies some novelties on his writing craft. In a nutshell, since Ahmet Cevdet's attitude toward change is a complex issue these 'shortcuts' are not cogent enough to lay out his stance.

### 2.1.1 Is he a man of transition?

In addition to being an able man of the Tanzimat Era, Ahmet Cevdet functioned as a bridge between different ideological stances, worldviews and even occupational groups, so Chamber's interpretation of Cevdet as "man of transitional period" seems sound,<sup>122</sup> and the literature on Ahmet Cevdet Pasha frequently emphasizes his synthesizing mission. For example, according to Türköne, "the aim was to graft the plane tree; [Ottoman Empire] not to cut it down," and Ahmet Cevdet represents that mentality.<sup>123</sup> Kuran argues that Ahmet Cevdet aims to accommodate cultural heritage with contemporary notions.<sup>124</sup> Similarly, Şimşirgil claims that he tries to synthesize

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<sup>122</sup> Chambers, "Ahmed Cevdet Paşa: The Formative Years of an Ottoman Transitional."

<sup>123</sup> Mümtaz'er Türköne, "Ahmet Cevdet Paşa ve Türk Modernleşmesi," in *Ahmet Cevdet Paşa: Vefatının 100. Yılına Armağan* (Ankara: Türkiye Diyanet Vakfı Yayınları: 1997), 160.

<sup>124</sup> Ercüment Kuran, "Türk Tefekkür Tarihinde Cevdet Paşa'nın Yeri," in *Ahmed Cevdet Paşa Semineri* (İstanbul: Edebiyat Fakültesi Basımevi, 1986), 10.

traditionalist Turkish-Islamic culture and innovator West.<sup>125</sup> Along the same line of this argument, Shaw talks about the *Tarih-i Cevdet* and grammar books written by Ahmet Cevdet and argues that by writing those books, Cevdet aims to “establish contact between some of the learned *ulema* and the new educated men of the Tanzimat in the hope of ameliorating the bifurcation developing between them.”<sup>126</sup>

However, it should also be noted that, as we discussed, Ahmet Cevdet represented the Tanzimat understanding. Therefore, depicting him as middle-roader or as someone who attempted to synthesize ‘old and new,’ ‘traditional and modern’ and ‘existing ones and novelties’ can be misleading. In that regard, Şentürk’s subtle argument is worth mentioning: he argues that Ahmet Cevdet<sup>127</sup> “maintained the strategy of synthesis to reconcile the tensions.”<sup>128</sup> Therefore, in some cases he had to synthesize --more precisely he had to give concessions-- even if he did not want to do so. In line with this, Gencer also points out that for intellectuals who live in transitional periods just like Ahmet Cevdet, it is quite natural to have double-discourse, one being traditional and the other modern, and while the former is expressed the latter can be read between the lines.<sup>129</sup> Thus, instead of suggesting that Ahmet Cevdet Pasha was in favor of synthesis, it is better to rephrase it, as he had to synthesize and even give concessions from time to time.

### 2.1.2 Is he a reactionary?

The influence of Mustafa Reşit Pasha on Ahmet Cevdet is undeniable<sup>130</sup> and Cevdet praises Fuat Pasha’s art of oratory and Âlî Pasha’s ability to write well but stresses that Mustafa Reşit had both abilities thus these two other Pashas were like one facet of him.<sup>131</sup> It goes without saying that Cevdet Pasha not only praises these three reformists

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<sup>125</sup> Şimşirgil and Ekinci, *Ahmed Cevdet Paşa ve Mecelle*, 34.

<sup>126</sup> Stanford J. Shaw and Ezel K. Shaw, *History of the Ottoman Empire and Modern Turkey* vol.2 (Cambridge: Cambridge University Press, 1977), 109-110.

<sup>127</sup> Along with Namık Kemal, Ziya Gökalp and Seyyid Bey.

<sup>128</sup> Şentürk, “Intellectual Dependency,” 298.

<sup>129</sup> Bedri Gencer, “Ahmet Cevdet Paşa’nın Toplum ve Tarih Görüşü,” 87.

<sup>130</sup> See: 1.1 Ahmet Cevdet’s Education.

<sup>131</sup> Tezakir IV, 57: “Böyle söylediğini yazmak ve yazdığını söylemek Reşid Paşa’ya mahsûs bir haslet idi. Bir kâtime uzun bir fıkra ta’rif ettikte kâtibin kuvve-i hâfızası olup da anın ifâdâtını aynıyle zabt ederse bir güzel müsevvede

of the time but also follows their path, so much more Mustafa Reşit Pasha. Fatma Aliye allocates a significant part of her book to Reşit Pasha and praises his several accomplishments and skills including but not limited to his contribution for preparing and applying the Tanzimat Edict,<sup>132</sup> his statecraft,<sup>133</sup> his contribution for the betterment of education,<sup>134</sup> and on top of these his God-given ability in diplomacy.<sup>135</sup> She even states that although Âlî, Fuat and Cevdet Pasha as three pupils learned a lot from Reşit Pasha none of them, including her father was as successful as Reşit Pasha in the field of diplomacy.<sup>136</sup> Similarly, Cevdet Pasha argues that Mustafa Reşit Pasha did a great favor by the way of the Tanzimat Edict and he criticizes the ones who accused of Reşit Pasha as inattentive on religious issues just because Reşit Pasha was adopting European types of changes.<sup>137</sup>

Hayreddin Karaman categorizes reactions to change/reform into three main groups: whereas the first group of people have an excessive tendency to adopt novelties; the second group defend the old and reject the change blindly.<sup>138</sup> He favors the third group and called them as *mûtediller* (temperates) and argues that these people throw away something only if it is useless not just because it is something old; and accept novelties/newness not just to accept them but accept them on condition that they are beneficial.<sup>139</sup>

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olurdu ve tashîhe muhtâc olmazdı. Fuad Paşa dahi pek güzel nutk eylerdi ve hâzır-cevâb bir zât olup güzel mazmûnlar ve nükteli sözler söylerdi. Lâkin nutku başka ve inşâsı başka idi. Âlî Paşanın inşâsına diyecek olmayıp ancak nutku yok idi. Sükûti bir zât idi ve üçü de ol vaktin en mâhir diplomatlarından idiler ve Âlî Paşa ile Fuad Efendi Reşid Paşa'nın birer cenâhı gibi idiler.

<sup>132</sup> Aliye, *Ahmet Cevdet Paşa ve Zamanı*, 54-56.

<sup>133</sup> Ibid., 65.

<sup>134</sup> Ibid., 75.

<sup>135</sup> Ibid., 135.

<sup>136</sup> Ibid., 134, 135.

It is worth mentioning that Aliye also discusses the relationship among these statesmen and argues that Âlî and Fuat Pashas were overwhelmed by their ambition and turned against Reşit Pasha. See: Ibid., 134; Also she argues that the people belittle Âlî Pasha who succeeded Reşit Pasha (105); and mentions the friendship between Cevdet and Fuat Pashas (108).

<sup>137</sup> Tezakir I, 8: “[Reşit Paşa] Tanzimat-ı Hayriyye’yi te’sis ile âmmeye büyük iyilikler etmiş oldu. Lâkin Avrupalılar ile ziyade ihtilâttından ve karantine te’sisi tervic eylemek gibi usul-i cedideye inhimakinden dolayı bazı mutaasibîn kendisinden hoşnud olmayıp ana umur-ı diniyyede mübâlâtsiz nazariyle bakarlardı.”

<sup>138</sup> Karaman, *İslam'ın Işığında*, 752.

<sup>139</sup> Ibid., 753.



It can be inferred that Cevdet has a similar kind of categorization in his mind. Given that Ahmet Cevdet follows the path of Mustafa Reşit, it is not surprising for him to attack the ones who are blindly tied to the status quo and reject change. He refers to them as *mutaassip* (fanatical or religious) and *efkar-ı atika ashabi* (people of old ideas).<sup>140</sup> Cevdet underlines the importance of renewing the empire in accordance with the norms of Europe and criticizes the hostile attitude of *efkar-ı atika ashabi* to these changes.<sup>141</sup> He specifically criticizes Said Pasha who aims to eliminate the followers of Reşit Pasha including Fuat Efendi and Âlî Pasha and employ people with old-fashioned ideas, and Cevdet warns that such a process would end up making the empire outdated.<sup>142</sup> On the other hand, he is not happy with the attitude of the ones who opt for translating the French Code Civil and using it without any change, and labeled them as *alafranga efkara sapanlar* (ones deviating to the European/French way).<sup>143</sup> Therefore, just like the categorization that Hayreddin Karaman mentioned, Cevdet Pasha rejects the two extremes and, in my opinion, he affiliates himself with the third group *efkar-ı cedide eshabı* (ones with new ideas); thus, he criticizes Said Pasha by asserting that he has the dream of taking the Empire hundred years back and purging people who adopt new ideas.<sup>144</sup> Of course, it is difficult to draw the lines between these categories but throughout the thesis, I will try to elucidate his stance by considering natures of change, challenge, and current constraints.

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<sup>140</sup> Harun Anay, "Ahmet Cevdet Paşa'nın Modernizme Bakışı," in *Ahmet Cevdet Paşa: Vefatının 100. Yılına Armağan* (Ankara: Türkiye Diyanet Vakfı Yayınları, 1997), 71.

<sup>141</sup> Tezakir IV, 23: "Reşid Paşa takımının efkârı neşr-i ma'ârif ve ta'mîm-i terbiye ile devleti usûl-i cedide-i Avrupa'ya tevfikân tanzîm etmek husûsü idi. Efkar-ı atika ashâbı ise buna nazar-ı adâvet ile bakarlardı."

<sup>142</sup> Ibid.: "Sa'id Paşa hep Âlî Paşa ve Fuad Efendi gibi Reşid Paşa âdemlerini azl ü nefy ettirip de hep efkar-ı atika ashâbını iş başına getirmek ve devleti eski ta'assub yoluna götürmek sevdâsında olup buna ise asrın mütehammil olmayacağına aklım ermeğe başlamış olduğuna..." He also points out that spoiling the system and favoritism are part and parcel of the politics. Tezakir I, 87: "Ol asrın politikası herkes kendi tarafını kayırmak ve me'murîn içinde taraftarlarını çoğaltmak hususlarından ibaret idi."

<sup>143</sup> Tezakir I, 63.

Although it seems contradictory for him to use *alafranga* pejoratively given that he elsewhere acknowledge the necessity of renewing the empire in accordance with the European norms (i.e modernizing the state); by this term he refers the one who are excessively open to change without even considering whether they are necessary or not.

The negative impacts of Westernization is one of the highly covered issues in the first Turkish novels and according to Evin, the figures in these novels were exaggerated and caricaturized as the example of Felatun from Ahmed Midhat's novel indicates, those figures are portrayed as snop (zümpe) and ostentatious person who misinterprets the West. See: Ahmet Ö. Evin, *Türk Romanının Kökenleri ve Gelişimi* (İstanbul: Agora Kitaplığı, 2004), 103-113.

<sup>144</sup> Tezakir I, 11: "Said Paşa İstanbul'u efkar-ı cedide eshabından tahliye etmek velhasıl Devlet-i [sic: devleti] yüz sene geri götürmek gibi hüyalara saptı."

Ahmet Cevdet in his *Tarih* supports *Nizam-ı Cedid* (New Order) and argues that ordinary people have a tendency not to support even the beneficial and required change as it is the case for *Nizam-ı Cedid* which is criticized on the ground that the new order is the imitation of *küffar* (infidels).<sup>145</sup> Cevdet also quotes Koca Sekbanbaşı<sup>146</sup> and implies that people talk through their hats and they reject *Nizam-ı Cedid* on the basis that this army is trained by infidels' methods.<sup>147</sup>

Leaving aside the ones who think conservatism and change do not get along well with each other, even the ones who portray Ahmet Cevdet as both conservative and open to some changes/novelties, use contrasting conjunctions: *but, however, although* and *yet* instead of adding conjunctions: *and, too* and *also*.<sup>148</sup> In other words, they at least implicitly point out that there is something 'unusual,' 'weird' or at least 'contradictory' for the conservative to embrace certain ideas of their contemporary intellectual atmosphere. In a similar manner, Berkes defines Ahmet Cevdet as "more progressive compared to followers of sharia, and less progressive than the ones who support

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<sup>145</sup> Tarih VIII, 141: "Eski köyde yeni âdet her ne kadar makrûn-u isâbet olsa da avâm-ı nâssın ondan nefreti bu âlemin bir eski âdeti olduğundan eğerçi bir takım hayır ve şerri fark itmez ve devlet ve millet gayretini gütmez nâdân-ı bi-iz'ânlar kimi hâşâ şerr-î cedîd ve kimi küffâra taklid diyü nizâm-ı cedîde ta'n ve bir takım rüsûmât-ı cedîde ihdâs olunmuş idüğünden dolayı sebep olanlara la'n iderlerdi."

<sup>146</sup> Whether Koca Sekbanbaşı Risalesi is written by Tokadlı Mustafa Ağa (Jannisary Agha) was highly contested. For the detailed discussion see: Kemal Beydilli, "Evreka, Evreka veya Errare Humanum Est," *İlmi Araştırmalar* no.9 (2000): 45-66; and Ali Birinci, "Koca Sekbanbaşı Risalesinin Müellifi Tokadlı Mustafa Ağa (1131-1219)," in Prof. Dr. İsmail Aka Armağanı, (İzmir: Beta Basım Yayın, 1999): 105-120.

However, the topic is not anymore controversial, Beydilli proves that it was written by Ahmet Vâsıf Efendi. See: Kemal Beydilli, "Koca Sekbanbaşı Risalesi'nin Müellifi Hakkında," *Türk Kültürü İncelemeleri Dergisi* Vol. 12 (2005), 221-224.

<sup>147</sup> Tarih VII, 290: "“bre canım nizâm-ı cedîd nizâm-ı cedîd diyü ikide bir dırdır idüp kuru kuruya da'va idersiz bu nizâm-ı cedîd ne dimektir ibtidâ bunun hakikatini bil sonra da'va eyle eğer kelâmın hak ise ben de mülzem olup sana eyvallah edeyim,” didim. Cevabında “nizâm-ı cedîd didikleri ta'lîm ile olan askerdir ve bu ta'lîm gevr sanâttır” diyüp furu'âtından birşey bilmediğini ilan itdi.”

Then Ahmet Cevdet Pasha quotes the verse from Al-Anfal (8:60) in order to justify the new order and indicate its necessity. See Tarih VII, 301. Translation of verse is: "prepare against them whatever you are able of power..." See: The Noble Qur'an "8:69." quran.com <https://quran.com/8/60> (accessed in July 7, 2018).

It should be always kept in the back of our minds that Cevdet Pasha was also –at least to a certain extent- politically motivated thus his narrative is not necessarily the trustworthiest account of the process.

<sup>148</sup> For example, Gencer uses *although* to indicate the seeming contradiction between being conservative and being in favor of change "what makes Cevdet unique is *although* he was a conservative scholar, he also took part in radical transformation process called Tanzimat." See: Gencer, "Gelenekselciliğin Pınarları: Edmund Burke." Similarly, Niyazi Berkes defines Ahmet Cevdet as "a man who was one of the ulema and *yet* was progressive enough..." See: Niyazi Berkes, *The Development of Secularism in Turkey* (London: Hurst&Company, 1998), 165. Another example is from Shaw, he portrays Ahmet Cevdet as "basically a conservative man with strong reverence or tradition *despite* his openness to new ideas. See: Shaw and Kural, *History of the Ottoman Empire*, 66. Last but not least Davison describes Cevdet as "conservative but equally enlightened." See: Roderic H. Davison, *Reform in the Ottoman Empire 1856-1876* (New York: Gordian Press, 1973), 180.

unlimited westernization.”<sup>149</sup> My intention is not just to say that the conservative is averse to extremes but also to underline the importance and decisiveness of challenges to comprehend the conservative attitude toward changes better.

In brief, it can be concluded that he does not reject change categorically, and there is nothing unusual about being a conservative man and accepting change as we see in the case of Ahmet Cevdet’s *approving* of some changes and his criticism toward reactionaries. In the coming sections, I will discuss what makes a change acceptable for ‘conservative’ Ahmet Cevdet Pasha.

### **2.1.3 Kadim: An Ambiguous Concept for Change but Working Legitimization Tool**

*Kadim* is generally translated into English as time immemorial, old or ancient but for the sake of not damaging its conceptual validity, I would not translate it. Also, in order to refer to *nizam-ı kadim* (order), *usül-i kadim* (method), and *kanun-u kadim* (law/custom) together I will be using ‘*kadims*.’ Can *kanun-u kadim* be the reference point to determine what sort of change is acceptable for a conservative like Ahmet Cevdet Pasha? *Kadim* is one of the concepts frequently addressed among the Ottomans and according to İzgöer, just like most of the Ottoman thinkers, Ahmet Cevdet also embraced the idea of *kanun-u kadim*.<sup>150</sup> According to article no. 166 of *Mecelle*, *kadim* “refers to that thing the origin of which is unknown to any person,”<sup>151</sup> and as article no.6 suggests, “things which have been in existence from the time immemorial [*kadim*]

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<sup>149</sup> Niyazi Berkes, *Türkiye’de Çağdaşlaşma*, 224.

<sup>150</sup> İzgöer, *Müslüman, Osmanlı ve Modern*, 279.

Gencer argues that what Ottomans intended to refer by using the term ‘*tarz-ı kadim*’ is nothing but ancient regime of Tocqueville. However, I have my doubts whether such an analogy is compelling enough given, as we will discuss ambiguous nature of the term *kadim* in the Ottoman case. See: Gencer, “Gelenekselciliğin Pınarları”

<sup>151</sup> The original article is, “Kadim odur ki evvelini bilir kimse olmaya.” See: Ali Himmet Berki, *Açıklamalı Mecelle* (İstanbul: Hikmet Yayınları, 1982), 35. For the English translation, see: International Islamic University Malaysia, “The Ottoman Courts Manual (Hanafi).” [iium.edu.my](http://www.iium.edu.my) [http://www.iium.edu.my/deed/lawbase/al\\_majalle/al\\_majalleb01.html](http://www.iium.edu.my/deed/lawbase/al_majalle/al_majalleb01.html) (accessed in March 3, 2018).

shall be left as they were.”<sup>152</sup> Noteworthy, article no.7 says, “injury cannot exist from time immemorial.”<sup>153</sup>

Based on these articles of *Mecelle*, things that have been legitimately continuing from past to present should continue; and if something is illegitimate regardless of whether it has been coming from the past, there is no need to respect/credit it.<sup>154</sup> Therefore, the idea of *kanun-u kadim* should not be understood as something static and categorically opposed to change. It is not surprising that in the Ottoman case, despite the veneration to *kadim*, the need for adapting certain regulations based on requirements of the time and criticizing *kadim* --if necessary-- were articulated even in the ‘heydays’ of the empire.<sup>155</sup> As far as the main argument of the paper is concerned, the significance of *kadim* is twofold. First, it corroborates the idea that the conservative opts for change and continuity simultaneously; and second, given its arbitrary and vague nature, it is more of a source of legitimation for change rather than a determinant for acceptable and non-acceptable change.

Meanwhile, it is worth touching upon the idea of *bid’at*, so as to make the relationship between *kadim* and change a bit more clear. It is beyond the scope of this paper to discuss such a contested concept in detail. But in a nutshell, *bid’at* refers to things that had no existence before and came into being later on (milestone is mostly taken as prophet Mohammed), and roughly, two schools of thought can be identified as the ones being against every kind of *bid’at* regardless of its content and the second as the ones who try to differentiate *bid’at* as *mezmume* or *seyyie* (bad *bid’at*) and *hasene* (good *bid’at*).<sup>156</sup> Ahmet Cevdet Pasha seems to embrace the latter school of thought that is tolerant toward accepting innovations.

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<sup>152</sup> The original article is, “Kadim kıdemi üzre terk olunur.” See: Berki, Açıklamalı Mecelle, 19. For the English translation, see: International Islamic University Malaysia, “The Ottoman Courts Manual (Hanafi).” [http://www.iium.edu.my/deed/lawbase/al\\_majalle/al\\_majalleintro.html](http://www.iium.edu.my/deed/lawbase/al_majalle/al_majalleintro.html) (accessed in March 3, 2018).

<sup>153</sup> The original article is, “Zarar Kadim Olmaz.” See: Berki, Açıklamalı Mecelle, 19. For the English translation, see: International Islamic University Malaysia, “The Ottoman Courts Manual (Hanafi).” [http://www.iium.edu.my/deed/lawbase/al\\_majalle/al\\_majalleintro.html](http://www.iium.edu.my/deed/lawbase/al_majalle/al_majalleintro.html) (accessed in March 3, 2018).

<sup>154</sup> Şimşirgil and Ekinci, *Ahmet Cevdet Paşa ve Mecelle*, 92, 93.

<sup>155</sup> Mehmet Öz, *Osmanlı’da “Çözülme” ve Gelenekçi Yorumcuları* (İstanbul: Dergah Yayınları, 1997): 85-87.

<sup>156</sup> Hayreddin Karaman, *İslam’ın Işığında Günün Meseleleri*, (İstanbul: İz Yayıncılık, 2010), 752-757.

Ümit Meriç posits that when *Tarih-i Cevdet* was penned, the order was deteriorated, and *kanun-u kadim* was forgotten.<sup>157</sup> Based on her reading of Ahmet Cevdet, opposing *kanun-u kadim* and not following the necessities of the time were the two reasons for ‘Ottoman decline.’<sup>158</sup> She attempts to elucidate the seeming contradiction by arguing that not adjusting *kanun-u kadim* according to necessities of the time is also opposing *kanun-u kadim* since renewal and conservation are two aspects of *kanun-u kadim*.<sup>159</sup> Although I have my doubts about her formulation, essentially she is right to argue that *kanun-u kadim* is not an impassible obstacle for change. In that regard, Çelik rightly points out that it is a fallacy of orientalist view that the Ottoman Empire resisted technological innovations on the grounds that these were bid’at (unacceptable change).<sup>160</sup> In the same manner, Gencer points out that, “protecting through improving/fixing”<sup>161</sup> is the key to understand how Cevdet and most of the Ottomans interpret *kanun-u kadim*. That is, changes that undermine *kanun-u kadim* are bad (bid’at) whereas changes in line with *kadim* are acceptable and even required. Similarly, Öz points out that in principle, running the state just like your ancestors and obeying *kanun-u kadim* are prevailing elements of Ottoman mindset.<sup>162</sup> However, to what extent these principles were working in reality is worth examining.

First of all, it is really difficult to talk about one single stable and clearly defined *kanun-u kadim*, *tarz-ı kadim* or *usül-i kadim*. Actually, they are some vague and fluid concepts. For example, it is commonplace to talk about the deterioration of *ulema* class in the late Ottoman period, and Cevdet Pasha also talks about the problems of *ulema* and

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According to Gencer, bad and good bid’at have to be distinguished based on the need for change and points out that necessary changes are seen as good bid’at. See: Gencer, *Hikmet Kavşağında Edmund Burke ile Ahmed Cevdet*, 181; Davison argues that Muslim doctrine accepts good bid’at if there is a consensus but he also underlines the unlikelihood of such a process by saying, “the doctrine of consensus was meant to note common acceptance of a change already made and to link it with the past, rather than to create innovation.” See: Davison, *Reform in the Ottoman Empire 1856-1876*, 66.

<sup>157</sup> Meriç, *Cevdet Paşa’nın Cemiyet ve Devlet Görüşü*, 91.

<sup>158</sup> Ibid., 102, 103.

<sup>159</sup> Ibid., 131.

<sup>160</sup> Çelik, “Nizam-ı Cedid’in Niteliği,” 579, 580.

<sup>161</sup> Gencer, “Gelenekselciliğin Pınarları”

<sup>162</sup> Mehmet Öz, “Kânûn-ı Kadîm: Osmanlı Gelenekçi Söyleminin Dayanağı mı, Islahat Girişimlerinin Meşrulaştırma Aracı mı?,” in *Nizam-ı Kadîm’den Nizam-ı Cedid’e III. Selim ve Dönemi*, ed. Seyfi Kenan (İstanbul: İsam Yayınları, 2010), 59.

deterioration of its *nizam-ı kadim* as early as the 1620s.<sup>163</sup> He also points out that due to people's inclination to peace, *kadim* order and method of the empire were injured<sup>164</sup> and also cited Şanizade who argues that egg heads of the empire started to deprecate campaign as from late 17<sup>th</sup> century.<sup>165</sup>

In addition to ambiguous characters of *kadims*, it should be also noted that the superiority and stableness of *kadims* are not taken for granted. In his *Tarih*, Cevdet questions the good intention of the French ambassador Sebastiani who proposed helping to protect the *usül-ü kadim* of the Ottoman Empire as opposed to *nizam-ı cedid* and Cevdet argues that the ambassador's aim was to make the empire call on France to help and hereby, to land troops onto Ottoman territories.<sup>166</sup> Thus, Cevdet's work indicates that he does not perceive *kadim* something as innately superior nor does he idealize it.

As the discussion above attempts to indicate, the relationship between *kadim* and change is not a straightforward one. First of all, none of the *kadims* are well-defined concepts and these concepts, --whatever they are-- are also open to change in time. In addition to vagueness and unstableness of these concepts, some authors use them in an inconsistent way. As Öz posits, although the writer of mirror for prince --most probably from the 16<sup>th</sup> century-- criticizes *kadim* by pointing out that time and conditions are changing and thus rules have to be adjusted accordingly,<sup>167</sup> the writer does not

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<sup>163</sup> Tarih I, 48; İpşirli I, 54: "Sultan Mustafa tekrar iclâs edildi ise de muktezâ-yı hâli üzere yine umûr-ı saltanat ile mukayyed olamadığından 1032 senesinde (M. 1623) tekrar hal' ile Sultan Ahmed'in ikinci şehzâdesi Sultan Murad-ı Rabi' on iki yaşında bulunduğu halde iclas olundu. Bu karkaşalıklar içinde ekser kavânîn-i esâsiyye-i devlete za'f geldiği gibi tarîk-i ilmiyenin dahi nizâm-ı kadîmine hâlel gelmiştir."

<sup>164</sup> Tarih I, 78; İpşirli I, 86: "El-hâsıl, o zaman Devlet-i Aliyye'nin usûl ve nizâm-ı kadîmine hâlel ve müddet-i medîde askerî metrukîyeti ve halkın ferağ ve âşâyîşe meyl ile sükûneti hasebiyle millet-i İslâmiyye'ye vehn ü kesel ârız olmuş..."

<sup>165</sup> Ibid.: "Şânîzâde der ki, 1100 (M.1689) târîhinden sonra ukelâ seferi istiskâl eder oldular."

<sup>166</sup> Tarih VIII, 151, 152: "Fransız elçisi Sebastiyani dahi Devlet-i Aliyye'yi bir gâileye uğradup da Fransa'dan istimdâda mecbur etmek ve bu vesile ile Memalik-i İslâmiyye'ye ve belki İstanbul'a asker idhal edebilmek üzere kendü yasakçılara müte'allik orta müte'ayyinlerine ara sıra 'atâyâ ve hedâyâ virüp ve mahremâne sobbete girişüp 'sizin vükelânızın nizâm-ı cedîd vaz'ından garazları Yeniçeri Ocağı'nı ilgâ ile bu kadar mevâcibi kendülerine tahsis itdirmekdir. İmparatorumuz bundan haberdâr olup sizin hâlinize teessüf ediyor ve Devlet-i Aliyye'nin usûl-i kadîmesine hâlel getirilmemesi emelinde olmağla hâlâ askerimiz hudût üzerinde olup lede'l-iktizâ hemân imdât için İstanbul'a celb olunacağı derkârdır.' Yollu sözlerle ocakluya fitil virmekte idi."

<sup>167</sup> Cited in Öz, "Kânûn-ı Kadîm," 73: "Evvelden olıgelmemişdir dimek faide virmez, ol zaman bu zamana uymaz. Ol zamanda bu fesadlar yoğımış (...) her husus zamanına göre olmak evladır."

categorically oppose the idea of *kadim*.<sup>168</sup> Therefore, using *kadims* to understand the conservative attitude in general and Cevdet Pasha's attitude in specific toward change is not completely useless given that these concepts in a way suggest a combination of change and continuity. However, using *kadim* in an idealized way as if it is timeless and well defined is not academically compelling enough. Therefore, I do not think that these concepts have full credit as analytical tools to understand what kind of change is acceptable for the conservative mind.

Having acknowledged the fact that the idea of *kadim* is not completely useless, I am of the opinion that *kadim* is better understood as a legitimization tool rather than a reference point of existing regulations, order and method or a blueprint for change. That is to say, change can be accepted or rejected due to a complicated set of reasons but *kadim* is used as a method of legitimizing and to a certain degree substantiating one's stance vis-à-vis what to change and what not to change. For example, when there was a calendar conflict that occurred in every 33 years due to the incompatibility of solar and lunar based calendars, Cevdet criticizes Mahmud Nedim Pasha on the ground that he did not want any kind of change but wanted to protect the existing order/status quo for his self-interest. Then Cevdet argues that a *kadim* method was also suggested to Nedim Pasha but given that his concern --according to Cevdet Pasha-- was just to protect his own benefit he did not accept that one either.<sup>169</sup> Therefore, the conflict between the ones who are benefiting from the change and the ones losing their privileges should not be overlooked. As Mehmet Öz convincingly proposes, referencing *kadim* is not just manifestation of traditionalism but also legitimation of change by statesmen and even a credible tool for protecting one's privileges,<sup>170</sup> when their privileges are in jeopardy due to proposed changes.<sup>171</sup>

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<sup>168</sup> Öz, "Kânûn-ı Kâdim," 73.

<sup>169</sup> Maruzat, 208: "Mahmud Paşa ise, cerr-i menfa'at-ı şahsiyyesinden başka bir şey düşünmeyüp, 'ben yeni şey istemem, eski hâli üzere kalsun' dedikde, 'öyle ise eskiden olageldiği vechile 'medhal-i Azer' ka'idesi üzere bu sene atlanarak sene-i maliyyemizin kemâfi's sâbık tashihî lazım gelür' denildiye de ana da kulak asmadı."

<sup>170</sup> Mehmet Öz argues that the ones who loss their interests as a result of new order were concerned about their own situations but they articulated their concerns under the guise of supporting and protecting kadims as the example of slogan "we want sharia" indicates. See Öz, "Kânûn-u Kâdim," 77.

<sup>171</sup> Öz, "Kânûn-ı Kâdim," 59-77, especially 76 and 77.

In sum, given the unstable and ill-defined nature of *kadim*, it cannot be an analytical tool to determine acceptable and unacceptable change. In principle the idea of *kadim* is always one of the elements of the Ottomans but not just because they are obsessed with following the path of their ancestors but also in order to protect their privileges, legitimize changes and even to use it as a strong and credible weapon against their rivals who are not ‘in line with *kadim*.’

#### **2.1.4 Is he a follower of Ibn Khaldun?**

Another frequently used shortcut to understand Ahmet Cevdet Pasha’s attitude toward change is his portrayal as a Khaldunist. Neither arguing that Khaldun does not influence Cevdet nor depicting him as a true follower of Ibn Khaldun is cogent enough. Ahmet Cevdet is very familiar with Khaldunian concepts and vocabulary and he does not hesitate to borrow some of them. However, Cevdet’s conclusions, especially in relation to change deviate from Khaldun’s.

Despite the higher achievements of other Muslim scholars like Ibn Sina, Ibn Rushd and Ghazali in the fields of metaphysical and religious issues, Ibn Khaldun’s understanding of social problems is more sophisticated.<sup>172</sup> It is argued that “Ibn Khaldun is the greatest figure in the social sciences between the time of Aristotle and that of Machiavelli and as such deserves the attention of every one who is interested in these sciences.”<sup>173</sup> Ibn Khaldun who is defined as Arab’s Montesquieu by Hammer,<sup>174</sup> writes mainly about Sociology (of Politics, Urban life, Economic and Knowledge) and covers a wide range of topics including influence of climate, characteristic of traders, taxation, origins of state and society, solidarity, spirituality, Arabic language and the existence of God.<sup>175</sup>

It is inevitable that such a great scholar would be known, read and have influence over the Muslim world. In the case of Cevdet, since he translated the untranslated part of

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<sup>172</sup> Charles Issawi, *An Arab Philosophy of History* (Princeton: The Darwin Press, 1987), 1.

<sup>173</sup> Ibid., 2; Gencer, *Hikmet Kavşağında Edmund Burke ile Ahmed Cevdet*.

<sup>174</sup> Gencer rightly criticizes this Eurocentric point of view given that Ibn Khaldun had lived before Montesquieu, Montesquieu should be French’s Ibn Khaldun. See: Gencer, “Ahmet Cevdet Paşa’nın Toplum ve Tarih Görüşü,” 93.

<sup>175</sup> Issawi, *An Arab Philosophy of History*.



Khaldun's *Muqaddimah*, it is quite normal for him to be influenced more. However, the question is whether Cevdet Pasha is Khaldunist throughout his life as Muallim Cevdet suggests<sup>176</sup> or more precisely, does being a Khaldunist<sup>177</sup> enable us to deduce some conclusions regarding Ahmet Cevdet's point of view especially in terms of his stance on change? Fındıkoğlu sees Ahmet Cevdet as the leading Khaldunist given that in addition to completion of *Mukaddimah* he also adopts Khaldun's definition of History, the idea of *asabiyyah* (group solidarity) and his cyclic theory of change.<sup>178</sup> On the other hand, Neumann rightly points out that portraying Ahmet Cevdet as someone influenced by Khaldun is correct but not noteworthy given that Khaldun is an important figure in Islamic World and there is no reason to ignore his work but he emphasizes that the key point is, just using his work is not enough to make someone Khaldunist.<sup>179</sup> Meriç argues that Cevdet Pasha's understanding of History is influenced by Khaldun's understanding and suggests that both scholars share a lot in common.<sup>180</sup> Yet, she also points out that although *Muqaddimah* is one of the main sources that broaden his horizon, depicting him only as Khaldunist is misleading.<sup>181</sup> The extent to which Ibn Khaldun has an impact on Ahmet Cevdet Pasha shall be examined especially in regard to the latter's understanding of change in his *Tarih*. In a nutshell, I argue that although Ahmet Cevdet's vocabulary and understanding of History is reminiscent of Ibn Khaldun, most of Cevdet's conclusions especially in relation to Khaldun's generalization of change are not in line with Ibn Khaldun.

Khaldun states that in the first phase, tribes thanks to their solidarity and hunger for new lands, conquer settled societies and in the second phase, tribal solidarity and religious motivation come together and dynasties/states enlarge and as the third phase he suggests

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<sup>176</sup> Muallim Cevdet, "Darümuallimin," 436.

<sup>177</sup> By using the term Khaldun, I am not referring someone who approves the complete works of Khaldun but ones who are acquainted with his works and benefit from them.

<sup>178</sup> It is worth mentioning that Fındıkoğlu's aim in the article is to reject Egyptian scholar Taha Hüseyin's argument according to which decline of Arabic science and literature was due to Turkish hegemony that ended with Bonaparte's 'blessing' move. Therefore, he might have been inclined to overemphasize the influence of Khaldun on Ottoman/ Turkish intellectuals such as Naima, Ahmed Lütfullah, Mehmet Sahib, Hayrullah and Katib Çelebi. See: Z. Fahri Fındıkoğlu, "Türkiye'de İbn Haldunizm," in *60. Doğum Yılı Münasebetiyle Fuad Köprülü Armağanı*, (Ankara: Türk Tarih Kurumu, 2010), 153-163.

<sup>179</sup> Neumann, "Paradigmalar Arasında," 230.

<sup>180</sup> Meriç, *Cevdet Paşa'nın Cemiyet ve Devlet Görüşü*, 6,7.

<sup>181</sup> *Ibid.*, 14.

that after a conquest, there would be an inclination to luxury and softening and as a result dynasty/state deteriorates and collapses.<sup>182</sup> Cevdet also mentions these three phases but he does not substantiate the whole argument; but instead, asserts that deterioration and collapse are not inevitable.<sup>183</sup>

Ahmet Cevdet uses an analogy to describe the phases of change and he argues that just like an individual, a state also has these phases: development/growth (youth), (adulthood) and decline (elderliness) and argues that these phases are applicable for states as well. He underlines the importance of behaving according to requirements of each phase.<sup>184</sup> However, the kind of vocabulary used here should not mislead us.<sup>185</sup> Firstly, the reason why Cevdet Pasha talks about these three phases --I argue-- is not because he wants to deterministically indicate this cycle of change but to underline the vitalness of how important it is to take requirement of the time into account.<sup>186</sup> Though, it is impossible to think the opposite, given that Cevdet Pasha is a statesman who aims to take the necessary steps to ‘save’ the empire.

The main point of Ahmet Cevdet’s divergence from Khaldun is the former’s indeterminism. First, he argues that some states cannot complete all the phases but disappear without experiencing the last phase due to their own faults or as results of accidents.<sup>187</sup> Second and more importantly, he urges that despite the hardship, some states can renew themselves by taking the necessary measures meticulously when the signs of decline arise.<sup>188</sup> In his *Tarih*, Cevdet Pasha mentions several statesmen, whose

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<sup>182</sup> Issawi, *An Arab Philosophy of History*, 22-24.

<sup>183</sup> Oğuz, *Ahmed Cevdet Paşa ve Tarihçiliği*, 169-179.

<sup>184</sup> *Tarih I*, 18; *İpşirli I*, 22: “Şöyle ki her şahısta sinn-i nemâ ve sinn-i vukûf ve sin-i inhitât olduğu gibi her devlette dahi bu merâtib-i selâse bulunup herkes hıfz-ı sıhhat husûsunda sinnine göre davrandığı misillü hey’et-i devlet dahi bir cism-i insânî mesâbesinde olduğundan her tavr ve mertebesinde hareket-i münâsibeye dikkat olunmak lâzım gelir.”

<sup>185</sup> Neumann argues that Cevdet uses Ibn Khaldun’s work since it is widely known among Cevdet’s readers and using the concepts that have been circulated makes Cevdet Pasha’s ideas easy to understand. See: Neumann, *Araç Tarih Amaç Tanzimat*, 178,179.

<sup>186</sup> The importance of taking the necessities of the time into account in order to decide whether a change in question is approved by conservatives would be discussed in detail under the title of ‘nature of current constraints.’

<sup>187</sup> *Tarih I*, 18; *İpşirli I*, 23: “Ve nice devletler dahi sinn-i vukûfunu ikmâl etmeden kendi kusûruyla yahut bir kazâ zuhûruyla mahv ve münkarız olmuştur.”

<sup>188</sup> *Tarih I*, 18; *İpşirli I*, 22,23: “Ve tavr-ı inhitât ba’zan hiss olunmayacak sûrette hafî olur. Ve ba’zan dahi celî vü âşikar olup ilâc-ı müşkil ü düşvar olur. Ve ba’zan bir devlette ziyâdesiyle inhitât u fütür emâreleri zuhûr etmişken

efforts regenerated the Ottoman Empire. For example, he praises Köprülü Mehmet Pasha during his grand vizierate, he regulated the affairs of treasury and military and he re-animated the weak empire.<sup>189</sup> Similarly, he compliments on Hüseyin Pasha during his five-year vizierate, the empire revived thanks to his ability to manage well and take the necessary measures.<sup>190</sup>

Another concept that Ahmet Cevdet borrows from Khaldun, but used in a different context is *asabiyyah* (group solidarity). For Ibn Khaldun, group solidarity is a concept which mainly refers to nomadic people and strong ties among them due to their need for constant assistance from one another.<sup>191</sup> As Neumann points out, the use of *asabiyyah* for Janissaries cries for further explanation mainly because Cevdet uses the concept to refer to a group (Janissaries) within a larger group (the Ottoman Empire) and neither of them is nomadic.<sup>192</sup> Cevdet uses *asabiyyah* to underline his claim that due to strong ties among the members of the Janissary, it had become difficult for the empire to enforce its orders.<sup>193</sup>

Thus, seemingly very similar statements of Cevdet about the cycle and *asabiyyah* are substantially different from Khaldun's. Cevdet borrows some concepts from Khaldun and some Khaldunian ideas also show up in Cevdet's work but Cevdet's conclusions are not the same. Therefore, just like referring Locke, and Rousseau as Hobbesian since they all use state of nature as a concept is not compelling enough, naming Cevdet Pasha as Khaldunist on the basis that Cevdet uses Khaldunian concepts is not persuasive.

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tedâbir-i hâkîmâne ile teceddüd edip tazelendiği vardır. Fakat ol halde devletin tehlikesi ziyâde olup fevkalâde ba'zı ilâhî hâriciyye dahi zuhûr eder ise teceddüd edip de halâs bulması pek düşvârdır.”

<sup>189</sup> Tarih I, 50; İpşirli I, 57: “Nihâyet 1066 senesinde (M.1656) Köprülü Mehmed Paşa bi'l-istiklâl sadrîa'zam olup derhal umûr-ı maliyye ve askeriyeyi yoluna koydu. Ve mizâc-ı devlet kesb-i sıhhat eyledi. Çünkü Mehmed Paşa sadârete geldiğinde sinîi doksana karîb bir pîr-i nâtuvân iken azmi kavî ve re'yi civân olmakla az vakit zarfında cism-i devlet hayât-ı tâze buldu.”

Tarih I, 57; İpşirli I, 64,65: “Sultân Mustafa-i Sâni hazretleri gaile-i saltanattan ferâğat ile ihtiyâr-ı uzlet ederek birâderi Sultân Ahmed Hân-ı Sâlis hazretleri murabba' nişin-i serîr-i saltanat olup bir müddet riyâz-ı devleti sebze-i bîgânededen tathir ve bünyân-ı hükûmeti tarsin ü ta'mir ile uğraşarak Devlet-i Aliyye'ye epeyce kuvvet ve intizam verdikten sonra Rusya ve İsveç vukûâtı zuhûra gelmeye başladı.”

<sup>190</sup> Tarih I, 56; İpşirli I, 64: “Ve beş sene müddet-i sadâretinde devleti tedâbir-i hâkîmâne ile hüsn-i idâreye muvaffak olup cism-i devlet hayat-ı tâze buldu.”

<sup>191</sup> Issawi, *An Arab Philosophy of History*, 10,11.

<sup>192</sup> Neumann, *Araç Tarih Amaç Tanzimat*, 174.

<sup>193</sup> *Ibid.*, 119-123.

Therefore, Neumann's conclusion seems plausible according to which Ahmet Cevdet uses some pieces from Khaldun first for making himself understood and second for intellectual pleasure.<sup>194</sup>

Although I acknowledge the influence of Khaldun on Cevdet Pasha especially in terms of vocabulary, depicting Cevdet as Khaldunist is not cogent enough. In order to understand Ahmet Cevdet's attitude toward change, examining him within the framework of Khaldunism does not provide us with any hints in terms of his criteria for acceptable change. That is, cycle of change is not used for the sake of defining the three definite phases of life that all states are expected to go through but instead Cevdet seems to argue that each phase of life has different features and thus different requirements and only the states which renew themselves by taking the necessities of time into account can survive. Cevdet's indeterministic interpretation of Khaldunian cycle of change enables him to express his favorable and at least relatively optimistic ideas on the possibility of preventing collapse of the empire by taking necessary steps.

### **2.1.5 *Tarih-i Cevdet***

As generally acknowledged, *Tarih-i Cevdet*<sup>195</sup> can be seen as a transition from chronicle writing to history writing in modern sense because sources, goals, and structure of *Tarih* aim to adopt modern history writing methods.<sup>196</sup> The significance of Ahmet Cevdet's history series *Tarih-i Cevdet* is twofold. First, the book itself is a good indicator of his attitude toward change, since he *attempts* to embrace modern history writing methods and use non-Ottoman sources and handles non-Ottoman topics (especially French Revolution and Russian modernization) to contextualize the Ottoman history. Second, although *Tarih-i Cevdet* does not cover the whole Tanzimat Era, considering the aim of the book and the period when the book is penned, it is plausible to argue that, one can

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<sup>194</sup> Ibid., 180.

<sup>195</sup> I have been using the *Tertib-i Cedid* (new edition). For a detailed study on the differences between the editions see: Neumann, *Araç Tarih Amaç Tanzimat*, 56-85.

<sup>196</sup> Hanioglu argues that "the writing and conception of history also underwent major changes. Ahmed Cevdet Pasha's monumental history of the Ottoman Empire begun in 1854 and completed in 1884, marks the watershed between classical historiography and post-Tanzimat writing of history." See: Hanioglu, *A Brief History*, 98.

infer a lot from *Tarih* regarding Ahmet Cevdet's stance on what kind of change is acceptable for him.

*Tarih-i Cevdet* commissioned by *Encümen-i Daniş* (Council of Science) is a twelve-volume history book that covers the period from Treaty of Küçük Kaynarca (1774) to the abolishment of Janissaries (1826) and discusses the brief history of the Ottoman Empire and world politics. According to Neumann, who does a down to earth research on *Tarih-i Cevdet*, one can presuppose Ottoman chronicle ideal-type and search for it in *Tarih* since it includes some features of chronicle writing tradition.<sup>197</sup> Therefore, it is not surprising that Ülkütaşır sees Cevdet Pasha not as a historian in today's sense, but as a valuable and erudite chronicler.<sup>198</sup> Kütükoğlu argues that Cevdet and his *Tarih* can be best understood as a synthesis of classical Islamic history writing tradition that prioritizes reliability of sources, methodology and uses plain language and literary history writing that instead prioritizes moral values and point of views of their patrons.<sup>199</sup> He then concludes that Cevdet is an important transitional link between old and new periods of history writing.<sup>200</sup> In this line of thought, Ortaylı asserts that *Tarih* is ahead of chronicles<sup>201</sup> in terms of the methodology, but behind modern history writing.<sup>202</sup> Nevertheless, Cevdet's attempt to adopt modern history writing methods is worthy of consideration.

Meriç argues that Cevdet's main source of information is previous chroniclers' works and Cevdet is able to utilize rich material provided by them, she continues; Cevdet might not have even heard of Montesquieu, Buckle, and Macaulay, let alone use them.<sup>203</sup> On the other hand, starting from Muallim Cevdet's article in 1915, it is asserted

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<sup>197</sup> Neumann, *Araç Tarih Amaç Tanzimat*, 5.

<sup>198</sup> Despite this conclusion, the author acknowledges the fact that Cevdet's work is somehow different compared to his predecessors. See: Ülkütaşır, *Cevdet Paşa*, 19-25.

<sup>199</sup> Kütükoğlu, "Tarihçi Cevdet Paşa," 110.

<sup>200</sup> *Ibid.*, 114. Babinger argues that Cevdet's style resembles the old historians [chroniclers] more until the 5<sup>th</sup> volume. See Babinger, *Osmanlı Tarih Yazarları ve Eserleri*, 410.

<sup>201</sup> Cevdet does not hesitate to criticize chroniclers on the basis of their sententious language and biased attitude. See: Zeki Arıkan, "Cevdet Paşa'nın Tarihinde Kullandığı Yabancı Kaynaklar ve Terimler," p.174, 175 and footnote 9.

<sup>202</sup> İlber Ortaylı, "Tanzimat Adamı ve Tanzimat Toplumunu," in *Tanzimat: Değişim Sürecinde Osmanlı İmparatorluğu* eds. Halil İnalcık and Mehmet Seyitdanlıoğlu (Ankara: Phoenix, 2006), 285.

<sup>203</sup> Meriç, *Cevdet Paşa'nın Cemiyet ve Devlet Görüşü*, 10-15.

that Cevdet himself said to Selim Sabit that he benefited from Michelet, Taine, Ibn Teymiye, Ibn Khaldun, Hafız Zehebi, Hammer, Buckle, Macaulay, and Montesquieu.<sup>204</sup> Arıkan in his article examines *Tarih-i Cevdet* in detail and came up with some evidence that proves Ahmet Cevdet's familiarity and use of European sources.<sup>205</sup> More recent study of Oğuz lists Cevdet's sources and concludes that Cevdet does not restrict himself with Ottoman, or Arabic sources but also uses European, Persian and Greek sources.<sup>206</sup> Thus it is plausible to argue that Ahmet Cevdet --at least-- has some awareness about non-Ottoman sources as well as the non-Ottoman world.

As previously discussed, Ahmet Cevdet is mostly examined within dichotomic frameworks, and his sources are another indicators that such dichotomies do not work as he does not hesitate to use European sources, and concepts as well. Furthermore, his use of European sources and allocating some space for French Revolution and some major world events<sup>207</sup> show that Ahmet Cevdet is aware of the necessity of taking European challenge (not necessarily military but also ideational) into consideration. That is, Ahmet Cevdet's *Tarih* itself as a history book is a telling sign that the author is aware of the challenge(s) of the 19<sup>th</sup> century, as we shall discuss in nature of challenge section.

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<sup>204</sup> Muallim Cevdet, "Darümualliminin," 435: "Darümuallimin ilk mezunu olup Paris'te Hoca Tahsin ve Kerim Efendilerle beraber tahsil eylemiş olan Hocam Selim Sabit merhum bana demişti ki: Cevdet Paşa 'efkarımın teşkilatında Michelet ve Taine ile Ibn Teymiye ve Ibn Haldun ve nakdürrical sahibi hafız Zehebi... çok müessir olmuşlardır. Alman müşteşriği Hammer ile İngiliz müverrihi Buckle ve Macaulay ve Fransız alimi Montesquieu'dan çok istifade ettim.' derdi."

<sup>205</sup> To name a few, Cevdet himself says in *Tarih* that he use some European historians given that those issues haven't been covered in the Ottoman sources yet and also mentions some Europeans (not necessarily historian) like Montecuccoli, Castera, and Nikola. Cevdet not only uses but also explains some Western originated concepts such as feudalism, ambassadeur, procureur, ministre and droit des gens. See: Zeki Arıkan, "Cevdet Paşa'nın Tarihinde Kullandığı Yabancı Kaynaklar ve Terimler," 173-197.

<sup>206</sup> Oğuz classifies Cevdet's sources under 11 sections which are, chronicles, tarihçes, biographic sources, sefaretnames, European sources, Arabic sources, Persian sources, Greek sources, newspapers, layihas, religious sources. See: Oğuz, *Ahmed Cevdet Paşa ve Tarihçiliği*.

<sup>207</sup> Ortaylı argues that what is new in Ahmet Cevdet's history writing is his ability to synchronize European and Ottoman history, understand the importance of French Revolution and compare Russian and Ottoman modernizations. See: İlber Ortaylı, "Cevdet Paşa ve Avrupa Tarihi," in Ahmed Cevdet Paşa Semineri (27-28 Mayıs 1985) (İstanbul: Edebiyat Fakültesi Basımevi, 1986), 163,164. As for French Revolution, Arıkan claims that Cevdet is the most successful Ottoman historian who could understand the reasons, phases, results and more importantly the universal aspects of the revolution. Zeki Arıkan, "Fransız İhtilali ve Osmanlı Tarihçiliği," 94-99.

Not only *Tarih-i Cevdet* itself as a history book but also what is written in it is worth considering. As the title of Neumann's work<sup>208</sup> suggests *Tarih* is written for the sake of Tanzimat. That means, *Tarih* is written in line with Tanzimat ideas, and policies and also to defend them.<sup>209</sup> As Bıçak indicates, Cevdet thinks that some of the aims of History are to raise historical consciousness to tie people together, guide the statesmen properly and lay out the ways to save the empire.<sup>210</sup> In the same manner, Kara argues that Cevdet Pasha aims to use History writing as a way to consolidate the society and use 'correct' information as a weapon against the 'enemies.'<sup>211</sup> Therefore, new burdens were added to History writing craft, the importance of History accelerated and in a way History writing became more instrumentalized. In that regard, *Tarih* written by a Tanzimat statesman from Resit Pasha school<sup>212</sup> can be best understood as a document that represents Tanzimat policies and ideas and we are lucky to have such a document since, as Gencer points out, Ahmet Cevdet both participates in the Tanzimat reformation process actively and also comments on these reforms on his *Tarih*.<sup>213</sup>

In order to have a better understanding of Cevdet Pasha's attitude toward change as a conservative, *Tarih-i Cevdet* provides us with several hints. Although, I must agree with Neumann in the sense that what is written in *Tarih* may not be representative of Cevdet's worldview exactly,<sup>214</sup> since there are other factors that have to be taken into account such as political atmosphere,<sup>215</sup> and the long completion time of the book.<sup>216</sup> Having said that, this is not idiosyncratic to Cevdet Pasha and his *Tarih*. In this thesis, I

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<sup>208</sup> In his dissertation the main title is *Das Indirekte Argument* and first line of the subtitle is *Ein Pladoyer für die Tanzimat vermittels der Historie*. In translated work in Turkish the title is *Araç Tarih Amaç Tanzimat*. Its literally translation is: The Aim is Tanzimat and the Mean is History.

<sup>209</sup> Neumann, *Araç Tarih Amaç Tanzimat*, 216. Tanpınar claims that Ahmet Cevdet creates, in a way, the ideology of Tanzimat with *Tarih-i Cevdet*. See: Tanpınar, *XIX. Asır Türk Edebiyatı*, 153.

<sup>210</sup> Bıçak, "Cevdet Paşa'nın Tarih Bilinci," 23-25.

<sup>211</sup> Kara, *Din İle Modernleşme Arasında*, 85.

<sup>212</sup> Neumann, "Paradigmalar Arasında," 232

<sup>213</sup> Bedri Gencer, "Gelenekselciliğin Pınarları: Edmund Burke ve Ahmet Cevdet," *Muhafazakar Düşünce*. September 5, 2015, <http://www.muhafezakar.com/760/> (accessed March 12, 2018).

<sup>214</sup> Neumann, *Araç Tarih Amaç Tanzimat*, 5.

<sup>215</sup> For example, Hanioglu argues that Cevdet adjust some of his work in accordance with those days' vantage points. See: M. Şükrü Hanioglu, "İşi Tarihçilere mi Bırakmalı?," In *Osmanlı'dan Cumhuriyet'e Zihniyet, Siyaset ve Tarih* (Ankara: Bağlam Yayıncılık, 2006), 232.

<sup>216</sup> Neumann argues that in the first three volumes of *Tarih*, Cevdet's criticism of the ulema is relatively mild; whereas in the fifth volume he harshens his criticism. See: Neumann, *Araç Tarih Amaç Tanzimat*, 87.

will try to overcome this possible threat by not only focusing the text itself but also the conditions in which the text is written.

First of all, as I attempt to argue, Cevdet is not categorically against change and even he criticizes the opponents of the change as being outdated, ignorant people. However, the harder question to be answered is what kind of change, he accepts? As we briefly discussed above, some shortcuts have been used in order to make sense of Ahmet Cevdet's criteria for acceptable change. One may refer to *kanun-u kadim* and asserts that changes in line with *kanun-u kadim* are acceptable whereas changes detrimental to, or not in line with *kadim* are unacceptable. Yet, due to the ambiguous and unstable character of the term *kadim*, it is really difficult to use it as an analytical tool to distinguish acceptable change from unacceptable change. Rather, it is mostly used as a tool of legitimization by reformers. As for the relationship between Ahmet Cevdet and Khaldun, to what extent Khaldun is decisive in regard to Cevdet's understanding of change has been discussed. In short, I argue that intellectual interaction between these figures is not much beyond Cevdet's adoption of certain Khaldunian concepts and frameworks. Therefore, overemphasizing the Khaldunian part of Ahmet Cevdet's intellectual work would be misleading especially in relation to his understanding of change.

## 2.2 Ahmet Cevdet's Understanding of Acceptable and Unacceptable Change

Two combined excerpts from *Tarih* is a good way to summarize the issues we discussed above. Cevdet Pasha straightforwardly states that divine laws are exempt from change and deterioration but human laws are subject to change in time and he argues that a law or a regulation could be useful but two hundred years later same law or regulation may not be useful at all due to internal dynamics of a society or external factors and continues by suggesting that statesmen have to take meticulous steps by considering the necessities of the time.<sup>217</sup> By echoing Ibn Khaldun's conceptualization, Cevdet argues

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<sup>217</sup> Tarih I, 88; İpşirli I, 98: "Hâsılı tagayyürden masûn olmak hâssa-i nevâmîs-i İlahiyye olup kavânîn-i beşeriyye hükm-i zaman ile mütegayyir olmakla iki yüz sene evvel pek mükemmel ve hayırlı add olunan bir kanûn ve usûl ol vakitten beri mizâc-ı kavimde ve ahvâl-i âlemde hâdis olan tagayyurat cihetiyle bir işe yaramaz dereceye gelmek emr-



that when Kanuni Sultan Süleyman succeeded to the throne, the people's life was almost as simple as nomads and in time with increasing amount of wealth, a life of the people transformed into a luxurious one, as a result of a natural and inevitable process.<sup>218</sup> This is adequate to indicate that (1) Cevdet is not a reactionary (i.e. not against change); (2) *kadim* is neither a static nor a consistent concept to use as an analytical tool to decide whether a change is acceptable or not for conservatives; (3) and despite his use of Khaldunian concepts, his conclusions are not the same with Khaldun thus labeling him as a Khaldunist misguides us to understand Cevdet's attitude toward change.

According to Gencer, the aim of Cevdet Pasha is to find the optimal balance between the changing and the stable.<sup>219</sup> In the same line of argument, Meriç urges that Cevdet Pasha is in favor of being ready for future without destroying the bygone.<sup>220</sup> It is difficult to reject these ideas completely and even Cevdet himself asserts that the easiest way to keep up with times is to know both the *kavanin-i kadim* (ancient/immemorial laws) and reasons behind deterioration of these laws.<sup>221</sup> Although these statements are not totally wrong, they fail to give us explicit answers regarding what kind of change is acceptable for a conservative like Cevdet himself. In this part of the thesis, I will attempt to come with more concrete and express criteria for acceptable and unacceptable change from the perspective of a conservative intellectual Ahmet Cevdet Pasha.

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i tabîi olduğundan vükelâ-yı devlet için asıl lâzım olacak takallübât-ı vâkiayı mutâlaa ve ihtiyâcât-ı hâzıra-i devleti ve zamânın ahkâmını tetkik ü muhâkeme ile idâreyi ana uydurmak ve nizâmât-ı mevcûdeyi pîş-i nazar-ı dakika- da-ânîlerinde olan ahvâle tatbik eylemek kaziyeleridir.”

<sup>218</sup> Tarih I, 87; İpşirli I, 97: “Devlet-i Aliyye Kanûnî Sultân Süleyman Hân hazretlerinin zamân-ı saltanatına gelince sâde ve tavr-ı bedâvete karîb bir halde olup tevsi’-i memâlik ve te’sis-i usûl ü kavâid ile iştilal ve efrâd-ı milletin çoğunu askerlikle iştilal ettiğine mebnî gerek taraf-ı saltanatta gerek halk içinde ârâyîş ü ihtîşâma ve sefâhat-i fesâd-encâma bir gûne meyl ü rağbet hâsıl olmamış idi. Sultân Süleyman zamânında ise az vakit zarfında birçok memâlik daha zamîme-i mülk-i Osmânî olarak devletin serhadd-i kemâle vusûlü ve memlekette fevkalâde servet ü sâmân husûlü bi’t-tab’ tebeddül-i tavrı iktizâ eyledi. Bu dahi tabîat-i dehrin ilcââtından olduğu cihetle niçin oldu, hâl-i bedâvete kalınmış olsa daha â’lâ olmaz mıydı, denilmek umûr-ı zarûriyyeden olan ahkâm-ı zamâniyyeyi inkâr demek olur.”

<sup>219</sup> Gencer, “Ahmet Cevdet Paşa’nın Toplum ve Tarih Görüşü,” 69.

<sup>220</sup> Meriç, *Cevdet Paşa’nın Cemiyet ve Devlet Görüşü*, 42.

<sup>221</sup> Tarih I, 88; İpşirli I, 98: “Ve bu matlaba vusûl tariklerinin biri ve belki en kestirmesi bendesi oldukları devletin kavânin-i kadîme ve etvâr-ı sâbıkası ile takallubat-ı ârizayı bilmek olduğundan ve eğerçi saltanat-ı seniyyenin usûl ve nizâmât-ı sâlifesi kütüb-i tevârihte mûnderic ve işbu târihimizde tekrarı ba’zı mertebe sadeden hâric ise de bunların ber-vech-i âfî hulâsa vechile derci ve nizâmât-ı mezkûreye vakt be-vakit âriz olan fesâdâtın sebeplerini tasrih hem kâr-ı âgehân-i ahlafe âcizâne bir hizmet ve hem de ber-vech-i ati tarihimizde mevzû’ bahs olacak nizâmât-ı cedîdenin icâbâtını tefühümüne medâr-ı suhûlet add olunmuştur.”

### 2.2.1 Do not imitate, but borrow wisely

First of all, it is clear that Cevdet Pasha tries to make a distinction between necessary and unnecessary change. When he discusses the New Order of Selim III, he does not have any issue with recruiting teachers and engineers for training the army but he criticizes embracing European ways of acting when they are not necessary.<sup>222</sup> Therefore, it is plausible to argue that Ahmet Cevdet acknowledges the need for getting some novelties from Europe, but he is not in favor of imitating Europe blindly. According to Neumann, Cevdet emphasizes that change or more precisely any kind of innovation should be beneficial, combinable and also compatible with traditions.<sup>223</sup> For example, Cevdet defends the new court *Divan-ı Ahkam-ı Adliye* by arguing that it is a part of the tradition and refers to *Divan-ı Def-i Mezalim of Devvani* and asserts that just like such institutions have been beneficial to other countries, Ottomans also would take benefit.<sup>224</sup> The aforementioned point makes more sense when we consider Cevdet Pasha's letter to, Sadullah Pasha, the ambassador to Vienna, in which he compares Mehmet Âlî Pasha and his reforms in Egypt and argues that the former, after a careful scrutiny, can obtain the necessary things from Europe<sup>225</sup> whereas in the latter case, without careful examination, the West is imitated blindly.<sup>226</sup> In the same manner, In *Tarih*, Cevdet interprets 'the Tulip Age' as a period when instead of adopting the industrial and scientific improvements of the West, the Ottomans were deceived by the rubbish/waste of the West.<sup>227</sup>

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<sup>222</sup> Tarih VIII, 147: "Bir de nizâmât-ı cedîde münâsebetiyle Avrupa'dan mu'allim ve mühendis celbi lâzım ve askerî Avrupa usûlî üzere ta'lîmî emr-i mütehattim olduğı hâlde Sultân Selîm Han hazretleri zâten tuhaf ve taraif ve muhtera'âta râğıb olduğından İstanbul'da levâzım-ı medeniyyetten olan birçok Avrupa-kârî şeyler ve nice alafranga işler zuhûr itdi. Âdât ve usûlün tebdîli zâten insâna güç gelüp atabegân-ı saltanat ve nev-hevesân memûrîn-i devlet ise hadd-i ma'rûfî tecâvüz iderek bütün bütün bir alafranga yola döküldiler. Ve lüzümlü lüzümsuz her husûsda Avrupa usûlüne tevfiğ-i hareket ider oldılar."

<sup>223</sup> Neumann, *Araç Tarih Amaç Tanzimat*, 150.

<sup>224</sup> Şerafettin Turan, "Cevdet Paşa'nın Kültür Tarihimizdeki Yeri," in *Ahmed Cevdet Paşa Semineri (27-28 Mayıs 1985)*, (İstanbul: Edebiyat Fakültesi Basımevi, 1986), 16.

<sup>225</sup> Ahmet Cevdet Pasha's letter to Sadullah Pasha cited in Mardin, *Medeni Hukuk Cephesinden*, 340: "O [Mehmet Ali Pasha] dahi sefahat yolunda Avrupayı taklit etmeksizin mücerret esbab-ı terakki ne ise onların istihsaline ikdam etti. Gerek askerce gerek mülkçe eshab-ı malûmattan adamlar yetiştirdi ve Mısırda az vakit zarfında bir hükûmet-i kavmiye vücade getirdi."

<sup>226</sup> *Ibid.*, 341: "Sırf taklit yoluna gidildi, bunda da ifrat edildi, binanın ihkâm-ı erkânına bakılmadı, nakışına özenildi. Emr-i terakkinin ilel ve mebadisini istihsale çalışılacağına malûmat ve asar-ı müteferriasına heves edildi."

<sup>227</sup> Tarih I, 67; İpşirli I, 75: "Frengistân'da münteşir olan fûnun ve sanâyi'in neşr ve tervicine hemmet olunmak lâzım gelirken enhâr-ı medeniyetin getirdiğı hass u hâşâk-ı israf u sefâhate aldanılmış idi."

Together with the criteria of being necessary/beneficial and not being pure imitation, Cevdet's another criterion is to avoid *sefahat* (luxurious way of life). In addition to the last quote above, Cevdet again mentions the issue of *sefahat* in the context of Nizam-ı Cedid reforms and argues that the reform process turns out to be collecting money from the people and spending it on the luxurious life of statesmen.<sup>228</sup> In the same manner, although he acknowledges that spending some money for phaeton, and buying some objects for the palace can be justified based on requirements of the time; he criticizes the extravagant expenditures.<sup>229</sup>

When his hatred for *sefahat* and imitation of the West blindly combined, he argues that the Ottomans prefer to take the easy way out by not importing more vital changes but instead focusing on superficial features of the West. In other words, although the main aim is to understand the reasons behind the Western revival in terms of scientific, and industrial developments, the Ottomans fail to understand what makes Europe developed but instead get distracted by relatively trivial aspects of Western style of life.<sup>230</sup>

In order to elaborate his stance, he uses the analogy of a building and says that order of importance is not followed and instead of attempting to understand the foundation of the building, ornaments of the ceiling are imitated.<sup>231</sup> What he means by order of

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<sup>228</sup> Tarih VIII, 145: "İşte nizâm-ı cedîdi tertîv iden ricâl-ı devletin hâli bu vecihle olup kendüleri celb ve iddihâr-ı emvâl ile meşgûl oldukları gibi her birinin etbâ' ve müte'allikât dahi ale'd-devâm kesb-i servet ve gınâya ikdâm itmekde olmalarına nazaran, nizâm-ı cedîd maslahatı gıyâ halktan bir çok paralar toplayup da müteeffizân-ı zemâne bol bol sarf ile sefâhat itmek için imiş gibi bir sûrete girdi."

<sup>229</sup> Maruzat, 6-7: "icâbât-ı zamâniyyeye göre vükelâ vü ricâl ü kibâr payton ve araba edindikleri gibi Sarây-ı Hümayûn'da da mükellef araba ve tecemmülât-ı sâire bulunmak lâzime-i hâlden göründü. (...) Bu misillü inkilabât hep ilcâât-ı zamâniyye'nin getürdüğü ahvâl-i tabî'iyeden idi. Lâkin sonraları iş, hâl-i tabî'isinden çıkup isrâf u sefâhat pek ifrat derecesibe varmış ve mesârif-i harbiyye için bir kerre istikrâz olduğu gibi, istikrâza alışılarak andan sonra mesârif-i rûz-merre için dahi istikrâz edilir olmuştur."

<sup>230</sup> Such themes are covered in the novels of the time as well. For example, in Recaizade's novel, *Araba Sevdası* Bihruz Bey character is depicted as a spender who does not know anything about the essence of the West but admires the material aspects of the Western civilization. Other examples of this prototype are Satiroğlu Şöhret from Hüseyin Rahmi's *Şık*, Suphi from Nabizade's *Zehra*. See: Evin, *Türk Romanının Kökenleri ve Gelişimi*; and Şerif Mardin, *Religion, Society and Modernity in Turkey*, 135-163.

<sup>231</sup> Tarih I, 67; İpşirli I, 75: "Lâkin işin başından başlanmayıp kuyruğundan tutulmuş ve binânın temeline bakılmayıp sakfın nakşına özenilmiş..."

In a completely different context, Ahmet Cevdet uses the very similar language and criticizes the education policy that aims to improve high schools and argues that it would have been better to start reforming from scratch. See: Tezakir I, 11: "Mekâtib-i rüşdiyye küşad ile taryk-i terakkîde bir adım ileri atıldı. Lâkin işin ortasından başlanılmış oldu. Zira meclis-i muvakkatin tertibine nazaran ibtida mekâtib-i sıbyan ıslâh olunup da anlardan yetiştirilecek çocuklar için mekâtib-i rüşdiyye küşad olunmak lâzım gelirken mekâtib-i sıbyan hâli üzere kaldı."

importance can be understood based on his narrative of how Europe became so successful in science and industry: He emphasizes the significance of the transfer of knowledge from Islamic World to Europe through books and their translations, then suggests that Europeans became aware of sciences and they started to publish books and also open schools around the Europe to disseminate this knowledge.<sup>232</sup> For Cevdet Pasha translation of books is an essential key for successful adoption of European inventions thus he harshly criticizes the fact that the books on warfare technics were not translated into Turkish yet; even the idea of trained army was unknown to Istanbul.<sup>233</sup>

To recapitulate before moving into another criterion, for Ahmet Cevdet acceptable change is beneficial for the society and not the pure careless imitation of the Europe and he also underlines that not the outer features of the West and ostentatious lifestyle but the core faculties that made Europe developed have to be embraced.

## 2.2.2 Islahat Edict and Cevdet's reaction

In addition to the roughly outlined criteria above, Ahmet Cevdet does not seem to be happy with Islahat Edict of 1856, which grants equality under the law for Muslims and non-Muslims. In his *Tezakir*, he both explicitly states that equality before law is annoying for Muslims<sup>234</sup> and use tone and wording in such a way that one can infer Cevdet's displeasure of the Edict.<sup>235</sup> However, the reality might be a bit more

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<sup>232</sup> Tarih I, 204, 205; İpşirli I, 220: “Zirâ ol asıra göre ulûm u fûnûn ve sanâyi’ İstanbul ile Mısır’da âlâ derecede olduğundan buralarda Frenkler çok şeyler öğrenmişler ve hayli Rum ve Süryânî ve Arab kitapları iştirâ ile Avrupa’ya götürüp mutâlâa ile ibtidâ taklîd olarak şî’ir söylemeğe ve hikâyeler nazm eylemeğe başlamışlar ve andan sonra Avrupa’da eski Yunan ve Latin kitâbları mutâlâa olunmağa başladığı gibi Arabistan’dan İspanya’ya sirâyet ederek ehl-i İslâm beyninde şâyi’ olan ulûm u fûnûndan Endülüs’de Emevîlerin pâyi-ı tahtı olan Kurtuba’ya gidip gelen Avrupalılar’ın öğrendikleri tıp ve kimya ve fenn-i nebâtât ve hesâp ve hendese ve mantık ve hey’et gibi fenler dahi Avrupa’nın her tarafında neşr olunmağa başlayıp ol vakte kadar Avrupaca nâ-ma’lûm olan envâ’-ı nebâtât ve emtia dahi andan sonra meydana çıkmıştır. Ba’dehû Avrupa’nın her tarafında mektebler küşâd olunarak ulûm u sanâyi’ hâlâ nazar-ı hayret ile baktığımız mertebe-i kusvâya vâsıl olmuştur.

<sup>233</sup> Tarih VI, 7: “Kaldı ki ol vakit Avrupa’da şüyû’ bulan fûnûn-ı harbiye kitâbları henüz lisân-ı Türkî’ye tercüme olunmamış olduğundan ta’lîm ve tanzîm-i asker meselesinin İstanbulca nazâriyatı bile ma’lûm değil idi.”

<sup>234</sup> Tezakir I, 67: “Bu Ferman’ın hükmünce teba’a-i müslime ve gayr-i müslime kâffe-i hukukta müsavi olmak lâzımgeldi. Bu ise ehl-i islâma pek ziyade dokundu.”

<sup>235</sup> See: Tezakir I, 67: “Ol gün hava fevkalâde puslu idi. Zekiye Sultan dahi vefat etmiş idi. Binâenaleyh Ferman’ın kırâati biraz ta’ahhur eyledi.” Based on the excerpt from Tezakir in which Cevdet talks about the day that the Edict was promulgated and says that the day was soggy and Zekiye Sultan died. Although these gloomy events are shown as the reasons of the delay in announcement of the Edict. Erdem thinks that this is an implicit way for Cevdet to express his unhappiness with the Edict. See: Hakan Erdem, “Muallim Naci: Var Yeri Gitsem ‘Mezar-ı Türk’e Dek,” *Karar*, January 8, 2017. <http://www.karar.com/yazarlar/hakan-erdem/muallim-naci-var-yeri-gitsem-mezar-i-turke-dek-3024> (accessed in August 2, 2018).

complicated when intra-elite conflict and method related concerns of Reşit Pasha are also taken into account. I would like to emphasize that it is difficult to assert that Cevdet and Reşit Pasha are willing to accept equality of Muslims and non-Muslims from the bottom of their hearts, but they might have made a concession in that regard and accepted such equality. Possible hints to substantiate this argument are available in Mustafa Reşit's pleading regarding the Islahat Edict.<sup>236</sup> Mustafa Reşit underlines how fragile the issue is and argues that such changes<sup>237</sup> would completely alter the six hundred-year old structure of the empire and also give rise to major conflicts between Muslims and Christians.<sup>238</sup> Furthermore, although he acknowledges non-Muslims' services to the empire, according to him, since the ones who make the supreme sacrifice are Muslims, they deserve to be treated better.<sup>239</sup>

However, in my opinion, both Cevdet and Reşit Pashas reactions to the Islahat Edict are more pertinent to methodological and political concerns (or intra-elite conflict). That is to say, first of all, Reşit Pasha in the pleading argues that should there be a need for granting new rights to Christians, it should be done gradually without the interference of foreign countries.<sup>240</sup> Further to this, he also points out by also referring to the *kadim* customs that it should have been better to discuss the issue in the general assembly where everyone including the most zealot and ignorant ones would agree to give that concession unanimously to avoid bigger dangers.<sup>241</sup> Thus, my conclusion is that, as we shall discuss in nature of challenge chapter in detail, the 19<sup>th</sup> century's ideological and

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<sup>236</sup> As we discussed previously, Mustafa Reşit's impact on Ahmet Cevdet is undeniable and Cevdet's inclusion of the pleading in Tezâkir is a convincing sign that the ideas written on the pleading are --at least-- supported by Cevdet Pasha.

<sup>237</sup> He refers to Islahat Fermanı and more precisely emancipation complete and egalite parfaite. See: Tezâkir I, 79.

<sup>238</sup> Tezâkir I, 79: "çünkü bu madde Devlet-i aliyye'nin altı yüz senelik rengini tamamiyle zıdd-ı mualifi olan bir renge koyacak ve ehl-i islâm ve hıristiyan beyninde ma'az-allahu ta'ala bir mukatele-i azime vuku'una sebep olabilecek bir emr-i cesim ve nâzik olup..."

<sup>239</sup> Ibid., 81: "Eğerçi muharebe-i haliyye evânında hıristiyan teba'a tarafından dahi hidmette kusur olunmamış [ise] de uğur-ı Devlet-i aliyye'de asıl feday-i can eden millet-i islâmiyye olduğundan umum-ı ehl-i islâmın bazı mertebe tatyib ve taltifi tedbirine dahi bakılması..."

<sup>240</sup> Ibid., 78: "Bâzi mevadd-ı müsa'ide ilâve olunmasının lüzumu hakkında bir diyecek yoğise de böyle şeyler tedricî ve hususiyle düvel-i ecnebiyyenin müdâhele-i resmiyyesi karışmaksızın yapılp..." See also: Hakan Erdem, "Tanzimat Fermanı'nın mimarı Islahat Fermanı'na karşıydı.," *Karar*, May 5, 2017. <http://www.karar.com/yazarlar/hakan-erdem/tanzimat-fermaninin-mimari-islahat-fermanina-karsiydi-3938> (accessed in August 2, 2018).

<sup>241</sup> Tezâkir I, 80: "Saltanat-ı seniyyenin âdât-ı kadimesinden olduğu vechile bu maslahat bir meclis-i umumîye konulmuş ve hakikat-i hâl etrafiyle anlatılmış olsaydı herkes mecnun olmadığından büyük büyük muhataratı def' için en muta'assib ve vukufsuz bulunanların bile beher hâl bir nevi' fedakarlıkları göze aldıracaklarından şübhe olmadığına nazaran..."

intellectual atmosphere is one of the criteria that make conservatives give concessions to a certain extent. In the case of the Islahat Edict, if there was no urgent need for such a change, a conservative like Ahmet Cevdet would not have initiated such an amendment, but it is really difficult to argue that Cevdet and his mastermind Reşit Pasha are completely against the content of the Islahat Edict considering the fact that both of them as leading politicians of the Tanzimat period are aware of the conjuncture.

### 2.2.3 Learning French vs. changing his dress

To elaborate and exemplify the aforementioned criteria, I will mention two issues: the first one is Ahmet Cevdet's learning of French and the second one is his observation in Bucharest and clothes issue especially in the context of vulgar and/or wrong Westernization. By doing so my aim is to examine the relationship between nature of change and Ahmet Cevdet's attitude toward change and to indicate that he is not against the change categorically but he tries to make a distinction between acceptable and unacceptable change.

In his *Tezkire* no.40, Ahmet Cevdet states that as learning French was not well received in those days; he learned French secretly and thus could not master the language well enough.<sup>242</sup> Despite Ahmet Cevdet's own statement, there has been discussion over whether he knows French well or not mostly because knowing the language of a Western power is aimed to be used as a litmus test to see the extent to which Ahmet Cevdet Pasha adopts Westernization. Nuri İleri with a critical tone, points out that learning infidels' languages was not a custom in *kadim* and even if an outlier learns the language no one can benefit from his/her knowledge.<sup>243</sup> According to Küçük, since Ahmet Cevdet was not one of the intellectuals raised in Translation Office, he could not learn French properly,<sup>244</sup> whereas according to Muallim Cevdet, Cevdet Pasha's level of

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<sup>242</sup> Tezâkir IV, 21: "Ol esnada fransızca'yı te'allüm ile dahi meşgul oldum. Lâkin ol devirde elsine-i elfrenciyye okumak şî'âr-ı ulemaya münâfi görüldüğünden bunu ihvân-ı tarikden mektûm tutardım. Binâen-aleyh fransızca'yı lâyıkiyla çalışmadım."

<sup>243</sup> İleri, *Türk İnkılabı*, 106; Similarly Ölmezoğlu argues that timidity of Cevdet Pasha is due to the fact that learning French is seen not appropriate but even sinful activity. See: Ülkütaşır, *Cevdet Paşa*, 27. With a sarcastic tone, Muallim Cevdet criticizes the attitude in those days by saying "what a big misconduct for an alim to learn French!" See: Muallim Cevdet, "Darülmualimin," 435.

<sup>244</sup> Küçük, *Aydın Üzerine Tezler-2*, 249.

French was good enough to articulate himself --most probably in writing given that the author acknowledges the fact that his speaking was not perfect-- and to be able to read chronicles and laws in French.<sup>245</sup> In line with Muallim Cevdet, Fatma Aliye also states that Cevdet Pasha knew French although his speaking and literature skills were weak.<sup>246</sup>

Based on the discussion above, Cevdet seems to have working proficiency in French to consult sources and knowing some French is telling for understanding Cevdet's attitude toward change. First of all, the language case indicates that using dichotomies like Westernizers vs. reactionaries prevents us from recognizing the nuances. That is, if such a narrative was adopted, the ones who are criticizing Ahmet Cevdet's attempt to learn French and Ahmet Cevdet himself would be put into the same pot of reactionaries but as the example shows us he does learn French. Then the second important point to be underlined is, how crucial nature of change is. In other words, learning French is both necessary and beneficial for Ahmet Cevdet; thus, he wants to learn it and is happy with his daughter's success in learning French. Therefore, as one of the main themes of the thesis suggests, Ahmet Cevdet as a conservative statesman does not oppose change categorically so his attitude toward change can be better understood when we consider nature of change.

Secondly, I will discuss his clothes and his observation in Bucharest. Ahmet Cevdet states that he is not happy with wearing a large gown and preaching on Friday prayers but he is doing it time to time out of respect to Sheikh Murad Molla.<sup>247</sup> It is not a coincidence that right after this anecdote, he mentions that he is asked to work in the War Academy as a Persian tutor but he rejects the offer since the tutors of the War Academy have to wear fez, setri and trousers but he is not willing to take his turban

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<sup>245</sup> Muallim Cevdet "Darülmualimin," 435,436.

<sup>246</sup> Aliye, *Ahmet Cevdet Paşa ve Zamanı*, 51.

According to an anecdote narrated by Cemil Meriç, Cevdet Pasha is impressed and venerates his daughter Fatma Aliye for translating a book from French. See: Meriç, *Kültürden İrfana*, 95.

<sup>247</sup> Tezakir IV, 16: "Vâ'izlik benim mesleğim olmayıp sinnim dahi buna çendân muvâfık olmadığı ve vâ'izlere mahsûs bol yenli cüppe mizâcına hoş gelmediği hâlde Şeyh Efendi'nin hâtırı için ba'zan anın cüppesini giyip ve Sultan Ahmed Câmî'i kürsisine çıkıp nâsa va'z u nasihat eylerdim."

off.<sup>248</sup> He then comments, he likes neither the preacher gown nor does he want to change his dress to [European style ones].<sup>249</sup> In my opinion, he is trying to portray himself as someone neither so ‘old-fashioned’ to resist all kinds of change nor so ‘extreme Westernist’ to accept any kind of change and imitate the West. It is important to underline that as Chambers’s study indicates he does not hesitate to take private lessons from the tutors of Imperial Military schools<sup>250</sup> but does not want to change his clothes.

When he is asked to go to Bucharest, he changes his clothes and wears a jacket and a trousers.<sup>251</sup> Fatma Aliye takes up this instance and argues that despite the financial difficulties that Ahmet Cevdet went through, he rejected to be Persian tutor in order not to be obliged to wear a jacket and a trousers previously; but in the Bucharest mission he gave in, and changed his clothes in the interest of serving the motherland.<sup>252</sup> Speaking of Bucharest, his observation in Bucharest is worth considering in order to understand Ahmet Cevdet’s vantage point on change especially in relation to acceptable and unacceptable change. Cevdet harshly criticizes the deteriorated family bonds and immorality by pointing out that wife and husband do not have loyalty to one another; he also asserts that they have great gardens and entertainment but this civilization is not the result of education but manifestation of luxurious lifestyle.<sup>253</sup>

It is beyond the scope of this thesis to examine Ahmet Cevdet’s worldview in terms of social and public life but he seems to be a hardliner when it comes to the changes

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<sup>248</sup> Ibid.: “Ol esnâda Mekteb-i Harbiyye fârsi hocalığı münhâll olmağla fakîre teklîf olundu ise de rağbet etmedim. Çünkü ol vakit Mek[t]eb-i Harbiyye hocaları fes ve setri ve pantolon giymek resm ü âdet idi. Bana da başımdan sarığı çıkarmak güç geldi.”

<sup>249</sup> Ibid., 16,17: “Vâ’ız cübbesi giymekten hazz etmediğim gibi böyle tebdil-i kıyâfet dahi mizâcım muvâfık değil idi.”

<sup>250</sup> Richard L. Chambers, “The Education of a Nineteenth-Century Ottoman Alim, Ahmed Cevdet Paşa,” 455.

<sup>251</sup> Tezakir IV, 27: “Ruscuk’a geldim ve orada tebdil-i câme edip ya’nî setri pantolon giyip Eflâk yakasına geçtim ve Bükreş’e gittim...”

<sup>252</sup> Aliye, *Ahmet Cevdet Paşa ve Zamani*, 64.

<sup>253</sup> Tezakir IV, 28: “Azıcık Bükreş’in ahvâlinde bahs edeyim. Orada galibâ hamîyyet ve ırz u nâmûs sözlerini kimesne âbâ vü ecdâdından işitmemiş. Karı koca birbirini kıskanmak âdet olmamış. Herkes beğendiğiyle mu’âşeret ile mâni’ ü müzâhim yok. Bir karı sevgilisi ile görüşür iken kocası odaya girmiyor. Mu’âşeret-i nisâ bir âdî iş hükmüne girmiş ve bu husûsda kendilerince hırs-u tehâlük kalmamış. Meğer bizlerde nâsın mu’âşeret-i nisâ hakkında olan hırs u tehâlükü (al-mar’u harîsun ‘alâ ma muni’a) müfâdinca memnû’iyyet ve su’ûbetten nâşî imiş. Memleket bağçeleri güzel eğlenceleri çok. Görünüyor ki âsâr-ı medenîyyet başlamış. Lâkin bu medenîyyet mekteblerden çıkmamış. Belki mecâlis-i mu’âşeret ve sefâhatten zuhür eylemiş.”



related with private and social life.<sup>254</sup> Though, my intention is not to portray him as a reactionary in that regard, on the contrary, as Ölmezoğlu points out, Ahmet Cevdet's two daughter's upbringings as 'modern' women can be seen as a good indicator of Cevdet's open-mindedness.<sup>255</sup> Nevertheless, it should be underlined that Ahmet Cevdet is concerned with 'degeneration' of society. That is, he harshly criticizes the current changes in how women dressed and argues that although Muslims used to be very careful in issues of honor and chastity but recently, it has changed and women kept up with the fashion of wearing satin *feraces* (long coat) and thin *yaşmaks* (veil).<sup>256</sup>

This narrative of Bucharest and clothes issue on the one hand and his study on French and taking private classes from the tutors of 'European' style institution are crucial to understand what makes a change acceptable for Ahmet Cevdet Pasha. First of all, as I point out several times, he does not oppose change and on the contrary, tries to distinguish himself from reactionaries. Secondly, as we discuss in the coming chapters in detail, he is also aware of the conjuncture (such as ideological challenges and requirements of the time) and he is ready to make concessions. Thirdly, during the process of modernization/Europeanization, he tries to differentiate the necessary and beneficial changes and unnecessary and detrimental ones. Although he does not have clear-cut definitions for these acceptable and unacceptable changes, he seems willing to accept changes if they are from the core/substance of the West such as science and technological innovation whereas he does not welcome changes –but there is always possibility that he may give concessions- if they are related with the form of the West.

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<sup>254</sup> Ahmet Cevdet's correspondence with his family (mostly with his wife Advıye Hanım) might be a good source to consult in which Cevdet seems to be the representative of a traditional patriarchal Ottoman elite family but he was not overly restrictive. See: Cihan, *Ahmet Cevdet Paşa'nın Aile Mektupları*.

<sup>255</sup> Ölmezoğlu, "Cevdet Paşa," 118.

<sup>256</sup> Tezakir II, 87: "Millet-i islâmiyyede her şeyden ziyâde ırz u nâmûs mes'elesine dikkat ve îtinâ oluna-gelmiş iken bir vakitten beri gerek saraylılar ve gerek İstanbul'un moda meraklısı olan hanımları atlas ferâce giymek ve gayet ince yaşmaklar kullanmak gibi hâl ü hareketlerde bulunup bu ise millet-i islâmiyyeye pek ağır görünürdü."

## 2.3 Conclusion

Nature of change is an important tier for understanding what sort of change the conservative welcomes. For Ahmet Cevdet, throughout the chapter, it is underlined that he does not repudiate change completely. The first four subtitles deal with the conventional arguments and criteria that are frequently addressed in the literature and although it is difficult to confute all those assertions completely, it can be persuasively argued that since understanding the Ahmet Cevdet's attitude toward change is a complex issue, those 'shortcuts' are far from being adequate tools to this end. In this chapter, I attempt to examine Cevdet Pasha's attitude toward change by taking nature of change, the first tier, into account and I can suggest that he is willing to accept changes if they are seen as necessary, beneficial and inclusive. His examples and analogies are key to understand more about how Ahmet Cevdet defines these criteria and, of course, this set of criteria can be better tailored and expanded by further research. However, it is all but impossible to elucidate Cevdet's attitude by just looking at nature of change. Therefore, taking into account this tier is necessary but not sufficient to clearly understand conservative attitude toward change; thus to close that deficit, natures of challenge and current constraints will be introduced in the next chapters.

## CHAPTER 3

### INFLUENCE OF NATURE OF CHALLENGE ON AHMET CEVDET PASHA'S ATTITUDE TOWARD CHANGE

In the previous part, nature of change discussed --in other words certain qualifiers or criteria that are used to determine whether a given change is acceptable for the conservative-- and I concluded that adding this tier is taking a step further, but examining nature of change without taking the historical context into account leaves some concerns unaddressed. In this chapter, I will introduce nature of challenge as the second tier and argue that intellectual and ideational rivalries and/or environment lead the conservative to adjust her position --willingly or unwillingly-- toward changes.

Whether conservatism has its roots in ancient times is controversial but as Kirk points out “conscious conservatism, in the modern sense, did not manifest itself until 1790, with the publication of *Reflections on the Revolution in France*.”<sup>257</sup> That is to say, Burke’s disapproval of the French Revolution was the pivotal point for conservatism to “finds its prophet and in his [Burke] writings ... finds its Bible.”<sup>258</sup> Therefore, responsive character of conservatism has been an indispensable part of this modern phenomenon since the very beginning. Therefore, it is not possible to fully grasp conservative attitude toward change without taking nature of challenge into account, which is decisive for the conservatives to adjust their attitude. When we consider the context in which Burke wrote his famous book, the challenge was abstract ideals and revolutionaries’ belief in their ability to bring about a perfect society. As Kramnick points out, Burke’s conservatism was a response to the idea that having a flawless order under the guidance of normative principles is possible.<sup>259</sup> As for Ahmet Cevdet Pasha, modernization of the Ottoman Empire was the main challenge and without considering this challenge, his attitude toward change cannot be grasped.

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<sup>257</sup> Russell Kirk, *The Conservative Mind: From Burke to Eliot*, 7<sup>th</sup> revised edition (Washington: Regnery Publishing, 2001), 6.

<sup>258</sup> Isaac Kramnick, *The Rage of Edmund Burke: Portrait of an ambivalent conservative* (New York: Basic Books, 1977), 27.

<sup>259</sup> *Ibid.*, 20.

In this part of the thesis, I shall be discussing the 19<sup>th</sup> century Ottoman reforms briefly so as to understand the intellectual and ideational atmosphere of the period and I argue that transition to modern state was the main aim and also the main challenge of the empire, which was mostly acknowledged among ruling elite. However, despite their agreement on the necessity of responding to the challenge of modernization or transition to modern state; the ways they would like to respond to challenge differ substantially. At this point, I would attempt to analyze the way in which Ahmet Cevdet Pasha as a conservative responded the challenge and corroborate my argument by discussing *Mecelle* process, its nature and reasons that led to this process.

### 3.1 Ottoman Reforms

“The Tanzimat was still-born; it ‘stopped at the doorstep of the Sublime Porte.’ Good intentions were not enough; however much European liberals might applaud this manifestation of a genuine desire for reform on the part of the Ottoman statesmen, public opinion in Turkey was hostile. For as yet the only educated class of any size among Muslim Turks was that of the Ulema, who in the main saw no reason for altering the *status quo*.”<sup>260</sup>

The excerpt is useful to recapitulate some of the conventions that I attempted to re-visit in the previous chapters such as portraying *ulema* as a uniform group who opposes the changes blindly, and analyzing the 19<sup>th</sup> century Ottoman modernization as a conflict between genuinely reform-oriented statesmen and ignorant masses. Zürcher does not substantiate the argument of the excerpt, and (by using almost the same vocabulary) states that “it is certainly not true that the reforms were only window-dressing, that they were stillborn or that they stopped at the doorstep of the Porte.”<sup>261</sup>

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<sup>260</sup> Geoffrey Lewis, *Modern Turkey* (London: Ernest Benn Limited, 1974), 44.

<sup>261</sup> Zürcher, *Turkey A Modern History*, 45.

According to Sugar, “Historians have debated whether the Tanzimat reforms represented a sincere attempt to improve the conditions of the state and its people, or were mere window-dressing designed to please the Western powers on whom Ottomans relied as a counterweight to Russia. Most authorities incline to the latter view.” See: Sugar, “Economic and Political Modernization,” 152.

### 3.1.1 An isolated empire?

First of all, the empire did not wait purposelessly until the 19<sup>th</sup> century; as Lewis indicates Turks were willing to borrow, imitate and adapt things that were useful, and non-Christian; he then quotes from Busbecq, who wrote in 16<sup>th</sup> century, “no nation in the world has shown greater readiness than the Turks to avail themselves of the useful inventions of foreigners...”<sup>262</sup> In the same century, Hasan Kafi Akhisari in his book *Usûlü'l-hikem fi nizami'l 'alem* claimed that Europeans had an edge over the Ottomans in terms of newly emerging warfare techniques and the Ottomans failed to catch up with them.<sup>263</sup> The extent to which his claim represents the reality is another issue but the claim itself is a compelling challenge to isolated empire narrative. In the same line of argument, İbrahim Müteferrika's *Usül ül-hikem fi nizam ül-ümem* was the first published book that acknowledges the Western Superiority and includes some information about European government systems.<sup>264</sup> Ortaylı rightly points out that Ottoman modernization cannot be confined to the Tanzimat Era, but it dated back a long way and, further to that, Ottoman modernization was not a shock due to instantaneous encounter with Europe given that the empire had been in contact with Europe for centuries.<sup>265</sup>

However, acknowledging the fact that Ottoman reforms had started before the 19<sup>th</sup> century is not enough to solve the puzzle since the 19<sup>th</sup> century reforms had their own peculiarities, which cannot be only seen as the continuation of Ottoman reforms prior to 19<sup>th</sup> century. In the following part, I will briefly mention ideational atmosphere of the 19<sup>th</sup> century and peculiarities so as to position Ahmet Cevdet's attitude toward change in consideration of nature of challenge.

### 3.1.2 External pressure and 19<sup>th</sup> century reforms

Whether the reforms of the 19<sup>th</sup> century were the results of external pressure or more precisely to what extent the foreign pressure was determinant factor to understand these

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<sup>262</sup> Cited in Lewis, *The Emergence of Modern Turkey*, 41.

<sup>263</sup> See: Muhammed Aruçi, “Hasan Kâfi Akhisârî,” *Türkiye Diyanet Vakfı İslam Ansiklopedisi* Vol.16 (İstanbul: Türkiye Diyanet Vakfı Vakıf Yayınları İşletmesi, 1998), 326-329.

<sup>264</sup> Şerif Mardin, *The Genesis of Young Ottoman Thought*, (New York: Syracuse University Press, 2000), 143.

<sup>265</sup> İlber Ortaylı, *İmparatorluğun En Uzun Yüzyılı*, (İstanbul: İletişim, 2001), 13.

reforms has been a controversial issue. It is worth reminding that *nature of challenge* as one of the three tiers does not by any means refer to inter-state relations or external security threats; but rather --as it was explained before-- intellectual and/or ideational environment (i.e. modernization in the case of our study). As opposed to some scholars' attempts to portray the Gülhane Rescript of 1839 as a totally novel document to the empire written under the influence of Europe; Abu-Manneh argues that the content of the Rescript echoes the traditional state philosophy of the empire and promulgation of the Rescript cannot be attributed to only one individual (Mustafa Reşit) or Western influence but rather can be best explained based on internal dynamics of the empire.<sup>266</sup>

Zürcher acknowledges the role of the external pressure especially with regard to the reforms concerning Christian minorities<sup>267</sup> of the empire, but also rightly points out that as was the case for Gülhane Edict, pleasing Europeans and genuinely looking upon these reforms as the only way to save the empire are not mutually exclusive.<sup>268</sup> Similarly, Ortaylı states that the modernization did not arise only because of the external agents, but instead the empire came to recognize that the world had been changing thus modernization was more of a result of self-determined decision.<sup>269</sup> Therefore, despite the outdated convention that the reforms were introduced only as a result of the external pressure or to avoid the intervention of European power under the guise of protecting the Christian minorities, it seems plausible to conclude that the dynamics within the empire should not be overlooked. Though a high level of overlap between 'what Europe attempted to impose' and 'what Ottomans had to accomplish' to modernize and save the empire was remarkable. That is, aims or motives might differ for the Ottoman Empire and European powers but 'dos and don'ts' were similar. Therefore, in my opinion, it is better not to overemphasize the influence of the external pressure, but instead, acknowledge the conscious awareness of the empire to modernize and overlap between what Europe wanted and what the empire felt the need of pursuing.

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<sup>266</sup> Batrus Abu-Manneh, "The Islamic Roots of the Gülhane Rescript," *Die Welt des Islams* 34 (1994): 173-203.

<sup>267</sup> The author uses the term minority; otherwise I would opt for Christian subjects.

<sup>268</sup> Zürcher, *Turkey A Modern History*, 56.

<sup>269</sup> Ortaylı, *İmparatorluğun En Uzun Yüzyılı*, 14, 24, 25.

### 3.1.3 The main challenge: transition to modern state and importance of French Revolution

As underlined, nature of challenge does not refer to external pressure over the empire but rather refers to the transition from traditional state to modern/centralized state. However, adopting the requirements of the modern state was not a free choice. According to Ülken, the West had started to be powerful initially in economics and political areas and then in all areas since late 16<sup>th</sup> century and finally turned into a universal worldview that had to be acknowledged and adopted by others, and continues by claiming that the empire came to recognize the superiority of the West in the 17<sup>th</sup> century but until Selim III, there was no solid modernization.<sup>270</sup> He is right to mention that Selim III and his attempts were somehow different from his predecessors but I would prefer to take not the enthronement of Selim III, but the French Revolution as a milestone. Although the historical process ending up with the emergence of modern state dates back to earlier periods, the importance of the French Revolution has to be stressed. As Toprak laconically summarizes, “the politics and ideology of the nineteenth century were styled mainly by the French. World politics between 1789 and 1914 were largely a matter of contending for and against the tenets of 1789.”<sup>271</sup> Undoubtedly, the influence was gradual and ever increasing. In the beginning, not the ideas but manners and styles of French reached the empire but in time especially with the help of interactions with Frenchmen, the Ottomans were able to have a clearer and more sophisticated understanding of the French and in general the Western world.<sup>272</sup>

Although the appearance of modern state is mostly attributed to Europe, it became a global phenomenon so its European origin has to be acknowledged without being Eurocentric.<sup>273</sup> The characteristic features of a modern state are, on the one hand very complicated and this is a contested issue in the field of state theory; but on the other hand, there is a general understanding of what modern state is.<sup>274</sup> Since it is beyond the

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<sup>270</sup> Ülken, *Türkiye’de Çağdaş Düşünce Tarihi*, 20.

<sup>271</sup> Zafer Toprak, “From Plurality to Unity: Codification and Jurisprudence in the Late Ottoman Empire,” in *Ways to Modernity in Greece and Turkey* eds. Anna Frangoudaki and Caglar Keyder (London: I.B. Tauris, 2007), 26.

<sup>272</sup> Toprak, “From Plurality to Unity: Codification and Jurisprudence in the Late Ottoman Empire,” 26, 27.

<sup>273</sup> Christopher Pierson, *The Modern State* (New York: Routledge, 1996), 37, 38.

<sup>274</sup> Pierson starts his book *The Modern State* with a catchy analogy, “A US Supreme Court judge hearing an obscenity case had to decide what was meant by ‘pornography’. Admitting that he could not define it, the judge

scope of this study to engage with this discussion, I will only touch briefly on the subject. As Pierson points out the most distinguished features of a modern state are: taxation, monopoly of controlling the means violence, territoriality, sovereignty, constitutionality, impersonal power (rule of law), bureaucracy, legitimacy, and citizenship.<sup>275</sup> Throughout the discussions of *nature of challenge* section, some of those pillars of modern state shall be addressed in relation to Ottoman modernization and their impacts on Ahmet Cevdet's attitude toward change.

Cevdet Pasha himself in his *Tarih* discusses the French Revolution and he argues that although the main reasons for the revolution date back to old times, other issues such as financial problems, poverty and scarcity led the revolution to take place.<sup>276</sup> According to Neumann, probably the main reason why Cevdet Pasha allocated a significant part of *Tarih*'s 6<sup>th</sup> volume for European history and the French Revolution is due to increasing modernization pressure coming from Europe.<sup>277</sup> I prefer to interpret Cevdet's interest in European history as a result of increasing awareness about how interconnected the politics of Europe and the empire was and inevitable repercussions of the revolution rather than seeing it as a result of external pressure. Cevdet underlines that the Ottoman Empire has several connections with Europe, just like old Islamic states had in the past; and further to that, he is also well aware of the huge impact of the French Revolution both on European and the Ottoman history and politics.<sup>278</sup> Cevdet asserts that

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insisted nonetheless that 'I know it when I see it.'" Then argues, "We may feel the same way about the modern state. We might find it difficult to give a precise and comprehensive definition of the [modern] state." See: *Ibid.*, 5.

<sup>275</sup> *Ibid.*, 8-34.

Another point I have to overlook is the difference between absolutist state and modern state. Roughly speaking, absolutist state can be seen as a transitory step between traditional and modern state given that it has some features of both types of states. Anderson points out five features of absolutist state which later became the characteristics of modern state as well: standing army, a centralized bureaucracy and taxation, diplomatic relations via permanent embassies and state's promotion of economic development. See: Perry Anderson, *Lineages of the Absolutist State* (London: Verso, 1979).

Pierson in a nutshell defines absolutism as "concentration and centralization of political power," and argues that idea of citizenship which was an underdeveloped concept under absolutism became one of the backbones of modern state. See: Pierson, *The Modern State*, 45, 54.

<sup>276</sup> *Tarih* VI, 173: "Fransa İhtilâli'nin esbâb-ı sahîhası bâlâda beyân olunduğı üzere eski vakitlerden berü müselsel ve muttasıl zuhûra gelen mebdâî ve mukaddemât olup ancak muzâyaka-i mâliye ve kaht-u gilâ gibi avâriz dahi zuhûrına vesile olmuştur."

<sup>277</sup> Neumann, *Araç Tarih Amaç Tanzimat*, 31,32.

<sup>278</sup> *Tarih* I, 163; İpşirli I, 177: "Düvel-i sâlife-i İslamiyye vekayi'inin vekayi'-i sâbika-i Avrupa'ya taalluku olduğu gibi Devlet-i Aliyye târihinin dahi vekayi'-i lâhikâ-yı Avrupa'ya pek çok irtibâtı vardır. Ale'l-husûs karîbü'l-ahdde zuhûra gelen Fransa ihtilâl-i azîmi Avrupaca inkilâbât-ı azîmeye bâdî olarak muâmelât ve münâsebât-ı düvel ü milel



interactions and engagement with foreigners increased exceptionally starting from the Era of Selim III who attempted to catch up with new order of Europe by adopting scientific and industrial developments of Europe and thus according to Cevdet's narrative, the empire was already aware of the existence of new methods in Europe right after the revolution.<sup>279</sup> In a nutshell, Cevdet addresses the French Revolution in such a way that he acknowledges interactions before the revolution but also emphasizes the accelerated relations, and dependence after the revolution. In a way, Cevdet himself and the empire were conscious of the revolution, the new order of Europe and further to that the empire (in the person of Selim III) attempted to take necessity steps in line with the new set of requirements called modernization.

Despite his critical tone, Cemil Meriç also acknowledges the revolution as a milestone, but one that was a death bell for the East and he depicts the empire as a sinking boat since 1789 and argues that the empire surrendered itself to this unknown world.<sup>280</sup> Though, he also accepts the fact that Europeanization is inescapable and asserts that this process should not be a submission but *temessül* (internalization).<sup>281</sup> His rhetorical interpretation of the impact of the French Revolution on the Ottoman Empire is a good example to indicate that people may not be happy with the French/European impact but this displeasure did not necessarily restrain them from accepting how vital modernization was.

As Berkes states, breakdown of traditional institutions, some degree of liberation and secularization along with new economic and political conditions made modernization inevitable.<sup>282</sup> The name of the reforms of Selim III *Nizam-ı Cedid* (The New Order) is not a coincidence but a good indication of the motivation behind the reform attempts.

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için bir tarîk-i cedîd açtığından Avrupaca bir yeni asrın mebdei ve bu ahvâlin doğrudan doğruya Devlet-i Aliyye'ye dahi pek çok te'sîrâtı olduğundan düvel-i Avrupa ile teksîr-i münâsebâtının menşei olmuştur."

<sup>279</sup> Tarih VI, 133: "Fransa İhtilâli Avrupa politikasını tağyîr ve Devlet-i Aliyye'nin umûruna dahi pek ziyâde te'sîr itmekle Bâb-ı Âlî'de umûr-u ecnebiyye meşgûliyeti fevka'l-âde artmış idi. Sultân Selîm Han hazretleri ise aslâ fûtûr getürmeyüp bunca müşkilât-ı dahiliyye ve hariciyyeye göğüs gererek ale'd-devam Avrupa usûl-ı cedîdesine tevfikân kuvve-i berriye ve bahriyesinin ikmâlîne ve Avrupa'da ihtirâ' olunan fûnûn ve sanâyi'in celb ve istihsâlîne ikdâm ve Devlet-i Aliyye'sini asrın açmış oldığı meslek-i cedîd-i medeniyyete götürmeye sa'y ve ihtimâm itmekte idi."

<sup>280</sup> Meriç, *Bu Ülke*, 133.

<sup>281</sup> Ibid., 121.

<sup>282</sup> Berkes, *The Development of Secularism*, 128, 160.

According to Zürcher, “The main element of the programme was to create a large, modern European-style army. This brought with it the need for larger state income through taxation, the need for a more efficient bureaucracy to mobilize the resources of the country, and the need for modern Western-style education in order to create cadres for the new army and bureaucracy.”<sup>283</sup> Ortaylı indicates that 19<sup>th</sup> century can be seen as the transformation process of the Ottoman Empire from traditional state to modern centralist state.<sup>284</sup>

However, as Hanioglu argues, the first responses to modernity created duality in several areas<sup>285</sup> and arguably the most problematic one was in the army. Only after getting rid of the duality in the army with the abolition of the Janissaries in 1826, decisive steps were taken for more comprehensive reforms.<sup>286</sup> Mahmud II gave significant importance to creating or improving centralization tools (headmen, official newspaper, postal service, census); some structural reforms (creating ministries and councils, institutionalization of Sublime Porte and Supreme Council, hierarchical reorganization of bureaucracy); and tried to benefit from European scientific knowledge (opening or renewing schools, sending students abroad).<sup>287</sup> Thus as Hanioglu claims Mahmud II was different from his predecessors in the sense that “for the first time, Westernization appeared as a formal policy linked to extensive bureaucratic reform and implemented with brutal force.”<sup>288</sup> However, at the beginning, initiated reforms were far from being enough to modernize the empire properly but at the end they were successful; but as Zürcher points out, “it took another 50 years to do it”<sup>289</sup> or in Hanioglu’s word “by the

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<sup>283</sup> Erik J. Zürcher, *Turkey: A Modern History* (London and New York: I.B. Tauris, 2014), 33.

That is to say, the empire was aware of the fact that transforming the army would not be possible without transformation of the economy, society and culture of the empire. See: Findley, *Turkey, Islam, Nationalism, and Modernity*, 75.

<sup>284</sup> Ortaylı, *İmparatorluğun En Uzun Yüzyılı*, 123, 124.

<sup>285</sup> Hanioglu, *A Brief History of the Late Ottoman Empire*, 53

<sup>286</sup> *Ibid.*, 59.

As a subsection (Destroying the Janissaries, making reform irreversible) of his book suggests Findley also posits, “Janissaries’ destruction precipitated revolutionary change.” See: Findley, *Turkey, Islam, Nationalism, and Modernity*, 39,40.

Celal Nuri (İleri) accepts the abolition of Janissary corps as the turning point. See: İleri, *Türk İnkılabı*, 105.

<sup>287</sup> Hanioglu, *A Brief History of the Late Ottoman Empire*, 61-63.

<sup>288</sup> *Ibid.*, 63.

<sup>289</sup> Zürcher, *Turkey A Modern History*, 45.

turn of the twentieth it [the empire] was weak, militarily and fiscally, but by most standards modern.”<sup>290</sup>

### 3.1.4 Peculiarities of the Ottoman Modernization

In the conclusion of the book *Political Modernization in Japan and Turkey*, two sets of parameters are introduced to explain why the modernization process started earlier and developed more rapidly in Japan. Ward and Rustow point out (1) factors beyond control and (2) factors somehow amenable to control.<sup>291</sup> Although I don't find some of their conclusions convincing enough, especially the ones which can easily be labeled as cultural essentialism,<sup>292</sup> it is sound to argue that the Ottoman modernization had its own difficulties. According to Hanioglu the main difference between the trajectories of these two countries was that “while Japan was free to develop its response to modernity in relatively insular security; the Ottoman state was in the middle of a predatory struggle for power on three continents.”<sup>293</sup> It is not so hard to guess that fighting on different fronts with your ‘enemies’ and also borrowing from them --not just technological advancements but other things in almost all fields-- was not only technically but also psychologically challenging for the Ottomans. Another factor to be underlined, as it is discussed above and also raised by Ward and Rustow, is the problem of dualism. Egypt's Mehmet Ali did not encounter the problem of dualism since the old institutions had already been destroyed externally, but the dilemma of ‘the news’ and ‘the old’ continued from Selim III onwards.<sup>294</sup>

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<sup>290</sup> Hanioglu, *A Brief History of the Late Ottoman Empire*, 208.

Most probably as a result of reading the Turkish modernization history retrospectively, there is such a tendency to consider the Ottoman modernization as a total failure but as Hanioglu's subtle assertion indicates, being a modern but weak empire is also possible.

<sup>291</sup> For the first type of differences they talk about geopolitical factors, problems related with timing and external stimuli and society's traditional heritage; and as for the second type of factors they discuss problem of dualism, crises of identity, security, output and distribution, and economic development as well as lack of popular support, and leadership related problems. See: Ward and Rustow, *Political Modernization in Japan and Turkey*, 434-468.

Although Zürcher does not compare Japanese and Turkish cases directly, he also came up with a list of handicaps that the reformers encountered, which are: lack of equipped personnel, popular pressure and support for the reforms, and economic and financial base and also problems of patrimonialism, and dualism. See: Zürcher, *Turkey A Modern History*, 45,46.

<sup>292</sup> For example, it is argued that due to feeling of superiority, it was more difficult for the Ottomans to borrow from the West so, “the Japanese cultural heritage seems to have been considerably more adaptable than was the Turkish.” See: Ward and Rustow, *Political Modernization in Japan and Turkey*, 442.

<sup>293</sup> Hanioglu, *A Brief History of the Late Ottoman Empire*, 209.

<sup>294</sup> Zürcher, *Turkey A Modern History*, 33.

As briefly discussed, the interaction with and borrowing from Europe was not novel to the empire but toward the end of 18<sup>th</sup> century, European-originated but increasingly universal and hegemonic modernism (more precisely modern state in our case) obliged the empire to respond to *challenge of modernism*. As Hanioglu puts, one of the main features of the late Ottoman period was “the attempt to respond to the awe-inspiring challenges brought about by modernity.”<sup>295</sup> I argue that in terms of their answers to the question of ‘what to do?’ most Ottomans were on the same page but the disagreements started when it comes to the answers to the question of ‘how to do?’ Throughout the late Ottoman period, not only the consensus on the necessity of taking steps to meet the challenges of modernity; but also possible ways to respond to these challenges (i.e. answers to the question of what to do?) increased with time.

In this regard, after criticizing the conventional categorizations of the Easternist versus the Westernist; conservatives versus modernists Kara argues that despite the differences among political isms, they were all the results of the modernization process and therefore they were all modern and modernizer.<sup>296</sup> In other words, the main difference among them can be best understood not under the dichotomic framework of progress and reaction but as their distinct understandings/approaches to modernity.<sup>297</sup> In other words, instead of asserting that there has been an ongoing and irresolvable conflict between modernity and Islam, I opt for considering it as Islamic approaches to modernity; and such an attitude is perfectly applicable to the late Ottoman Empire as well. As Gencer points out, *ıslah* (reform) used to refer to restoration of traditional institution but starting from Tanzimat and especially after the Islahat Edict of 1856, *ıslah* aimed at adopting modern institutions and standards.<sup>298</sup>

### **3.1.5 Ahmet Cevdet Pasha and Modernity**

As framed so far in this chapter, 19<sup>th</sup> century reforms aimed to transform the empire into a centralized and modern one and this transformation was not a free choice but a must

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<sup>295</sup> Hanioglu, *A Brief History of the Late Ottoman Empire*, 204.

<sup>296</sup> Kara, *Din ile Modernleşme Arasında Çağdaş Türk Düşüncelerinin Meseleleri*, 41, 43.

<sup>297</sup> Findley, *Turkey, Islam, Nationalism, and Modernity*, 122,123.

<sup>298</sup> Bedri Gencer, *İslam'da Modernleşme* (İstanbul: Doğubati, 2014), 378.

in order to be a part of the modernized/modernizing world. Thus, narrating the late Ottoman reforms as a conflict between the modernizers and their ‘conservative’ opponents is not cogent. Of course, there were reactionaries who categorically rejected changes; but creating two opposing camps and labeling the ones who approached or interpreted modernity different than so-called ‘modernizers’ as reactionaries hinder us from understanding the modernization process of the empire. In a nutshell, the challenge of modernity (i.e. making the empire centralized and modern) was generally accepted but the ways in which this challenge was responded to varied. In other words, although there was almost an agreement in terms of *what to do*; when it comes to the question of *how to do*, their methods and approaches varied. In this part of the thesis, I would aim to locate Ahmet Cevdet’s response to modernity first by briefly outlining his stance and then by corroborating my argument with an explanatory issue: *Mecelle* process.

Gencer argues that, as opposed to majority of *ulema* who lost their hopes and preferred to display passive resistance to modernization, Ahmet Cevdet did his best to go through this inevitable modernization process with the least possible harm to the Islamic tradition and he calls Ahmet Cevdet and handful of other Pashas (such as Hayreddin, Sava<sup>299</sup> and Halim) as active conservatives.<sup>300</sup> Also, he attributes passive conservatism to the Nizam-ı Cedit Era; and active conservatism to the Tanzimat Era; and argues that Ahmet Cevdet is the representative of active conservatism not just as a theorist but also as a practitioner that enables him to have more solid and well-rounded ideas.<sup>301</sup> Although I have my doubts as to whether being ‘passive conservative *ulema*’ was a choice due to their loss of hope or whether *ulema* failed to integrate themselves to the changing world due to their lack of capacities such as not knowing Western languages and methods.<sup>302</sup> However, Gencer’s depiction of Ahmet Cevdet as someone with religious sensibilities and also as a modernizer at the cost of giving some concession is

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<sup>299</sup> It goes without saying that being a Muslim does not make you automatically conservative and on the other hand being a non-Muslim does not prevent someone from being conservative. It is still worth mentioning that Sava Pasha was a Greek Christian and Gencer does not seem to bother about the issue. For a concise information about Sava Pasha see: M. Macit Kenanoğlu, “Sava Paşa,” *Türkiye Diyanet Vakfı İslam Ansiklopedisi* Vol.36 (İstanbul: Türkiye Diyanet Vakfı Vakıf Yayınları İşletmesi, 2009), 183,184.

<sup>300</sup> Gencer, *Hikmet Kavşağında Edmund Burke ile Ahmed Cevdet*, 16.

<sup>301</sup> Gencer, *İslam’da Modernleşme*, 400-404.

<sup>302</sup> This issue is going to be discussed in detail in chapter 4.

worth considering in order to understand the impact of nature of challenge on Cevdet's attitude toward change. On this matter, a brief and to the point comment comes from Türköne, according to him, *raison d'état* has to be taken into account to make sense of what Ahmet Cevdet Pasha thinks, does and defends; and then he claims that Ahmet Cevdet represents *raison d'état* in the 19<sup>th</sup> century.<sup>303</sup> Having in mind this roughly outlined picture of the challenge of modernity and Ahmet Cevdet's reaction to it, we will be discussing *Mecelle* process so as to corroborate the main of the thesis.

### 3.2 *Mecelle*

*Mecelle-i Ahkâm-ı Adliye*, more widely known as *Mecelle*, refers to sixteen civil code books<sup>304</sup> prepared between 1868 and 1876 which remained in force until 1926 in Turkey and was used directly or had impacts on a wider geography.<sup>305</sup> Given that *Mecelle* is the first codification of Islamic civil law in a modern sense, this issue has been discussed in detail mostly in terms of its relevance to Ottoman and Islamic law history. In this thesis, I will barely discuss the content of *Mecelle* but rather will narrate the pathway to *Mecelle* and its preparation and examine and analyze proposed reasons why there was a need for *Mecelle*. By doing so, I aim to corroborate my argument regarding the importance of nature of challenge in elucidating conservative attitude toward change. That is, *Mecelle* as a response to codification challenge (one of the characteristics of modern state) of the 19<sup>th</sup> century is a perfect example to indicate how decisive nature of challenge tier is in order to grasp 'conservative' Ahmet Cevdet's attitude toward change.

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<sup>303</sup> Türköne, "Ahmet Cevdet Paşa ve Türk Modernleşmesi," 164.

<sup>304</sup> Although *Mecelle* can be mostly identified as a Civil Code, it does not include family and inheritance laws; and only partially includes laws of things and persons, which are seen indispensable parts of Civil Code. On the other hand, it includes laws that normally are not part of a civil code like rules of procedure. See: Kaşıkçı, *İslam ve Osmanlı Hukukunda Mecelle*, 34, 35.

For the detailed discussion of these sixteen books, see: Ibid., 74-162.

<sup>305</sup> Such as today's Syria, Jordan, Iraq, Lebanon, Israel, Palestine, Albania, Bosnia and Herzegovina, Cyprus, Tunisia, Morocco. See M. Akif Aydın, "Mecelle-i Ahkâm-ı Adliyye," *Türkiye Diyanet Vakfı İslam Ansiklopedisi* Vol.28 (İstanbul: Türkiye Diyanet Vakfı Vakıf Yayınları İşletmesi, 2003), 233,234.

### 3.2.1 Codifications before *Mecelle*

Codification or more precisely codified laws could be traced back to the Code of Hammurabi, but codification as a modern phenomenon was one of the results of Enlightenment.<sup>306</sup> As Bentham categorizes, codification, in a modern sense, has to be comprehensive, systematic (not casuistic) and understandable, uniform and at least to a greater extent immune from judicial arbitration.<sup>307</sup> As for Berkes, codification refers to systematizing the rules by choosing the favorable ones and eliminating or reconciling the contradicting ones, and writing them out.<sup>308</sup> It was a relatively new phenomenon that started in Europe at the end of 18<sup>th</sup> century and in the Ottoman case, it started after the Tanzimat Edict of 1839; but it does not mean that previously decisions were given arbitrarily in the empire; instead *fiqh* books, *kanunnames*, *fermans* and other kinds of sources were consulted.<sup>309</sup>

Codification of laws was not something totally novel to the Ottoman Empire considering *kanunname* tradition in general and Mehmet II and its codification in specific, but codification in the modern sense started in the 19<sup>th</sup> century Ottoman Empire.<sup>310</sup> As İnalçık points out, the impact of modern codification could be seen in the military laws during Selim III and that impact accelerated in the Tanzimat Era.<sup>311</sup> Codification process in the modern sense had already started as early as the 1840s, much earlier than *Mecelle*<sup>312</sup> such as *Mahkeme-i Ticaret* (Commercial Court) or

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<sup>306</sup> Reinhard Zimmermann, “Codification: The Civilian Experience Reconsidered on the Eve of a Common European Sales Law,” in *Codification in International Perspective* ed. Wen-Yeu Wang, (Switzerland: Springer, 2014), 11-12

<sup>307</sup> Heikki Pihlajamäki, “Private Law Codification, Modernization and Nationalism: A View from Critical Legal History,” *Critical Analysis of Law* Vol.2 No.1 (2015), 138,139.

<sup>308</sup> Berkes, *Türkiye’de Çağdaşlaşma*, 221.

<sup>309</sup> Gözübenli, “Türk hukuk Tarihinde Kanunlaştırma Faaliyetleri ve Mecelle,” 285; Also see: Kaşıkçı, *İslam ve Osmanlı Hukukunda Mecelle*, 27.

For an alternative - but mostly discredited- view that suggests the pre-Tanzimat period as nothing but lack of order and rule, see: Hıfzı Veldet Velidedeoğlu, “Kanunlaştırma Hareketleri ve Tanzimat,” in *Tanzimat I* (İstanbul: Maarif Matbaası, 1940), 139-209.

<sup>310</sup> Halil İnalçık, “Kanunnâme,” *Türkiye Diyanet Vakfı İslam Ansiklopedisi* Vol.36 (İstanbul: Türkiye Diyanet Vakfı Vakıf Yayınları İşletmesi, 2001), 333-337.

<sup>311</sup> *Ibid.*, 337.

<sup>312</sup> Interestingly, according to Engelhardt a civil code was prepared and a French guy was tasked with penning of civil code right after the Tanzimat, but I have not seen any other proof for his claim. See: ED. Engelhardt, *Türkiye ve Tanzimat Hareketleri*, translated by Ayda Düz, (İstanbul: Milliyet Yayınları, 1976), 35; to consult the original source See: ED. Engelhardt, *La Turquie Et La Tanzimat ou Histoire Des Reformes* (Paris: A. Cotillon, 1882), 41: “L’on se preoccupa en meme temps de la preparation d’un Code civil dont la redaction fut confiee a un home de lettres français.”

generally known as *Ticaret Meclisi* (Trade Assembly) operated as a court to solve problems among merchants regardless of their country of origin and religion.<sup>313</sup> Similar kind of assemblies and courts were introduced in the same period<sup>314</sup> and some laws were either prepared based on the existing rules and regulations or adapted from Europe (i.e. France). To name some, Criminal Codes of 1840 and 1851,<sup>315</sup> first a booklet on land code by *Sheikh-ul Islam* Arif Hikmet Bey in 1849 (*el- Ahkâmü'l-mer'iyye fi'l- arazi'l- emiriyye*) and then the Land Code (*Arazi Kanunnamesi*) under the presidency of Ahmet Cevdet Pasha in 1858,<sup>316</sup> Commercial Code of 1850 (*Kanunname-i Ticaret*) and Commercial Procedure Regulation of 1861 (*Usul-i Muhâkeme-i Ticaret Nizamnamesi*).<sup>317</sup>

In 1855 committee of *Metn-i Metin* was created with the aim of codifying civil law for the first time. Under the chairmanship of Rüşdi Molla Efendi, some other able men came together to compile a book; but the committee was dissolved before they managed to codify a civil law.<sup>318</sup> According to Cevdet Pasha, who was also a member of the committee, one of the main reasons for the failure of the *Metn-i Metin* was due to lack of expertise in *ilm-i fiqh* (Islamic jurisprudence) among the members of the committee who were competent in other areas but not in *ilm-i fiqh* except for Tahir Efendi.<sup>319</sup> As the examples above indicated, codification processes in the empire had started before

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<sup>313</sup> See the document cited in Coşkun Çakır, "Tanzimat Döneminde Ticaret Alanında Yapılan Kurumsal Düzenlemeler: Meclisler," *Sosyal Siyaset Konferansları Dergisi* vol.43-44 no.1 (2000), 368: "...taht-ı nezaretde bulunan mevaddın mu'tenasından birisi dahi Mahkeme-i Ticarettir ki umur-ı ticaretin esbab-ı teshilatına medar olan bir maddedir..."

Ibid., 367: "Ticaret Nezareti'nin mükeddeme hin-i tesisi ve icrasında Hayriye ve Avrupa [t]üccarlarıyla poliçeci esnafının ve gerek teb'a-i Devlet-i 'Aliyye ile müste'men tüccarının de'ava-yı vakı'alarının rü'yet ve tesviyesi zımında bir meclis-i mahsus ve'z ve tertib olunacak..."

<sup>314</sup> See: Ibid., 364-373.

<sup>315</sup> See: Reşat Kaynar, *Mustafa Reşid Paşa ve Tanzimat*, (Ankara: Türk Tarih Kurumu Basımevi, 2010), 295-313.

<sup>316</sup> See: M. Akif Aydın, "Arazi Kanunnâmesi," *Türkiye Diyanet Vakfı İslam Ansiklopedisi* Vol.3 (İstanbul: Türkiye Diyanet Vakfı Vakıf Yayınları İşletmesi, 1991), 346,347.

He argues that although the Criminal Codes of 1840 and 1851 could be seen as the first examples of national law (*milli kanun*); considering their stylistic and content related faults, the Land Law could be seen as the first profound national law of the empire.

<sup>317</sup> For the detailed information see: Aydın, *İslam-Osmanlı Aile Hukuku*, 127-133; Mardin, *Medeni Hukuk Cephesinden*, 45-50; Kaşıkçı, *İslam ve Osmanlı Hukukunda Mecelle*, 44-47.

<sup>318</sup> Mardin, *Medeni Hukuk Cephesinden*, 46, 47.

<sup>319</sup> Ahmet Cevdet pointed out his strength in *ulum-ı aklıyye* and *ebediyye* (positive/rational sciences and Literature) but acknowledged his lack of competency in *ulum-ı nakliyye* (religious knowledge, more precisely hadith, fiqh, and Quran). Though by saying *ol vakit* (at that time) Cevdet in a way insinuated that he was competent enough when the time of preparing *Mecelle* came in 1868. See: Ibid., 46-48.



*Mecelle* was initiated in 1868. Still, the controversies around *Mecelle* process make the issue worthy of consideration because Ahmet Cevdet as the head of the committee had a great influence on the process,<sup>320</sup> and also *Mecelle* was the biggest and arguably the most original example of codification processes in the 19<sup>th</sup> century.<sup>321</sup>

### 3.2.2 A difficult path to *Mecelle*

*Metn-i Metin* attempt was unsuccessful but as we shall discuss, the necessity for a civil code was ever increasing. In his *Tezakir*, Cevdet Pasha indicates that the same issue of codification arose again and he was tasked with preparing *Mecelle*.<sup>322</sup> More fruitful information comes from his *Maruzat* where he talks about two possible methods of codification: namely preparing a civil code from scratch or just translating the French *Code Civile*. According to Cevdet's own valuation, the ones who were blindly devoted to French/European ways were in favor of translating *Code Napoleon* and accepting it as it is; whereas others including Cevdet Pasha and Şirvanizade Rüşdi Pasha supported the idea of preparing the empire's own code by considering the requirements of the time but at the same time in accordance with the rules of Islam.<sup>323</sup> As one of the supporters of translating the French Civil Code, Âlî Pasha in his brief sent from Crete Island (*Girit*) points out that one of the major complaints was about the courts of the empire and he suggests translation and adoption of *Code Civile*, for the areas not covered by *sharia*, in

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<sup>320</sup> Mardin rightly argues that portraying *Mecelle* as if only prepared by Cevdet Pasha is problematic since it was prepared by a committee. See: Mardin, *Medeni Hukuk Cephesinden*, 11,12 and 179.

Baktır posits that Ahmet Cevdet was not the author of *Mecelle* but he thinks that especially the general principles part (*Küllî Kaideler*) indicates Ahmet Cevdet's sophistication. See: Mustafa Baktır, "Mecelle'nin Küllî Kaideleri ve Ahmet Cevdet Paşa," in *Ahmet Cevdet Paşa: Vefatının 100. Yılına Armağan* (Ankara: Türkiye Diyanet Vakfı Yayınları, 1997), 317,318.

<sup>321</sup> Aydın, *İslam Osmanlı Aile Hukuku*, 131; Lewis, *The Emergence of Modern Turkey*, 122.

Cevdet himself overpraises *Mecelle* especially through inserting some quotations by anonymous people on the success and superiority *Mecelle* vis-à-vis Roman law. See: *Tezakir* I, 64: "Ehl-ü erbabı indinde pek ziyade takdir ve tahsin edildi (...) Avrupa kıt'asında en ibtida tedvin olunan kanun-name *Roma kanun-namesi*'dir ki şehir-i Konstantiniyye'de bir cem'iyyet-i ilmiyye ma'rifetiyle tertib ve tedvin olunmuş idi (...) Avrupa kanun-şinaslarından olup bu kerre *Mecelle*'yi mütalâ'a ve *Roma Kanun-namesi*'yle mukayese eden ve ikisine dahi mücerred eser-i beşer nazariyle bakan bir zat dedi ki: "Âlemde cem'iyyet-i ilmiyye vasıtasıyla re'sen iki def'a kanun yapıldı. İkisi de Kostantiniyye'de vuku' buldu. İkincisi tertib ve intizamı mesâilinin hüsn-i tensik ve irtibatı hasebiyle evvelkiye çok müreccah ve fâiktir."

<sup>322</sup> *Tezakir* I, 63,64.

<sup>323</sup> *Maruzat*, 199,200: "Sırf alafiranga efkâra tâbi' olan mütefernicîn ise 'Code Napoleon' [un] tercümesiyle, aynen mehâkim-i Devlet-i Aliyye'de mer'iyyü'l-icrâ olması fikrinde idiler. (...) ilm-i fikhın mu'âmelat kısmından icbâbât-ı zamâniyyeye muvâfik olan mesâil-i şer'iyye cem' olunarak, ehl-i İslâma göre ..."

1867 (hijri 1284).<sup>324</sup> Similarly, minister of commerce Kabuli Pasha was also in favor of adoption of the *Code Civile* and asked for the approval of it; but the second group including Cevdet Pasha, objected to him and his suggestion.<sup>325</sup> Cevdet then criticizes the first group as servants of French politics and their suggestion as sickly ideas.<sup>326</sup>

With the efforts of Cevdet Pasha and Şirvanizade Rüşdi Pasha, *Mecelle* Commission was established and started to prepare the books known as *Mecelle* under Cevdet's presidency. Meanwhile, Cevdet had to confront two groups first, what he called *mütefernicin*, (ones who were overly influenced by French ideas) and second, with some *ulema*. As Ortaylı points out Cevdet's Islamism and traditionalism are repeated constantly, but what Cevdet said and did including *Mecelle* got negative reactions from *medrese* circles, and even he was alienated by [some]<sup>327</sup> *ulema*.<sup>328</sup> Thus as Şerif Mardin puts it Cevdet was "placed between hammer and anvil, between the criticism of *ulema* and that of the 'Europeanists.'"<sup>329</sup> Therefore the process of preparing books of *Mecelle* was not a smooth process, but rather a process with several confrontations and ruptures.<sup>330</sup>

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<sup>324</sup> Cited in Ali Fuad Türkgeldi, *Ricâl-i Mühimme-i Siyâsiyye* prepared by Hayreddin Pınar and Fatih Yeşil (İstanbul: Kitabevi, 2012), 102: "Bir de başlıca şikayet bizim mahkemeler olduğundan ol babda dahi yol aranmak ve Mısır'da yapılmakta olduğu gibi bizde dahi Kod Sivil dedikleri kanunname tercüme ettirilip De'âvî Muhtelite, Mehakim-i Muhtelite ve o kanunnameye tatbikan rü'yet ettirilmek emr-i zaruri görünür. Bunun dahi ahkam-ı celile -i şer'i şerife kat'a dokunmayarak sâir nizamı mehakim misillü tanzimi kabil olur zann olunur."

<sup>325</sup> Maruzat, 200: "Ticâret Nâzırı Kabûli Paşa is bu fikirde musırr olup hattâ mukaddemce Fransız 'kot sivil'ini Türkçeye tercüme etdirerek vükelâya tasdik etdirmeğe çalışıyordu. Lâkin bizim muhâlefetimize mebnî icrây-ı garaza zaferyâb olamıyordu."

<sup>326</sup> Ibid.: "Fransa kanunlarının mehâkim-i Devlet-i Aliyyede [sic: Aliyye'de] ma'mûlû'n-bih olması emelinde bulunmağla, Fransız politikasına hâdim olanlar hep bu fikr-i sakîmde idiler."

<sup>327</sup> Ortaylı does not make it clear whether he addresses some of *ulema* or *ulema* as if it is a unified category but as we discussed, I do not take *ulema* as if all members had the same stance. See: 1.3 Ahmet Cevdet as a victim of imagined dichotomies.

<sup>328</sup> Ortaylı, "Bâbiâli'den Aydın Portreleri," 77.

<sup>329</sup> Mardin, "Some Explanatory Notes on the Origins of the *Mecelle*," 279; Also see: Gencer, *İslam'da Modernleşme*, 408,409.

As discussed earlier, Late Ottoman Empire reforms cannot be understood by using dichotomic categories. As Cevdet mentions in his *Maruzat* not just so-called Westernists but also some of *ulema* were criticizing Ahmet Cevdet and *Mecelle* by arguing that preparation of *Mecelle* has to be under the supervision of 'religious scholars' and their institution (*daire-i ilmiyye*) instead of the newly created ministry of justice. As a response, Cevdet harshly criticize them (including *sheikh-ul Islam* Kezubi Hasan Efendi) as so-called *ulema* (*ziyy-i ulema*) and ignorant. See: Maruzat, 201: "Şeyhülislâm Kezûbî Hasan Efendi ve anıla berâber ziyy-i ulemâda bulunan nice cühelâ dahi, böyle bir fıkıh kitâbının dâire-i ilmiyyede yapılmayupda [sic] dâire-i adliyyede yapılmasından dolayı aleyhime kıyâm etmişler idi."

<sup>330</sup> When the fifth book of *Mecelle* was about to be published, Cevdet Pasha was discharged and the duty of preparing *Mecelle* was given to office of *sheikh-ul Islam* under the presidency of Ömer Hulusi Efendi. According to Cevdet Pasha, given their lack of knowledge on fiqh, discourse, and human affairs (*muamelat-ı enam*) what they produced was not as qualified as the previous books of *Mecelle* and thus did not get public approval. See: Maruzat, 205,206:

### 3.3 Reasons for *Mecelle*

#### 3.3.1 Alleged reasons according to the preambles

Each of the sixteen books of *Mecelle*, starts with a preamble (*Esbab-ı Mucibe Mazbatası*) that explains the content of a given book and mostly does not include fruitful information, but there are two exceptions; one is the preamble of book IV *Kitab'ül Havale* where the controversy around an article became an issue between the commission and the Sublime Porte and arguably turned out to be one of the main reasons of Cevdet's dismissal from the ministry of justice.<sup>331</sup> The second exception is the very first preamble in which why there was a need for *Mecelle* was explained in detail from the perspective of *Mecelle* Commission. Although these preambles may not be prepared only by Cevdet Pasha, considering his leading role and presidency, it can be --at least-- inferred that Cevdet agreed with what was written in these preambles, and in my judgment, he must have contributed substantially or even prepared them.

The preamble for the first book *Kitab'ül-Büyû'* starts with underlining the accelerated commercial activities and consequently separation of commercial law from civil law and then narrates the problem of duality between commercial courts and law on the one hand and sharia courts and law on the other.<sup>332</sup> According to the narrative, especially after the Crimean War, the number of foreign merchants increased and those merchants

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“İnfisâl-i çâkerânemden sonra, *Mecelle Cemiyeti* Bâb-ı Fetvâ'ya nakl olunup, riyâseti, Meclis-i Tedkikat-ı Şer'îyye â'zâsından Ömer Hulûsi Efendi'ye verildi. (...) Hoca Efendiler ise, hep ulûm-i âliye ile ömür geçirüp fıkıhda bidâ'aları olmadığı gibi sakk ü sebk-i kelâma ve muamelat-ı enama aşına olmadıklarından *Mecelle Cem'iyeti*'ne hiç münasebetleri yok idi. (...) tab'u neşr olundukda, evvelki kitâblar ile mütenâsib olmayup, her taraftan i'tirâzâta uğradı ve kabûl-i ammeye mazhar olamadı.

According to Cevdet Pasha, although grand vizier Midhat Pasha was not genuinely interested in completion of *Mecelle*, since not only Islamic camp (i.e. Mufti of Baghdad) but also foreigners praised *Mecelle*, Midhad Pasha commanded completion of *Mecelle*. See: Maruzat, 213: “*Mecelle* te'lifine ehemmiyet vermez idi. Lâkin ecnebi avukatların alkışlarına muttali' olmakla berâber Bağdad Müftisinden dahi *Mecelle'nin* senâsını işitmiş ve böyle islâm nezdinde, hem de ecnebîler indinde makbûl olan bir eserin itmâmına merâk etdiğimden kullarını Meclis-i vükela'ya idhâl etmediyse de, *Mecelle'nin* itmâmını emr etdi.”

For the detailed discussion of the process of preparing the books of *Mecelle* and several ruptures see: Mardin, *Medeni Hukuk Cephesinden Ahmet Cevdet Paşa*, 61-159.

<sup>331</sup> For detailed information see: Kaşıkçı, *İslam ve Osmanlı Hukukunda Mecelle*, 74-162; For the aforementioned controversy See: 110-117; and also Mardin, *Medeni Hukuk Cephesinden Ahmet Cevdet Paşa*, 81-83.

<sup>332</sup> Cited in Kaşıkçı, *İslam ve Osmanlı Hukukunda Mecelle*, 74,75: “Fakat bu asırlarda muâmelât-ı ticariyye pek ziyâde tevessü' eylemiş olduğundan poliçe ve iflas gibi pek çok hususlarda kanûn-ı aslıden istisna olunmuş ve bu mesâil-i istisnâiyeyi hâvî başkaca bir de Ticaret Kanunnamesi tanzim kılınmıştır ki... (...) Halbuki iki mahkemenin usul-i muhakemesi esasen muhtelif olduğundan bittab' işte çatallık peydah olduğu cihetle...”

did not want to go to sharia courts.<sup>333</sup> Further to that, if a case has some non-commercial aspects, applying to commercial courts does not solve the problem since those non-commercial aspects have to be dealt by *sharia* court and these two courts have different proceedings.<sup>334</sup> In addition to that point, the preamble discusses the idea of unity and although it acknowledges that there might be some individual cases where decisions of judges were neither compatible with body of current law nor in unity with other decisions given for the same cases, it asserts that people exaggerated the reality.<sup>335</sup> Then the preamble discusses the previous attempts to pen a book of a unified understanding of *Hanafi School's fiqh*, and eliminate disunity among different schools of *fiqh*.<sup>336</sup> One way or the other, the preamble itself recognized the necessity of having a unified and monist law and was aware of the inconveniences experiencing within the empire.

Hanioğlu points out the discrepancy between theory --according to which laws and regulations have to be applied uniformly within the borders of the empire-- and practice of implementation of laws and regulations differently and sometimes arbitrarily in various provinces of the empire.<sup>337</sup> In a similar manner, by referring the preamble Muallim Cevdet also argues that before *Mecelle*, Ottoman courts did not know what to do and they gave somehow conflicting decisions and also *Kadıs* did not know which *fetvas* to follow.<sup>338</sup> Berkes asserts that considering the changes in the economic and political system of the empire, and inability of traditional laws to meet the requirement of time, replacement of traditional laws with “one based upon formal and positive statutes” and codification was inescapable.<sup>339</sup> It is worth underlining that the preamble also acknowledges the problems related with disunity and duality, but it is more

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<sup>333</sup> Tezakir I, 62: “Günden güne Avrupalıların Memalik-i mahruse'ye tevarüdü ziyadeleşip al'el-husus Kırım muharebesi münasebetiyle fevkalâde çoğaldı. (...) Ecnabiler mahakim-ı şer'iyeye gitmek istemez.”

<sup>334</sup> Cited in Kaşıkçı, *İslam ve Osmanlı Hukukunda Mecelle*, 75.

<sup>335</sup> Cited in Kaşıkçı, *İslam ve Osmanlı Hukukunda Mecelle*, 75: “... güyâ hakim efendiler kavânin ve nizamât-ı mevzuânın hâricinde olarak mürafaatı istedikleri kalıba döküyorlar nazarıyla bakıb bir takım süi zanlara zehâb ile güft-güyâ bâis oluyolar. Ve nüvvâb efendiler içinde ma'lûmât ve liyâkat-ı kâfiyesi olmamak hasebiyle ba'zan şer' ve kanunun hâricinde iş görmeğe tasaddî edenler olduğundan, bu dahî o misillü kil ü kale kuvvet vererek ehil ve erbâb olanlar dahî avâm-ı nasın su-i zannından kurtulamıyor.”

<sup>336</sup> Ibid., 76: “Ve bir aralık mesâil-i fikh-ı hanefiyyi cem' ve ihata etmek üzere asrın fukaha ve füzelâsı cem' edilerek Tatarhâniye ve Fetevay-ı Cihangiriyye gibi kitablara telifine himmet olunmuş ise de, yine bil-cümle fûru-i fikhiye ve ihtilafat-ı mezhebiyye hasr ve ihata edilememiştir.”

<sup>337</sup> Hanioğlu, *A Brief History of the Late Ottoman Empire*, 18.

<sup>338</sup> Muallim Cevdet, “Darümuallimin,” 437.

<sup>339</sup> Berkes, *The Development of Secularism in Turkey*, 160.

respectful to ‘traditional rules and laws.’ An example of buying a house was given according to which, previously if you wanted to buy a new house just seeing one of the rooms used to be enough since all the rooms were alike; but given that now rooms of a house are different, every room of a house has to be seen. The preamble suggests that although the implementation has changed from only seeing one room to seeing all the rooms, the essence does not change: to have an adequate level of information about the thing that you are planning to buy.<sup>340</sup> Furthermore, the preamble stresses the detailed and complicated feature of *fiqh* and difficulty in making a decision based on it; rather than acknowledging the asserted inadequacy of *fiqh*. That is to say, the problem occurs not because *fiqh* or more precisely *Hanafi School of fiqh* is impotent; but because it is too extensive and deep that being familiar with the corpus and making inferences from it, is a tough task.<sup>341</sup> In the same line of argument, the preamble points out an important practical problem: leaving aside the problem of finding personnel who were also trained in *fiqh* for Nizamiye Courts (secular courts), due to an increased number of courts, it was difficult to find *Kadıs* even for sharia courts.<sup>342</sup>

In a nutshell, according to the preamble that can be attributed to Ahmet Cevdet Pasha, given (a) the necessity of unified law in order to eliminate dualism between sharia and secular courts, (b) changes in the forms not in essence in the course of time, (c) difficulty in adjudicating based on ‘extremely complicated and sophisticated’ *fiqh*, and (d) lack of trained personnel, there was a need for an easy to understand book to be used in both sharia and secular courts, which only includes ‘the most correct views’ free from controversies.<sup>343</sup> It is difficult to argue against the preamble’s reasoning of why

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<sup>340</sup> Cited in Kaşıkçı, *İslam ve Osmanlı Hukukunda Mecelle*, 76: “Meselâ kudema-i fukaha indinde iştirâ olunacak hanenin bir odasını görmek kafidir. Ve müteahhirin indinde her odasını görmek lazımdır. Bu ise an delilin bir ihtilaf olmayub belki inşaat hakkında örf ü adetin ihtilafından neşet etmiştir ki, mukaddemâ hanelerin her odası bir tarz üzere yapılageldiğinden bir odasını görmek sâirini görmekten muğni imiş. Muahharen hanelerin odaları muhtelif yapılmak âdet olduğundan her odasını görmek lâzım gelmiştir.”

<sup>341</sup> Ibid., 75: “İlm-i fıkıh ise, bir bahr-i bîpâyân olub bundan dürer-i mesâil-i lâzimeyi istinbat ile hall-i mesele edebilmek hayliden hayli maharet ve melekeye mevküfdir. Alel-husus mezhep-i hanefî üzere tabakât-ı mütefâvitede pek çok müctehitler gelüp ihtilâfât-ı kesire vuku’ bulmuş...”

<sup>342</sup> Ibid., 76: “Ve şimdi ise her tarafta ulum-ı şer’iyede maharetli zevâta nedret geldiğinden mehâkim-i nizâmiyede ledel-icab kütüb-i fıkhiyeye müracaatla hall-ı şüphe âzâ bulundurmak şöyle dursun memâlik-i mahrûsede kâin bu kadar mehâkim-i şer’iyyeye kâfi kuzat bulmak müşkil olmuştur.”

<sup>343</sup> Ibid.: “Binaen âlâ zâlik ihtilâfattan ârî ve yalnız akvâl-i muhtâreyi hâvî olmak üzere muâmelât-ı fıkha dâir sehl’ül-me’ haz bir kitab yapılsa herkes kolaylıkla mütala’a ederek muâmelâtını ana tatbik ve böyle mazbut bir kitab olduğu halde nâib efendilere azim fâidesi olacağı gibi Mecâlis-i Nizâmiyye azasıyla emr-i iradede bulunan me’murîn dahî bil-mütala’a mesâil-i şer’iyyeye intisab ile ledel-icab işlerini vüs’leri mertebe şer’-i şerife tevfiik ederler...”

there was a need for *Mecelle*; but in addition to these mostly practical reasons, nature of challenge (modernism in this context) has to be taken into account.

### **3.3.2 Another reason for *Mecelle*: An inescapable need for a codified civil law**

Despite his good grasp of phenomenon of codification in general, Dedeoğlu's conclusion in the Ottoman context is surprisingly shallow; he comes up with five set of reasons to explain codification processes in Europe and then analyzes the Ottoman case as follows: (1) rationalism and natural law movements, which only had an indirect effect on the empire; (2) systematic law theories of the 18<sup>th</sup> and 19<sup>th</sup> centuries, which did not exist in the Ottoman case; (3) need to respond to new requirements due to changing conditions of social and economic relations, which were (especially the economic conditions) applicable to the empire; (4) aim to strengthen central authority, which was one of the aims of the Ottomans as well and (5) movement of nationalization of law, which was not even a concern in the empire.<sup>344</sup> Then, he asserts that the reaction of people who were sick and tired of ongoing lack of order and regulation was the main factor that triggers codification process in the empire, and interestingly, he included the Sultan (it is not clear which one he is referring to but probably Mahmud II or Abdulmecit) and the vizier (most probably Mustafa Reşit) in this group of people who aimed to bring about order and justice.<sup>345</sup> Hulusi Yavuz also applies a very similar kind of categorization with Velidedeoğlu and agrees with him in terms of the impact of centralization attempt of the empire and accelerated trade relations with Europe; but according to Yavuz's narrative, the role of codification and nationalization of law movements were greater.<sup>346</sup> Then, he argues that the main reason for codification in general and also for *Mecelle* process was pressure of Europe over the empire.<sup>347</sup>

Considering the above discussion on why there was a need for codification and more precisely *Mecelle*, there are at least three points that have to be clarified. The first point to revisit is a portrayal of the Ottoman Empire and its intellectual, political and

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<sup>344</sup> Velidedeoğlu, "Kanunlaştırma Hareketleri ve Tanzimat," 165,168.

<sup>345</sup> Ibid., 168,169.

<sup>346</sup> Yavuz, "Ahmet Cevdet Paşa ve Mecelle'nin Tedvini," 279-283.

<sup>347</sup> Ibid., 284.

economic affairs --at varying degrees-- disjoined from the rest of the World. As we see especially in Velidedeoğlu, the empire was depicted as almost like an isolated island, especially before the Tanzimat Edict, but as we discussed earlier the empire was aware of the importance and concomitant impacts of all political, intellectual, social and economic developments in the West. The second point that has to be revisited is over-emphasizing the European pressure over the empire. I do acknowledge that the European powers used the non-Muslim population of the empire as political tools to gain leverage but such an intervention is not unique to the Ottoman case and also overemphasizing the external impact in the form of coercion gives rise to disregarding internal dynamics of the empire. The third point is the general inclination to focus on secondary, tangential, and practical reasons and overlooking the origin of the challenge (read modernization). Mentioning dualism caused by having commercial and sharia courts simultaneously as one of the reasons to explain why there was a need for *Mecelle* is valid but incomplete, because having a commercial court in the first instance is a result of codification movement. Since the primary cause of commercial courts and *Mecelle* process were the same --codification in specific and modernization in general-- indicating commercial court as if it was one of the reasons of *Mecelle* is putting the cart before the horse. Similarly, portraying *fiqh* as a difficult to master subject might not be wrong but it does not explain the whole story of the 19<sup>th</sup> century codification because if *fiqh* was a difficult subject it had been difficult before the codification movement started, so there must be something peculiar on the eve of *Mecelle*.

The main concern to be addressed here is what was unique in the 19<sup>th</sup> century Ottoman Empire that necessitated codification and civil code specifically. “To function, the interactive state required a uniform code of civil law.”<sup>348</sup> This sentence is a perfect summary of what Toprak thinks about codification and especially *Mecelle* process. In the Ottoman Empire, non-Muslim groups lived under the sharia law and the law allowed those groups to practice their pursuits; however, (a) they started to intermingle more and share more space together and also (b) domestic market of the empire became more integrated to the world market, thus need for unified law --at least for economic

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<sup>348</sup> Toprak, “From Plurality to Unity: Codification and Jurisprudence in the Late Ottoman Empire,” 33.

relationship-- emerged.<sup>349</sup> Moreover, as a result of French influence on new institutions, legal codes and cultural practices, the empire became --as Toprak puts it-- nascent or rudimentary interactive state, which requires direct contact with citizens, rule of law and universality.<sup>350</sup> Thus there was no other option than “a shift from the multi-centric, vernacular system of law of the classical Ottoman State to state-centered law, with tradition giving way to modernity based on the model of a nascent interactive state.”<sup>351</sup> In other words, it was not possible to sustain the empire without having a monist legal system and proceeding.<sup>352</sup> As Ortaylı argues, centralist Ottoman Empire of the 19<sup>th</sup> century had to have standardized modern laws and regulations and Cevdet’s contribution for this purpose was undeniable.<sup>353</sup>

In this subsection, I attempt to indicate that although the reasons written in the preamble and discussed in the secondary literature are part of the story, they should not restrain us from focusing on the overarching reason of transforming the empire to a modern one. Statesmen must have been aware of this challenge of modernization that had to be responded to so both the ones who opted for the adoption of *Code Civile* of France and Cevdet Pasha and some others who prepared *Mecelle* were responding the same challenge.

### 3.4 Nature of *Mecelle*

As discussed earlier, there was --at least to a larger degree-- a consensus among the Ottomans that modernization of the empire was inevitable and thus answers given to “what to do?” question was almost identical: to modernize the empire. To this end, necessity of codification was acknowledged but when it comes to the question of “how to do?” (i.e. how to respond to challenge of codification), answers varied. Therefore what made Cevdet Pasha and his contribution to *Mecelle* conservative can be best

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<sup>349</sup> Ibid., 31.

<sup>350</sup> Ibid., 27.

<sup>351</sup> Ibid.

<sup>352</sup> Türköne, “Ahmet Cevdet Paşa ve Türk Modernleşmesi,” 163.

<sup>353</sup> Ortaylı, *İmparatorluğun En Uzun Yüzyılı*, 180-182.



understood by examining the features/nature of *Mecelle* and the ways in which Cevdet Pasha responded to the challenge of codification.

### 3.4.1 Was it a rupture?

Discussing the success or failure of *Mecelle* as a civil code is beyond the limits of this thesis.<sup>354</sup> Instead, I will examine to what extent *Mecelle* was a rupture from the Islamic tradition. If we stick with the narrative of late Ottoman period that is based on modern versus traditional dichotomy, we have to refer to *Code Civile* of France as the modern option and *Mecelle* as the traditional one, which as discussed is not compelling enough.<sup>355</sup> The literature on *Mecelle* mostly acknowledges that there were both ruptures and also continuities with the Islamic traditions but their conclusions differ substantially. Lewis asserts that as opposed to Âlî Pasha who was in favor of adopting the *Code Civile*, Cevdet prepared *Mecelle*, which was modern in terms of its form but still based on sharia.<sup>356</sup> Toprak, on the other hand, argues that although *Mecelle* was based on Muslim law, given that codification itself is a sign of secularization, this could be seen as a rupture from the tradition.<sup>357</sup> Similarly, Türköne points out that codification had not been done throughout Islamic history; thus, leaving aside codifying the Islamic law, accepting the possibility of codification of Islamic law was something new.<sup>358</sup> Schacht points out, “strict Islamic law is by nature not suitable for codification because it possesses authoritative character only in so far as it taught in the traditional way by one of the recognized schools,” and concludes that *Mecelle* is a secular code.<sup>359</sup> Last but not least, Ayoub emphasizes the continuation within the Islamic tradition and argues that *Mecelle* was an Islamic response to modernity (i.e. Western laws).<sup>360</sup> Although the literature on nature of *Mecelle* is contested; what I can infer safely from the above discussion is that (a) *Mecelle* process was a rupture at least in terms of its methodology

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<sup>354</sup> For a brief discussion of the issue see: Mardin, *Medeni Hukuk Cephesinden*, 171-179.

<sup>355</sup> As one of the authors who adopts this dichotomy, Celal Nuri İleri –despite his admiration to classification and style- criticizes *Mecelle* process by asserting that when the empire was adapting Western criminal and commercial laws, *Mecelle* process was absurd. See: İleri, *Türk İnkılabı*, 113.

<sup>356</sup> Lewis, *The Emergence of Modern Turkey*, 123.

<sup>357</sup> Toprak, “From Plurality to Unity: Codification and Jurisprudence in the Late Ottoman Empire,” 33.

<sup>358</sup> Türköne, “Ahmet Cevdet Paşa ve Türk Modernleşmesi,” 163.

<sup>359</sup> Joseph Schacht, *An Introduction to Islamic Law* (New York: Oxford University Press, 1982), 92.

<sup>360</sup> Samy Ayoub, “The Mecelle, Sharia, and the Ottoman State: Fashioning and refashioning of Islamic law in the nineteenth and twentieth centuries,” In *Law and Legality in the Ottoman Empire and Republic of Turkey*, ed. Kent F. Schull et al., ( Indiana: Indiana University Press, 2016):129-150.

if not in terms of its content and (b) sharia was --at least-- used as a way to increase the legitimacy of the process even if *Mecelle* was not completely based on *sharia*.

### 3.4.2 Giving concessions

By asserting *Mecelle* as a rupture, at least methodologically, I am also suggesting that Ahmet Cevdet Pasha had to accept some changes. In other words, considering the codification movement, divergence from the Islamic tradition was inevitable to keep up with the times, and Cevdet Pasha was aware of this necessity and he gave some concessions in order to respond this challenge.<sup>361</sup> As Ülken asserts, *Mecelle* can be seen as the reconciliation of *fiqh* and requirements of the time,<sup>362</sup> and as Tanpınar puts forth Ahmet Cevdet was “constructive, constituent and conciliatory.”<sup>363</sup> In my opinion, these concessions that Cevdet would not have given if there was no challenge, made him conservative. In other words, because of the ideational and intellectual environment that supported modernization and one of its components codification, Cevdet had to alter his stance and accept changes that he would not have accepted otherwise. At that point, Şentürk prefers to define Cevdet Pasha as an ‘eclectic revivalist’ and argues that Cevdet’s leading role on *Mecelle* on the one hand and his acceptance of commercial courts on the other hand indicate his ‘pragmatic thinking.’<sup>364</sup> Although, it is difficult to argue against Şentürk given that pragmatism might be part of Cevdet’s thinking; since it is not idiosyncratic to Cevdet Pasha and also pragmatism can be part and parcel of every ideology, or worldview in general, it should not prevent us from seeing the peculiarities of conservatism in our case.

As Chambers points out, Cevdet was aware of the necessity of “bringing the Ottoman legal and judicial system into step with the times, but he advocated the modification and adaptation of the indigenous Muslim law instead of importation of alien law wherever that was possible.”<sup>365</sup> What Chambers argues is significantly important in order to

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<sup>361</sup> The issue of giving concession was discussed before. See: 2.2.2 Islahat Edict and Cevdet’s reaction.

<sup>362</sup> Ülken, *Türkiye’de Çağdaş Düşünce Tarihi*, 39.

<sup>363</sup> Tanpınar, *XIX. Asır Türk Edebiyatı Tarihi*, 158.

<sup>364</sup> Şentürk, “Intellectual Dependency,” 298.

<sup>365</sup> Chambers, “The Education of a Nineteenth-Century Ottoman Alim,” 463.

understand that even if Cevdet was not willing to accept change, he might have accepted change or initiated reform due to a challenge that has to be responded. Therefore, I am of the opinion that it is better to prioritize his concessive feature rather than his alleged pragmatism so as to have a more distinctive portrayal of him.

The issue of accepting something that you are not completely happy with mentioned in articles 28 and 29 of *Mecelle's Kavaid-i Külliye* which consists of 100 general and main principles in the very beginning of the first book. According to these articles respectively, “in the presence of two evils, the greater is avoided by the commission of the lesser,” and “the lesser of the two evils is preferred.”<sup>366</sup> As if the aforementioned articles of *Mecelle* summarize the controversies around civil code and prescribe the preparation of *Mecelle* as opposed to adoption of the *Code Civile* of France.

### 3.4.3 Using as a way to increase legitimacy

The second point is the relationship between *sharia* law and *Mecelle*. As discussed previously, it is a contested issue --and beyond the scope of this thesis-- to what extent *Mecelle* was an Islamic or secular code. According to the first preamble, beyond being in line with *sharia*, it was argued that articles of *Mecelle* was based on Hanafi School of *fiqh* and most of them had already been approved and applied by *sheikh-ul Islam*.<sup>367</sup> The relationship between *sharia* and *Mecelle* might not be that straightforward, but it may well be argued that *sharia* was used as a way to increase the legitimacy of *Mecelle*. In the preamble, it is stated that Ibn Nüceym had already attempted to gather some important rules and issues summarily, but this breakthrough did not continue due to lack of trained scholars.<sup>368</sup> In my opinion, the reason for referencing Ibn Nüceym's attempt

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<sup>366</sup> For the English translation, see: International Islamic University Malaysia, “The Ottoman Courts Manual (Hanafi).” [http://www.iiu.edu.my/deed/lawbase/al\\_majalle/al\\_majalleintro.html](http://www.iiu.edu.my/deed/lawbase/al_majalle/al_majalleintro.html) (accessed in March 3, 2018).

In their original language the articles 28 and 29 are as follows respectively, “iki fesad tearuz ettikde ehaffi irtikâb ile a'zamının çaresine bakılır,” and “ehven-i şerreyn ihtiyar olunur.” See: Berki, *Açıklamalı Mecelle*, 21.

<sup>367</sup> Cited in Kaşıkçı, *İslam ve Osmanlı Hukukunda Mecelle*, 78: “Elhasıl bu Mecelle'de mezheb-i hanefinin hâricine çıkılmayub mevâdd-ı mündericesinin ekseri elhâletü hâzihî fetvahânedede mu'teber ve ma'mülün-bih olduğu cihetle bunlar hakkında bahse lüzum görülmez.”

<sup>368</sup> *Ibid.*, 76: “İbn-i Nüceym bir takım kavâid ve mesâil-i külliye'yi cem' ederek bunların tahtında fûru-ı fikhî alâ vehil-ihâta derc eylemek yolunda bir güzel çığır açmış ise de andan sonraki asırların âlim ve fakih yetiştirmek yolunda evvelki semehatı görülemediğinden anın isrine iktifa ile açmış olduğu çığırı şehrah edebilecek zatlar zuhuru ile bu yolda bezl-i cehd eylemelerine müsait olmamıştır.”

was to assert that codification was not a novelty for Islamic law but instead it was attempted previously, but failed. In this way, *Mecelle* was portrayed as in accordance with the tradition. It is worth mentioning that before *Mecelle*, Ahmet Cevdet referenced Jalâl al-Dîn Dawwani's *Dîwan-i Daf'i Mazalim* according to which secular courts were reconcilable with Islam and even necessary for it.<sup>369</sup>

Therefore, leaving aside the discussion regarding the extent to which *Mecelle* was secular or Islamic, Ahmet Cevdet attempted to legitimize it by referring to some religious scholars. Of course, it is impossible to know whether Ahmet Cevdet genuinely believed in the compatibility of *Mecelle* and *sharia*, (at least in terms of its methodology) but nature of challenge tier steps in here, according to which as a conservative, Ahmet Cevdet Pasha has to take the challenge of codification into account. He was aware of the fact that if he did not initiate and support *Mecelle*, Code Civil of France would have been adopted. Thus, either willingly or unwillingly, Cevdet Pasha opted for *Mecelle*, maybe just because it was the lesser of two evils.

### 3.5 Conclusion

Nature of challenge, as the second tier, was introduced so as to take historical context into account and by doing so it was aimed to have a better understanding of Ahmet Cevdet Pasha's attitude toward change. First of all, I criticized the idea that the empire was isolated from the world until the 19<sup>th</sup> century. Instead, I argued that the empire was in contact with the World and especially with Europe before the 19<sup>th</sup> century as well; but after the French Revolution, (I am not just referring to the event itself, but the process that had started way before, but crystalized in the revolution.) the impact of Europe on the Ottoman Empire increased drastically. As discussed earlier, the 19<sup>th</sup> century was different since the modernization or transition to modern state was not a

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<sup>369</sup> Berkes, *The Development of Secularism*, 165; Türköne, "Ahmet Cevdet Paşa ve Türk Modernleşmesi," 163.

As Kaşıkçı cites, some went a step further and argued that *Mecelle* and Code Napoleon were alike and even Code Napoleon came into being thanks to Muslim scholars in Egypt. See: Kaşıkçı, *İslam ve Osmanlı Hukukunda Mecelle*, 63,64.

choice but a necessity for the empire to sustain, which was recognized by most of the elite. Therefore, the main differentiation was not about whether to modernize the empire; but about how to respond to the challenge of modernization. Considering the limitations of the study, only one of the aspects of modern state, codification was discussed in detail. *Mecelle* arguably the most successful codification attempt of the empire was a good case to indicate how determinant nature of challenge was in order to understand conservative attitude toward change.

That is, not just those who were in favor of adopting *Code Civile* but also Cevdet Pasha aimed to respond to the same challenge: codification. Although Cevdet might not be happy with codification of civil law, he was (a) aware of the necessity of unified and monist law and (b) he knew that if he did not initiate *Mecelle* process, the *Code Civile* of France would have been accepted. Therefore, at the cost of giving concessions, he pioneered the process of *Mecelle* that he might have rejected if there was no challenge of codification (read modernization). In other words, *Mecelle* might not be completely in line with *sharia* and Islamic tradition at least methodologically, but it is also difficult to argue that *sharia* and Islamic tradition did not have any impact over *Mecelle*. Eventually, that was a more favorable circumstance, if not the most desired one, for ‘conservative’ Ahmet Cevdet Pasha.

Nature of challenge as the second tier enables us to understand the historical context and intellectual environment within which the conservative accepts/rejects changes and it provides us with a better understanding of the relationship between changes and conservatives. Two tiers (nature of changes and challenges) are sufficient enough to claim that the conservative is not against all kinds of changes but accepts by considering the criteria regarding nature of change and also may soften his stance or give concessions by taking into account the challenges of the time. In these ways, certain seemingly contradictory attitudes of conservatives could be elucidated but some points such as whether the conservative accepts a radical, revolutionary change cannot be explained based on these two tiers. Thus in the next section the third tier, nature of current constraints will be examined so as to have an even better understanding of conservative attitude toward change.

## CHAPTER 4

### INFLUENCE OF NATURE OF CURRENT CONSTRAINTS ON AHMET CEVDET PASHA'S ATTITUDE TOWARD CHANGE

Köhne sâ'at gibidir cism-i za'îf-i pîrân  
Ona dârû-yı müdârâ ile kuvvet gelmez.<sup>370</sup>

In order to repudiate the convention that conservatives do not accept any kind of change and also to have a better understanding of conservative attitude toward change, I suggest a three-tiered approach. Firstly, *nature of change* as the first tier was introduced with the aim of outlining acceptable and unacceptable change for the conservative. In nature of change chapter, I discussed a number of criteria in order to determine acceptable and unacceptable change and roughly, I concluded that conservatives do not reject change categorically but in favor of a balance between changing and not-changing; and opt for changes that would be seen as necessary, beneficial and inclusive. Then I ended the chapter by saying that although we owe a lot to nature of change tier to understand the conservative attitude toward change, this tier alone does not tell the whole story. Since just looking at the features of changes alone is far from conclusive to understand the conservative attitude, *nature of challenge* as the second tier was inserted into the discussion and I concluded that the conservative might adjust/soften his stance by considering the ideational and intellectual environment. Although introducing these two tiers is sufficient enough to argue that conservatives do not oppose changes categorically, they fail to explain some seemingly contradicting attitudes of conservatives. In this chapter, I would introduce the third and last tier, *nature of current constraints*. That third tier, or more precisely considering the three tiers simultaneously, would, on the one hand enable us to contextualize and learn more about the peculiarities of the conservative attitude toward change in a given period of time, and on the other hand, pave the way for elucidating supposed contradictions of conservatives by understanding the basis of their varied attitudes toward change in different times.

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<sup>370</sup> Tarih VI, 52

Before proceeding with the empirical examples, it is worth clarifying what I mean by nature of current constraints. If I were to choose three words to define what it is, that would be: existing conditions matter. Though, it is necessary to elaborate this novel tier further so as to make sure that I can convey what I intend. I assert that conservatives accept radical, revolutionary change and even revolutions by considering requirements of time.<sup>371</sup> Secondly, I argue that conservatives do not value existing rules, regulations, ideas, and institutions just because they exist; but value them only if they stand the test of time and if they make use of accumulation of experience and knowledge of generations. Thus, not only the rules, regulations, ideas, and institutions themselves but also how they come into being and their nature matter for the conservative to decide whether they are worth conserving or not. In the case of Ahmet Cevdet Pasha, the impact of requirements of time are visible considering his willingness to accept radical change; and also especially from his comments on *medrese*, and abolition of the Janissaries one can easily recognize that he does not value institutions just because they happen to be there.

#### **4.1 Conservatism, Revolutionary Change and Revolution**

As discussed in the second chapter, the relationship between change and conservatism is a fruitful and contested issue; but desire for a balance between changing and not-changing; and continuity instead of rupture are mostly acknowledged in the literature on conservatism.<sup>372</sup> In the case of Ahmet Cevdet Pasha, it can be also well argued that although he is not categorically against change, he tries to differentiate acceptable and unacceptable change based on certain criteria that can be summarized as being in favor of borrowing the necessary and beneficial aspects of the West instead of imitating it; and gradual and piecemeal as well as thorough change.<sup>373</sup> However, throughout this

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<sup>371</sup> These two subsections of the third tier will be demonstrated in detail but in order to avoid a possible confusion, it is worth underlying that what I mean here by requirements of time --despite some degree of overlapping-- refers not the ideational challenges (which is the case for the second tier, nature of challenge) but limitations and/or requirements of time within which the conservative has to initiates/accepts/ rejects certain change.

<sup>372</sup> See: first three paragraphs of chapter 1.5 Theoretical Framework of the Three Tiers: Nature of change, challenge and current constraint.

<sup>373</sup> See: chapter 2.2 Ahmet Cevdet's Understanding of Acceptable and Unacceptable Change; and chapter 2.3 Conclusion of the Section.

subsection, I will propose a seemingly contradictory argument according to which Ahmet Cevdet and conservatives in general, might accept radical and even revolutionary change as a result of requirements of time.

#### 4.1.1 What is ‘requirements of time’?

The Idea of taking necessities/requirements of time<sup>374</sup> into account and initiating reform accordingly is not novel in the Ottoman Empire since Ottoman sultans and statesmen valued *kadims* but at the same time they made some changes in line with requirements of time.<sup>375</sup> An earlier example came from an anonymous manuscript *Kitab-ü Mesalih* according to which it is not sound to reject change on the ground that the proposed change was not longstanding since new problems emerge over time and it is always better to keep up with the times.<sup>376</sup> A Similar idea appears as one of the 100 maxims of *Mecelle*: according to the article 39, “it is an accepted fact that the terms of law vary with the change in the times.”<sup>377</sup> In line with this maxim, Ahmet Cevdet Pasha constantly refers time and requirements of time as one of the factors that have to be taken into consideration and criticizes the ones who do not adjust their stances based on these requirements. In the context of Khaldunian phases, Cevdet Pasha argues that over the course of time every state undergoes a change from nomadic to civilized life and one needs to act in line with the requirements of time.<sup>378</sup> Though, his emphasis on requirements of time is not limited to Khaldunian phases and their peculiarities; but rather Cevdet constantly underlines how important and determinant time is. To give a few examples of him using the term requirements of time, sometimes Cevdet uses the term in such a way that it refers to the conditions of that period, whereas sometimes he uses the term for referring a specific instance. Respectively, not only when he discusses

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<sup>374</sup> Cevdet uses several phrases including but not limited to *vaktin icabı*, *ihtiyacat-ı zamâniyye*, *icâbât-ı zamâniyye*, and *icâb-ı vakit* and I translate them as requirement of time throughout the chapter.

<sup>375</sup> Öz, *Kanun-u Kadim*, 76.

<sup>376</sup> Cited in Öz, *Kanun-u Kadim*, 73: “Evvelden olıgelmemişdir demek fâide virmez, ol zaman bu zamana uymaz. Ol zamanda bu fesadlar yoğimiş (...) her husus zamanına göre olmak evladır.”

<sup>377</sup> The original article is, “Ezmanın tagayyürü ile ahkam’ın tagayyürü inkar olunamaz.” See: Berki, *açıklamalı Mecelle*, 22. For the English translation, see: International Islamic University Malaysia, “The Ottoman Courts Manual (Hanafi)” [iiu.edu.my](http://www.iiu.edu.my)

[http://www.iiu.edu.my/deed/lawbase/al\\_majalle/al\\_majalleintro.html](http://www.iiu.edu.my/deed/lawbase/al_majalle/al_majalleintro.html) (accessed in March 3, 2018).

<sup>378</sup> Tarih I, 106; İpşirli I, 116,117: “Her devlet ve milletin murûr-ı zamân ile bedeviyetten hazariyyet ve medeniyyete nakli ve merâtib-i medeniyyette terakkîsi emr-i tabîî olup ancak her tavırda devlete bir türlü tedbîr olunmak ve her vaktin icabına göre davranmak lâzım gelmekle...”



the need for people to undertake reforms;<sup>379</sup> but also when he discusses state officials' need for phaeton,<sup>380</sup> he applies similar phrases. Not to mention his use of the term to indicate that as time changes so do requirements: he criticizes *Garp Ocakları* (the North African States: Algeria, Tunisia, and Tripolitania) on not being able to transform themselves from piracy-centered activities to trade, a transformation that had been successfully accomplished by their European counterparts.<sup>381</sup> Lastly, in his appreciation (*takriz*) of Ahmed Ata Bey's book, Cevdet Pasha draws attention to the changing nature of language in time by giving the example of *çavuş* that used to be a respected and high rank in the empire and even ambassadors were sent abroad as *çavuş*; but this rank was not anymore esteemed.<sup>382</sup>

#### 4.1.2 Does requirements of time really mean something?

Şerif Mardin touches upon the importance of requirement of time,<sup>383</sup> and later Neumann and Gencer dealt with the issue in detail. Gencer argues that by referring requirements of time, Cevdet attempts to underline how crucial taking conjuncture into account and acting accordingly is.<sup>384</sup> Considering the tone of Gencer in his three pieces, he seems to find Cevdet's use of the term compelling enough. On the other hand, Neumann argues that *icab-ı vakt-u hal* (requirements of time) was, to a great extent, a hollow and unsystematic parameter that does not help us to concretize his understanding of required reforms but rather was used as a tool of justification.<sup>385</sup> Then he argues that requirements of time are actually principles that prioritize and value the continuity of the empire above everything else.<sup>386</sup>

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<sup>379</sup> Ahmet Cevdet Pasha's letter to Sadullah Pasha cited in Mardin, *Medeni Hukuk Cephesinden*, 340: "lâkin bizim ahvalimiz iktızasınca [Mahmud II] Avrupa seyahati edemezdi ve dahilen ve haricen lâzım olan malûmatı hâsıl etmek devletin kuvve-i akilesi makamında olan vükelâya ait idi ve ser-i kârda ihtiyacat-ı zamaniyeye göre ıslahat-ı lâzıme icrasına muktedir zatlar bulunmak lâzım idi."

<sup>380</sup> Maruzat, 6: "Bu haller ise Devlet-i [A]liyye'nin dâhil olduğu meslek-i medeniyete mugayir düşerek yâr u ağıyâr nazarlarında çirkin görüldüğünden, icâbât-ı zamâniyyeye göre vükelâ ü ricâl ü kibâr payton ve araba edindikleri gibi Sarây-ı Hümâyûn'da da mükellef araba ve tecemmülât-ı sâire bulunmak lâzime-i hâlden göründü."

<sup>381</sup> Tarih X, 202: "İşbu Garp Ocakları dahi artık gasb ve gâret yolunda istifâdeden vazgeçüp de ticâret yoluna dökülmeleri lâzım gelürken, onlar eski usûlde devâm ve ısrâr iderlerdi."

<sup>382</sup> Tezakir IV, 129,130.

<sup>383</sup> Mardin, "Some Explanatory Notes on the Origins of the Mecelle," 279.

<sup>384</sup> See: Gencer, *Hikmet Kavşağında Edmund Burke ile Ahmed Cevdet*, 182, 183; Gencer, "Ahmet Cevdet Paşa'nın Toplum ve Tarih Görüşü," 70; and Gencer, "Gelenekselciliğin Pınarları: Edmund Burke ve Ahmet Cevdet."

<sup>385</sup> Neumann, *Araç Tarih Amaç Tanzimat*, 204-206.

<sup>386</sup> *Ibid.*, 207.

Neumann is right to argue that Cevdet gives primacy to the survival of the empire and also partially right in his assertion of requirements of time as an empty concept given that neither he defined nor I dare to give a full-fledged definition of what Cevdet Pasha meant by the term requirement of time. However, as we discussed previously, the idea of saving the empire and taking steps accordingly was not unique to Ahmet Cevdet Pasha, but rather shared by most of his contemporaries. Therefore, we need to focus on features that make Ahmet Cevdet's attitude toward change distinguishable rather than focusing on commonalities. Also, it is difficult to argue against the assertion that Ahmet Cevdet used or might have used the term requirements of time as a way to cover his mistakes, inconsistencies; or to legitimize his stance. But, I am of the opinion that taking requirements of time and its impact on Ahmet Cevdet Pasha concurrently with the first and second tiers will give us a better picture than the one in which the term requirements of time is disregarded or taken only as a legitimization tool.

#### 4.1.3 Do conservatives hate revolutions?

An excerpt from Ahmet Cevdet's *Tarih* is quite familiar to researchers who are working on Ahmet Cevdet's stance on revolutions. In that excerpt, Ahmet Cevdet makes an analogy between making revolution and opening the flood barriers; and argues that, making revolutions resembles opening the flood barriers and once they are open, no one can stop, even the ones who initiate them in the first place. Thus revolutions harm not only the opponents but also supporters of them.<sup>387</sup> Then he posits mercilessly that supporters of the French Revolution paid the penalty for what they did and they were annihilated.<sup>388</sup> In the same line of argument, he criticizes the supporters of the French Revolution on the ground that although their assertion was to provide citizens with liberty, equality, and fraternity, at the end dishonest, and abominable ones governed people, and innocent people were killed.<sup>389</sup>

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<sup>387</sup> Tarih VI, 190: "İhtilâl çıkarmak bir seylin önünü açmak gibidir. Bir kere açıldığı gibi tabî'î hızı kesilmedikçe durmaz ve açanlar sed ve bendine kâdir olamaz. Ve yalnız karşı gelenleri götürmeyüp ona yol virenleri dahi berâber gark ve telef ider."

<sup>388</sup> Ibid., "Binaen-'alâzâlik, Fransa İhtilâline sebep olanlar hep bu vecihle birer birer telef olmuş ve her biri itdiklerinin aynıyla cezasını bulmuştur."

<sup>389</sup> Ibid., 180: "Fesubhânallâh ne garîpdir ki Fransızlar ihtilâl çıkarmaktan merâmları istiklâl ve hürriyet ve müsâvât ve serbessiyet [sic] istihsâli iken onun yerine ehl-i ırz üzerine erâzilin hükûmet-i mutlakası ve suçsuz adem katl itmek gibi cinâyâtın icrası kâ'ide olmuş idi."

It goes without saying that he was against the French Revolution in particular. Cevdet compares England and France and argues that as opposed to England, in France liberty did not develop gradually, and people were inclined to revolutions<sup>390</sup> so the revolution was difficult to avoid.<sup>391</sup> Though, in other part of his *Tarih*, he argues that French king (referring Louis XVI) could have prevented the occurrence of the French Revolution, and reformed France smoothly, if he was more diligent and brave to abolish the privileges of noblemen and clergy.<sup>392</sup> Based on these excerpts, one may assert that Ahmet Cevdet was against revolutions. It is difficult to argue that he is supporting the revolution from the bottom of his heart and he did not support the French Revolution and even criticized Louis XVI on not being able to prevent the revolution. Yet, his dislike of the French Revolution might misguide us and we might jump to the conclusion that he does not like any kind of revolutions and --in connection with this-- any kind of radical and revolutionary change.

It is mostly taken for granted that conservatives don't accept revolution and revolutionary change. In this part, I will be challenging this assumption by first introducing arguably the most influential conservative, Edmund Burke and his attitude toward revolution. My aim is not to argue that conservatives including Burke and Cevdet support the idea of revolution with all their hearts and souls but to posit that their dislike for revolutions should not be taken for granted since they might accept revolution and revolutionary change because of *current constraints*.

Burke's hatred of French Revolution is proverbial though it is not surprising considering his statement as such, "all circumstances taken together, the French

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<sup>390</sup> It is worth pointing out the alleged inconsistency in relation to whether French people were inclined to revolution or not. Despite this quotation, in the same volume, he argues that except a group of despicable people, no one was supporting the idea of revolution. See: *Tarih*, VI, 162: "Ma'mâfih, bazı erâzil-i nâssdan başka kimesne ihtilâl efkârında olmadığından..." In that point Arıkan argues that Cevdet Pasha uses 'erâzil-i nass' to refer to only the ones who are responsible for negative behaviors and bloody events of the revolution; not to refer to the people as a whole. See: Arıkan, "Fransız İhtilali ve Osmanlı Tarihçiliği," 98.

<sup>391</sup> *Ibid.*, 173: "Ma'mâfih umûm ahâlinin ihtilâle meyili var idi. Zîrâ Fransa'nın serbessiyeti [sic] İngiltere'de olduğu gibi tedrici vücûda gelmeyüp Fransızlar ber-minvâl-i sâbık bir takım inkılâbât-ı def'iyye ile bu râddeye gelmiş olduklarından artık efkâr-ı ihtilâliyenin önünü almak müşkil olmuş-idi."

<sup>392</sup> *Ibid.*, 162: "Fransa kralı gayyûr ve cesûr bir zât olup da hemân asilzâdegân ile papas gürûhunun imtiyâzât ve mu'âfiyâtını ilgâ itmiş ve hüsn-i idâre ve tasarruf yolunu tutmuş olsaydı, Fransa'nın ahvâlini sektesizce islâh idebilürdü, lakin Luyi [Louis] icrâatta gevşek davrandığından islâhâta dâir bir şey yapamadı."

Revolution is the most astonishing that has hitherto happened in the world.”<sup>393</sup> He criticizes the revolutionaries of France by saying, “when antient opinions and rules of life are taken away, the loss cannot be possibly estimated,”<sup>394</sup> and because of the radical nature of the revolution he is worried<sup>395</sup> about the possible consequences of it.<sup>396</sup> According to Kirk the very reason of Burke’s dislike is because the French Revolution was a *philosophical* or *ideological* revolution and such revolutions due to their idealistic, and utopian character desire to accomplish a lot, but mostly end up with unintended and unfavorable consequences.<sup>397</sup>

However, this is not the whole story, since as opposed to his former attitude, Edmund Burke approved of both the Glorious Revolution of 1688 in England and the American Revolution of 1776. Thus, Mazlish argues that Burke was “a revolutionary and a conservative at one and the same time.”<sup>398</sup> Portraying him, as a revolutionary might be a bit of an overstatement but the reasons why Burke approves some revolutions should be addressed. At this point, nature of current constraints (including but not limited to requirements of the time and by whom and how the current ideas, institutions etc. were created) steps in to enable us to grasp the rationale behind variance on conservative attitudes toward revolution.

Burke has no reservation in supporting the Glorious Revolution of 1688 mainly because, he believes that there has been a tradition of reformation that started with Magna Charta and all the subsequent reforms have been taken place by referencing its predecessors, including 1688.<sup>399</sup> He also argues that the principles of the 1688 can be found in the Declaration of Right which was prepared by “great lawyers and great

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<sup>393</sup> Burke, *Reflections*, 7.

<sup>394</sup> *Ibid.*, 77.

<sup>395</sup> Though he says, “the people of England will not ape the fashions they have never tried” he must have some concerns about the possible effects of revolution at home. See: *Ibid.*, 23.

<sup>396</sup> Yuval Levin, *The Great Debate: Edmund Burke, Thomas Paine and the Birth of Right and Left* (New York: Basic Books, 2014), 185.

<sup>397</sup> Russell Kirk, “A Revolution Not Made But Prevented,” *Modern Age* Fall (1985): 302. Also See: Anthony Quinton, “Conservatism,” in *A Companion to Contemporary Political Philosophy* eds. Robert E. Goodin and Philip Pettit (Oxford: Blackwell Publishers, 1993), 254.

<sup>398</sup> Bruce Mazlish, “The Conservative Revolution of Edmund Burke,” *The Review of Politics* 20, no.1 (1958): 21.

<sup>399</sup> Burke, *Reflections*, 29,30.

statesmen, and not by warm and inexperienced enthusiasts,”<sup>400</sup> and “went only so far as to return the old order.”<sup>401</sup> In Burke’s words, the 1688 was “a revolution not made but prevented.”<sup>402</sup> Later, Russell Kirk used Burke’s words as the title of his article in which he states that the 1688 was seen as “a rolling-back to old constitutional order.”<sup>403</sup> Thus, Burke rationalizes the Glorious Revolution and underlines that there had been some deterioration in the old system so the revolution did not aim to introduce novelties based on abstract ideas but to fix the problems of the current situation.

In a similar manner, Burke welcomes the American Revolution and argues that Americans’ concern was also the same as the English’s concerns back in 1688: to secure their ancient constitution.<sup>404</sup> Kirk points out that these revolutions were approved since they were interpreted as counter-revolutions with limited objectives like restoring the order and preserving the old constitutional structure,<sup>405</sup> for him “American Revolution was not an innovating upheaval, but a conservative restoration of colonial prerogatives.”<sup>406</sup> In other words, “the American Revolution was widely construed as conservative in nature, being an enforcement of the traditional rights of Britons in America.”<sup>407</sup>

Considering Edmund Burke’s variant attitudes toward different revolutions, Ahmet Cevdet Pasha’s disapproval of the French Revolution might be misleading. Given that Burke did not approve the French Revolution either; but approved of other two aforementioned revolutions, so Ahmet Cevdet might have approved of other revolutions as well. In my opinion, it seems plausible to argue that Ahmet Cevdet’s disapproval of the French Revolution might be mainly because of its negative repercussions in the empire (i.e. destructive nature of nationalism for the empire) rather than his purely

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<sup>400</sup> Ibid., 14.

<sup>401</sup> Mazlish, 30.

<sup>402</sup> Cited in Levin, *The Great Debate*, 22.

<sup>403</sup> Kirk, *A Revolution*, 295.

<sup>404</sup> Mazlish, “The Conservative Revolutions,” 30.

<sup>405</sup> Kirk, *A Revolution*, 296, 302.

<sup>406</sup> Kirk, *The Conservative Mind*, 72.

<sup>407</sup> Quinton, “Conservatism,” 253.

because of his dislike of revolution and revolutionary change.<sup>408</sup> It is beyond the scope of this paper to discuss the reasons behind his disapproval of the French Revolution, but I argue that as opposed to the convention, conservatives' disapproval of revolution (including Cevdet Pasha's) should not be taken for granted. Further to that, contrary to the assertion that Ahmet Cevdet's aim was to recover "the traditional system" by making gradual and piecemeal changes, I suggest that Ahmet Cevdet offered 'non-traditional' and radical/revolutionary changes as well due to *current constraints*.

#### 4.1.4 Ahmet Cevdet's stance on thorough and radical change

Cevdet Pasha was aware of the necessity of wide scale and inclusive change. In his *Islahat Layihası* (Reform Pleading) he suggests that the institutions of the state have to work in harmony and should there be a disorder in any of these institutions, it will disconcert the whole system and continues by stating that it is pointless to expect from orderly institutions to bring order to the whole system; on the contrary, disordered ones would spoil the whole.<sup>409</sup> In order to make his assertion clear, he applies an analogy of a clock and asserts that a clock works only if all the hour wheels are tied to each other and work properly and just like a clock, state affairs can be in harmony only if all the institutions of the state are compliment one another.<sup>410</sup> His analogy of clock clearly indicates his emphasis on how interrelated, intricate the state affairs are and thus a change has to be full-scale. As Ülken argues, Westernization or modernization cannot

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<sup>408</sup> Ottoman foreign minister Reisülküttap Atıf Efendi in his pleading on European politics discusses the negative impacts of the French Revolution on the empire and the revolution was interpreted as a mischief-maker. This pleading is inserted into Cevdet's *Tarih IV*, 394-401.

I learned from Arıkan that there is a pleading of Atıf Efendi, and this pleading is being inserted into Cevdet Paşa's *Tarih*. See: Arıkan, "Fransız İhtilali ve Osmanlı Tarihçiliği," 88-90.

<sup>409</sup> Tezakir IV, 98: "Ale'l-husûs hey'eti icrâiyye intizâmsız olduđu hâlde diđer hey'etlerin devâm-ı intizâmı kâbil olamaz. Zîrâ bir hey'et-i gayr-ı muntazama bir hey'et-i muntazamayı ne besliyebilir ve ne de hüsn-i isti'mâl eyleyebilir. Elhasıl bir devletin devlet-i muntazama olması şu'ubât-i idâresinden her birinin intizâmına mütevakıftır. Bir şu'benin intizâmsızlığı diđer şu'ubatının intizâmına hâlel getirir."

For almost the same ideas see also, *Tarih VI*, 5: "Bu vecihle her taraftan âsakir-i nizâmiyye tertîbi elzem göriliyordu. Lâkin Devlet-i Aliyye'nin ahvâl-i mülkiyesi dahi muhtel olup bir bozuk hey'et ise bir hey'et-i muntazamayı idâre idemeyeceğinden tanzîm-i askerle ber-a-ber umûr-i mülkiyyenin tanzîmi dahi lâzime-i hâl ve maslahatdan idi."

<sup>410</sup> Tezakir IV, 98: "Kaldiki bir sâatin çarhları yek-diğere merbût ve sıhhat üzere işlemesi her çarhının düzgün ve bir-birine uygun olmasıyla meşrût olduđu gibi umûr-ı devlet dahi bir-birine merbût ve intizâm üzere cereyân eylemesi hepsinin hüsn-i intizâmında mütenâsip ve mütenâsik olmasına menûttur."

The same analogy of clock was firstly mentioned in *Tarih-i Cevdet's VI* volume (published in 1286 hijri, meaning that 3 years before *Islahat Layihası* of Ahmet Cevdet) when Cevdet Pasha narrates the process bound for Nizam-ı Cedid. See: *Tarih VI*, 6: "Çünkü umûr-ı devlet sâ'at çarhları gibi yekdiğere muttasıl ve merbût ve bu dolabın hüsn-i intizâm üzere dönmesi cümlesinin taht-ı nizâm ve râbitada bulunmasına menût olduğundan Devlet-i Aliyye her dâiresince ıslâhât-ı esâsiyyeye muhtâç idi."

be contained only with the restoration of the army,<sup>411</sup> and Cevdet Pasha was aware of the necessity of thorough reform in line with the Tanzimat Era,<sup>412</sup> and recognized the importance of the economy.<sup>413</sup> Even before the Tanzimat Era, when Ahmet Cevdet narrated Selim III's reign, he argues that the empire had to be reformed and organized thoroughly, but Selim III failed to do so.<sup>414</sup>

Considering the aforementioned discussion, no longer surprisingly, Ahmet Cevdet accepts/ tolerates sudden changes in traditions. To illustrate, when Ahmet Cevdet was in Bosnia as an inspector, he describes the Bosnian *aşıklık* (dating/ flirting) tradition according to which young boys and girls spend time together, flirt with each other and girls do not cover their heads until they get married.<sup>415</sup> Then points out, despite some *ulema*'s disapproval of this tradition, it is not easy to abandon since traditions are part of people's worldview and it is difficult to change them.<sup>416</sup> In his *Maruzat*, he narrates the process of putting a ban on wedding celebrations in Bosnia with the intention of encouraging young people to marry, given that they had to postpone marriage because of the financial burden of celebrations.<sup>417</sup> Since people were sick of costly feasts, not having a wedding feast became the new tradition and based on the instance, Cevdet concludes that although giving up traditions is not easy, people may do so because of extraordinary conditions.<sup>418</sup> As another example, Cevdet discusses the diametrically opposing traditions in the empire and in European countries; while applause by shouting is considered as reverence to rulers in Europe, being silent and bowing their heads are seen as ways to pay homage to sultans in the empire.<sup>419</sup> Cevdet then states that the

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<sup>411</sup> Ülken, *Türkiye'de Çağdaş Düşünce Tarihi*, 36.

<sup>412</sup> Ortaylı, "Cevdet Paşa ve Avrupa Tarihi," 166.

<sup>413</sup> İzgöer, *Müslüman, Osmanlı ve Modern*, 246

<sup>414</sup> Tarih VIII, 171: "Sultân Selîm bizzât nizâm-ı cedîd askerinin başına geçüb de derhâl usât-ı te'dib ile devleti esâsından islâh ve tanzîm itmek lâzım iken mu'tâdi olan nezâket ve mülâyemet yolunu tutdı ve bunca emekler sarf ile vücûda getürdiği asâkir-i mu'allimeyi bir anda mahvitdi..."

<sup>415</sup> Tezakir III, 24.

<sup>416</sup> Tezakir III, 25: "Fakat bu aşıklık usûlüne ba'z-ı ulemâ îtirâz eyledikleri hâlde ez-kadîm me'lûf oldukları bir mu'âmele olduğundan bu âdetin ref'i kaabil değil idi. Çünkü âdet insana tabî'at-i sâniye olduğundan tebdîli ne meretebe güç olduğu vâzihâttandır."

<sup>417</sup> Maruzat, 84,85.

<sup>418</sup> Ibid., 85: "Âdet insana tabî'at-ı sâniye olup kolaylıkla terk olunmaz ise de, ba'zı ahvâl-i fevka'l-âde ile def'aten ta'dil olunabilir. Ale'l-husûs düğün belâsından halk da bezmiş usanmış olduklarından, külfetli düğün yapmamak da âdet oluverdi."

<sup>419</sup> Ibid., 58.

Ottoman tradition of being silent changed all of a sudden when Sultan Abdulaziz came back from Egypt.<sup>420</sup> Then again he asserts that traditions can only change gradually in time but then acknowledges the fact that in the case of extraordinary conditions they might change suddenly.<sup>421</sup> Thus, it can be concluded that although Ahmet Cevdet Pasha was of the opinion that changing or abandoning traditions is not easy at all, in the case of extraordinary conditions, it would be accepted by people, and also by Cevdet Pasha himself.

As I attempt to corroborate throughout the chapter, requirements of time are crucial to understand the conservative attitude toward change and elucidate some seemingly contradictory attitudes of conservatives. As opposed to the convention that the conservative does not accept radical/revolutionary change, I argue that conservatives might accept such changes by taking the requirements of time into account. I started to the chapter with an excerpt from Cevdet Pasha, which I think to be a good summary of the whole chapter. Considering the impotent nature of the aged empire and malfunctions of its institutions, Ahmet Cevdet uses a metaphor according to which, just like a worn clock, an old and weak body cannot be cured by common/ordinary medications.<sup>422</sup> In a way, Cevdet points out that some minor changes would not be enough to save the empire. He argues that states might refresh themselves thanks to correct treatment but especially if there are external problems/threats as well, saving a state can only be possible through radical reforms.<sup>423</sup> It seems that, according to Cevdet, the empire was also going through a tough process thus radical change must be necessary. In this line of argument, in his letter to ambassador to Vienna, Sadullah Pasha, Cevdet compares Russian and Ottoman empires and posits that the Ottoman

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<sup>420</sup> Ibid.

<sup>421</sup> Ibid.: “Ma’lûm a insan esîr-i âdât ü rûsûmdur; âdetler, ancak mürûr-ı zamân ile bi’t-tedric tebeddül edebilir lâkin ba’zan ahvâl-i fevka’l-‘âde ile def’aten dahi tebeddül ettiği vardır.”

<sup>422</sup> Tarih VI, 52: “Devlet-i Aliyye’nin tavr-ı şeyhûhet ve inhitâtı olup â’zâ ve cevârihi ilel ve emrâz-ı gûn-a-gûn ile muhtel ve zebûn olduğundan... Köhne sâ’at gibidir cism-i za’îf-i pîrân/ Ona dârû-yı müdârâ ile kuvvet gelmez.”

<sup>423</sup> Tarih I, 18; İpşirli I, 21,22: “Ve ba’zan bir devlette ziyâdesiyle inhitat ve fütur emâreleri zuhûr etmişken tedâbîr-i hâkîmâne ile teceddüd edip tazelendiği vardır. Fakat ol halde devletin tehlikesi ziyâde olup fevkalâde ba’zı ilel-i hâriciyye dahi zuhûr eder ise teceddüd edip de halâs bulması pek düşvârdır. Ve vukûu var ise de vukûât-ı cesime ve inkılâbât-ı azîme ile hasıl olabilmıştır.”



Empire was in a worse situation and needed more reforms.<sup>424</sup> Considering all the aforementioned features of the empire in the 19<sup>th</sup> century, Ahmet Cevdet approves thorough and radical changes because of the requirements of time. In other words, he thinks that saving the empire would not be possible through some small changes; since reforms have to be in proportion to requirements of time.

Cevdet was aware of the fact that radical changes were necessary for the empire but on the other hand, he was also conscious of the possible dangers of taking radical steps especially when a state was weak. That is, on the one hand, he emphasizes the necessity of change and the significance of keeping up with times; but on the other hand, states that just like the treatment of a sick and exhausted body, one needs to be extremely careful and meticulous during the process of reforming a weak state (read the Ottoman Empire).<sup>425</sup> Thus, approval of radical/revolutionary change does not make Ahmet Cevdet tolerant of tactless and half-baked changes. Cevdet narrates the Selim III's reforms and *Layihâs* (pleadings) written to the sultan by prominent members of *ulema* and major *ayans* (land lords) on the eve of *Nizam-ı Cedid* (New Order) reforms and then argues that changing a state's order completely is harder than establishing a state from scratch, thus in the case of such a thorough reform that aims to change the whole state organization, there must be a consensus.<sup>426</sup> As seen here, Ahmet Cevdet does not reject radical or thorough reform but gives notice about potential dangers and the ways to prevent them.

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<sup>424</sup> Ahmet Cevdet Pasha's letter to Sadullah Pasha cited in Mardin, *Medeni Hukuk Cephesinden*, 339: "Rusyanın dahiliyece müşkülâtı bizim müşkülâtımız kadar değildi, [1]slâhat-ı dahiliyece ihtiyacatı bizim ihtiyacatımız kadar değildi."

For example, by comparing abolition of the Janissaries and Streltsy (*İsterliç*) corps, Cevdet urges that are similar given that in both cases reforms are initiated by the states; but while Streltsy was just a tumor at Russia's shoulder; the Janissaries was like cancer at the heart of the empire. Ibid. : "Bizde dahi ıslahâta taraf-ı saltanat-ı seniyyeden başlanmış olduğu cihetle [Y]eniçerinin ilgâsı İsterliç askerinin ilgâsına benzer. Lâkin [Y]eniçeri [D]evlet-i [A]liye[']nin kalbinde bir saratan illetine benzerdi. İsterliç askeri ise Rusyanın omuzunda bir ur idi."

<sup>425</sup> Tarih I, 87, 88; İpşirli I, 97: "Zîrâ her cem'iyet-i beşeriyye bi'l-mecbûriyye bu köprüden geçmiş ve hük-m-i zamânı derk ve takdîr etmeyerek ahvâl-i tabîiyyeye karşı durup da tavr-ı kadîmde inâd u ısrâr eden akvâm derya-ı ademe dönüşmüştür [sic: düşmüştür]. Şu kadar ki devlete göre en büyük hatar ve mühlike ve beden-i hey'et-i müctemîâ-yı millete pek azim illet-i mühlike bir tavırdan tavr-ı diğere nakli hengâmında olup bir hastalığın iyiliğe tahavvülü zamânında ziyâdesiyle dikkat u ihtimam olunmaz ise illetin nüksüyle zâten zaif olan vücûdu bütün bütün berbad etmesi mücerreb olduğu..."

<sup>426</sup> Tarih VI, 6: "Lâkin bir devletin böyle külliyyen tebdîl ve tecdîd-i nizâmâtı müceddeden bir devlet teşkilinden güç olduğına binâen her ne yapılmak lâzım gelürse ittifâk-ı ârâ ile yapılmasını iltizâm ve havâss-ı ulemâ ve a'yân-ı kübrânın nizâm-ı devlete dâir birer lâyiha kaleme almalarını emr-ü irâde itmiş idi."

Further to that, as we discussed in nature of *change tier*, Ahmet Cevdet attempts to make a distinction between necessary and unnecessary change, and asserts that instead of imitating the superficial features and being overwhelmed with luxurious lifestyle of the West, one needs to borrow wisely and try to understand the reasons behind the revival of the West.<sup>427</sup> Therefore, I have to underline that approval of revolutionary and thorough change does not mean to accept every kind of change or novelty without considering the extent to which they are acceptable for the conservative. In the case of Ahmet Cevdet, he wants radical and complete reforms in order to keep up with the times but it does not mean that these radical steps can be taken without thinking out and carelessly. To illustrate, in his letter to ambassador Sadullah Pasha, Cevdet argues that we would have taught how to make a proper shoe to Ottoman craftsmen if we had started to reform; but we had an itch to wear the shoes as soon as possible. Therefore, instead of enabling Ottoman craftsmen to produce shoes, foreigners came and earned a lot in the empire whereas Ottoman crafts perished and so many industries failed.<sup>428</sup> As Cevdet points out, eagerness to wear better shoes without attempting to train Ottoman shoemakers and enabling them to make such shoes was a mistake. In the great scheme of things, Cevdet posits that focusing on shallower aspects of the West instead of trying to understand and adopt vital and essential aspect of European revival, would do more harm to the empire.

As mentioned before, the abolition of Janissaries is seen as one of the milestones of Ottoman reformation and modernization in the 19<sup>th</sup> century and it is also the last major issue that Ahmet Cevdet covers in his twelve-volume history book. The way in which Cevdet Pasha handles the issue in his *Tarih* and his letter to Sadullah Pasha after he completed the last volume of *Tarih* are important to understand how he approves the abolition of Janissaries (a radical change); and also how and why the Ottoman case is tougher. Cevdet asserts that if the Janissaries had been accustomed with up-to-date European warfare by adopting these new methods gradually, they would have embraced

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<sup>427</sup> See: 2.2 Ahmet Cevdet's Understanding of Acceptable and Unacceptable Change.

<sup>428</sup> Ahmet Cevdet Pasha's letter to Sadullah Pasha cited in Mardin, *Medeni Hukuk Cephesinden*, 341: "Eski merkubların imalini ıslah yolunda işe başlamış olsaydık az vakit zarfında ayakkabı dikiçilerimiz alâ kundura dikmeği ve kırmızı meşini yapan debbağlarımız alâ kundura kerestesi yapmayı öğrenirler idi. Acele kundura giymeğe heves ettik, kerestesile beraber dikiçileri hariçten gelerek burada kazandıklarını çıkın çıkın altın edüp memleketlerine gönderdiler, bizim esnafımız ise mahvolup bitti, nice sanayiimiz battı."

the current required warfare methods; but given that they had been left without any reform, their disorder had been consolidated in such a way that their reformation was not possible anymore and the only solution was complete abolition of the corps.<sup>429</sup> This assertion clearly shows that initially, Ahmet Cevdet is in favor of gradual change as could be expected from conservatives; however, he then considers current condition of the Janissaries and approves the abolition of it since he thinks its recovery is impossible.

Thus, although I assert that by considering requirements of time, the conservative approves radical/revolutionary and thorough change, they are also well aware of possible problems of taking radical steps. Further to that, accepting radical change does not mean that --even in extreme cases-- conservatives would accept all changes regardless of their nature. As discussed in relation to Ahmet Cevdet's attitude toward change, first of all he thinks that there is a need for a complete change in state order as his clock analogy indicates and according to him conditions of the empire is worse (for example compared to Russia) thus more radical reforms are needed for the empire. However, on the other hand, he does not fail to mention the possible dangers of undertaking revolutionary and thorough change, and emphasizes the necessity of being careful in terms of preparing, choosing and implementing reforms.

## 4.2 Is It Worthy of Conserving?

In the section above, I mainly discuss conservatives and more precisely Cevdet Pasha's and Edmund Burke's attitudes toward radical change and revolutions. In this section, I will question whether conservatives value existing institutions, ideas and so on regardless of other possible factors such as how they come into being and their current conditions.

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<sup>429</sup> Tarih VI, 15: "Kaldı ki Avrupa'da usûl-i fenn-i harb teceddüt itdikçe Devlet-i Aliyye dahi vakit-be-vakit az çok usûl-i askeriyyesini tebdîl ve tecdît iderek ocaklı bu makûle teceddüdâta alışdırılmış olaydılar bu kere dahi mültezem olan usûle idhâlleri kâbil olur idi. Lâkin bunca senelerden berü hâlleri üzre kalarak bi't-tedric te'essüs ve takarrur itmiş olan nizâmsızlık illet-i müzmüne hükmüne girüp ilâc ile tashîh ve islâh olunabilecek dereceleri geçmiş olduğundan bunların külliyyen ref'lerinden gayri çâre mefkûd idüğüne..."

The idea of continuity, gradual change, and importance of the accumulation of knowledge and experiences were underlined as factors that are taken into account by conservatives when they decide whether a given change is acceptable. Considering the limitations of human beings, most of the conservatives emphasize the importance of extra-human origins of society,<sup>430</sup> and respectful to “wisdom of our ancestors.”<sup>431</sup> For example as for Burke, “it becomes a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born.”<sup>432</sup> Considering the conservative premise that an individual alone is far from having all the faculties --thus he/she has to benefit from his/her ancestors-- Burke’s emphasis on ongoing continuation between the generations is not surprising. Similarly, as Levin nicely summarizes, conservatives value institutions, which are seen as the ways in which time-tested and profound knowledge would transfer through generations.<sup>433</sup> Further to that, Burke suggests that despite being slow and even imperceptible, reforming process should be through keeping the “useful parts of an old establishment” and adding compatible parts with the remaining of the old establishment.<sup>434</sup> Therefore, Burke suggests that generations have to preserve and also improve through change what they inherited and hand down the next generations.<sup>435</sup>

The literature on how conservatives perceive current institutions, ideas, regulations and so on is not limited to what I covered in the paragraph above. Yet, it is sufficient to say that conservatives do value them. In this section, I am not going to challenge the very argument but rather insert another aspect by asking: whether each and every institution, regulation and rule is valuable and worthy of conserving? That is, instead of taking for granted that the conservative values all existing presence, the reasons why conservatives value them have to be taken into account. Therefore, I argue that conservatives value existing institutions, rules, and regulations as long as they stand the test of time and

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<sup>430</sup> Freedden, *Ideologies*, 344-345

As Huntington points out, for Burke, “existing institutions embody the wisdom of previous generations.” See: Huntington “Conservatism As An Ideology,” 456.

<sup>431</sup> Kirk, *The Conservative Mind*, 65

<sup>432</sup> Burke, *Reflections*, 96.

<sup>433</sup> Levin, *The Great Debate*, 175

<sup>434</sup> Burke, *Reflections*, 170.

<sup>435</sup> Levin, *The Great Debate*, 214.

make use of accumulation of experience and knowledge of generations. If their existence happens not to the results of such processes, the very reason why conservatives value them disappears. In a sense, not only rules, regulations, ideas, and institutions themselves but also how they come into being and their nature matter for the conservative to decide whether they are worthy of conserving.

#### 4.2.1 German Case example

In order to make my argument clear before I proceed with Ahmet Cevdet Pasha, I shall give the example of one of the supporters and theorists of conservative revolution, Arthur Moeller van den Bruck and conservatism in Germany during the interwar years.<sup>436</sup> In line with the aforementioned discussion, Bruck thinks that humans are imperfect and points out, “he [the conservative] sees that one life is not enough to create the things which a man’s mind and a man’s will design. He sees that we as men are born each in a given age, but that we only continue what other men have begun, and that others again take over where we leave off.”<sup>437</sup> Bruck also states, “thus conservatism and revolution co-exist in the world today... We shall take a worthy revenge by evolving a conservative-revolutionary thought as the only one which in a time of upheaval guarantees the continuity of history and preserves it alike from reaction and from chaos.”<sup>438</sup> To this end, Bruck is ready to accept “revolutionary postulates” and “revolutionary means.”<sup>439</sup>

Although it seems contradictory, we can make sense of Bruck’s attitude by taking nature of current constraints into account. That is to say, he was not happy with the Weimar Republic since it accepted --according to him-- the colonial status of Germany<sup>440</sup> or in general the Weimar Republic was seen as a foreign system of government imposed upon Germany by victorious West. Considering these

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<sup>436</sup> Roger Woods uses the term ‘Conservative Revolutionaries’ here and also suggests another group called ‘traditional brand of conservatism.’ See: Roger Woods, “The Radical Right: The ‘Conservative Revolutionaries’ in Germany,” in *Nature of the Right: American and European Politics and Political Thought Since 1789*, ed. Roger Eatwell and Noel O’Sullivan (Massachusetts: Twayne Publishers, 1990), 124-145.

<sup>437</sup> Bruck, *Germany’s Third Empire*, 171.

<sup>438</sup> Ibid., 163.

<sup>439</sup> Ibid., 164.

<sup>440</sup> Ibid., 126.

interpretations, first of all, the current institutions and ideas of Germany in that time did not come into existence as a result of a long period of time thus it did not represent the wisdom of generations but instead imposed on the people of Germany. Therefore, our general assumption that institutions and ideas of a given time is always a result of a process that the conservative would appreciate is a fallacy. As the case of the Weimar Republic clearly indicates there might be a rupture from the past and in such a case, there is no incentive for the conservative to value those institutions and ideas. Therefore, as opposed to the dictionary definition, according to which, conservatism is “commitment to traditional values and ideas with opposition to change or innovation,”<sup>441</sup> in order to straighten out the seeming contradiction of the conservative, one must consider reasons why those values, ideas, and institutions are important.

The claim that conservatives do not welcome revolution and revolutionary change is not completely wrong but is incomplete; instead, we should also add the reason why the conservative is not happy with revolutionary change. The very simple answer: it is assumed that institutions, ideas, and traditions are products of a long period of time and represent the wisdom of generations. However, in the case of the Weimar Republic --at least as it is perceived-- neither the institutions nor the ideas were representatives of such a process so there is no reason to venerate the current institutions, ideas, and regulation and given that those ideas, institutions and regulations do not have any conservative value they are not worthy of conserving.

#### **4.2.2 Abolition of Janisarrries**

By giving the example of Bruck’s account of the Weimar Republic and his approval of revolutionary change, I intended to clarify my argument and convey that not all countries experience gradual and piecemeal change. Although the English example might be the best scenario for conservatives, as the example of Germany indicated, other countries’ reform processes might not be as smooth as the English case and those

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<sup>441</sup> *Oxford Dictionaries*, s.v. “Conservatism,” accessed November 5, 2017, <https://en.oxforddictionaries.com/definition/conservatism>

might experience some ruptures. Thus worthiness of current institutions, ideas, regulations and so on is neither innate nor should be taken for granted.

As opposed to what one might conventionally expect from a conservative, Ahmet Cevdet supports radical/revolutionary change; and approves the abolition of Janissaries by considering and referring the requirements of time, instead of asserting that it would have been better to repair defective parts of the corps. In order to further corroborate my argument, I examine Ahmet Cevdet's stance on the abolition of Janissaries and by considering the second subsection of *current constraints*: whether it is worth valuing current institutions, ideas, regulations and so on just because they happen to be there.

Ahmet Cevdet straightforwardly points out that the Janissaries were not willing to give up their corrupt order, but rather valued it by saying it was their *kanun* (law), and they rejected certain necessary changes.<sup>442</sup> In the same line of argument, Cevdet argues that since the Janissaries were ignorant and fundamentalist, they neither accept order nor allow creation of orderly troops.<sup>443</sup> What Cevdet points out is significant to indicate that he does not give credit to the Janissaries' so-called *kanun*; but rather criticizes the institution (i.e the Janissary Corps) as disorganized and opponent of required change. Therefore, he approves the abolition of such an institution since the institution failed to renew itself and became disordered. Cevdet takes a step further and argues that since Janissaries will be Janissaries even if they are put in order, it would not have been possible to have 'desired Janissaries.'<sup>444</sup> In the previous subsection as well, I discussed his dislike for the Janissaries and approval of its abolition, however, it is worth underlining that in addition to requirements of time, he points out ruined nature of the Janissaries and their reactionary attitude toward change. As a result, leaving aside supporting an institution just because it was there; he harshly criticizes it and supports its abolition. Given that the institution in question is --according to Cevdet-- far from

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<sup>442</sup> Tarih XII, 138: "Yeniçeriler dahi kânûn deyü beynlerinde cârî olan bozuk düzen âdetlerinden geçemedikleri cihetle askerce lâzım gelen nizâmât-ı meşrû'aya nazar-ı nefret ile bakıyorlardı."

<sup>443</sup> Tarih I, 106; İpşirli I, 117: "Husûsiyle Yeniçeriler fart-ı cehl ü taassublarından nâşî ne kendileri nizâm kabul eder ve ne de bir muntazam asker teşkiline meydân verirlerdi."

<sup>444</sup> Tarih I, 123; İpşirli I 135: "Yeniçeri her ne kadar nizâm tahtına alınsa yine eski Yeniçeri olup matlûb olan Yeniçeri vücuda gelmezdi."

representing an accumulation of knowledge or wisdom of generations, there is no reason to value its existence.

### 4.3. Medrese and Ulema

Thanks to German revolutionary conservatives and Ahmet Cevdet's stance on the abolition of Janissaries, I introduce my nuanced argument on whether conservatives value institutions regardless of other factors including but not limited to their nature, current conditions and how they come into being. In order to further substantiate my argument, I allocate some space to discuss *medrese* institution and *ulema class* of the empire. Firstly, I will discuss the *medreses* and *ulema* as declined and deteriorated institutions by associating them with my assertion that conservatives do not value institutions just because they happen to be there; thus conservatives might not have any problem with radically changing and even abolishing those institutions. Secondly, the same institutions shall be discussed by referring to the decisive character of requirements of time. In this way, I aim to apply two subcomponents of nature of current constraints tier, namely whether all institutions are worthy of conserving for conservatives and requirements of time to examine *medreses* and *ulema*.

The origin of *medrese* dated back to prophet Muhammed's Era but it was systematized and institutionalized by Seljuks.<sup>445</sup> Nizamiye *medreses* of Seljuks were founded for the purpose of teaching *fiqh* (science of jurisprudence), and once Ottomans inherited *medrese* from Seljuks, it became one of the most significant institutions of the Ottomans not just for educational purposes but also as an indispensable part of Ottoman conquest policy.<sup>446</sup> That is, once an area was conquered, a mosque and a *medrese* next to it were constructed so as to penetrate to the society, disseminate Islam and its culture and reconcile the relations among the state, intellectuals and people.<sup>447</sup> Further to that,

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<sup>445</sup> Murat Akgündüz, *Osmanlı Medreseleri XIX. Asır*, (İstanbul: Beyan Yayınları, 2004), 17.

<sup>446</sup> Ekmeleddin İhsanoğlu, "The Madrasas of the Ottoman Empire," *Foundation for Science Technology and Civilization*. (April, 2004), 1-3. <http://www.muslimheritage.com/uploads/madrasas.pdf> (accessed in May, 2018).

<sup>447</sup> Ibid., 3; Mehmet İpşirli "Medrese," *Türkiye Diyanet Vakfı İslam Ansiklopedisi* Vol.28 (İstanbul: Türkiye Diyanet Vakfı Vakıf Yayınları İşletmesi, 2003), 328.



*medreses* were influential in scholarly life, and forming the Ottomans' worldview and mentality; they dealt with social issues and came up with solutions.<sup>448</sup> Considering the complexity of the issue, and the main aim of my thesis, this part of the thesis does not intend to contribute to the discussions about the Ottoman education history but rather, I will be using *medrese* institution as an example to gain a better understanding of Ahmet Cevdet's attitude toward change especially by referencing the third tier, nature of current constraints.

Conventionally, one might expect from 'conservative' Cevdet Pasha to value and 'update' *medreses* given that it was an established institution of the empire. However, leaving aside valuing *medrese*, Cevdet Pasha gave up his hopes for recovering this institution. I am of the opinion that taking current constraints into account can elucidate this seemingly contradictory attitude. If we accept declinist narrative of *medreses* -- according to which they used to work perfectly during 'the golden age of the Ottoman Empire' but started to deteriorate in time and became useless in the late period-- Cevdet's adverse ideas about *medreses* are understandable because, conservatives do not value institutions just because they happen to be there but because they have stood the test of time and contained the knowledge of generations. As the recent scholarship points out,<sup>449</sup> examining *medrese* under the declinist framework is to a great extent misleading; however, given that our main aim here is not to question decline paradigm and Cevdet's declinism but to understand his attitudes, in the first section I will attempt to make sense of Ahmet Cevdet's stance on *medreses* by referring the importance of how institutions come into being and their current natures. Secondly, I shall be examining *medrese* institution and Cevdet's disapproval of it by referring to requirements of time (i.e. immediate need of personnel for functions of the state).

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<sup>448</sup> Ibid., 332.

<sup>449</sup> See: Cemal Kafadar, "The Question of Ottoman Decline," *Harvard Middle Eastern and Islamic Review* 1-2, 1997-8, 30-75; Donald Quataert, "Ottoman History Writing and Changing Attitudes Towards the Notion of 'Decline,'" *History Compass* 1/1, 2003; M. Fatih Çalışır, "Decline of a 'Myth': Perspectives on the Ottoman 'Decline,'" *The History School* No. IX. (January-April 2011): 37-60; Dana Sajdi, "Decline, its Discontents and Ottoman Cultural History: By way of Introduction," In *Ottoman Tulips, Ottoman Coffee* ed. Dana Sajdi (London and New York: I.B Tauris, 2007), 1-40.

#### 4.3.1. *Medrese* as a deteriorated institution

It is worth reminding once again that I do not subscribe this declinist narrative, but given that it has an undeniable impact on the literature and also Ahmet Cevdet seemed to be under the impression that *medrese* institution had been declining, in this subsection, I attempt to present this narrative and expound his attitude toward *medreses* and *ulema*

According to the 16<sup>th</sup> century historian, poet and author Gelibolulu Mustafa Âlî, the main reasons of decline in the Ottoman medreses were lack of interest in scholarly issues, handing down offices from *ulema* fathers to their unworthy sons, and problems in assigning and promoting people.<sup>450</sup> As early as 17<sup>th</sup> century, Ottoman reformer and statesman Koçi Bey emphasizes the importance of *ilim* (science)<sup>451</sup> and argues that order of *medreses* and *ulema* had started to collapse since 1594.<sup>452</sup> According to him, before 1594, *muids* (teaching assistants in *medreses*) were as honorable and dignified as *müderreses* (professors in *medreses*); no one was appointed without obtaining required training, and *tarik-i ilm* (science path/career) was pure and regular.<sup>453</sup> He gives several examples and asserts that nothing but merits of a person should matter when it comes to his appointment and promotion and then states that members of *medreses* should be competent in *ilim* and its technicalities.<sup>454</sup>

This narrative was accepted by prominent historians of the 20<sup>th</sup> century like Karal, and Uzunçarşılı. The former argues that *medreses* --being the most crucial institution for training religious and non-religious state officials-- had served the empire during its ‘foundation’ and ‘expansion’ years; but as of 17<sup>th</sup> century, they deteriorated because of change in *medrese* curriculum, interference of *ulema* in politics, bribery, and inability of

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<sup>450</sup> Cited in İhsanoğlu, “The Madrasas of the Ottoman Empire,” 15.

<sup>451</sup> Although the term can be translated as science, it should be noted that *ilim* has some religious connotations as well. Here the term is used in order to convey the meanings of divine and worldly knowledge. See: İlhan Kutluer, “İlim,” *Türkiye Diyanet Vakfı İslam Ansiklopedisi* Vol.22 (İstanbul: Türkiye Diyanet Vakfı Vakıf Yayınları İşletmesi, 2000), 109-114).

<sup>452</sup> Koçi Bey Risalesi, Prepared by Yılmaz Kurt (Ankara: Akçağ, 2011), 152,154.

<sup>453</sup> Ibid., 154, 155.

<sup>454</sup> Ibid., 157.

*medrese* to accommodate itself to change.<sup>455</sup> When it comes to the 19<sup>th</sup> century, Karal discusses educational institutions of Abdulaziz Era (1861-1876), and defines *medreses* as wretched and lamentable.<sup>456</sup> Uzunçarşılı, embraces a similar attitude and argues that since the mid 16<sup>th</sup> century, *medreses* had deteriorated due to neglecting rational sciences,<sup>457</sup> lack of meritocracy,<sup>458</sup> appointment of incompetent *medrese* graduates,<sup>459</sup> bribery,<sup>460</sup> and not differentiating between scientists (*ilim ehli*) and ignorants.<sup>461</sup> More recently, İzgi claims that deterioration of the Ottoman state order caused problems in *medrese* order;<sup>462</sup> and by the same token, Özkul argues that *ulema* departed from its fundamental duty of working in scholarly issues and engaged in daily politics.<sup>463</sup> Based on the Ottoman laws issued 16<sup>th</sup> century onwards and contemporary accounts (such as Koçi Bey, and Katip Çelebi), Yakuboğlu also concludes that the Ottoman education system stagnated and declined; and *medreses* degenerated.<sup>464</sup> As Uzunçarşılı notes, as early as 1577 during the reign of Murad III, reform of *ulema* and *medreses* had been attempted and this aim lasted in the coming centuries as well.<sup>465</sup> However, despite reform efforts, which were intensified in the 18<sup>th</sup> century, decline of the *medrese* institution could not be obviated.<sup>466</sup>

One of the most referred to reasons for ‘decline’ in *medreses* is neglecting *akli ilimler* (rational sciences such as math, astronomy, logic...) and focusing only on *nakli ilimler*

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<sup>455</sup> Enver Ziya Karal, *Osmanlı Tarihi Vol.6* (Ankara: Türk Tarih Kurumu Basımevi, 1995), 140-145.

<sup>456</sup> Enver Ziya Karal, *Osmanlı Tarihi Vol.7* (Ankara: Türk Tarih Kurumu Basımevi, 1995), 194.

<sup>457</sup> İsmail Hakkı Uzunçarşılı, *Osmanlı Devleti'nin İlmîye Teşkilatı*, (Ankara: Türk Tarih Kurumu Yayınları, 2014), 75,76.

<sup>458</sup> *Ibid.*, 76,77.

<sup>459</sup> *Ibid.*, 78, 79.

<sup>460</sup> *Ibid.*, 79.

<sup>461</sup> *Ibid.*

<sup>462</sup> İzgi, *Osmanlı Medreselerinde İlim* Vol.1, 65, 66.

<sup>463</sup> Osman Özkul, *Gelenek ve Modernite Arasında Ulema*, (İstanbul: Birharf Yayınları, 2005), 386.

According to Akyüz, education was designed not only based on ‘scientific’ but also ‘political’ concerns which in a way deteriorated *medrese* institution. See: Yahya Akyüz, *Türk Eğitim Tarihi M.Ö. 1000-M.S. 2009* (Ankara: Pegem Akademi, 2009), 81, 82.

<sup>464</sup> Kenan Yakuboğlu, *Osmanlı Medrese Eğitimi ve Felsefesi*, (İstanbul: Gökkuşbuğu, 2006), 215-219.

<sup>465</sup> He shares documents (*emirs and ferman*s) from the periods of Mehmed III, Ahmed I, Mahmud I, and Selim III. See: Uzunçarşılı, *Osmanlı Devleti'nin İlmîye Teşkilatı*, 251-269.

<sup>466</sup> Hasan Akgündüz, *Klasik Dönem Osmanlı Medrese Sistemi: Amaç, Yapı, İşleyiş*, (İstanbul: Ulusal Yayınları, 1997), 261.

(religious sciences such as exegesis of Qur'an, the sunna, fiqh...). According to Yakuboğlu, curriculum<sup>467</sup> of the Ottoman *medreses* prior to Mehmed the Conqueror had already included rational sciences along with religious sciences;<sup>468</sup> and Mehmed the Conqueror gave significant importance to rational sciences and İstanbul became a center of sciences.<sup>469</sup> İhsanoğlu, on the other hand, argues that before Mehmed II, Ottoman medreses were mostly dealing with religious studies and this paradigm greatly shifted with the influence of Ali Kuşçu who was acquainted with scientific circles in Samarkand and invited by Mehmed II.<sup>470</sup> Rational sciences like logic, ethics, rhetoric and Arabic grammar were taught in the reign of Kanuni Sultan Suleyman as well; but from the second half of the 16<sup>th</sup> century onwards, these sciences started to be neglected.<sup>471</sup> Similarly, Katip Çelebi criticized 17<sup>th</sup> century Ottoman understanding of science and scientists on the basis that adequate importance was not given anymore to rational sciences like math, geography and astronomy.<sup>472</sup>

One of the explanations of why rational sciences were ignored is based on the impact of Gazali's prioritizing of *şer'i* (canonical) sciences used for understanding the God over non-canonical sciences<sup>473</sup> that can only be acceptable as long as they are used as tools; however, in-depth study of those sciences might be dangerous for one's faith.<sup>474</sup>

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<sup>467</sup> As İhsanoğlu points out information regarding the curriculum of *medreses* came from vaqf charters, and regulations, biographies of students and scholars and diplomas. Therefore, it is not yet possible to know the exact curriculum of a given *medrese*. See: İhsanoğlu, *The Madrasas of the Ottoman Empire*, 13.

<sup>468</sup> Yakuboğlu, *Osmanlı Medrese Eğitimi ve Felsefesi*, 79-85.

<sup>469</sup> *Ibid.*, 87-90.

In the same line of argument, Özkul claims that rational and religious sciences were taught in *medreses*; but this trend started to change from the late 16<sup>th</sup> century onwards. See: Özkul *Gelenek ve Modernite Arasında Ulema*, 74-81.

<sup>470</sup> İhsanoğlu, *The Madrasas of the Ottoman Empire*, 9.

<sup>471</sup> Chambers, "Ahmed Cevdet Paşa: The Formative Years of an Ottoman Transitional," 41,42; and the same text also appears in his article derived from his dissertation. See: Chambers, "The Education of a Nineteenth-Century Ottoman Alim," 445.

<sup>472</sup> Katip Çelebi asserts the importance of sciences throughout the introduction of his book. See: Katip Çelebi, *Mizânü'l-Hakk Fî İhtiyârî'l-Ehakk* (Ankara: Kabcacı Yayınevi, 2008), 17-24.

Katip Çelebi's opinions are discussed in the secondary literature and brought my attention by these sources. See: Uzunçarşılı, *Osmanlı Devleti'nin İlmiye Teşkilatı*, 258, 259 and especially the footnotes on 259 for Katip Çelebi's examples on why rational sciences are important; İzgi, *Osmanlı Medreselerinde İlim* Vol. I, 122, 123; Akyüz, *Türk Eğitim Tarihi*, 83; Kemal Gürüz, *Medrese v. Üniversite: Geri Kalmanın ve İlerlemenin Karşılaştırmalı Tarihçesi*, (İstanbul: Ka Kitap, 2016), 93, 94.

<sup>473</sup> For further information about the classification see: Yakuboplu, *Osmanlı Medrese Eğitimi ve Felsefesi*, 147, 148.

<sup>474</sup> Akyüz, *Türk Eğitim Tarihi*, 42, 43, 82.

Yakuboğlu argues that Gazali's ideas influenced Muslim scholars, and masses substantially and they were showing less and less regard for rational sciences.<sup>475</sup>

As previously noted, Ahmet Cevdet Pasha adopts this declinist narrative and as might be expected, he also criticized *medreses* of his time as being deteriorated and degenerated. Further to that, Cevdet Pasha designates 1844 as a milestone after which there were substantial changes in *medreses* and their training methods collapsed.<sup>476</sup> He then argues that after that date, not scientific issues but ordinary issues were discussed during the holiday meetings of *medreses*, thus he preferred not to go these meetings anymore.<sup>477</sup> In his *Maruzat*, he gives harsh criticism to *ulema* class and states that he was happy with his new career path since the previous one was not no longer glorious and respectable.<sup>478</sup> On the one hand, Cevdet Pasha embraces a general decline in *medrese* institutions and *ulema* class; and on the other hand, he determines 1844, as a milestone from that point onwards there was a sharp decline in the quality of *medreses* as well as in *ulema* class.<sup>479</sup>

As for 19<sup>th</sup> century Ottoman *medreses*, Karal argues that math, natural and social sciences were not part of *medrese* curriculum anymore; and he accuses *medreses* of training narrow-minded, fanatical and useless generations.<sup>480</sup> Ahmet Cevdet Pasha states that in line with the traditional method, he studied arithmetic, algebra, geometry,

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<sup>475</sup> Yakuboğlu, *Osmanlı Medrese Eğitimi ve Felsefesi*, 150.

<sup>476</sup> Tezakir IV, 6: “Şu kadar ki medreselerin bu hâli iki yüz altmış târihine kadar mümted oldu. Andan sonra medreseler âleminde dahi tegayyürât-ı azîme vuku'buldu. Medreselerin usûl-i ta'lîm ü teşkîli bozuldu.”

This issue is raised by his daughter as well. See: Aliye, *Ahmet Cevdet Paşa ve Zamanı*, 30.

<sup>477</sup> Tezakir IV, 6, 7: “Ol vakte kadar medreselerde ta'til gecelerinde akd olunan encümen-i musâhabetlerde mebâhis-i ilmiyyeden başka bir söz işidilmezdi. Andan sonra her ne vakit bu encümenlere gittim ise âmiyâne ülfet ve musâhabetlere tesâdüf ederek mübâhase-i ilmiyye işitmedim. Ben de andan sonra bu encümenlere gitmedim.”

<sup>478</sup> Maruzat, 176: “Bâr-ı girân-ı vezâret altına girmekden müctenib idim. Bulduğum tarîk-i ilmiyyenin müntehâsı olan kadî askerlik râddesine çıkdıktan sonra tebdîl-i tarîk epeyce güç geldi. Lâkin sonra Hasan Efendi'nin meşîhatinde rûteb-i ilmiyye ibzâl olunarak rûteb-i kalemiyye gibi sırf bir emr-i i'tibârîden kalınca tarîk-ı ilmiyye şan u şerefini zâyî' etmekle, tebdîl-i tarîk etmiş olduğumdan dolayı memnûn kalmışım.”

Considering the fact that Ahmet Cevdet changed his career path from being an *alim* (Ottoman scholar graduated from *medrese*) to *Pasha* (high ranking Ottoman statesman), what Cevdet said regarding *medreses* and *ulema* should not be taken at face value. However, it does not withhold us from concluding that he does not appreciate *medreses* and most of *ulema*.

<sup>479</sup> Although the reason why Cevdet Pasha chooses 1844 as a turning point is significant, neither he explains the reason nor I figure it out.

<sup>480</sup> Karal, *Osmanlı Tarihi* Vol. 7, 195.

astronomy and other sciences that were currently abandoned in *medreses*.<sup>481</sup> As his daughter points out, Ahmet Cevdet did not restrict himself only to *medrese* education,<sup>482</sup> and he took courses in line with *usûl-i cedide* (new method) as well.<sup>483</sup> For example, he took arithmetic, algebra, geometry, logarithm, elements of geometry, physics and octant courses from Miralay Nuri Bey;<sup>484</sup> science of logic from Şakir Efendi; rhetoric from Vidinli.<sup>485</sup> Further to that Cevdet Pasha wrote a logic book *Miyar-ı Sedat* and dedicated to his son; and also wrote a letter to his son that underlines the importance of the sciences of logic and geometry (*hendese*).<sup>486</sup>

Leaving aside my doubts about decline paradigm and examining *medrese* institution and *ulema* within this framework to the next section, what has been discussed in this section is crucial first to reveal and then elucidate a seeming contradiction of Ahmet Cevdet: being conservative and not valuing established institutions of *medrese* and *ulema*. As I attempted to convey previously, conservatives value institutions since they stand the test of time and as opposed to individuals' limited knowledge and experiences, institutions are able to transmit and accumulate knowledge and experiences of generations. However, as the narration above indicated, trajectory of an institution might not be that simple, as all institutions do not get better in time. In other words, as for Ahmet Cevdet, current conditions of *medreses* and *ulema* did not deserve any appreciation since these institutions had degenerated.

According to the narrative above, *medreses* used to include not only rational but also religious sciences but since the second half of the 16<sup>th</sup> century, there was a tendency to abandon rational sciences. Therefore, Ahmet Cevdet's interest in rational sciences should not be seen as a divergence from tradition; given that those sciences were part of the 'traditional *medreses* during the heydays of the empire;' but then dissolved in time.

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<sup>481</sup> Tezakir IV, 7: "tarz-ı kadîm üzere hisâb ve cebir ve hendese ve hey'ete ve sâir fûnûn-ı hikmete dâir pek çok kitâblar okudum. Şimdi ise medreselerce bu dersler metrûk ve mensî olmuştur."

<sup>482</sup> Aliye, *Ahmet Cevdet Paşa ve Zamanı*, 31.

<sup>483</sup> Tezakir IV, 7.

<sup>484</sup> Ibid.

<sup>485</sup> Ibid., 10.

<sup>486</sup> Cited in Mardin, *Medeni Hukuk Cephesinden*, 294-296.

As Chambers claims, he did not act with the intention of a rebellion against traditional principles but given that these principles were already destroyed or violated (i.e. not including rational sciences in *medreses*), he had to look for alternative ways (i.e. learning those neglected subject matters outside *medrese*) to eliminate the problems arising from the failure of these institutions and traditions.<sup>487</sup> In other words, if *medreses* had not deteriorated, these sciences/courses would be provided there; but considering the current conditions of *medrese* institution, Ahmet Cevdet not only criticizes *medreses* and most of *ulema* but also closes the gap of failing institution by taking courses from outside. Although it seems contradictory to portray Ahmet Cevdet as a conservative and his disapproval of *medrese* and most of *ulema*, both of which were established institutions of the empire, this seeming contradiction is clarified, when we take into my assertion that conservatives do not value institutions just because they happen to be there; but value them if these institutions carry the knowledge and experiences from the past and work well over a long period of time.

#### 4.3.2. Medrese as an outdated institution

Having said that, viewing the 19<sup>th</sup> century *medrese* institution as deteriorated and useless is problematic. As Erbay rightly criticizes, the *medrese* issue has not been studied adequately; but instead examined based on dichotomies and simplistic analyses, and “neglected and viewed as a declining institution.”<sup>488</sup> Based mainly on Mustafa Âlî’s, Koçi Bey’s and Katip Çelebi’s assertions of the neglect of rational sciences in *medreses*, decline of this institution since 16<sup>th</sup> century is [mostly]<sup>489</sup> taken for granted and 19<sup>th</sup> century *medreses* are seen as completely deteriorated.<sup>490</sup> Akgündüz argues that this conviction is misleading given that rational sciences were part of *medrese* curriculum and *ulema* produced scholarly work on these subjects during the so-called decline period.<sup>491</sup> Along the same line, İhsanoğlu gives the example of Italian priest

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<sup>487</sup> Chambers, “Ahmed Cevdet Paşa: The Formative Years of an Ottoman Transitional,” 67,68; and the same text also appears in his article derived from his dissertation. See: Chambers, “The Education of a Nineteenth-Century Ottoman Alim,” 460.

<sup>488</sup> Erbay, “Teaching and Learning in the Madrasas of Istanbul,” 26.

<sup>489</sup> Although what the author says about the literature on *medreses* is right, I want to hedge his overgeneralization considering the growing scholarship that does not embrace declinist narrative.

<sup>490</sup> Akgündüz, *Osmanlı Medreseleri XIX Asır*, 89.

<sup>491</sup> *Ibid.*, 90-97.

Toderini who was in İstanbul in the late 18<sup>th</sup> century and according to his account rhetoric, philosophy, geometry, and math were taught in *medreses*.<sup>492</sup> On the other hand, *the medrese* was not one of the core institutions which was aimed to be reformed during the 19<sup>th</sup> century; then why?

In this section, I will examine *medreses* not as declined and deteriorated; but as institutions that don't fulfill requirements of time, which is the need for 'hurried modernization' of the empire and bureaucrats for a newly created system. That is, instead of portraying *medreses* as homogeneous unit that repudiates reforming themselves and other organs of the empire,<sup>493</sup> I regard *medreses* as inadequate institutions to train personnel for the modern state; and considering time constraint of the empire to modernize itself and catch up with the West, the empire opted for establishing new institutions rather than renewal of *medreses* in accordance with the necessities of time. Thus, I argue that 'conservative' Cevdet Pasha's discarding of an established institution like *medreses* can be elucidated based on the necessity of building/supporting new schools --as soon as possible-- to meet the demands of 19<sup>th</sup> century Ottoman Empire.

It goes without saying that Cevdet Pasha would have preferred to dignify *medreses* if they had gradually reformed in line with the changing conditions of the empire and could keep up with the times. As later on (in 1930s) Peyami Safa points out although Islamists keep arguing that "two biggest universities of today's world Oxford and Sorbonne used to be *medreses*; but they reached their perfection in time;" it should not be forgotten that their transformation and perfection came into being gradually and in a piecemeal fashion within four-five centuries, and then he asked did we have time to wait that long?<sup>494</sup> Safa would have been in favor of reforming and making *medreses* compatible with the requirements of an ever modernizing empire, which is most probably the most desired option for conservatives; but as he explains, this was not an option for the empire considering the time constraint and the challenges that the empire

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<sup>492</sup> İhsanoğlu, *The Madrasas of the Ottoman Empire*, 15.

<sup>493</sup> See: Karal, *Osmanlı Tarihi* Vol.6, 184,185; Yakuboğlu, *Osmanlı Medrese Eğitimi ve Felsefesi*, 248,249.

<sup>494</sup> Peyami Safa, *Türk İnkılabına Bakışlar*, (İstanbul: Ötüken, 1997), 43.



went through. Therefore, in my opinion, time constraint and urgency of recruiting trained personnel are two of the factors that alter Cevdet Pasha's opinion about *medreses*.

İpşirli has a point by stating that due to a conviction that *medrese* institution and its mentality is difficult and even impossible to reform, reformers of the 19<sup>th</sup> century (namely Mahmud II and Abdulhamid II) neglected *medreses*.<sup>495</sup> This conviction -- regardless of the extent to which it represented the reality-- together with the need for trained personnel in the empire's affairs, led to prioritizing the newly created schools. As Tekeli points out, the new centralized government of the Tanzimat required more extensive bureaucracy and trained bureaucrats that must have the information and ability to deal with new functions of the state.<sup>496</sup> Therefore, while new schools founded after the Tanzimat were getting more important, *medreses* and thus *ilmiye* class were losing their importance.<sup>497</sup> In addition to that, centralization of the empire, *ilmiye* class's loss of influence in administrative and judicial spheres, the need to train bureaucrats in new schools thus allocating more resource to these schools instead of *medreses* made *ilmiye* class the losing side.<sup>498</sup> Therefore, *medreses* were seen insufficient to fulfill the "demands of the present;"<sup>499</sup> and *ulema* were struggling to survive.<sup>500</sup>

Cevdet Pasha was aware of the fact that the modernizing empire required personnel who were equipped with new skills; thus in order to be recruited, one needed to enroll these schools instead of *medrese*; or if you were a *medrese* graduate, you had to gain these required skills by yourself. To this end, there were *medrese* teachers in İstanbul who taught several modern subjects to interested *medrese* students; and teachers of new

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<sup>495</sup> İpşirli, "Medrese," 332.

<sup>496</sup> İlhan Tekeli, "Tanzimat'tan Cumhuriyet'e Eğitim Sistemindeki Değişmeler," In *Tanzimat'tan Cumhuriyet'e Türkiye Ansiklopedisi Vol.2* (İstanbul: İletişim Yayınları, 1985), 457; Ortaylı, *İmparatorluğun En Uzun Yüzyılı*, 27.

<sup>497</sup> Hüseyin Hatemi, "19. Yüzyılda Medreseler," In *Tanzimat'tan Cumhuriyet'e Türkiye Ansiklopedisi Vol.2* (İstanbul: İletişim Yayınları, 1985), 502;

<sup>498</sup> Tekeli, "Tanzimat'tan Cumhuriyet'e Eğitim Sistemindeki Değişmeler," 457.

<sup>499</sup> Benjamin C. Fortna, *Imperial Classroom: Islam, The State, and Education in the late Ottoman Empire*, (Oxford: Oxford University Press, 2002), 73.

<sup>500</sup> Ortaylı, *İmparatorluğun En Uzun Yüzyılı*, 138.

schools were also available to those students.<sup>501</sup> Cevdet Pasha himself could be given as a good example of a *medrese* student who took courses outside *medreses* and also learned French. Though, Ahmet Cevdet Pasha was not a rare exception; several *medrese* students engaged with modern subjects.<sup>502</sup>

In his *Tarih*, he points out that in order to adapt the empire's old style into the new one, there is the need for personnel capable of carrying out this transformation and thus training such able people is the main issue.<sup>503</sup> In his pleading (*layiha*) on reform, he points out the lack of judges and executive officers who trained in the manner that they would fulfill the requirements of time, and claims that training such personnel and appointing them is essential for that century.<sup>504</sup> Also, Cevdet Pasha laconically states that we should give up seeking a job for the person but instead adopt seeking the person for the job as a principle.<sup>505</sup> Then he refers a verse from the Qur'an in which the importance of leaving the job to the professionals and judging people with justice are emphasized.<sup>506</sup> As I touched upon before, what Ahmet Cevdet said about *ulema* class should be taken with a grain of salt given that he changed his *tarik* (career path) and also despite his willingness, he was not appointed as *sheikh-ul Islam*. Therefore, this

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<sup>501</sup> Erbay, "Teaching and Learning in the Madrasas of Istanbul," 33, 34.

<sup>502</sup> Ibid., 164-168.

<sup>503</sup> Tarih VI, 133: "Hâlbuki yeni usûl-i eski ukûle uydurmak müşkil olduğundan ahvâl ve usûlün böyle tebdil ve tecdîdi zamanında iş görecek me'mûr bulmak düşvâr olmağla vakit ve hâle göre işe yarayacak âdem yetiştirmek birinci mes'ele idi."

<sup>504</sup> Ahmet Cevdet Pasha's Pleading on Reform, cited in Mardin, *Medeni Hukuk Cephesinden*, 347: "Eğerçi memurin-i adliyece dahi noksanımız var ise de icra memurlarınca noksanımız daha ziyadedir. Ve günden güne tenakus etmektedir. Mülkiye mektebi icab-ı vaktü hale göre tevsi ve ders cetvellerini ana göre tertip ile buradan çıkarılacak zevatı derece derece hidemat-ı mühimmede istihdam ile hüsn-ü idareye muktedir bendegân yetiştirmek zaruriyatı asırdandır."

Ahmet Cevdet praises Mehmet Ali Pasha of Egypt since he could train capable personnel for military and administrative affairs without imitating Europe. See: Ahmet Cevdet Pasha's letter to Sadullah Pasha cited in Mardin, *Medeni Hukuk Cephesinden*, 340.

<sup>505</sup> Ahmet Cevdet Pasha's Pleading on Reform, cited in Mardin, *Medeni Hukuk Cephesinden*, 347: "Ve adama iş aramaktan vazgeçip te işe adam aramak kaidesi mesluk-i kadem-i itibar olursa."

The same pleading is inserted into *Tezkire* no.40 with one difference: Baysun transcribed it not as 'adam' but as 'Âdem' which seems more appropriate -at least- in terms of its literary sense. See: Tezakir IV, 102.

<sup>506</sup> Ahmet Cevdet Pasha's Pleading on Reform, cited in Mardin, *Medeni Hukuk Cephesinden*, 347.

The verse is from Surah An-Nisa [4:58]: "Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice. Excellent is that which Allah instructs you. Indeed, Allah is ever Hearing and Seeing. See: The Noble Qur'an "4:58." quran.com <https://quran.com/4/58> (accessed in July 3, 2018).

inter-elite conflict was always part of the story. However, relying only on the interpersonal conflict would fail to explain the whole story.

The quote<sup>507</sup> taken from his *Tarih* --its literariness is praiseworthy--<sup>508</sup> mentions alleged deterioration of *ulema* class and argues that *ulema* class mostly consists of incompetents who were neither doing high-level science; nor dealing with the problems of the state. What Ahmet Cevdet refers to by ‘dealing the problems of the state’ can be seen as bureaucratic occupations that I have been mentioning in this subsection; thus Cevdet criticizes either their unwillingness, and/or most probably their inability to practice these professions. In the light of this discussion, I argue that without taking requirements of time into account, we fail to understand ‘conservative’ Ahmet Cevdet’s discontent with *medrese* and concomitantly *ulema*.

#### 4.4. Conclusion

In this section, I introduced the third tier, nature of current constraints in order to elucidate some seeming contradictions of conservatives. My main assertion was, conservatives including Cevdet Pasha might adjust their stances on radical/revolutionary change due to some factors --that I called current constraints-- including but not limited to requirements of time and institutions’ nature. Firstly, as we discussed in nature of change section, conservatives normally do not opt for revolution and revolutionary change; but conservatives’ dislike for revolution and revolutionary

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<sup>507</sup> Tarih V, 34,35: Elhâsıl, tarîk-i ilmiyyenin nizâmât-ı asliyesi münfesih olmak hasebiyle nice cühelâ dâhil-i silk-i ulema olup eğerçi ol vakitler dahi hem ilim ve fazîlet hem de idâre-i umûr-ı mühimmeye liyâkat ile zü'l-cenâheyn olan zâtlar ara sıra bu tarîk-i feyz-i refikte bulunurdıyse de cehelesi gâlib olmağla içlerinde ulemâ nâmına peydâ olan bir takım nâ-chiller dahi deve kuşu gibi zü'l-ciheteyn olarak ne per-ü bâl-ı ilm ü kemâl ile evc-i âlâ-yı ma'ârife uçarlardı ve ne de sâir ricâl gibi kâr-u bâr-ı devlet gâilesini çekerlerdi.”

<sup>508</sup> Feridüddin Attar, *Pendname* translated by Yusuf Çetindağ (İstanbul: Etkileşim, 2013), 124,125.

Ahmet Cevdet makes an analogy between ostrich and *ulema*. That analogy makes sense in English if ostrich is translated as ‘camel bird’ that is a word-by-word translation of ‘devekuşu’ in Turkish. Most probably, Ahmet Cevdet refers to Farid ud-Din Attar’s, a 12<sup>th</sup> century highly influential Persian Sufi poet, poem. In one of his poems, he says (in Persian): Çün şütür-murgî şinâs ân nefis-ra/ Ne keşed bâr u ne perred ber-hevâ/ Ger be-per gûyiş guyed üstürem/ Ver nehî bares be-güyed tâ’irem. It basically makes an analogy between *nafs* (human spirit, ego) and camel bird and narrates the story as such: if you ask camel bird to fly, it will say ‘I am a camel;’ if you ask it to carry cargo, it will then say ‘I am a bird.’ Ahmet Cevdet wisely uses this ‘camel bird’ metaphor to assert that *ulema* class is neither occupied with sciences, nor with newly emerging professions of the modernizing empire.

change should not be taken for granted. As Burke's approval of Glorious Revolution of 1688 and American Revolution of 1776; and also Ahmet Cevdet's approval of the abolition of Janissaries in 1826, and suddenly changed traditions that he mentioned, indicate to us such radical and revolutionary changes can be acceptable.

Secondly, I posited that conservatives do not value institutions just because they happen to exist; but because they can carry and transfer knowledge and experiences through generations. Thus, if an institution fails to have these features, there would be no need to value that institution. In the section, I gave the example of interwar Germany and conservatives' willingness to change 'imposed' system in a revolutionary way. Also, I mentioned Janissaries according to Cevdet Pasha, is not worthy of conserving anymore since the institution was deteriorated. In the last part of the section, I examined *medreses* and *ulema* by referring nature of institutions, and requirements of time respectively. According to declinist narrative --which I don't substantiate but is still important to understand Ahmet Cevdet's stance-- *medreses* and *ulema* do not make use of accumulation of knowledge and experience through generations and they are seen as deteriorated and declined institutions, so Cevdet Pasha does not value, but instead discards these institutions. Further to that, considering the Ottoman Empire's urgent need for trained personnel for modernizing state affairs, together with *medreses* inability to supply this need, and *ulema's* lack of competency in these newly emerging professions, Cevdet Pasha's discarding of such established institutions and his support for new schools can be understood. In short, my aim does not run completely counter to the convention that conservatives do not accept/approve/initiate radical change and revolutions; but to assert that due to the current constraints (two of which I put forward in this thesis are importance of how institutions came into being and their current conditions; and requirements of time), they might change their stances as the examples above indicated.

## CONCLUSION

To get back to the first quotation in the introduction: “The Empire declined because it betrayed its roots, or else because it failed to betray them.”<sup>509</sup> The two premises in this quote --betrayed its roots, or failed to betray-- are false, and correspondingly so is its conclusion that the empire declined. The betrayal premise creates a dichotomy between the *kadim* order of the empire and portrays this order as if it was static, perfect and pious; whereas the new order was immoral, deteriorated and not compatible with ‘the *kadim* values’ of the empire; and attributes to ‘decline of the empire’ to not being faithful to *kadim* order. On the other hand, the non-betrayal premise also embraces a similar dichotomy, and relies on the idea that modernization of the empire was not a success since the empire did not completely abandon its roots, and dedicate itself to modernization properly. Throughout the thesis, instead of approving of these imagined diametrically opposed camps one of which supported reforms and changes from the heart; and the other attempted to hinder these reforms and changes obscurely; I attempted to rescue Ahmet Cevdet Pasha from being examined within such frameworks.

The second issue that I have taken up throughout the thesis is the conservative attitude toward change in the person of Ahmet Cevdet Pasha. I objected to the view that conservatives oppose change categorically; and instead suggested that they might accept some changes and reject others. To put it more clearly, I proposed a three-tiered approach to be able to grasp conservative attitude toward change better. The first tier, nature of change enabled us to see what sorts of changes were acceptable for conservatives and especially for Ahmet Cevdet Pasha. I concluded that inserting the first tier into the discussion was enough to claim that Ahmet Cevdet Pasha as a conservative did not repudiate change but attempted to differentiate acceptable change, which was characterized as necessary, beneficial and inclusive/thorough.

In the third chapter, nature of challenge tier was inserted into the discussion so as to take the historical context into account, which can be summed as the transition to

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<sup>509</sup> Yasemee, *Ottoman Diplomacy*, 2.

modern-state for the purpose of this study. By doing so I intended to convey that (a) the core question was not whether or not to accept the modernity; but instead different approaches to modernity, and (b) conservatives including Cevdet Pasha might adjust, or more precisely have to give some concessions due to the ideational and intellectual atmosphere and rivalries. To illustrate, in the case of 19<sup>th</sup> century Ottoman reforms and Ahmet Cevdet Pasha, there was almost a consensus on the need for codification since it was an indispensable part of a modern-state and without which the empire could not be sustained. Despite their common answer to the question of ‘what to do?’, Cevdet Pasha’s replies to the ‘how to do?’ questions differed. While some statesmen were in favor of adapting French civil code; others including Ahmet Cevdet Pasha advocated the preparation of *Mecelle*. Thus, (a) I opted for reading the controversies around *Mecelle* not as a conflict between two opposing camps: one was supporting the reforms whereas the other was blocking; but as different understandings and approaches to modernity; and (b) Cevdet Pasha might not have supported/initiated *Mecelle* if there was no codification challenge, and possibility of adapting French civil code, compared to which *Mecelle* was the lesser of the two evils.

In the last chapter, the third tier, nature of current constraints was introduced with the purpose of explaining some outward contradictions of conservatism, by referring Burke, Bruck and mostly in the person of Ahmet Cevdet Pasha and his comments on Janissaries, *medreses* and *ulema*. I argued that conservatives are not heavily driven by pragmatic calculations; and they are as consistent as other ideologies and worldviews. Thus, having this premise in my mind, I examined the most frequently cited seeming contradiction of conservatives: accepting some revolutions, and revolutionary/radical change.

I argued that neither conservatives’ dislike for revolution and revolutionary change; nor their reverence for institutions should be taken for granted. As Burke’s positive attitude toward the Glorious Revolution, and American Revolution; Bruck’s desire for ‘conservative revolution’ in Germany; and Cevdet Pasha’s approval of radical/revolutionary changes in the empire indicate, conservatives might accept such radical changes and revolutions due to several reasons that I collected under the title of requirements of time. Secondly, given that conservatives value institutions because of

their ability to stand the test of time and represent the accumulation of knowledge and experience, not only institutions but also how they come into being and their current natures matter for conservatives to decide whether they are worthy of conserving. If these features are absent in any given institution, then there will be no reason to value as Ahmet Cevdet Pasha's negative comments on *medreses*, *ulema*, and Janissaries; and Bruck's disapproval of the Weimar Republic's institutions illustrated. In the last part of the section I investigated *medreses* and *ulema* examples by considering two components of current constraints and concluded that Ahmet Cevdet's discarding of established institutions of *medrese* and *ulema* make sense mainly because they did not meet requirements of time (i.e. need of personnel for functions of modernizing state). Also, in line with declinist narrative, Cevdet Pasha perceived *medreses* and *ulema* as deteriorated and collapsed institutions, which were not worthy of conserving.

In this thesis, I aimed to contribute to the literature in three interwoven aspects. Firstly, I posited that imagined dichotomies, which can only provide a black and white interpretation of the period, cannot be used as credible analytical tools to understand the complicated nature of the late Ottoman period and its leading figures. In other words, creating two diametrically opposing camps and forcing people to fit either of these camps inhibit us from seeing their peculiarities. I do not argue that there was no disagreement among the ruling elite of the Ottoman Empire, but differences among the elite cannot be explained based on the imagined, simplified and caricatured dichotomies. In that regard, one of the conspicuous problems is an attempt to make sense of the period as if there was a constant struggle between the ones who attempted to modernize the empire and the other who rejected this modernization mostly because of religious reasons. First of all, religion cannot be a determining variable since there were individuals who rejected modernization related changes due to their religious obscurantism, but some others with religious sensitivities played prominent roles in the transformation of the empire. Moreover, rejecting modernity utterly and having different approaches to modernity are not the same thing. Cevdet Paşa's disapproval of the adoption of the French *Code Civile* and his initiative to prepare *Mecelle* clearly indicates that he did not ignore or object to codification (one of the components of a modern state), but rejected the adoption of the French code.

Secondly, I attempted to re-consider Ahmet Cevdet Pasha beyond these imagined categorizations with the aim of having a better understanding of his attitude toward change. That is, although it has been changing for the better, there has been a tendency to portray Mithat, Fuat and Âli Pashas as ‘the modernizers’ and ‘progressives’ of the period; and depict Cevdet Paşa as the ‘conservative’ counterpart of these reformers. There were Ottoman statesmen who were not disposed to ‘receiving all the novelties of the West at the level of imitating the Europe blindly,’ but most of them were not anti-modernists. Cevdet Paşa was one of the thorough modernizers and reformers of the period and discrepancies among the reformers of the late Ottoman period can only be understood by considering the complicated set of factors including but not limited to intra-elite conflict and different approaches and responses to modernity and reform in general.

As a way of transition to the third intended contribution, it is worth underlining that I do not have any issue with defining Cevdet Paşa as conservative; on the contrary I have also endeavored to identify him as a conservative. The problem is not using the term ‘conservative’ but using it imprecisely without giving a second thought about it and to give the meanings of seemingly similar concepts like reactionary, fundamentalist and status quo supporter. Therefore, the third substantive contribution of the thesis was aimed to close this gap. That is to say, throughout the paper I have engaged with the controversies around conservatism/conservatives with specific emphasis on conservatives’ attitudes toward change. I claimed that conservatives do not reject change categorically, and propose a three-tiered approach to examine various factors that have impact on conservatives as to whether they accept or reject change. Above all, I have argued that conservatives might accept revolution and revolutionary change, and they might not value some institutions and these seemingly contradictory attitudes of conservatives can be grasped by taking nature of current constraints into account.

Considering the scope and the limitation of the thesis, this study can only be seen as a modest step in the direction of examining Ahmet Cevdet Paşa with awareness about the complexities of the 19<sup>th</sup> century Ottoman Empire. Further down-to-earth research on his several missions, offices, and intellectual works must be done in order to detect possible turning points and trace his intellectual development.



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