

İslâm Medeniyeti

MECMUASI

ÜÇ AYLIK

Dînî, İlmî, Edebî
Araştırmalar Mecmuası

Cilt: V, Sayı: I

Ocak 1981 - Rebîu'l-evvel 1401

SAHİBİ

İSLÂM MEDENİYETİ VAKFI

Adına Başkan
Selçuk ERAYDIN

Yazı İşleri Müdürü
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Hattat-Ressâm
Turan Sevgili

İdâre Yeri

Bozdoğan Kemerli Cemal Yener

Cad. Nr: 132 VEFA/İST

Haberleşme ve Hâvele

PK. 1315 Sirkeci/İSTANBUL

TURKEY

Fiati: 150 lira

Abone şartları:

Yurt içi: 600 lira

Yurt dışı: 1.200 lira

İÇİNDEKİLER

İslâm'da ihtilâfın tekâmülüne
bir örnek

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WESTERN INFLUENCE UPON THE OTTOMAN INSTITUTIONS : THE COUNCIL OF STATE AND THE COUNCIL JUDICIAL REGULATIONS

By Hulûsi YAVUZ

II

Nâmîk Kemâl, the most distinguished of all, said that since the beginning of the *Tanzîmât* the State had been deprived of a balance of power, which is the fundamental basis of any government. Before the *Tanzîmât*, he continued, it was the triple cooperation of 'ilmiyye sınıfı, Janissaries and the Imperial Divan which had kept an equilibrium within the Government's authority. But it was reversed during the reign of the Sultan 'Abdu'l-'Aziz. All the power was in the hands of both the Sultan, and 'Âlî and Fuad. The latter two had for some-time alternated in the offices of the Grand Vizierate and the Ministry of Foreign Affairs. Further, they held in their grip the formulation of the policies of the Porte. So they must be removed from the offices and a constitution should be drafted in accordance with the principles of Islam (23).

A third bond amongst the New Ottomans, and to some extent, «an explanation of their origin as a group, was their participation in the literary» revival of the time (24). The movement which was a kind of revolt against classicism, goes back as far as 1845, when the commission on education of which 'Âlî and Fuad were members, was set

(23) On the Kemal's ideas, see, A.H. Tanpınar, *XIX. Asır Türk Edebiyatı*, p. 166. «Nâmîk Kemal and with him most of the New Ottomans, regarded Islamic Law as the fundamental framework within which the parliament as well as other political reform would naturally fit» : R.H. Davison, *Reform*, p. 225; cf. İhsan Sungu, «Tanzimat ve Yeni Osmanlılar», pp. 800-801, 804-807, 844-845; Niyazi Berkes, *The Development of Secularism in Turkey*, Montreal 1964, p. 217.

(24) R.H. Davison, *Reform*, p. 175.

up «to introduce a popular language purged of many Arabic and Persian elements» (25). The desire for a purer vocabulary, a simpler style and better spelling became a major characteristic of the *Tanzîmât*. It culminated in the establishment of the Academy of Science (*Encümen-i Dâniş*) in 1851. In his memorandum, Cevdet Paşa (1822-1895), who was then assigned the task of formulating the function of the Academy, had strongly criticised the old style of writing and non-Turkish vocabulary in a Turkish text (26). The first Turkish grammar book in Turkey compiled by Cevdet and published in 1851, represents another milestone (27). In this by using diacritical marks to show accurately some of the vowel sounds, he became one of the practical leaders of classifying orthography. Besides, he achieved the same in the third volume of his *History* and after finishing volume five of it, he modernized the style with the sixth (28). In the second phase of the *Tanzîmât* the literary process went on rapidly. Some Western vocabulary and subjects came into use. Western examples began to be emulated from 1859 onwards (29). At last an independent Turkish journalism arose in the country which was the only media of the Young Ottomans. The first number of *Tercümân-ı Ahvâl* (Interpreter of Conditions) appeared on October 22, 1860. The publisher was Âgah Efendi (1832-1885), an employee in the Translation Bureau, a secretary in the Paris embassy, and later an ambassador to Athens (30). The editor was Şinâsi Efendi (1824-1891), a poet, a product of a Western education, who influenced N. Kemâl. It was Şinâsi who wrote the first original play in Turkish : *Şâir Evlenmesi* (A. Poet's Marriage). Şinâsi developed an independent Turkish journalism by publishing his own journal, *Tasvîr-i Efkâr* (Representation of Opi-

(25) *Ibid.*, p. 177.

(26) The text of memorandum is in *Belediye Kütüphanesi*, «Cevdet Paşa'nın Evrakı», Ms. 36. It was reproduced in Cevdet, *Tezâkir*, iv. p. 47f.

(27) It was translated into German by H. Kellgram as *Grammatik der osmanischen Sprache* (Helsingfors, 1855). Cf. Ali Ölmezoğlu, *İslam Ansiklopedisi*, Art. «Cevdet Paşa». On the critical comments see, Mortmann and Hammer-Purgstall, in *ZDMG*, VI: 3 (1852), pp. 410-411; N. Özön, *Son Asır Türk Edebiyatı*, p. 239, 362; İbrahim Necmi, *Tarih-i Edebiyat Dersleri*, (Istanbul 1338/1919), pp. 102-103; İ. Habib, *Türk Teceddüd Edebiyatı Tarihi*, p. 403.

(28) F. Babinger, *Die Geschichtsschreiber der Osmanen und Ihre Werke*, (Leipzig 1927), p. 378.

(29) Further see, A.H. Tanpınar, *op. cit.*, pp. 105ff.

(30) On Âgah, see, Kuntay, *Kemâl*, i. pp. 394-400; İ. A. Gövsa, 16.

nions) which appeared on June 27, 1862 (31). Another paper, **Muhbir**, began appearing on January, 1, 1867, the editor was Ali Suavi (1838-1878), a product of both *rüşdiye* and *mederese* education (32). The impact of these independent newspapers on the Ottoman public was considerable. Kemâl, with the *Tasvîr-i Efkâr*, Suavi and Ziya Bey with the **Muhbir** were maturing public opinion (33). Their comments on the crisis in Crete and Belgrade, and on the current affairs, irritated the Government. On March 14, 1867, 'Âli Paşa «issued an administrative edict under which immediate action could be taken against a portion of the local press described as the inflammatory organ of extremist groups, subversive of public order and of the foundations of the empire itself» (34). Shortly afterwards, Nâmık Kemâl was appointed as assistant-*vâli* to Erzurum on March 24, 1867. Ziya Bey, who had written for **Muhbir** on the occasion of the departure of the last Turkish soldiers from Belgrade, was similarly assigned to the post of **Mutasarrıf** of Cyprus (35). Ali Suavi was exiled to Kastamonu in northern Anatolia. But, both Kemâl and Ziya tried to delay the authorities by providing an endless stream of excuses which they hoped, would enable them to remain in Istanbul. Meanwhile the news of their appointments had reached Mustafa Fazıl Paşa in Paris. Through Giampietri, a Frenchman, the owner of **Courrier d'Orient** of Pera, Fazıl Paşa sent an invitation to the group on behalf of Kemâl and Ziya (36). Mustafa Fazıl was ready to support the New Ottoman cause if they would come and work with him in Paris. They accepted, and finally, first Kemâl and then Ziya fled to Paris on May 17, 1867, through the agency of the French embassy and its ambassador M. Bourée (37). A few days later, on May 20, 1867, a plot was discovered to overthrow the Government. The Young Ottomans decided in their last meeting in Veli Efendi Meadow on the Bosphorus to kill Âli Paşa if necessary. This was reported to the Government by Âyetullah Bey «who was horrified at the thought of killing» (38). Many were arrested. Mehmed Nûrî and Reşâd succeeded in escaping to Paris.

(31) On *Şinâsi*, see, A.H. Tanpınar, **XIX. Asır**, pp. 134-153; Ş. Mardin, **The Genesis**, pp. 252-275; Ö. Faruk Akûn, *İslâm Ansiklopedisi*, Art. «Şinasi».

(32) On Suavi, see, İ.A. Gövsa, **Türk.**, p. 40; Ş. Mardin, **The Genesis**, pp. 360-384; A.H. Tanpınar, **XIX. Asır**, pp. 169-188; Kuntay, i. 466 ff.

(33) Cf. E. Tevfik, **Yeni Osmanlılar**, pp. 45, 51; Kuntay, i. p. 571.

(34) R.H. Davison, **Reform**, p. 209.

(35) E. Tevfik, *op. cit.*, p. 59.

(36) *Ibid.*, pp. 64-65.

(37) Further see, E. Tevfik, **Yeni Osmanlılar Tarihi**, pp. 70-72.

(38) R.H. Davison, **Reform**, p. 211; cf. M.K. İnönü, **Türk Şairleri**, p. 143.

In his memoirs, written in 1892, Cevdet Paşa devoted a few pages to the Young Ottomans. Then, he had already been acquainted with the prominent members of the society. Sadullah Bey (later paşa) and Namık Kemâl were amongst them. Sadullah Bey was the translator of Mustafa Fazıl's letter to the Sultan 'Abdu'l'Azîz which will be seen below. During his first term of office at the Ministry of Education in 1873, Cevdet Paşa made Sadullah a head of the committee which dealt with school programmes and text-books (39). Furthermore, it was Sadullah Paşa, the Ottoman ambassador to Vienna, who in his letter of 28 November 1884 tried to persuade Cevdet to continue writing the *Târîh-i Cevdet* until the end of the *Tanzîmât* period (40). This was consequent upon Cevdet's presentation to him, of the last volume of the book. In reply, Cevdet explained why he stopped at the year 1826, and made a critical review on the *Tanzîmât* reforms especially referring to the mixed courts (41). About the same time another copy was sent to Nâmık Kemâl. He, too, wished the same as Sadullah did.

Cevdet's information about the Young Ottoman Society was probably based on his close friends' oral information. His impressions on the Young Ottomans so far have not been seen by the historians. Before proceeding to give an account of the foundation of the **Council of Judicial Regulations** and the Council of State he wrote this:

«There had been significant changes in politics at the capital while I was the *Vâlî* of Aleppo for two years. For instance, **Jeunes Turques**, who have been against the policy of 'Âlî Paşa, increased their hostilities towards him even more when he became a Grand Vizier again.

It was the Government's preferential treatment of Egyptian affairs that gave them a good opportunity to attack, and object to the Government. The Khedive of Egypt, İsmâ'il Paşa, who has been spending freely enormous sums of gold coins, in Istanbul, in order to buy more royal prerogatives, tried to extend the privileges of Egypt. He, finally,

(39) Cevdet, *Tezâkir*, iv. p. 126; *idem.*, «Vak'anuvîs Cevdet Paşa'nın Evrakı», *Târîh-i 'Osmânî Encümeni Mecmu'ası*, 46 (1 *Teşrin-i Evvel* 1333), pp. 225-226.

(40) The original text of the letter is to be found in BK, «Cevdet Paşa'nın Evrakı», MS. 31. It was reproduced in Cevdet, *Tezâkir*, pp. 216-218.

(41) The original text of Cevdet's letter is in *Belediye Kütüphanesi*, MS. 31. It is appeared in Cevdet, *Tezâkir*, iv. pp. 218-222; E. Mardin, *Cevdet Paşa*, pp. 338-342.

was able to change the succession rule which had been established by the Ottoman State and which provided heads of state. İsmâ'il Paşa restricted it from the eldest son to eldest son of his own descendants. Thus, his brothers' and uncle's sons were deprived of the right of succeeding to the throne. Hence, they were complaining of it and cursing in vain. Meanwhile Mustafa Paşa, being the next after his brother İsmâ'il Paşa to the throne of the vilâyet of Egypt, was very disappointed by the deprivation of it as he was waiting eagerly for İsmâ'il's death. Consequently, Mustafa Fâzıl attempted to stir mischief not only by complaining of the Ottoman State insolently both from within and from without, but also helping the **Jeunes Turques** with a large amount of money. Mustafa Paşa had to go to Europe consequent upon the imperial rescript which was obtained by 'Âli Paşa to remove him from the capital, and delivered to remove him from the capital, and delivered to him officially. Then, he strengthened further his connections with the secret society which he procured.

The president of the society to which a number volunteers joined, was said to have been Mehmed Bey, a son of Ahmed Bey who was one of the statesmen with a grade of **Rütbe-i Bâlâ**, and its director was believed to be 'Azmi Bey, a statesman. The first operation of the society was said to have been to assassinate all the members of the cabinet while it was in session at the Porte; to form a new government; to call back Mehmed Bey's uncle (the late Grand Vizier) Mahmûd Nedîm Paşa then the **vâlî of Tripoli**, with whom they had been in communication secretly for that purpose.

One day the members of the society were gathered under the pretext of making an excursion at the **Veli Efendi Meadow**. There they were checked, and oral instructions were given by 'Azmi Bey. He was applauded. A decision was taken to carry out their aim within the next two days. The late Suphi Paşa's son was also amongst them. As soon as he was back home from that excursion, he told the secret to his father at night. No sooner had Suphi Paşa heard the news that he went with his son to 'Âli Paşa and explai-

ned the matter. Immediately afterwards 'Azmi Bey's house was raided, and he himself was arrested. The same happened in the house of Ahmed Bey. His son, too, was arrested, many documents were seized which would display and prove the secrets of the society. All the members were apprehended and detained for an interrogation...

'Âli Paşa was very frightened by the 'Azmi Bey incident. Henceforth he used to be startled even by a little noise assuming it to be the self-sacrificing Young Ottomans coming to attack him. At the same time his fear and terror used to be reflected on his face...» (42).

This information of Cevdet Paşa is similar to all primary sources. He says that Mehmed Bey was arrested while the other sources reported that he had managed to escape to Europe without being arrested. One of the significant points in the above remarks is that 'Âli Paşa's fear of those men. These feelings might have been further increased by the Young Ottomans' struggle in Europe from the summer of 1867 onwards under Mustafa Fâzıl's leadership. «The exiles who gathered about Mustafa Fazıl Paşa in Paris were few in number. Four of them were from the presumed original six of the *İttifâk-ı Hamiyet* of 1865: Namık Kemal, Mehmed, Reşad, Nuri. Three others had been, in one way or another, their colleagues in journalism in Istanbul -Ziya, Ali Suavi, Agâh-and probably also members of the Patriotic Alliance. They were joined in Paris by one Kâni Paşazâde Rifat Bey, who left his job in the Ottoman embassy there, and at some later date by a former general of brigade, Hüseyin Vasfi Paşa» (43).

Mustafa Fâzıl Paşa (1829-1875) was the grandson of Mehmed Ali Paşa of Egypt (44). He spent most of his time in the Ottoman Government service. His last post was as Minister of Finance during Fuad Paşa's Grand Vizierate. His term of office ended on February 7, 1866. On April 4, 1866 he departed for Paris after a disagreement with the Sultan 'Abdu'l-'Azîz and Fuad Paşa over the issue of the said imperial rescript which changed the system of succession to the gover-

(42) Cevdet, «Ma'rûzât: Beşinci Cüzdân», Belediye Kütüphanesi, «Cevdet Paşa'nın Yazmaları», MS. 24, f. 10-f. 12.

(43) R.H. Davison, *Reform*, pp. 212-213.

(44) On Mustafa Fazıl, see, Ş. Mardin, *The Genesis*, pp. 276-282; M.C. Kuntay, *Ke-mâl*, i. pp. 310-319, and passim; Davison, *Reform*, pp. 197-205. M. Zeki Pâkalın, *Tanzimat Maliye Nazırları*, ii. İstanbul 1939, pp. 1-65.

norship of Egypt. Then, the ruler of Egypt was his brother İsmâ'il Paşa. After him Fazıl Paşa would be the next according to the succession law which had remained in force since Mehmed Ali Paşa, the founder of the line of Egyptian rulers. It was Mehmed Ali who had, in 1841, guaranteed by a **ferman** from Sultan 'Abdu'l-Mecid, the right to pass on the governorship of Egypt as an hereditary title to males in the immediate family (45). The succession was not father to son, but from eldest male to eldest male, which meant that the title might pass to an uncle, brother, or nephew rather than to son. Therefore, Mustafa Fâzıl's dominant wish, quite naturally, was to succeed his brother İsmâ'il Paşa. İsmâ'il too, desired to secure the succession of his own son. Eventually, İsmâ'il achieved his aim by having the **ferman** of May 27, 1866, which formally changed the succession in Egypt to the rule of father to eldest son, declared. Fâzıl Paşa was given £4,5 million as a compensation for his rights to the throne of Egypt (46). Ever since his departure on April 4, he had lived in Paris. Towards the end of 1866 he wrote an open letter, in French, to the Sultan 'Abdu'l-'Aziz (47). Although it is doubtful that it ever reached 'Abdu'l-'Aziz, it was soon afterwards published in the daily *Liberté*, a Paris journal, on March 1867. As early as March 6, 1867/ 1 Zi'l-ka'de 1283, Nâmık Kemâl and his friends obtained the text of the letter and undertook to translate it for clandestine distribution (48). The task of translation was given to Kemal's friend Sâdullah Bey (49). The letter was translated, and 50,000 copies were printed in the shop of the French printer Cayol, and distributed secretly in the capital (50).

(45) The text of the **ferman** of June 1841, in J.C. Hurewitz, **Diplomacy in the Near and Middle East**, i. Princeton 1956, pp. 121-122.

(46) Tevfik, **Yeni Osmanlılar Tarihi**, p. 17.

(47) «The earliest copy in the Bibliothèque Nationale, **Lettre adressée à Sa Majesté le Sultan par S.A. le Prince Mustapha-Fazil Pacha** (Paris, Imp. Ch. Schiller, 16 pp.), has no date of publication, but the date of the «dépôt légal» stamp is 1867. This is quite possibly what the **Journal des débats** of 26 March 1867 refers to as Mustafa Fazıl's letter «just published in French in pamphlet form». Printed copies of another edition in French with the same title were circulating in Istanbul before March 20, 1867»: R.H. Davison, **Reform**, p. 203, n 109. Further, see, Ş. Mardin, **The Genesis**, p. 38f.; Bilgegil, **Ziya Paşa**, p. 89 f.; comment on the letter is in İ.H. Danişmend, **O. Tarihi Kronolojisi**, iv. pp. 214-215.

(48) Tevfik, **op. cit.**, pp. 22 ff.

(49) **Ibid.**, p. 23.

(50) A simplified text is in **ibid.** pp. 25-43. See also, Kuntay, **Kemâl**, i. pp. 279-280, which has a photographic facsimile of the copy of this translation.

The ideas set forth by Mustafa Fâzıl in this letter were viewed with some caution because there are indication that they were inspired by Emile de Girardin, the French journalist, and editor of the daily *Liberté*, with whom Mustafa Fâzıl had established friendly relations in Paris (51). It began with «Sire, that which enters the palace of princes with the greatest difficulty is the truth». The letter, however, did not criticise the Sultan, but only wanted to change the ministers. It outlined the present evils: decrease of population, a decline in Turkish man power, moral degeneration, intellectual stagnation, injustices, treasury crises, and the general lack of industrial, agricultural and economic development. Freedom, it stressed, was the essential condition of progress. Above all, it was a letter in which for the first time secularism was openly advocated in the Empire (52). It said:

«Religion rules over the spirit and promises other worldly benefits to us. But that which determines and delimits the laws of nation is not religion. If religion does not remain in the position of eternal truth, in other words, if it descends into interference with worldly affairs, it becomes a destroyer of all as well as its own self» (53).

The letter coincided with the outbreak of a vigorous constitutionalist campaign by the foreign press in the capital during the months of February and March of 1867. «Most of the articles weighed the applicability of a constitutional system in the Empire in quite general terms. The origin of the campaign went back to the middle of January, at which time the first trial balloon had been launched by the *Courrier d'Orient*» (54), a French newspaper published between 1860-1911. Its editor, Giampiétri had been inculcating Nâmık Kemâl and his coterie to support the idea of borrowing the Western parliamentary system and constitutional régime, since 1864 (55). On the other hand 'Âli and Fuad Paşas had been in favour of adopting the European institutions, but gradually (56). By 1867, Fuad's inclination was also witness-

(51) Ş. Mardin, *The Genesis*, p. 39.

(52) Kuntay, *Kemal*, i. p. 278.

(53) N. Berkes, *Secularism*, p. 208 f.; cf. E. Tevfik, *op. cit.*, 40-41.

(54) Ş. Mardin, *op. cit.*, p. 33.

(55) Fevziye A. Tansel, *Nâmık Kemal'in Hususi Mektupları*, i. (Ankara 1967), p. 120; cf. M.K. İnal, *Son Asır Türk Şâirleri*, p. 143.

(56) F.A. Tansel, *loc cit.*

sed by the French diplomat in that Fuad had for some time kept in mind the idea of a council of state where Christians would sit together with Muslims in administering the legislative and executive functions of the Grand Council (57).

Finally, Mustafa Fâzıl Paşa reorganized the exile group under his leadership. He fixed a salary for each of them (58). «What Mustafa Fâzıl wanted of these men was their journalistic talent, to be employed against 'Âli and Fuad, presumably in hopes that he might regain the right to succeed to the Egyptian governorship, or at least knock the ministers out of office and himself become grand vezir, and thus Ismail's superior» (59). With his financial support the *Muhbir* began publication on August 31, 1867, in Paris. The publisher was Ali Suavi Efendi. This was followed by *Hürriyet* of Nâmık Kemâl and Ziyâ Bey, on June 29, 1868, in London (60). All the money was provided by Mustafa Fâzıl who used the New Ottomans against 'Âli Paşa.

During the visit of the Sultan 'Abdu'l-'Azîz on June 30, 1876, all the members had been asked beforehand to leave France. But Mustafa Fâzıl stayed there. He talked with the Sultan «and accompanied him on a part of his European tour» (61). The result «was some sort of agreement between the two, based, one suspects, on a promise by the sultan that he would move toward constitutional government or that he would appoint Mustafa Fâzıl to an important position, or both» (62). The New Ottomans were happy with this end. Mustafa Fâzıl returned to Istanbul on September 20, 1867. He maintained allowances to

(57) Moustier to Bourée, 15 March 1867, in Baron I. de Testa, *Recueil des traités de la Porte ottomane*, vii. p. 430: «... L'idée, favorisée par Fuad-Pacha, de créer un conseil d'Etat où les chrétiens siègeraient avec les musulmans, mérite tous les encouragements. Si elle était admise, ce corps nouveau se trouverait investi des attributions administratives du Grand Councell, qui ne conserverait plus que celles de cour suprême. Je recueille, comme un symptôme heureux la nomination des membres qui viennent d'y être appelés, et vous ne sauriez trop insister auprès de la Porte pour que ces fonctions publiques deviennent de plus en plus accessibles aux chrétiens».

(58) Kuntay, *Kemâl*, i. p. 482.

(59) R.H. Davison, *Reform*, p. 213.

(60) Further on the papers see, Davison, *Reform*, p. 217 f.; K. Bilgegil, *Ziya*, pp. 117-127; Ş. Mardin, *The Genesis*, pp. 45-46; A.H. Tanpınar, *XIX. Asır*, pp. 164-167; İ. Sungu, «Tanzimat ve Yeni Osmanlılar», p. 779, n6, gives information the *Hürriyet*. *Ibid.*, pp. 777-857, reproduces several passages from *Hürriyet*, as well as from *İbret* of 1872 which echo Kemâl and Ziya's views about defending the *Şeri'at*, Islam and constitutionalism, and criticising the Government of the time for adopting the European codes which contravened the *Şeri'at*.

(61) Davison, *Reform*, 216.

(62) *Ibid.*

the group some time afterwards. But in the end it was a victory for 'Âli Paşa who «separated the New Ottomans from their financial backer» (63). Mustafa Fâzıl was given a high position in the Government service but not the Grand Vizierate. This time 'Âli used him against the New Ottomans. Upon Mustafa Fâzıl's agreement with the Government the salaries paid by Mustafa Fazıl to the group, were rejected by Ali Suavi and Mehmed Bey. The society soon dissolved because of the different temperament, character, grievances, ambitions and views about the prerequisites for salvation of the Ottoman Empire, of the members (64).

The effectiveness of the New Ottomans is to be judged only by their journalistic agitation to mould a public opinion. «This effort had some impact, both immediate and on events in 1876 and after» (65). How great the immediate impact on the establishment of the Council of State and the *Dîvân-ı Ahkâm-ı 'Adliyye* in 1868 was, it is hard to judge. Their major aim was to influence opinions and politics within the Empire. To this end they had more success. What they wanted was the constitutional régime which became a reality a decade later. However, the Council of State of 1868 was said to be a first step toward the constitutionalism (66). Therefore, their influence on the creation of the Council of State and the *Dîvân-ı Ahkâm-ı 'Adliyye* was indirect. It seems certain that the French impact on this was stronger than the New Ottomans and the memorandum of 'Âli Paşa.

(63) *Ibid.* 217.

(64) Danişmend, iv. 215.

(65) R.H. Davison, *Reform in the Ottoman Empire*, p. 219.

(66) Ebuzziya Tefvik, *Yeni Osmanlılar Tarihi*, pp. 49-50; cf. İsmail Hami Danişmend, *İzahlı Osmanlı Tarihi Kronolojisi*, iv. p. 214. Ahmed Râsim, *İstibdâddan Hâkimeyt-i Milliyeye*, ii. (Istanbul 1924), pp. 77-79; 'Abdu'r-Rahman Şeref, *Tarih Musâhabeleri*, (Istanbul 1339/1920), p. 96.