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*Prof. Tayyib Gökbilgin
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MEŞVERET

Bernard Lewis

The term *meşveret*, consultation, was much used by the young Ottomans and by later Turkish exponents of the idea of constitutional and representative government. It occurs frequently in particular in the writings of Namik Kemal, who has even been credited, mistakenly, with having coined the word as a Turkish equivalent for representative government.

In fact neither the word nor the political concept that it denotes was new, either in Ottoman or indeed in Islamic history. The notion of consultation as an obligation of the ruler goes back to the advent of Islam; the attempt to organize some sort of apparatus of consultation goes back at least a thousand years in the history of the Turkish people.

The practice of consultation and deliberation was already familiar in pre-Islamic Arabia, as is attested by Arabic references to the meetings of bodies, variously called *meclis* and *mala'*, as well as in some old South Arabian inscriptions. Two verses in the Qur'an, Chapter III, 153/159 and XLII, 36/38 are frequently cited as imposing a duty of consultation on rulers. Consultation (*mashwara* and *mus-hawara*) is contrasted with arbitrary personal rule (*istibdād*). The former is recommended, the latter is deplored. The case in favor of consultation is supported by a considerable body of material - by traditionists, recording the precept and practice of the Prophet²; by

1 See *Encyclopaedia of Islam*, 2nd edition, s. vv. «Madjlis» and «Mala'».

2 For examples of relevant hadith, see A.J. Wensinck and others, *Concordance de la tradition musulmane*, iii (Leiden, 1955), p. 212.

commentators, elaborating on the two above named verses in the Qur'an³; by numerous later writers, in Arabic, Persian and Turkish, belonging to both the legal and scribal traditions⁴. In general, the *ulema* urged the need for consultation with the *ulema*, the bureaucrats were more insistent on the importance of consulting bureaucrats.

However, while consultation was recommended and arbitrary personal rule deplored, the one was not enjoined nor the other forbidden. In the early Islamic centuries, there seems to have been no formal procedure whereby the ruler consulted with his advisors, of whatever category. As H.A.R. Gibb remarked, commenting on some modern attempts to read parliamentary procedures into early Islamic history: «There is, in fact, nothing in the texts to justify the suggestion that 'Umar's consultation was more than informal, or that there was at Medina any recognized consultative committee, still less a cabinet⁵». The nearest approach to a consultative body was the famous committee appointed by the Caliph 'Umar on his deathbed, with the function of choosing one of themselves as his successor in the caliphate⁶. The Umayyad caliphs, at least the earlier ones, seem to have continued the old Arabian practice of consultation with the elders of the tribes through the so-called delegations (*wufūd*)⁷. But the trend of events as towards greater, not lesser personal authority in the sovereign or his agents. The increasingly authoritarian cha-

E.g. Zamakhsharī, *Kashshāf*, (Cairo 1373/1953), i, pp. 332-3, iv, p. 179; Fakhr al-Dīn Muḥammad ibn 'Umar al-Rāzī, *Mafātīḥ al-Ghayb*, (Cairo 1308/1890-1891), iii, p. 120.

⁴ 'Abd al-Ḥamīd, *Risāla... fi naẓīhat walī al-'ahd*, in Muḥammad Kurd 'Alī (ed), *Rasā'il al-Bulaghā*, (Cairo, 1374/1953), p. 185; Ibn al-Muḥaffā', *Ḥikam*, *ibid*, p. 155, Niẓām al-Mulk, *Siyāsāt-nāma*, chapter 18, «on having consultation with learned and experienced men», ed. and trans. Ch. Schefer, (Paris, 1891), text pp. 84-5, French translation, (Paris, 1893), pp. 124-6; English translation by H. Darke, (London, 1960), pp. 195-96! etc.).

⁵ H.A.R. Gibb in *Law in the Middle East*, edited by Majid Khadduri and H.J. Liebesny, (Washington, D.C., 1955), p. 16.

⁶ M.J. Kister, «Notes on an account of the Shūrā appointed by 'Umar b. al-Khaṭṭāb», in *Journal of Semitic Studies*, ix (1964), pp. 320-326.

⁷ For a somewhat idiosyncratic interpretation of the *wufūd* in the Umayyad period, see H. Lammens, *Études sur le règne du calife Omayyade Mo'awia I^e*, (Beirut, 1906), pp. 59-64, 208.

racter of government is vividly expressed in a passage quoted by several Arab authors. A certain Sudayf, a dependent of the Hashimites, is cited as complaining of the changes resulting from the supersession of the Umayyads by the Abbasids: «By God, our booty, which was shared, has become a perquisite of the rich; our leadership, which was consultative (*mashwara*), has become arbitrary; our succession, which was by the choice of the community, is now by inheritance⁸».

The medieval scribal and legal traditions, though generally in favor of consultation, are not uniformly so. While approving it in the abstract, some authors seem to have been somewhat alarmed by examples which they encountered in practice. Without formally condemning consultation as such, they sometimes indicate that in excess it may lead to anarchy and destruction. Thus no less an authority than the 11th century Spanish Arab scholar Ibn Ḥazm, in discussing the question of succession to rule, remarks that the election of a successor by consensus (*ijmā'*) or even by committee (*shūrā*) can lead to anarchy. Ibn Ḥazm was no doubt impressed by the quarrels and disputes amid which the great caliphate of Cordova came to an end⁹. Another harsh judgment on democracy in action is given by the Egyptian scholar Qalqashandi. Speaking of the city of Sis in Anatolia, he notes that «authority became consultative (*mashwara*), the populace became anarchic, the fortifications fell into disrepair», and the city thus fell prey to Christian conquest¹⁰.

A different kind of judgment, though equally negative, occurs in a book by the Arab traveller Ibn Faḍlān, who visited the Turkish Bulgars of the Volga in 309/921. Describing their form of government, he notes that it was consultative, and indeed uses the words of the Qur'anic verse III, 153/159, «*wa-amruhum shūrā baynahum*», to describe it. Despite the Qur'anic authority which he cites, Ibn Faḍlān makes it clear that he does not like this form of government, observing that whenever these people are able to agree among them-

8 Ibn Ḳutayba, *Uyūn al-Akhbār*, (Cairo, 1383/1963), ii, p. 115.

9 Ibn Ḥazm, *Kitāb al-Mīlāl wa'l-nihāl* (Cairo, 1964), iv, pp. 105-106 and 114-115.

10 *Ṣubḥ al-A'shā*, viii, (Cairo, 1335/1915), p.30.

selves on anything, their decision is nullified by «the meanest and lowest among them»¹¹.

With the invasion of the Middle East by the steppe peoples, first Turks and then Mongols, we begin to find references, for the first time in Islamic history, to regular and permanent consultative councils. The Ilkhans in Persia appear to have adhered to the practice of convening a great council of high dignitaries, presided over by the vizier. This body, known in Persian as the *divān-i buzurg*, may be based on the Mongol tribal council, the *kurultay*. Such a council continued to exist under the post-Mongol rulers of Persia. The name often given to it, *janqi*, would appear to indicate a Mongol origin¹². The functioning of this body is attested by both Persian and external sources. Among the latter we may mention the Ottoman historian Kemalpaşazade, who, discussing the eastern campaigns of the Ottoman Sultan Mehmed II, refers to the holding of such a council in Persia. When, he says, the Persian monarch received a report from a spy that the Ottoman sultan and his army were moving eastward, he summoned a meeting of «the dignitaries of his state and the notables of his realm and consulted with them»¹³. In Egypt too, under the Bahri Mamluks, there seems to have been a supreme council of high ranking emirs¹⁴. Though Egypt was never conquered by the Mongols, it was ruled for centuries by a military elite recruited principally from the Turks and other steppe peoples, and the

11 Ibn Faḍlān, *Rihla*, ed. Samī Dahhān, (Damascus, 1379/1959), pp. 91-92, French translation by M. Canard, *Annales de l'Institut d'Etudes Orientales* xvi (1958), pp. 67-68.

12 See V. Minorsky, *Tadhkirat al-Mulūk*, (London, 1943), pp. 44, 53, 113 note 5, 120; G. Doerfer, *Türkische und Mongolische Elemente im Neupersischen*, i, (Wiesbaden, 1963), pp. 28-282; H.H. Zarinezade, *Fars dilinde Azerbaycan sözləri*, (Baku, 1962), pp. 248-250.

13 Ibn Kemal, *Tevarih-i Al-i Osman*, vii, Defter, ed. S. Turan (Ankara, 1957), p. 544.

14 D. Ayalon, «Studies on the Structure of the Mamluk Army - III», *Bulletin of the School of Oriental and African Studies*, xv (1954) p. 69; E. Tyan, *Institutions du Droit Public Musulman*, ii, (Paris-Beirut 1956), pp. 171-81; Kaḳashandī, *Ṣubḥ*, vi, 28, xi, pp. 153-156; al-Maḳrizī, *Sulūk*, ed. M.M. Ziyada, (Cairo, 1941); ii, pp. 64, 85-86, 182, 485, 551, 626, 634, 645, 746, 890, with an editorial note; idem *Khifaḥ*, (ed. Būlāḳ) ii, p. 64; Abu'l-Mahāsīn, *Nujūm* (Cairo), x, p. 190.

practice of the Mamluk state and army reflect in many ways the influence of the Mongols, then the dominant power in the Middle East. Under the later, Circassian Mamluks, this council seems to have faded away; at least references to it in the sources are extremely rare.

Perhaps the most striking instance of *meşveret* in medieval times may be found in some accounts of the Ottoman state and dynasty. According to an early historiographic tradition, the establishment of the House of Osman took place in this way. The beys and *kethudas* of that region met together, went to Osman Bey, and held a council. After much discussion they chose Osman, and asked him to become their chief. He accepted¹⁵. This may or may not be an authentic account of the birth of the Ottoman state. But even if it is a myth, the fact that early Ottoman chroniclers should have chosen this kind of myth and enshrined it in the dynastic historiography is in itself of great significance.

Ottoman, like earlier Islamic authors, urged the importance of consultation by the ruler. In the Ottoman empire such was indeed the practice. The high council (*divan-i humayun*) was an important part of the Ottoman governmental system. Presided over in earlier times by the Sultan, in later times by the Grand Vizier, it had a prescribed membership, prescribed times of meeting, and a regular order of business. The term *meşveret* however was not commonly used of this high council, but rather to denote ad hoc meetings and assemblies of military and other dignitaries, summoned to consider problems as they arose. There are frequent references to such *meşverets* in the course of the wars in Europe in the 15th century. They continued to be common in the Ottoman chronicles of the 16th, 17th and 18th centuries. Naima for example offers many accounts of military *meşverets* convened in the field by commanders, as well as of civilian gatherings held in Istanbul by official dignitaries. Towards the end of the 18th century such gatherings became much more frequent, especially in the periods of crisis associated with the Russian and other wars¹⁶.

15 Lutfi, *Tarih*, p. 21; Yazıcıoğlu Ali, *Selcukname*, cited in Agah Sırrı Levend, *Türk Dilinde Gelişme ve Sadeleşme Safhaları*, (Ankara, 1949), p. 34.

16 Naima, i, pp. 131, 146, 155, 180, 273, 413, ii, pp. 354, 360, iii, p. 54, iv,

A new phase with began with the accession of Selim III who at the very beginning of his reign convened a consultative assembly (*meşveret*) of leading officials to discuss the problems of the empire and the way to remedy them. Such gatherings were often held under Selim III and his successors, in the provinces as well as in the capital¹⁷.

By this time the practice of *meşveret* had acquired a new reality, because of the growing strength of the limiting powers in the Ottoman system. There were several of these. One was of course the ulema, a well entrenched body which enjoyed financial independence through their control of the large estates which were held as *vaqf* and which they administered; they also enjoyed authority deriving from popular recognition. They were thus in a position of comparative independence in relation to the Sultan.

A second limiting group consisted of the notables and local dynasts, the *ayan* and *derebeys*, a kind of local magistracy and gentry with a considerable measure of autonomy. Like the medieval English barons, they tried to formalize their rights and privileges against the monarchy. In 1807 they attempted to demarcate their powers, and in 1808 succeeded in imposing on Mahmud II, newly succeeded to the Sultanate, the famous Deed of Agreement which set forth in detail a regulated contractual limitation of the sultan's powers¹⁸.

It did not last. The 19th century, with the new and effective means of surveillance and repression which it offered, was not a good time for for a Turkish Magna Charta.

pp, 298, 413, v, pp. 60, 203, 281-3; Kemalpaşazade, p. 127; Vasif, i, pp. 316-8, 221, 222, 274; Cevdet, ii, pp. 276 ff, iv, p. 289.

17 Şanizade, i, pp. 66, 73-75, 199-201, 365, iv, pp. 2-5, 201, 37 ff, 155-158, etc.

18 The text of the *Sened-i ittifak* will be found in Şanizade, *Tarih*, i, pp. 66-78, and Cevdet, *Tarih*, ix, pp. 278-83. For accounts of the events leading to it, see, Şanizade, i, pp. 61 ff; Cevdet, ix, pp 2 ff; A. de Juchereau de Saint-Denys, *Révolutions de Constantinople en 1807 et 1808*, ii, (Paris, 1819), pp. 200 ff; J.W. Zinkeisen, *Gesch. des osm. Reiches*, vii, Gotha 1863, pp. 564 ff; O. von Schlechta Wssehrd, *Die Revolutionen in Constantinopel in den Jahren 1807 und 1808*, in *SBAk. Wien* (1882), pp. 184-8. For studies and views of the pact see I.H. Uzunçarşılı... *Alemdar Mustafa Paşa*, (Istanbul -1942), pp. 138-44; A.F. Miller, *Mustafa Pasha Bayraktar*, (Moscow, 1947), pp. 283-91; A. Şelçuk

Nevertheless these ideas were in the air. The Ottoman historian Şanizade, who died in 1826, speaks of consultative meetings held at the Ottoman court, and says: «Her bir tedbir-i umur-i mülkiyeleri hademe-i devlet ve vükela-i raiyyetten ibaret iki sınıf erbab-i meşveret meyanında ber vech-i serbestiyet bahis ü münazara ile karar-gir ve hükmü aaleb her ne vechile netice olup olursa... tenfir». This is a remarkably interesting passage, which contains a whole series of radically new ideas¹⁹.

Şanizade's account marks the transition from a purely traditional Islamic interpretation of *meşveret* to a new approach influenced by the practice of European states, to which indeed he alludes under the polite euphemism «well-organized states». He may possibly have been thinking of the British parliament, a description of which, by the young Ottoman diplomatist Mehmud Raif, was available to him in Istanbul²⁰. Şanizade notes that the holding of such *meşverets* was common in these states, and that they served a useful purpose. At the same time he was naturally concerned to justify the holding of such meetings with both Islamic and Ottoman precedents.

Probably the earliest use of the term in an explicitly Western context occurs in the Turkish translation of the first volume of Carlo Botta's *History of Italy from 1789 to 1814*. This was first printed in Cairo in Turkish as *Bonapart Tarihi* in 1249/1833, and later reprinted in Istanbul. In this work the term *parlamento meşvereti* is used to describe the parliamentary regimes established by the Italian liberals²¹.

Özçelik, «Senedi Ittifak», in *Istanbul Univ. Hukuk Fak. Mec.*, xxiv (1959), pp. 1-12; T.Z. Tunaya, *Türkiyenin siyasi hayatında batılılaşma hareketleri*, (Istanbul, 1960), pp. 25-6; S. Mardin, *The genesis of Young Ottoman thought*, (Princeton, N.J.), 1962, pp. 145-8.

19 *loc. cit.*

20 On Mahmud Raif, see Faik Reşit Unat, *Osmanlı Sefirleri ve Sefaret-nameleri*, (Ankara, 1968), pp. 178-179; S.J. Shaw, *Between Old and New in the Ottoman Empire under Sultan Selim III 1789-1807*, (Cambridge, Mass., 1971), pp. 89, 449 n. 16, etc. Part of Mahmud Raif's description was published by Gilles Veinstein, in Mehmed Efendi, *Le paradis des infidèles*, (Paris, 1981), pp. 242-248.

21 *Bonapart Tarihi nam-i diğer İtalya Tarihi*, (Istanbul, 1293/1876), i, pp. 5 ff.

In the course of the 19th century the term was much used by Turkish and Arabic authors, first to describe European representative institutions as these became known to them, and then to justify their introduction at home. Thus the Egyptian Sheikh Rifā'a Rafī' al-Ṭaḥṭāwī, who spent the years 1826-1831 in Paris, in discussing the functioning of the French parliamentary system, makes common use of the term *mashwara* to describe the various consultative bodies²². His book was published in a Turkish translation as well as in the original Arabic and provided readers of both languages with their first detailed and documented account of constitutional and representative government as practised in a west European country. By the time the term was adopted by the young Ottoman liberal patriots in the mid-century, it was already an accepted part of Ottoman usage.

²² *Takhlīṣ al-ibriz fī tallihīṣ Bārīz*, ed. Mahī 'Allām et al. (Cairo n.d.), chapter 3, pp. 138-143.