

## CHAPTER 10



# Constitutionalism

On 11 December 1905, the governor of Tehran ordered the beating of two sugar merchants whom he accused of price gouging. The merchants claimed that they could not reduce the price they charged for sugar to levels demanded by the government. They argued that, unlike foreign merchants who paid only a 5 percent tariff on imported sugar, they had to pay 20 percent. They had to pass this additional cost on to their customers.

Word of the beating spread throughout Tehran. Two days later, about two thousand angry tradesmen, merchants, ulama, and theology students took refuge at the Shah 'Abd al-'Azim Shrine in Tehran. Taking refuge, or *bast*, in a sanctuary—a shrine, a mosque, or even a government telegraph office—was a time-honored ritual of political protest in Persia, much as one-day strikes are in France.

During the month-long *bast*, the protesters drew up a list of demands, which they submitted to the prime minister. Their first two demands related directly to the incident that sparked the protest in the first place. The protesters demanded the dismissal of the governor of Tehran who had ordered the beatings of the merchants, as well as the dismissal of Joseph Naus, one of several Belgian administrators whom the shah had hired in 1899 to reorganize the collection of customs. As a foreigner, Naus had become a lightning rod for popular anger. For the protesters, he symbolized both the privileges the Persian government had accorded foreigners and imperialist designs on their country.

The third demand made by the protesters was more far-reaching. Moving beyond the immediate events that precipitated their *bast*, the protesters demanded the establishment of something they called a "House of Justice." Although the term "House of Justice" is ambiguous, it was widely interpreted to mean a parliament. That parliament, called a *majlis*, convened in October 1906, and representatives immediately began drafting a "Fundamental Law"—a constitution—to secure the gains the protests had brought. Thus began the Persian Constitutional Revolution of 1905.

Persia was not the only place in the Middle East where the desire for constitutional and parliamentary rule inspired political action. In the Ottoman

Empire, bureaucrats and army officers, supported by popular protest, twice compelled the sultan to adopt a constitution and convene a parliament. The first instance occurred in 1876, when the empire was in the midst of crisis. Drought and famine had brought widespread suffering to peasants, the government had found itself unable to pay its external debt or its army and navy, and, in the wake of revolts by Bosnian Serbs and Bulgarians, a conference of European powers had convened in Istanbul to impose a Balkan settlement on the empire. Roused by the multiple failures of the Ottoman government, theological students rioted in Istanbul, demanding the dismissal of the grand vizier (the sultan's chief minister) and the chief mufti (the highest ranking Muslim religious official in the empire). According to the British ambassador, who was a witness to the unfolding events,

The word "Constitution" was in every mouth; that the softas [religious students], representing the intelligent public opinion of the capital, knowing themselves to be supported by the nation—Christian as well as Mahometan—would not, I believed, relax their efforts till they obtained it, and that, should the Sultan refuse to grant it, an attempt to depose him appeared almost inevitable; that texts from the Koran were circulated proving to the faithful that the form of government sanctioned by it was properly democratic, and that the absolute authority now wielded by the Sultan was an usurpation of the rights of the people and not sanctioned by the Holy Law; and both texts and precedents were appealed to, to show that obedience was not due to a Sovereign who neglected the interests of the state.

Soon after these events, constitution-minded bureaucrats deposed Sultan Abdulaziz I, replaced him with his alcoholic son, and then replaced the replacement with Abdulhamid II, another son of Abdulaziz I. Before they threw their support to Abdulhamid II, however, they extracted from him a promise to rule in accordance with a constitution.

The first constitutional period lasted a mere two years. In 1878, Sultan Abdulhamid II, using the outbreak of war with Russia as a pretext to break his promise, suspended the Ottoman constitution, dismissed the elected parliament, and concentrated power in his own hands. Not until thirty years later, when a mutiny of Young Turk military officers stationed in Macedonia sparked a wider rebellion, was the constitution restored. That constitution remained in effect until World War I.

As we have seen in previous chapters, the transformation of society during the late nineteenth century laid the foundations for the emergence of a modern public sphere in the Middle East. In cities throughout the Ottoman Empire and Persia, all sorts of new ideas germane to new social, political, and economic realities emerged and competed with each other. The new Islamic orthodoxy that inspired the Muhammadan Union and the *al-Haqā'iq* group represented one intellectual current that attracted a following. Constitutionalism represented another. Accordingly, during this period a significant group of Westernizing intellectuals and Islamic modernists, working in alliance with urban crowds and political reformers, devoted their political energies to the realization of constitutional



Crowd in Istanbul listening to the announcement of the restoration of the Ottoman constitution, July 1908. (From: *The Collection of Wolf-Dieter Lemke.*)

rule. Ottoman civil servants and soldiers, socialists in the northern Persian city of Tabriz, and even the partisans of Ahmad ‘Urabi who demanded a charter from the Egyptian khedive in 1881–1882 all viewed constitutionalism as a panacea for the ills that beset their states.

Both local and international factors inspired the rise of constitutionalist movements in the region. As we have seen, local factors—the beating of sugar merchants in Persia, a crisis of legitimacy in the Ottoman Empire, an army mutiny in Egypt—provided the spark that touched off constitutionalist movements in the Middle East. But this spark was, in turn, touched off in a context defined by growing pains in the world economy, the consolidation of territorial states, intensified imperialist pressure and interimperialist rivalry, and the emergence of new social classes whose role in politics and society had yet to be determined. These conditions were not exclusive to the Middle East. They influenced events throughout the globe. Thus, any explanation for constitutionalism in the Middle East must take into account the fact that constitutionalist movements also emerged in such places as Japan (1874), Russia (1905), Mexico (1910), and China (1911). In each of these places, constitutionalists thought that the key to solving the predicament their states found themselves in was political reform, and political reform meant constitutional and parliamentary rule.

The first Ottoman constitutional revolution, the ‘Urabi Revolt, and the Persian Constitutional Revolution took place during periods of global economic crisis. Of course, in none of these cases did the economic crisis define the direction political protest would take. It did, however, prompt widespread

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dissatisfaction, and this dissatisfaction often found expression in constitutional movements.

In 1873, the collapse of the Viennese stock market precipitated a period of world depression that, according to some economists, lasted until 1896. The Depression of 1873 may not have been the first truly worldwide depression. Some economists give that honor to the "panic" of 1856–1857. And, of course, attributing such a cataclysmic event to the collapse of a stock market in Vienna would be as glib as attributing the Great Depression of the 1930s to the collapse of the New York Stock Exchange. Economists have, as economists tend to do, given numerous reasons for the Depression of 1873. Some have credited rampant stock speculation. Others, the emergence of the United States and Germany as new industrial powers. Still others, the spread of cash-cropping to the far reaches of the globe and the introduction of new technologies, such as refrigeration and railroads, which glutted markets with agricultural products and mineral wealth. But whatever the actual cause of the depression, its magnitude and breadth were unprecedented. The 1873–1896 depression affected countries from Argentina to the Dutch East Indies. In Europe, the price of wheat declined 30 percent. In the United States, two-thirds of all railroads went under. In the Middle East, the collapse of international trade and commodity prices bred discontent among merchants and farmers. It also resulted in Ottoman and Egyptian bankruptcy and foreign supervision of the finances of each. Money that had gone into public works, military salaries, and the expansion of services vital to the functioning of modern states now went to repaying European creditors. Many in the region were resentful.

In every country hit by depression, popular movements emerged. The ideologies expressed by these movements reflected local conditions and conventions: thus,



Persian parliamentarians in session. (From: *The Collection of Wolf-Dieter Lemke.*)

communism, trade unionism, and anarchism in the cities and factories of Western Europe and North America, populism on the Great Plains of North America, and anti-Semitism in any place in Europe where Jews could be found. In the Middle East, discontent was often channeled into constitutionalism. And why not? Governments that seemed to have brought such disaster to the region, that were unresponsive and did not allow those best fit for governance any role in decision making needed to be more representative and held responsible to their citizens. Constitutions and parliaments, many believed, would guarantee that broadening of representation and assumption of responsibility.

The economic background for the Persian Constitutional Revolution was a bit different from that which stimulated constitutionalism in the Ottoman Empire. During the late nineteenth and early twentieth centuries, the Persian economy was hit by a double whammy. First, there was the depression of 1873–1896, which affected Persia just as it did every other economy locked into the world system. Then, just as much of the world was climbing out of depression, another shock hit the economies of China, Japan, India, and Persia. Unlike the economies of the West, which used a gold standard, the economies of these states were silver-based. During the late nineteenth century, two events occurred that caused the silver-backed currencies of these countries to lose value. Both events bear a striking resemblance to those which many historians argue took place in the sixteenth century. First, as more and more countries bound themselves to the gold standard, silver flooded east, where it had a higher value. Second, the discovery of new deposits of silver, such as the Comstock Lode in Nevada, flooded the international market with the precious metal. This, too, affected economies and politics around the world. Cash-strapped, indebted farmers in the United States demanded that the United States Mint coin silver so that they not be “crucified on a cross of gold,” as the 1896 Democratic presidential candidate William Jennings Bryan put it. In Persia, where coining silver was already the practice, prices skyrocketed 600 percent between 1850 and 1890. The Persian government borrowed heavily as a result of this inflation, and soon had to take out additional loans to pay back previous ones.

At the same time as the collapse of the international economy, both the Ottoman Empire and Persia experienced increasing political pressures that threatened their sovereignty and stimulated an anti-imperialist response. Many historians trace the increase in interimperialist rivalries directly to the Depression of 1873. After the onset of the depression, protectionist sentiments challenged free market liberalism, and Europeans and North Americans sought to establish overseas empires from which they could exclude foreign competition. Both Middle Eastern empires felt the sting of the “new imperialism” in forms that ranged from debt commissions to increased competition for concessions. In both empires, constitutionalists blamed autocratic government for the weak response to the threats to national sovereignty and demanded constitutional reform to strengthen their states. Constitutionalists also hoped that constitutions and parliaments would demonstrate to European powers that their empires were civilized members of the

world community rather than carcasses to be picked clean by various imperialist powers or nationalist movements.

However much they might have protested European imperialism, those who led constitutional movements were the products of the world created by imperialism and defensive measures taken by non-European states in response to imperialism. For example, Midhat Pasha, the chief engineer of Ottoman constitutionalist intrigue in 1876, had studied briefly at a palace school established by an early *tanzimat* sultan, Mahmud II. Designed to prepare students to participate in a renovated bureaucracy, the school encouraged students to stay abreast of the latest intellectual trends in Europe. Midhat Pasha also participated in an Istanbul salon dedicated to discussing such topics as Western literature and philosophy. Taking advantage of Ottoman provincial reorganization, Midhat Pasha went on to organize "model" provinces in Bulgaria, Baghdad, and Syria. These provinces might be considered laboratories in which *tanzimat* ideas were applied and tested.

Like Midhat Pasha, the military officers, bureaucrats, and intellectuals who formed the nucleus of constitutional movements throughout the region—and, indeed, throughout the world—had often received advanced educations that included a good dose of Western social science and technical know-how. The core group of army officers that founded the Committee of Union and Progress and restored the Ottoman constitution in 1908 were graduates of the military medical school in Istanbul, and many of the intellectuals who organized the *anjumanha*—the building blocks of the Persian Constitutional Revolution—had either been educated in the West or at the Dar al-Funun in Tehran. Their ideas drew from both Western and indigenous sources. Thus, the Ottoman constitution was modeled on the constitution of Belgium and justified by the ideas of the Young Ottomans. Because of their advanced education, leaders of constitutionalist movements demanded a greater role in determining the future of their states. They thought that that role would be guaranteed through constitutions and parliaments.

Constitutionalists also felt perfectly at ease in a world where newspapers could spread ideas and where the railroads and telegraph lines that connected the countryside with capital cities could mobilize popular support. The introduction of modern communications technologies, the formation of émigré communities outside the view of imperial surveillance, and labor migration played a key role in making constitutionalism an international movement. Constitutionalist movements were mutually reinforcing. Many of the Egyptians who joined the 'Urabi movement in 1881 were influenced by the doctrines of the Young Ottomans and by the example of the Ottoman constitution, which had been announced only five years earlier. Emigré Persians in Istanbul followed closely the Ottoman constitutional movement as well as the 'Urabi rebellion. Ottoman military officers knew what was going on in Persia in 1905 before they launched their own constitutional rebellion in 1908. And constitutionalists throughout the region took heart from the Russo-Japanese War of 1904–1905. Here, for the first time, was an Asiatic power that had defeated a European one. Could this have happened because the

Asiatic power had a constitution while the European one did not? The Russo-Japanese War precipitated Russia's own constitutional revolution, which observers to the south also followed closely before embarking on theirs.

The close proximity of Russia affected constitutionalism in Persia in another way as well. Just as news spread from one state to another, so did techniques for mass political organizing. In the Persian case, laborers from northern Persia who had gone to Russia to work in the oil fields of Baku brought those techniques back with them when they returned home. By 1905, there were approximately three hundred thousand Persians in Russia, making up about a quarter of the oil field workers. About 80 percent of these workers eventually returned to Persia, bringing back with them ideas about trade unionism and socialism. Some organized an affiliate to the Russian Social Democratic Workers' Party called Hemmat, which promoted a combination of Islamic modernist and socialist ideas. This is one of the reasons why the northern city of Tabriz became a hotbed of pro-constitutionalist and social democratic ideas. Constitutionalists in Tabriz built a mass movement by infusing their political program with a social and economic program that advocated, among other things, an eight-hour workday, free public education, an expansion of women's legal rights, and the ownership of land by those who tilled it. After the shah launched a counterattack against the constitutionalists and closed the Persian *majlis*, Tabrizis established a pro-constitutionalist commune while an army composed of social democrats and Armenian and Muslim radicals marched from the northern city of Rasht to Tehran to restore the parliament.

In the end, constitutionalism failed in both the Ottoman Empire and Persia. In the former case, constitutional rule was replaced by the rule of a triumvirate of military leaders who took over the reins of government in 1913. They ruled the Ottoman Empire until the end of World War I. Although the constitution theoretically remained in effect in Persia, the Russians invaded from the north, destroyed the Tabrizi experiment, and dismissed the *majlis* in Tehran. The fact that elections for another *majlis* took place in 1914 is as much a testament to the inconsequence of government structures in Persia as it is evidence for the survival of constitutionalism there. Thus, the era of constitutionalism ended not so much with a bang as with a whimper. Why, then, bother with it at all?

There are two reasons constitutionalism in the Middle East is important for subsequent developments. First, constitutional movements, to a greater or lesser extent, brought about a change in the political culture of the Middle East. They made the state the site of political contestation. In other words, in the wake of the constitutional movements, control of the state apparatus became the focus of political activity. They spread the representative principle—the idea that individuals had the right to participate in governance and to select those who stood for their interests. They reinforced among the inhabitants of the Ottoman Empire and Persia the notion that they were citizens, not subjects. And they made ideology—not dynasty—the foundation for political legitimacy.

Furthermore, constitutionalist movements both embodied and spread mass politics. Even in the Ottoman Empire, where constitutionalism was twice put in

place by means other than mass movements, there were widespread demonstrations in support of—as well as against—the constitutionalists. Here is how one (obviously unsympathetic) observer described demonstrations held in Damascus in support of the restoration of the Ottoman constitution:

Imagine some five hundred illiterate young men, some with swords in their hands, others with revolvers and many with prohibited rifles stolen from the government, this whole crowd followed by a great multitude pass through the streets and the bazaars shooting and shouting. On the 8th instant, the orations in general were exceptionally liberal. A “Young Turk” having the grade of “Usbashy” stood on the platform, took out his sword and asked the people to stand up and repeat after him an oath to the meaning that if tyranny shall reign again, they would overthrow it no matter how dear it might cost them. They solemnly declared that they were ready to sacrifice for liberty their wives, their children and their blood! After this solemn oath three times three cheers were given for liberty, the Army and the sultan.

Damascus, it should be remembered, was also one of the centers for the anti-constitutionalist, anti-Young Turk Muhammadan Union demonstrations described in the previous chapter. While the success of constitutional movements in spreading the gospel of constitutions and parliaments may thus have been less than sweeping, constitutional movements were instrumental in fostering a new style of politics in the Middle East.

## DOCUMENTS

**Commercial Convention (Balta Liman): Britain and the Ottoman Empire**

As a price for assisting the Ottomans in expelling Mehmet Ali from Syria, the British insisted that the sultan sign the 1838 Treaty of Balta Liman. By lowering duties and abolishing monopolies in Ottoman territories, the treaty opened up the Ottoman Empire to British free trade policy.

ART. I. All rights, privileges, and immunities which have been conferred on the subjects or ships of Great Britain by the existing Capitulations and Treaties, are confirmed now and for ever, except in as far as they may be specifically altered by the present Convention: and it is moreover expressly stipulated, that all rights, privileges, or immunities which the Sublime Porte now grants, or may hereafter grant, to the ships and subjects of any other foreign Power, or which may suffer the ships and subjects of any other foreign Power to enjoy, shall be equally granted to, and exercised and enjoyed by, the subjects and ships of Great Britain.

ART. II. The subjects of Her Britannic Majesty, or their agents, shall be permitted to purchase at all places in the Ottoman Dominions (whether for the purposes of internal trade or exportation) all articles, without any exception whatsoever, the produce, growth, or manufacture of the said Dominions; and the Sublime Porte formally engages to abolish all monopolies of agricultural produce, or of any other articles whatsoever, as well as all *Permits* from the local Governors, either for the purchase of any article, or for its removal from one place to another when purchased; and any attempt to compel the subjects of Her Britannic Majesty to receive such *Permits* from the local Governors, shall be considered as an infraction of Treaties, and the Sublime Porte shall immediately punish with severity any Vizirs and other officers who shall have been guilty of such misconduct, and render full justice to British subjects for all injuries or losses which they may duly prove themselves to have suffered.

ART. III. If any article of Turkish produce, growth, or manufacture, be purchased by the British merchant or his agent, for the purpose of selling the same for internal consumption in Turkey, the British merchant or his agent shall pay, at the purchase and sale of such articles, and in any manner of trade therein, the same duties that are paid, in similar circumstances, by the most favoured class of Turkish subjects engaged in the internal trade of Turkey, whether Mussulmans or Rayahs.

ART. IV. If any article of Turkish produce, growth, or manufacture, be purchased for exportation, the same shall be conveyed by the British merchant or his agent, free of any kind of charge or duty whatsoever, to a convenient place of shipment, on its entry into which it shall be liable to one fixed duty of nine per cent. *ad valorem*, in lieu of all other interior duties.

Subsequently, on exportation, the duty of three per cent., as established and existing at present, shall be paid. But all articles bought in the shipping ports for exportation, and which have already paid the interior duty at entering into the same, will only pay the three per cent. export duty.

ART. V. The regulations under which Firmans are issued to British merchant vessels for passing the Dardanelles and the Bosphorus, shall be so framed as to occasion to such vessels the least possible delay.

ART. VI. It is agreed by the Turkish Government, that the regulations established in the present Convention, shall be general throughout the Turkish Empire,

whether in Turkey in Europe or Turkey in Asia, in Egypt, or other African possessions belonging to the Sublime Porte, and shall be applicable to all the subjects, whatever their description, of the Ottoman Dominions: and the Turkish Government also agrees not to object to other foreign Powers settling their trade upon the basis of this present Convention.

ART. VII. It having been the custom of Great Britain and the Sublime Porte, with a view to prevent all difficulties and delay in estimating the value of articles imported into the Turkish Dominions, or exported therefrom, by British subjects, to appoint, at intervals of fourteen years, a Commission of men well acquainted with the traffic of both countries, who have fixed by a tariff the sum of money in the coin of the Grand Signior, which should be paid as duty on each article; and the term of fourteen years, during which the last adjustment of the said tariff was to remain in force, having expired, the High Contracting Parties have agreed to name conjointly fresh Commissioners to fix and determine the amount in money which is to be paid by British subjects, as the duty of three per cent upon the value of all commodities imported and exported by them; and the said Commissioners shall establish an equitable arrangement for estimating the interior duties which, by the present Treaty, are established on Turkish goods to be exported, and shall also determine on the places of shipment where it may be most convenient that such duties should be levied.

The new tariff thus established, to be in force for seven years after it has been fixed, at the end of which time it shall be in the power of either of the parties to demand a revision of that tariff; but if no such demand be made on either side, within the six months after the end of the first seven years, then the tariff shall remain in force for seven years more, reckoned from the end of the preceding seven years; and so it shall be at the end of each successive period of seven years.

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J. C. Hurewitz, *The Middle East and North Africa in World Politics: A Documentary Record*, vol. 1: *European Expansion, 1535-1914* (New Haven, Conn.: Yale University Press, 1975), pp. 265-66.

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### The Hatt-i Sharif of Gulhane

The two cornerstones of the *tanzimat* were the *Hatt-i Sharif* of Gulhane (1839) and the *Islahat Fermani* (1856), imperial edicts that set out an agenda for Ottoman administrative reform and defined the rights of Ottoman citizens. The latter document reaffirmed and expanded on the promises and program of the former.

All the world knows that since the first days of the Ottoman State, the lofty principles of the Kuran and the rules of the Şeriat were always perfectly observed. Our mighty Sultanate reached the highest degree of strength and power, and all its subjects [the highest degree] of ease and prosperity. But in the last one hundred and fifty years, because of a succession of difficulties and diverse causes, the sacred Şeriat was not obeyed nor were the beneficent regulations followed; consequently, the former strength and prosperity have changed into weakness and poverty. It is evident that countries not governed by the laws of the Şeriat cannot survive.

From the very first day of our accession to the throne, our thoughts have been devoted exclusively to the development of the empire and the promotion of the prosperity of the people. Therefore, if the geographical position of the Ottoman provinces, the fertility of the soil, and the aptitude and intelligence of the

inhabitants are considered, it is manifest that, by striving to find appropriate means, the desired results will, with the aid of God, be realized within five or ten years. Thus, full of confidence in the help of the Most High and certain of the support of our Prophet, we deem it necessary and important from now on to introduce new legislation to achieve effective administration of the Ottoman Government and Provinces. Thus the principles of the requisite legislation are three:

1. The guarantees promising to our subjects perfect security for life, honor, and property.
2. A regular system of assessing taxes.
3. An equally regular system for the conscription of requisite troops and the duration of their service.

Indeed there is nothing more precious in this world than life and honor. What man, however much his character may be against violence, can prevent himself from having recourse to it, and thereby injure the government and the country, if his life and honor are endangered? If, on the contrary, he enjoys perfect security, it is clear that he will not depart from the ways of loyalty and all his actions will contribute to the welfare of the government and of the people.

If there is an absence of security for property, everyone remains indifferent to his state and his community; no one interests himself in the prosperity of the country, absorbed as he is in his own troubles and worries. If, on the contrary, the individual feels complete security about his possessions, then he will become pre-occupied with his own affairs, which he will seek to expand, and his devotion and love for his state and his community will steadily grow and will undoubtedly spur him into becoming a useful member of society.

Tax assessment is also one of the most important matters to regulate. A state, for the defense of its territory, manifestly needs to maintain an army and provide other services, the costs of which can be defrayed only by taxes levied on its subjects. Although, thank God, our Empire has already been relieved of the affliction of monopolies, the harmful practice of tax-farming [*iltizam*], which never yielded any fruitful results, still prevails. This amounts to handing over the financial and political affairs of a country to the whims of an ordinary man and perhaps to the grasp of force and oppression, for if the tax-farmer is not of good character he will be interested only in his own profit and will behave oppressively. It is therefore necessary that from now on every subject of the Empire should be taxed according to his fortune and his means, and that he should be saved from further exaction. It is also necessary that special laws should fix and limit the expenses of our land and sea forces.

Military matters, as already pointed out, are among the most important affairs of state, and it is the inescapable duty of all the people to provide soldiers for the defense of the fatherland [*vatan*]. It is therefore necessary to frame regulations on the contingents that each locality should furnish according to the requirements of the time, and to reduce the term of military service to four or five years. Such legislation will put an end to the old practice, still in force, of recruiting soldiers without consideration of the size of the population in any locality, more conscripts being taken from some places and fewer from others. This practice has been throwing agriculture and trade into harmful disarray. Moreover, those who are recruited to lifetime military service suffer despair and contribute to the depopulation of the country.

In brief, unless such regulations are promulgated, power, prosperity, security, and peace may not be expected, and the basic principles [of the projected reforms] must be those enumerated above.

Thus, from now on, every defendant shall be entitled to a public hearing, according to the rules of the Şeriat, after inquiry and examination; and without the pronouncement of a regular sentence no one may secretly or publicly put another to death by poison or by any other means. No one shall be allowed to attack the honor of any other person whatsoever. Every one shall possess his property of every kind and may dispose of it freely, without let or hindrance from any person whatsoever; and the innocent heirs of a criminal shall not be deprived of their hereditary rights as a result of the confiscation of the property of such a criminal. The Muslim and non-Muslim subjects of our lofty Sultanate shall, without exception, enjoy our imperial concessions. Therefore we grant perfect security to all the populations of our Empire in their lives, their honor, and their properties, according to the sacred law.

As for the other points, decisions must be taken by majority vote. To this end, the members of the Council of Judicial Ordinances [Meclis-i Ahkam-ı Adliyye], enlarged by new members as may be found necessary, to whom will be joined on certain days that we shall determine our Ministers and the high officials of the Empire, will assemble for the purpose of framing laws to regulate the security of life and property and the assessment of taxes. Every one participating in the Council will express his ideas and give his advice freely.

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J. C. Hurewitz, *The Middle East and North Africa in World Politics: A Documentary Record, vol. 1: European Expansion, 1535-1914* (New Haven, Conn.: Yale University Press, 1975), pp. 269-70, 315-18.

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### **The Islahat Fermani**

Let it be done as herein set forth.

To you, my Grand Vizier Mehemed Emin Aali Pasha, decorated with my imperial order of the medjidiye of the first class, and with the order of personal merit; may God grant to you greatness and increase your power.

It has always been my most earnest desire to insure the happiness of all classes of the subjects whom Divine Providence has placed under my imperial sceptre, and since my accession to the throne I have not ceased to direct all my efforts to the attainment of that end.

Thanks to the Almighty, these unceasing efforts have already been productive of numerous useful results. From day to day the happiness of the nation and the wealth of my dominions go on augmenting.

It being now my desire to renew and enlarge still more the new institutions ordained with a view of establishing a state of things conformable with the dignity of my empire and the position which it occupies among civilized nations, and the rights of my empire having, by the fidelity and praiseworthy efforts of all my subjects, and by the kind and friendly assistance of the great powers, my noble allies, received from abroad a confirmation which will be the commencement of a new era, it is my desire to augment its well being and prosperity, to effect the happiness of all my subjects, who in my sight are all equal, and equally dear to me, and who are united to each other by the cordial ties of patriotism, and to insure the means of daily increasing the prosperity of my empire.

I have therefore resolved upon, and I order the execution of the following measures:

The guarantees promised on our part by the Hatti-Humayoun of Gulhané, and in conformity with the Tanzimat, to all the subjects of my empire, without

distinction of classes or of religion, for the security of their persons and property, and the preservation of their honor, are to-day confirmed and consolidated, and efficacious measures shall be taken in order that they may have their full entire effect.

All the privileges and spiritual immunities granted by my ancestors *ab antiquo*, and at subsequent dates, to all Christian communities or other non-Mussulman persuasions established in my empire, under my protection, shall be confirmed and maintained.

Every Christian or other non-Mussulman community shall be bound within a fixed period, and with the concurrence of a commission composed *ad hoc* of members of its own body, to proceed, with my high approbation and under the inspection of my Sublime Porte, to examine into its actual immunities and privileges, and to discuss and submit to my Sublime Porte the reforms required by the progress of civilization and of the age. The powers conceded to the Christian patriarchs and bishops by the Sultan Mahomet II and to his successors shall be made to harmonize with the new position which my generous and beneficent intentions insure to these communities.... My Sublime Porte will take energetic measures to insure to each sect, whatever be the number of its adherents, entire freedom in the exercise of its religion. Every distinction or designation pending to make any class whatever of the subjects of my empire inferior to another class, on account of their religion, language, or race, shall be forever effaced from administrative protocol. The laws shall be put in force against the use of any injurious or offensive term, either among private individuals or on the part of the authorities.

As all forms of religion are and shall be freely professed in my dominions, no subject of my empire shall be hindered in the exercise of the religion that he professes, nor shall he be in any way annoyed on this account. No one shall be compelled to change their religion.

The nomination and choice of all functionaries and other employees of my empire being wholly dependent upon my sovereign will, all the subjects of my empire, without distinction of nationality, shall be admissible to public employments, and qualified to fill them according to their capacity and merit, and conformably with rules to be generally applied.

All the subjects of my empire, without distinction, shall be received into the civil and military schools of the government, if they otherwise satisfy the conditions as to age and examination which are specified in the organic regulations of the said schools. Moreover, every community is authorized to establish public schools of science, art, and industry. Only the methods of instruction and the choice of professors in schools of this class shall be under the control of a mixed council of public instruction, the members of which shall be named by my sovereign command.

All commercial, correctional, and criminal suits between Mussulmans and Christians, or other non-Mussulman subjects, or between Christian or other non-Mussulmans of different sects, shall be referred to mixed tribunals.

The proceedings of these tribunals shall be public; the parties shall be confronted and shall produce their witnesses, whose testimony shall be received without distinction, upon an oath taken according to the religious law of each sect.

Suits relating to civil affairs shall continue to be publicly tried, according to the laws and regulations, before the mixed provincial councils, in the presence of the governor and judge of the place.

Special civil proceedings, such as those relating to successions or others of that kind, between subjects of the same Christian or other non-Mussulman faith, may, at the request of the parties, be sent before the councils of the patriarchs or of the communities.

Penal, correctional, and commercial laws, and rules of procedure for the mixed tribunals, shall be drawn up as soon as possible and formed into a code. Translations of them shall be published in all the languages current in the empire.

Proceedings shall be taken, with as little delay as possible, for the reform of the penitentiary system as applied to houses of detention, punishment, or correction, and other establishments of like nature, so as to reconcile the rights of humanity with those of justice. Corporal punishment shall not be administered, even in the prisons, except in conformity with the disciplinary regulations established by my Sublime Porte, and everything that resembles torture shall be entirely abolished.

Infractions of the law in this particular shall be severely repressed, and shall besides entail, as of right, the punishment, in conformity with the civil code, of the authorities who may order and of the agents who may commit them.

The organization of the police in the capital, in the provincial towns and in the rural districts, shall be revised in such a manner as to give to all the peaceable subjects of my empire the strongest guarantees for the safety both of their persons and property.

The equality of taxes entailing equality of burdens, as equality of duties entails that of rights, Christian subjects, and those of other non-Mussulman sects, as it has been already decided, shall, as well as Mussulmans, be subject to the obligations of the law of recruitment.

The principle of obtaining substitutes, or of purchasing exemption, shall be admitted. A complete law shall be published, with as little delay as possible, respecting the admission into and service in the army of Christian and other non-Mussulman subjects.

Proceedings shall be taken for a reform in the constitution of the provincial and communal councils in order to insure fairness in the choice of the deputies of the Mussulman, Christian, and other communities and freedom of voting in the councils. My Sublime Porte will take into consideration the adoption of the most effectual means for ascertaining exactly and for controlling the result of the deliberations and of the decisions arrived at.

As the laws regulating the purchase, sale, and disposal of real property are common to all the subjects of my empire, it shall be lawful for foreigners to possess landed property in my dominions, conforming themselves to the laws and police regulations, and bearing the same charges as the native inhabitants, and after arrangements have been come to with foreign powers.

The taxes are to be levied under the same denomination from all the subjects of my empire, without distinction of class or of religion. The most prompt and energetic means for remedying the abuses in collecting the taxes, and especially the tithes, shall be considered.

The system of direct collections shall gradually, and as soon as possible, be substituted for the plan of farming, in all the branches of the revenues of the state. As long as the present system remains in force all agents of the government and all members of the medjlis shall be forbidden under the severest penalties, to become lessees of any farming contracts which are announced for public competition, or to have any beneficial interest in carrying them out. The local taxes shall, as far as

possible, be so imposed as not to affect the sources of production or to hinder the progress of internal commerce.

Works of public utility shall receive a suitable endowment, part of which shall be raised from private and special taxes levied in the provinces, which shall have the benefit of the advantages arising from the establishment of ways of communication by land and sea.

A special law having been already passed, which declares that the budget of the revenue and the expenditure of the state shall be drawn up and made known every year, the said law shall be most scrupulously observed. Proceedings shall be taken for revising the emoluments attached to each office.

The heads of each community and a delegate, designated by my Sublime Porte, shall be summoned to take part in the deliberations of the supreme council of justice on all occasions which might interest the generality of the subjects of my empire. They shall be summoned specially for this purpose by my grand vizier. The delegates shall hold office for one year; they shall be sworn on entering upon their duties. All the members of the council, at the ordinary and extraordinary meetings, shall freely give their opinions and their votes, and no one shall ever annoy them on this account.

The laws against corruption, extortion, or malversation shall apply, according to the legal forms, to all the subjects of my empire, whatever may be their class and the nature of their duties.

Steps shall be taken for the formation of banks and other similar institutions, so as to effect a reform in the monetary and financial system, as well as to create funds to be employed in augmenting the sources of the material wealth of my empire. Steps shall also be taken for the formation of roads and canals to increase the facilities of communication and increase the sources of the wealth of the country.

Everything that can impede commerce or agriculture shall be abolished. To accomplish these objects means shall be sought to profit by the science, the art, and the funds of Europe, and thus gradually to execute them.

Such being my wishes and my commands, you, who are my grand vizier, will, according to custom, cause this imperial firman to be published in my capital and in all parts of my empire; and you will watch attentively and take all the necessary measures that all the orders which it contains be henceforth carried out with the most rigorous punctuality.

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### **The d'Arcy Oil Concession**

The first Middle Eastern oil concession was granted by the Qajar government of Persia to William Knox d'Arcy in 1901. It became the prototype for subsequent oil concessions in the region.

Between the Government of His Imperial Majesty the Shah of Persia, of the one part, and William Knox d'Arcy, of independent means, residing in London at No. 42, Grosvenor Square (hereinafter called "the Concessionnaire"), of the other part;

The following has by these presents been agreed on and arranged—viz.:

ART. 1. The Government of His Imperial Majesty the Shah grants to the concessionnaire by these presents a special and exclusive privilege to search for, obtain, exploit, develop, render suitable for trade, carry away and sell natural gas petroleum, asphalt and ozokerite throughout the whole extent of the Persian Empire for a term of sixty years as from the date of these presents.

ART. 2. This privilege shall comprise the exclusive right of laying the pipe-lines necessary from the deposits where there may be found one or several of the said products up to the Persian Gulf, as also the necessary distributing branches. It shall also comprise the right of constructing and maintaining all and any wells, reservoirs, stations and pump services, accumulation services and distribution services, factories and other works and arrangements that may be deemed necessary.

ART. 3. The Imperial Persian Government grants gratuitously to the concessionnaire all uncultivated lands belonging to the State which the concessionnaire's engineers may deem necessary for the construction of the whole or any part of the above-mentioned works. As for cultivated lands belonging to the State, the concessionnaire must purchase them at the fair and current price of the province.

The Government also grants to the concessionnaire the right of acquiring all and any other lands or buildings necessary for the said purpose, with the consent of the proprietors, on such conditions as may be arranged between him and them without their being allowed to make demands of a nature to surcharge the prices ordinarily current for lands situate in their respective localities.

Holy places with all their dependencies within a radius of 200 Persian archines are formally excluded.

ART. 4. As three petroleum mines situate at Schouster, Kassre-Chirine, in the Province of Kermanschah, and Daleki, near Bouchir, are at present let to private persons and produce an annual revenue of two thousand tomans for the benefit of the Government, it has been agreed that the three aforesaid mines shall be comprised in the Deed of Concession in conformity with Article 1, on condition that, over and above the 16 per cent mentioned in Article 10, the concessionnaire shall pay every year the fixed sum of 2,000 (two thousand) tomans to the Imperial Government.

ART. 5. The course of the pipe-lines shall be fixed by the concessionnaire and his engineers.

ART. 6. Notwithstanding what is above set forth, the privilege granted by these presents shall not extend to the provinces of Azerbadjan, Ghilan, Mazendaran, Asdrabad and Khorassan, but on the express condition that the Persian Imperial Government shall not grant to any other person the right of constructing a pipe-line to the southern rivers or to the South Coast of Persia.

ART. 7. All lands granted by these presents to the concessionnaire or that may be acquired by him in the manner provided for in Articles 3 and 4 of these presents, as also all products exported, shall be free of all imposts and taxes during the term of the present concession. All material and apparatuses necessary for the exploration, working and development of the deposits, and for the construction and development of the pipe-lines, shall enter Persia free of all taxes and Custom-House duties.

ART. 8. The concessionnaire shall immediately send out to Persia and at his own cost one or several experts with a view to their exploring the region in which there exist, as he believes, the said products, and in the event of the report of the expert being in the opinion of the concessionnaire of a satisfactory nature, the latter shall immediately send to Persia and at his own cost all the technical staff necessary, with the working plant and machinery required for boring and sinking wells and ascertaining the value of the property.

ART. 9. The Imperial Persian Government authorises the concessionnaire to found one or several companies for the working of the concession.

The names, "statutes" and capital of the said companies shall be fixed by the concessionnaire, and the directors shall be chosen by him on the express condition

that, on the formation of each company, the concessionaire shall give official notice of such formation to the Imperial Government, through the medium of the Imperial Commissioner, and shall forward the "statutes", with information as to the places at which such company is to operate. Such company or companies shall enjoy all the rights and privileges granted to the concessionaire, but they must assume all his engagements and responsibilities.

ART. 10. It shall be stipulated in the contract between the concessionaire, of the one part, and the company, of the other part, that the latter is, within the term of one month as from the date of the formation of the first exploitation company, to pay the Imperial Persian Government the sum of £20,000 sterling in cash, and an additional sum of £20,000 sterling in paid-up shares of the first company founded by virtue of the foregoing article. It shall also pay the said Government annually a sum equal to 16 per cent of the annual net profits of any company or companies that may be formed in accordance with the said article.

ART. 11. The said Government shall be free to appoint an Imperial Commissioner, who shall be consulted by the concessionaire and the directors of the companies to be formed. He shall supply all and any useful information at his disposal, and he shall inform them of the best course to be adopted in the interest of the undertaking. He shall establish, by agreement with the concessionaire, such supervision as he may deem expedient to safeguard the interests of the Imperial government.

The aforesaid powers of the Imperial Commissioner shall be set forth in the "statutes" of the companies to be created.

The concessionaire shall pay the Commissioner thus appointed an annual sum of £1,000 sterling for his services as from the date of the formation of the first company.

ART. 12. The workmen employed in the service of the company shall be subject to His Imperial Majesty the Shah, except the technical staff, such as the managers, engineers, borers and foremen.

ART. 13. At any place in which it may be proved that the inhabitants of the country now obtain petroleum for their own use, the company must supply them gratuitously with the quantity of petroleum that they themselves got previously. Such quantity shall be fixed according to their own declarations, subject to the supervision of the local authority.

ART. 14. The Imperial Government binds itself to take all and any necessary measures to secure the safety and the carrying out of the object of this concession of the plant and of the apparatuses, of which mention is made, for the purposes of the undertaking of the company, and to protect the representatives, agents and servants of the company. The Imperial Government having thus fulfilled its engagements, the concessionaire and the companies created by him shall not have power, under any pretext whatever, to claim damages from the Persian Government.

ART. 15. On the expiration of the term of the present concession, all materials, buildings and apparatuses then used by the company for the exploitation of its industry shall become the property of the said Government, and the company shall have no right to any indemnity in this connection.

ART. 16. If within the term of two years as from the present date the concessionaire shall not have established the first of the said companies authorised by Article 9 of the present agreement, the present concession shall become null and void.

ART. 17. In the event of there arising between the parties to the present concession any dispute or difference in respect of its interpretation or the rights or responsibilities of one or the other of the parties therefrom resulting, such dispute or difference shall be submitted to two arbitrators at Teheran, one of whom shall be named by each of the parties, and to an umpire who shall be appointed by the arbitrators before they proceed to arbitrate. The decision of the arbitrators or, in the event of the latter disagreeing, that of the umpire shall be final.

ART. 18. This Act of Concession, made in duplicate, is written in the French language and translated into Persian with the same meaning.

But, in the event of there being any dispute in relation to such meaning, the French text shall alone prevail.

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J. C. Hurewitz, *The Middle East and North Africa in World Politics: A Documentary Record, vol. 1: European Expansion, 1535-1914* (New Haven, Conn.: Yale University Press, 1975), pp. 483-84.

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### Algeria: The Poetry of Loss

The following poems, transmitted orally and later written down by a French anthropologist, were composed by a young Algerian Qur'an-school student who bore witness to the French invasion of Algeria in 1830.

*The days, my brothers, place diversity into the hours,  
The century turns around and brusquely swerves  
(Algiers), The Splendid, has had its flag, its wujak\*  
Nations have trembled before her on the continent and on two seas  
But when God wanted it to be, the appointed time came upon her.  
She was delivered by Allah's men, by the Saints.  
The Frenchman marched against her and took her.  
It was not one hundred ships that he had, nor two hundred;  
He proudly had his flotilla defile before her,  
Surging forth from the high seas, with powerful armies,  
We were unaware of how many they were, their numbers becoming  
embroiled, lost to our eyes.*

*Fiercely the Rumis<sup>†</sup> came against the Splendid city.*

*Regarding al-Jazair,<sup>‡</sup> Gentlemen, my heart is mourning!...*

*Conquering her without fighting, he took her, the dog.  
They carried away her treasures, those brothers of demons.  
After having gone to Stawali and having seized it,  
With their drums, their soldiers and their flags,  
They secured the cafe of al-Biar and its villas  
And they climbed toward Buzareah in a moment.  
They brought down their forces in front of the "Pines"  
And they took the Fort of My Lord Maulay Hussain.  
In the night, the Rumis advanced: they made their drums resound:  
And the Believers shed tears, O Muslims!  
Some left the city; others waited resolutely.  
They held the enemy in the gardens for about two days.  
They left for adventures abandoning their homeland,  
And they dispersed into diverse countries, poor exiles.  
Be patient, people of Muhammad, endure the days the foreigners bring you!*

*It is the test the Master of the Universe has decreed for you.*

*Who would have said of al-Jazair, of its fortifications,  
Of its wujak, that even the evil eye would have come to it?  
Alas! Where is the place of its sultan and of its people?  
They have gone and other faces have taken their places.  
Alas! Where are their beys and their qaidis?  
Who knows what has become of those famous qasbajis<sup>§</sup>  
And the Bailiff's guards of the station house?  
And those militia men?  
Alas! Where is the palace of the council and its dignitaries?  
And the places of justice full of majesty?  
Alas! Where are those shawush-es and their arrogance?  
Alas! Where are those haughty Turks?...*

*May your servants regain peace, may all their grief be ended  
And may this oppression which crushes the Muslims cease!  
Let us cry over the muftis, over the qadis,  
Over the ulama of the city, those guides of the religion.  
Let us cry over the mosques and their sermons  
And over their pulpits of elevated marble.  
Let us weep over their minarets\* and the calls of the muezzins<sup>†</sup>;  
and over the classes of their teachers and over their cantors of the Qur'an.  
Let us lament the private chapels whose doors have been locked  
And which have sunk today, yes Sir, into oblivion.  
Alas where are the precious trinkets of the city, where are its houses?  
Where are their low apartments and the elevated rooms for the eunuchs?  
They are no longer but a parade ground and their traces have disappeared.  
So much does that cursed one breathe to plague us!  
The Christians have installed themselves in the city;  
Its appearance has changed;  
It no longer has seen anything but impure people.  
The janissaries' houses! They have razed their walls;  
They have torn down its marble and its sculptured balustrades,  
The iron grills which protected the windows  
Have been put to pieces by those impious ones, enemies of the Religion.  
Likewise, they have named that Qaisariya "the Square",  
Where the Books and their binders were formerly found.  
The Magnificent Mosque which was next to it  
Has been destroyed by them simply in order to spite the Muslims....*

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Alf Andrew Heggoy, *The French Conquest of Algiers, 1830: An Algerian Oral Tradition* (Athens, Ohio: Ohio University Center for International Studies/Africa Studies Program, 1986), pp. 32–36.

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\* *wujak*: corps of janissaries, Turkish military unit.

† *Rumis*: Algerian term to refer to Frenchmen and other Europeans.

‡ *al-Jazair*: Transliteration of the Algerians' own name for Algiers.

§ *qasbaji*: officer of the qasabah or fort.

\* *minaret*: slender tower attached to mosques. Balconies on the minaret are the place from which people are called to prayer.

† *muezzin*: Muslim official who calls the faithful to prayer (from the minaret).

## Huda Shaarawi: A New Mentor and Her Salon for Women

Men such as Wasif Jawhariyyeh were not the only ones to participate in the salon culture of the late nineteenth- and early twentieth-century Middle East. Women did as well. In this selection, Egyptian feminist Huda Shaarawi describes her experiences at one such salon in Cairo.

Eugénie Le Brun, a Frenchwoman, was the first wife of Husain Rushdi Pasha. I met her for the first time at a wedding reception and was immediately taken by her dignity, sensitivity and intelligence. In spite of my extreme youth I attracted her attention as well. We were introduced by Rushdi Pasha's sister and spent most of the evening in delightful conversation. Some time later, my brother arranged for me to take a day's excursion on the Nile to the Delta Barrage with Mme Rushdi and a number of other European women. The hours I spent in her company on that occasion were the beginning of a close relationship. She soon became a dear friend and valued mentor. She guided my first steps in 'society' and looked out for my reputation....

Mme Rushdi not only guarded my reputation, but also nourished my mind and spirit. She took it upon herself to direct my reading in French. She would assist me over difficult passages in a book and when I had finished it she would discuss it with me. In that way, she helped me perfect my French and expand my learning.

Soon, at her request, I began to attend her Saturday salon during the hours set aside for women. She would tell me, 'You are the flower of my salon.' On the days when I was unable to attend I used to send flowers. Once she responded with a sweet note saying that the flowers I had sent could not make up for the absence of her 'beloved flower'. She begged me to lessen the number of bouquets so I would not diminish her joy. Her growing affection toward me made some of her friends jealous but others applauded her devotion to me.

As mistress of the salon, Mme Rushdi adroitly guided the discourse from issue to issue. There were debates about social practices, especially veiling. She confessed that although she admired the dress of Egyptian women, she thought the veil stood in the way of their advancement. It also gave rise to false impressions in the minds of foreigners. They regarded the veil as a convenient mask for immorality. Plenty of lurid tales were circulated by ignorant outsiders about Egyptian morals. Foreigners not infrequently departed from Egypt under the mistaken impression they had visited the houses of respectable families when, in truth, they had fallen into the hands of profiteers who, under the guise of introducing them into the harems of great families, had in fact led them merely to gaudy brothels.

The conversation would move to another topic such as offspring and immorality. Mme Rushdi believed that people who had children never died, as their children were extensions of themselves who kept their memories alive. 'I have no children to perpetuate my memory,' she would say, 'but I shall remain alive through my books.' She once revealed that she had provided for a burial plot in the cemetery of Imam al-Shafai. In answer to our surprised looks she said, 'You didn't know that I embraced Islam after my marriage? I wish to be buried in the Muslim cemetery next to my husband so we shall never be separated in this world or the next.'

Speaking of her books, she said, 'I have signed them, as I have written them—*Niya Salima* ('In Good Faith'). My purpose in *Harem et les musulmanes* (*The Harem and Muslim women*) was to describe the life of the Egyptian woman, as it really is, to enlighten Europeans. After it appeared in Europe, I received many letters saying

my book had cleared up false impressions of life in Islamic countries. They said it had corrected outsiders' images of Egyptians. In fact, they said Egyptians seemed not unlike themselves.' That restored her peace of mind, she said. She had been very upset when she heard that many Egyptians had thought she had criticized the condition of women in Egypt.

'However,' she continued, 'my second book is different. I decided to attack the problem of the backwardness of Egyptian women, demonstrating it arose from the persistence of certain social customs, but not from Islam, as many Europeans believe. Islam, on the contrary, has granted women greater justice than previous religions. While working on the book I attended sessions of the *Shariah* Courts (religious courts where personal status or family law cases are heard) to find out for myself how women fared. I was aghast to see the blatant tyranny of men over women. My new book will be called, *Les Repudiées (The Divorcees)*.' Mme Rushdi read me portions of the book as she completed them, asking for my reactions.

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Huda Shaarawi, *Harem Years: The Memoirs of an Egyptian Feminist (1879–1924)*, trans. and ed. Margot Badran (New York: The Feminist Press at the City University of New York, 1986), pp. 76–81.

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### **Rifa' a Rafi' al-Tahtawi: The Extraction of Gold or an Overview of Paris**

Mehmet Ali sent Rifa' a Rafi' al-Tahtawi to Paris as the head of the first Egyptian educational mission. Upon his return, al-Tahtawi became head of the School of Languages, where he developed his ideas based upon his experiences in Europe and in Mehmet Ali's Egypt. Here is al-Tahtawi on patriotism and the responsibilities of citizenship.

Patriots who are faithful in their love of homeland redeem their country with all their means, and serve it by offering all they possess. They redeem it with their soul, and repel anyone who seeks to harm it the same way a father would keep evil away from his child. The intentions of the children of the country must always be directed toward the country's virtue and honor, and not toward anything that violates the rights of their countries and fellow countrymen. Their inclination should be toward that which brings benefit and goodness. Likewise, the country protects its children from all that harms them, because of its possession of those characteristics. The love of homeland and the promotion of the public welfare are among the beautiful characteristics that get inculcated into each person, constantly, throughout one's life, and make every one of them loved by the others. No one could be happier than the human beings who are naturally inclined to keep evil away from their homeland, even if they must harm themselves to do so.

The quality of patriotism requires not just that humans demand the rights they are owed by their homeland. They must also carry out their obligations toward the country. If the children of the homeland fail to earn the rights of their country, then the civil rights to which they are entitled will be lost.

In olden times, the Romans used to force citizens who reached twenty years of age to give an oath that they would defend their country and their government. They required a pledge to this effect, the text of which is:

"May God be my witness that I shall carry the sword of honor to defend my country and its people whenever there is a chance I would be able to assist it. May God be

my witness that I am willing to fight with the army or on my own for the protection of the country and religion. May God be my witness that I shall not disturb the serenity of my country, nor betray it or deceive it, and that I shall sail on the seas whenever necessary in all conquests that the government orders, and that I pledge to follow present and future laws and customs in my country. May God be my witness that I shall not tolerate anyone who dares violate them or undermine their order."

Based on this, it is understood that the Roman nation firmly adhered to the love of country, and that is the reason it reigned over all the countries of the world. When the quality of patriotism was removed, failure beset the members of this nation, its affairs were ruined, and the order of its system disintegrated by the numerous disagreements of its princes and the multiplicity of its rulers. After being ruled by one Caesar, it was divided between two Caesars in the east and the west, the Caesar of Rome and the Caesar of Constantinople. Power that had belonged to one mighty force was split into two minor forces. All its wars ended in defeat, and it retreated from a perfect existence to nonexistence. This is the fate of any nation whose government is in disarray, and whose state is disorganized.

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Charles Kurzman, ed., *Modernist Islam, 1840–1940: A Sourcebook* (Oxford: Oxford University Press, 2002), p. 35.

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### Muhammad 'Abduh: The Theology of Unity

The Islamic modernist Muhammad 'Abduh (1849–1905), an Egyptian associate of Jamal al-Din al-Afghani, sought to make Islam compatible with the dogmas and doctrines of nineteenth-century rationalism. In this selection, he argues that Muslims cannot simply rely on the authoritative interpretation of texts handed down from medieval clerics (a procedure known as *taqlid*); rather, they must use reason to keep up with changing times.

Islam will have no truck with traditionalism, against which it campaigns relentlessly, to break its power over men's minds and eradicate its deep-seated influence. The underlying bases of *taqlid* in the beliefs of the nations have been shattered by Islam.

In the same cause, it has alerted and aroused the powers of reason, out of long sleep. For whenever the rays of truth had penetrated, the temple custodians intervened with their jealous forebodings. 'Sleep on, the night is pitch dark, the way is rough and the goal distant, and rest is scant and there's poor provision for the road.'

Islam raised its voice against these unworthy whisperings and boldly declared that man was not created to be led by a bridle. He was endowed with intelligence to take his guidance with knowledge and to consider the signs and tokens in the universe and in events. The proper role of teachers is to alert and to guide, directing men into the paths of study.

The friends of truth are those 'who listen to what is said and follow its better way.' (Surah 39.18.) as the Qur'an has it. It characterizes them as those who weigh all that is said, irrespective of who the speakers are, in order to follow what they know to be good and reject what gives evidence of having neither validity nor use. Islam threw its weight against the religious authorities, bringing them down from the dominance whence they uttered their commands and prohibitions. It made them answerable to those they dominated, so that these could keep an eye on

them and scrutinize their claims, according to their own judgement and lights, thus reaching conclusions based on conviction, not on conjecture and delusion.

Further, Islam encouraged men to move away from their clinging attachment to the world of their fathers and their legacies, indicting as stupid and foolish the attitude that always wants to know what the precedents say. Mere priority in time, it insisted, is not one of the signs of perceptive knowledge, nor yet of superior intelligence and capacity. Ancestor and descendant compare closely no doubt in discrimination and endowment of mind. But the latter has the advantage over his forebears in that he knows events gone by and is in a position to study and exploit their consequences as the former was not. It may be that such traceable results which men of the present generation can turn to profit will also illustrate the ill-effects of things done in earlier times and the dire evils perpetrated by the men of the past. 'Say: Go through the world and see what was the fate of those who disbelieved.' (Surah 6.11.) The doors of the Divine favour are not closed to the seeker: His mercy which embraces everything will never repel the suppliant.

Islam reproves the slavish imitation of the ancestors that characterizes the leaders of the religions, with their instinct to hold timidly to tradition-sanctioned ways, saying, as they do: 'Nay! We will follow what we found our fathers doing.' (Surah 31.21) and 'We found our fathers so as a people and we will stay the same as they.' (Surah 43.22.)

So the authority of reason was liberated from all that held it bound and from every kind of *taqlid* enslaving it, and thus restored to its proper dignity, to do its proper work in judgement and wisdom, always in humble submission to God alone and in conformity to His sacred law. Within its bounds there are no limits to its activity and no end to the researches it may pursue.

Hereby, and from all the foregoing, man entered fully into two great possessions relating to religion, which had for too long been denied him, namely independence of will and independence of thought and opinion. By these his humanity was perfected. By these he was put in the way of attaining that happiness which God had prepared for him in the gift of mind. A certain western philosopher of the recent past has said that the growth of civilisation in Europe rested on these two principles. People were not roused to action, nor minds to vigour and speculation until a large number of them came to know their right to exercise choice and to seek out facts with their own minds. Such assurance only came to them in the sixteenth century AD—a fact which the same writer traces to the influence of Islamic culture and the scholarship of Muslim peoples in that century.

Islam through its revealed scripture took away the impediment by which the leaders of the religions had precluded rational understanding of the heavenly books on the part of their possessors or adherents, in that they arrogated the exclusive right of interpretation to themselves, withholding from those who did not share their habit or go their way the opportunity of acquiring that sacred role.

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Muhammad 'Abduh, *The Theology of Unity*, trans. Ishaq Masa'ad and Kenneth Cragg (London: Allen and Unwin, 1966), pp. 126–28.

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### Namik Kemal: Extract from the Journal *Hürriyet*

Namik Kemal (1840–1888) was an Islamic modernist and, as a member of the Young Ottomans, an avid supporter of constitutionalism in the Ottoman Empire. He wrote this article defending the idea of consultation between ruler and ruled for *Hürriyet (Liberty)*, a journal he and like-minded exiles published while in London.

As for the imagined detrimental effects that would stem from the adoption of the method of consultation, in reality these have no basis. First, it is said that the establishment of a council of the people would violate the rights of the sultan. As was made clear in our introduction, the right of the sultan in our country is to govern on the basis of the will of the people and the principles of freedom. His title is “one charged with kingship” [*sahib al-mulk*], not “owner of kingship” [*malik al-mulk*], a title reserved for God in the Qur’an [Sura 3, Verse 26]. His Imperial Majesty the sultan is heir to the esteemed Ottoman dynasty, which established its state by protecting religion. It was thanks to this fact that the [Ottoman sultan] became the cynosure of the people and the caliph of Islam. The religion of Muhammad rejects the absolutist claim to outright ownership [of the state] in the incontrovertible verse: “Whose is the kingdom today? God’s, the One, the Omnipotent.” [Qur’an, Sura 40, Verse 16.]

Second, it is argued that the religious and cultural heterogeneity of the Ottoman lands and the ignorance of the people are reasons against this [the adoption of consultation]. In the gatherings of highly important personages, it is asked how a people speaking seventy-two different tongues could be convened in one assembly, and what kind of response would be given if [some of] the deputies to be convened opposed dispatching troops to Crete because they wished to protect the Greeks, or raised an objection to appropriations for holy sites and pious foundations.

O my God! In all provinces there are provincial councils. Members from all denominations serve in these councils, and all of them debate issues in the official language [Turkish]. How can anybody speak of linguistic heterogeneity in light of this obvious fact? Is it supposed that a council of the people is a seditious assembly whose members are absolutely independent, and whose administration is not based on any rules? Once the fundamental principles and the internal regulations of the assembly are issued, who would dare to protect those, like the rebels of Crete, who desire to separate themselves from the integral nation? Who would dare to say a word about [Islamic] religious expenditures [purchasing non-Muslim land], in return for which [non-Muslim communities] have acquired real estate valued several times more?

Let us come to the matter of ignorance. Montenegro, Serbia, and Egypt each have councils of the people. Why should [our people’s] ignorance prevent us [from having a council], if it did not prevent these lands? Are we at a lower level of culture than even the savages of Montenegro? Can it be that we could not find people to become deputies, whose only necessary qualification will be attaining the age of majority, when we can find people in the provinces to become members of the State Council, membership in which is dependent upon possessing perfected political skills?

O Ottoman liberals! Do not give any credit to such deceptive superstitions. Give serious thought to the dangerous situation in which the nation finds itself

today. While doing do, take into consideration the accomplishments that the opposition has already achieved. It will be obvious that the salvation of the state today is dependent upon the adoption of the method of consultation, and upon continuing the opposition aimed at achieving this method of administration. If we have any love for the nation, let us be fervent in advancing this meritorious policy. Let us be fervent so that we can move forward without delay.

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Charles Kurzman, ed., *Modernist Islam, 1840–1940: A Sourcebook* (Oxford: Oxford University Press, 2002), pp. 147–48.

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### **The Supplementary Fundamental Law of 7 October 1907**

The Fundamental Law of 1906 and the Supplementary Fundamental Law of 1907 provided the foundation for the Persian constitution. The following excerpts come from the latter document.

#### ***In the Name of God the Merciful, the Forgiving***

The Articles added to complete the Fundamental Laws of the Persian Constitution ratified by the late Shahinshah of blessed memory, Muzaffarū'd-Din Shah Qajar (may God illuminate his resting-place!) are as follows:

#### ***General Dispositions***

Article 1. The official religion of Persia is Islam, according to the orthodox Jafari doctrine of the *Ithna Ashariyya* (Church of the Twelve Imams) which faith the Shah of Persia must profess and promote.

Article 2. At no time must any legal enactment of the Sacred National Consultative Assembly, established by the favor and assistance of His Holiness the Imam of the Age (may God hasten his glad Advent!), the favor of His Majesty the Shahinshah of Islam (may God immortalize his reign!), the care of the Proofs of Islam [the *mujtahids*] (may God multiply the like of them!), and the whole people of the Persian nation, be at variance with the sacred principles of Islam or the laws established by His Holiness the Best of Mankind [the Prophet Muhammad] (on whom and on whose household be the Blessings of God and His Peace).

It is hereby declared that it is for the learned doctors of theology (the *ulama*)—may God prolong the blessing of their existence!—to determine whether such laws as may be proposed are or are not conformable to the principles of Islam; and it is therefore officially enacted that there shall at all times exist a Committee composed of not less than five *mujtahids* or other devout theologians, cognizant also of the requirements of the age, [which committee shall be elected] in this manner: The *ulama* and Proofs of Islam shall present to the National Consultative Assembly the names of twenty of the *ulama* possessing the attributes mentioned above; and the members of the National Consultative Assembly shall, either by unanimous acclamation, or by vote, designate five or more of these, according to the exigencies of the time, and recognize these as Members, so that they may carefully discuss and consider all matters proposed in the Assembly, and reject and repudiate, wholly or in part, any such proposal which is at variance with the Sacred Laws of Islam, so that it shall not obtain the title of legality. In such matters the decision of this Ecclesiastical Committee shall be followed and obeyed, and this article shall continue unchanged until the appearance of His Holiness the Proof of the Age (may God hasten his glad Advent!).

Article 3. The frontiers, provinces, departments and districts of the Persian Empire cannot be altered save in accordance with the Law.

Article 4. The capital of Persia is Teheran.

Article 5. The official colors of the Persian flag are green, white, and red, with the emblem of the Lion and the Sun.

Article 6. The lives and property of foreign subjects residing on Persian soil are guaranteed and protected, save in such contingencies as the laws of the land shall except.

Article 7. The principles of the Constitution cannot be suspended either wholly or in part.

### ***Rights of the Persian Nation***

Article 8. The people of the Persian Empire are to enjoy equal rights before the Law.

Article 9. All individuals are protected and safeguarded in respect to their lives, property, homes, and honor, from every kind of interference, and none shall molest them save in such case and in such way as the laws of the land shall determine.

Article 10. No one can be summarily arrested, save *flagrante delicto* in the commission of some crime or misdemeanor, except on the written authority of the President of the Tribunal of Justice, given in conformity with the Law. Even in such case the accused must immediately, or at latest in the course of the next twenty-four hours, be informed and notified of the nature of his offense.

Article 11. No one can be forcibly removed from the tribunal which is entitled to give judgment on his case to another tribunal.

Article 12. No punishment can be decreed or executed save in conformity with the Law.

Article 13. Every person's house and dwelling is protected and safe-guarded, and no dwelling-place may be entered, save in such case and in such way as the Law has decreed.

Article 14. No Persian can be exiled from the country, or prevented from residing in any part thereof, or compelled to reside in any specified part thereof, save in such cases as the Law may explicitly determine.

Article 15. No property shall be removed from the control of its owner save by legal sanction, and then only after its fair value has been determined and paid.

Article 16. The confiscation of the property or possessions of any person under the title of punishment or retribution is forbidden, save in conformity with the Law.

Article 17. To deprive owners or possessors of the properties or possessions controlled by them on any pretext whatever is forbidden, save in conformity with the Law.

Article 18. The acquisition and study of all sciences, arts and crafts is free, save in the case of such as may be forbidden by the ecclesiastical law.

Article 19. The foundation of schools at the expense of the Government and the Nation, and compulsory instruction, must be regulated by the Ministry of Sciences and Arts, and all schools and colleges must be under the supreme control and supervision of that Ministry.

Article 20. All publications, except heretical books and matters hurtful to the perspicuous religion [of Islam] are free, and are exempt from censorship. If, however, anything should be discovered in them contrary to the Press law, the

publisher or writer is liable to punishment according to that law. If the writer be known, and be resident in Persia, then the publisher, printer and distributor shall not be liable to prosecution.

Article 21. Societies (*anjumans*) and associations (*ijtimaat*) which are not productive of mischief to Religion or the State, and are not injurious to good order, are free throughout the whole Empire, but members of such associations must not carry arms, and must obey the regulations laid down by the Law on this matter. Assemblies in the public thoroughfares and open spaces must likewise obey the police regulations.

Article 22. Correspondence passing through the post is safeguarded and exempt from seizure or examination, save in such exceptional cases as the Law lays down.

Article 23. It is forbidden to disclose or detain telegraphic correspondence without the express permission of the owner, save in such cases as the Law lays down.

Article 24. Foreign subjects may become naturalized as Persian subjects, but their acceptance or continuance as such, or their deprivation of this status, is in accordance with a separate law.

Article 25. No special authorization is required to proceed against government officials in respect of shortcomings connected with the discharge of their public functions, save in the case of Ministers, in whose case the special laws on this subject must be observed.

#### ***Powers of the Realm***

Article 26. The powers of the realm are all derived from the people; and the Fundamental Law regulates the employment of those powers.

Article 27. The powers of the Realm are divided into three categories:

*First*, the legislative power, which is specially concerned with the making or amelioration of laws. This power is derived from His Imperial Majesty, the National Consultative Assembly, and the Senate, of which three sources each has the right to introduce laws, provided that the continuance thereof be dependent on their not being at variance with the standards of the ecclesiastical law, and on their approval by the Members of the two Assemblies, and the Royal ratification. The enacting and approval of laws with the revenue and expenditure of the kingdom are, however specially assigned to the National Consultative Assembly. The explanation and interpretation of the laws are, moreover, amongst the special functions of the above-mentioned Assembly.

*Second*, the judicial power, by which is meant the determining of rights. This power belongs exclusively to the ecclesiastical tribunals in matters connected with the ecclesiastical law, and to the civil tribunals in matters connected with ordinary law.

*Third*, the executive power, which appertains to the King—that is to say, the laws and ordinances—is carried out by the Ministers and State officials in the august name of His Imperial Majesty in such manner as the Law defines.

Article 28. The three powers above mentioned shall ever remain distinct and separate from one another.

Article 29. The special interests of each province, department and district shall be arranged and regulated, in accordance with special laws on this subject, by provincial and departmental councils (*anjumans*).

### ***Rights of the Persian Throne***

Article 39. No King can ascend the Throne unless, before his coronation, he appears before the National Consultative Assembly, in the presence of the Members of this Assembly and of the Senate, and of the Cabinet of Ministers, and repeat the following oath:

"I take to witness the Almighty and Most High God, on the glorious Word of God, and by all that is most honored in God's sight, and do hereby swear that I will exert all my efforts to preserve the independence of Persia, safeguard and protect the frontiers of my Kingdom and the rights of my People, observe the Fundamental Laws of the Persian Constitution, rule in accordance with the established laws of Sovereignty, endeavor to promote the Jafari doctrine of the Church of the Twelve Imams, and will in all my deeds and actions consider God Most Glorious as present and watching me. I further ask aid from God, from Whom alone aid is derived, and seek help from the holy spirits of the Saints of Islam to render service to the advancement of Persia."

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W. Morgan Shuster, *The Strangling of Persia: A Personal Narrative. Story of the European Diplomacy and Oriental Intrigue That Resulted in the Denationalization of Twelve Million Mohammedans* (New York: The Century Co., 1920), Appendix.

## **SUGGESTED READINGS**

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- Cole, Juan. *Colonialism and Revolution in the Middle East: Social and Cultural Origins of Egypt's ‘Urabi Movement*. Princeton, N.J.: Princeton University Press, 1993. Comprehensive study of the social and cultural origins of the ‘Urabi Revolt, along with a comparative analysis of revolution in the region.
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- Khuri-Makdisi, Ilham. *The Eastern Mediterranean and the Making of Global Radicalism, 1860–1914*. Berkeley: University of California Press, 2010. Groundbreaking foray into intellectual history, placing the intellectual life of Beirut, Cairo, and Alexandria within the context of the global spread of ideas.
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- Owen, Roger. *The Middle East in the World Economy, 1800–1914*. London: Methuen, 1993. The gold standard of Middle East political/economic history in the nineteenth century.
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- Voll, John Obert. *Islam: Continuity and Change in the Modern World*. Boulder, Colo.: Westview Press, 1982. Probably the best overview of Islam throughout the world from the eighteenth century through the present day.